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“Delenda est Cotonou ?” The European Union and the ACP States: A Partnership without Partners



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Abstract

Although it has largely gone unnoticed in France, the agreement signed on December 3, 2020 between the European Union (EU) and the Organisation of African, Caribbean and Pacific States (ACP) is a major shift in the long-standing relations between the EU and countries in the Global South. The EU established a development assistance policy as early as the Treaty of Rome in 1957, signed the first cooperation agreement in 1963, and nowadays is often the largest donor to these countries, particularly in Africa. The EU plans to allocate approximately €80 billion to its Neighbourhood, Development and International Cooperation Instrument from 2021 to 2027.

But the EU's development assistance policy has evolved significantly from the Yaoundé Convention in 1963 to the December 3, 2020 agreement. When this policy was based on economic developmentalism, it advocated comanagement of development assistance and prioritized infrastructure and integration into international trade, but it has gradually changed paradigm and assumed new approaches. The Cotonou Agreement, signed in 2000, symbolized this change: democratic governance became the new benchmark, and development assistance was coupled with political priorities, major infrastructure projects were replaced by budget support and engineers were replaced by managers. This change has had harmful consequences. On the one hand, the expansion of political objectives coupled to development assistance, the subordination of assistance to European diplomacy, the proliferation of strategic documents and the increase in financial instruments have made the European development assistance policy unclear and incomprehensible. On the other hand, the politicization and bureaucratization of development assistance policy has undermined the principle of comanagement that characterized the European Development Fund.

The management of European aid is becoming less and less partnership-based and increasingly complex, with many governments in the Global South turning away from it and relying on alternative donors. While the prioritization of security and migration policy in European development assistance annoys some partners in the Global South, in Brussels they are criticized for the lack of results from the billions of dollars in assistance provided to them.

As a result, signs of disinterest, or even disagreement, are increasing, sometimes resulting in diplomatic tensions between the EU and the ACP countries.

The agreement of December 3, 2020, which formally ends comanagement of development assistance and no longer makes development the top priority, illustrates this gradual disenchantment between the European donor and the beneficiary countries, and in the coming years it can lead to a partnership without partners.

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Introduction

“What distinguished minds, whether from the West or East, want to do is to impose a European civilization on us, imbue us with it under the guise of the universal. The exotic people, including ourselves, would be forever condemned to be not producers, but consumers of civilizations.”

L.S. Senghor

On April 15, 2021, the European Union (EU) and the Organisation of African, Caribbean and Pacific States¹ (OACPS) signed a new agreement governing their relations. More than two years of negotiations were needed to conclude this document that aims to “establish a stronger political partnership” between the parties.² It is the latest in a series of agreements that have a long history.³ On July 20, 1963, the six states that then formed the European Economic Community (EEC) and 18 recently independent African countries signed a convention at Yaoundé, whose first article stated that it intended to “promote increased trade between the associated and member States, [to] bolster economic relations and the associated States’ economic independence and so [to] help the growth of international trade”⁴. The signatories of the Yaoundé Convention stated they were “determined to continue the economic, social and cultural development of their countries”⁵. Therefore, there was a paradigm shift between 1963 and 2020: economic, social and cultural development gave way to political partnership. For this reason, the fact that the European Commission on September 10, 2019 no longer referred to development assistance⁶ but “international partnerships” is a revealing change in terminology.

1. The Organisation of African, Caribbean and Pacific States is comprised of 79 countries.

2. *Partnership Agreement between the European Union and Its Member States, of the one part, and Members of the Organisation of African, Caribbean and Pacific States, of the part*, April 15, 2021.

3. See the chronological list of agreements between the EU and the ACP in the annex.

4. Convention of Association between the European Economic Community and the African States and Madagascar associated with that Community (Yaoundé I), Art. 1, 1963.

5. Convention of Association between the European Economic Community and the African States and Madagascar associated with that Community (Yaoundé I), Preamble, 1963.

6. Since 1958, only the Santer Commission (1995-1999) did not have a Commissioner with the term “Development” specifically in the title of their mandate, João de Deus Pinheiro was then in charge of the more limited “Relations with the ACP countries” portfolio.

In order to understand these recent significant changes, this paper will trace the development of the EU's assistance policy from its beginning and its gradual loss of momentum, and put into perspective the debates and criticism that were used to prepare the new “post-Cotonou” agreement. Without prejudging its implementation, it raises two questions: does the EU still have a vision of development and of its relations with the African, Caribbean and Pacific (ACP) states? Do the ACP states still have a real interest in their partnership with Europe?

From Rome to Cotonou: the long path of European development assistance (1957-2000)

European development assistance to current OACP member states is related to the origins of the EU. The Treaty of Rome, signed on March 25, 1957, already stated that the Community intended “to promote the interests and prosperity of the inhabitants of these countries and territories, with a view to achieving the economic, social and cultural development they expect” ⁷. It established a specific fund to finance the development⁸ in territories that were then colonial dependencies of four of the six founding European states (France, Belgium, the Netherlands and Italy). This fund financed development projects “in addition” to those conducted by Member States, with an annex listing the 25 beneficiary “overseas territories”.

This policy was not questioned when most of these territories obtained independence. On November 13, 1962, a revision of the Treaty of Rome included three “declarations of intention” in its annexes regarding the association of “the independent countries belonging to the franc zone”, of “Somalia, currently under Italian administration” and of “Suriname and the Netherlands Antilles” with the EEC. As early as 1963, the Yaoundé I Convention, concluded with 17 “Associated African States and Madagascar” (AASM), established this partnership. Both signatories confirmed in its preamble “their mutual commitment to cooperate based on full equality”. So, the concept of a “partnership of equals” was born and was the founding myth of the ACP-EU partnership.

Institutionally, the Yaoundé I Convention established the Council of Ministers, the Committee of Ambassadors and the Joint Parliamentary Assembly. These bodies were included in all subsequent documents and are still part of the formal institutional framework of EU-ACP relations. The Convention established a specific financial instrument, under the heading “cultural and

7. Article 131 of the Treaty of Rome.

8. “Implementing Convention on the Association of the Overseas Countries and Territories with the Community”, first article. Like the future EDF, the fund was initially set up for five years and financed directly by Member States.

technical cooperation”⁹, funded by the European partner states separate from the European Community budget: the European Development Fund (EDF). It was initially provided with a budget of 666 million units of account allocated to these 17 states, that was already the equivalent of approximately €5 billion in 2019.¹⁰ From the outset, the founding agreement for European development assistance was a “multi-year contract under public international law negotiated between two groups of states”¹¹. The objective of the agreement is clear: cooperation for development in the context of post-colonial geography.¹²

Instead of fading away, like the French Community established in the 1958 Constitution, which virtually ceased to function as of 1960¹³, this “partnership of equals” has “gradually been strengthened, without anything ever being diminished”¹⁴. While maintaining the same institutional and financial framework for nearly 60 years, the partnership has continuously added new states, new areas and new instruments. Since the Treaty of Rome, this partnership has brought together Europe and countries that were almost all linked to it until the second half of the 20th century through a relationship of colonial dependence. These countries wished to continue to enjoy a special partnership with Europe, unlike “developing” countries in Latin America, the Mediterranean region or the Far East. However, this partnership has experienced a profound ideological shift over time.

9. Title II, Article 16.a of the Treaty of Rome.

10. Calculation based on the value of the unit of account set to that of 0.88867088 grams of fine gold (Protocol 7, Article 1) at the value of a gram of gold in Paris in 1963, updated to take account of inflation. For example, the total of programmable development assistance allocated to these same 17 countries for the 2014-2020 period (11th EDF) was €6.5 billion.

11. Statement by Claude Cheysson, then European Commissioner for Development when the Lomé I Convention was signed, cited by R.-M. Lemesle, “La Convention de Lomé : principaux objectifs et exemples d’actions 1975-1995”, C.H.E.A.M., 1995.

12. “Qu’est-ce que la coopération pour le développement?”, United Nations Economic and Social Council (ECOSOC), February 2015.

13. The French Community, instituted by the Constitution of the 5th Republic, replaced the former French Union. In practice, it ceased to exist from 1960 with its most significant members obtaining independence.

14. C. Bué, “La politique de développement de l’Union européenne : réformes et européanisation”, *Critique internationale*, Vol. 53, No. 4, 2011, pp. 83-99.

Developmentalism: the founding period of the EU-ACP partnership (1963-1989)

Originally inspired by the experience of the European Community¹⁵ and the economic thinking of the time, the concept of development adopted by Yaoundé I was based on two fundamental ideas: the progressive elimination of barriers to trade and industrializing industries.¹⁶ The predominant theories in development economics at the time emphasized industrialization and international trade, particularly the theory of comparative advantage. Subsequently the implementation of a set of tariff preferences and the financing of infrastructure deemed essential to industrialization were supposed to initiate a virtuous economic dynamic and put these countries on the path to development.

The first chapter of the Yaoundé I Convention covered “customs duties and quantitative restrictions”, with Article 2 dealing with “the gradual elimination of customs duties”, between the parties and Article 6 stipulating that “the Associated States shall abolish, no later than four years after this Convention has come into effect, all quantitative restrictions on imports of products from Member States, as well as all measures having equivalent effect”. From this point of view, the Yaoundé I Convention was primarily a trade agreement facilitating access to the Community market for products from the Associated African States and Madagascar (AASM) by granting non-reciprocal tariff preferences to assist their development. These aspects remained at the heart of the later Yaoundé and Lomé Conventions for almost 40 years. Both conventions had a series of annexes about the rules of origin and specific protocols regarding bananas, sugar, rum, etc.

In addition to the objective of free movement of goods and elimination of customs barriers, the second key idea mentioned in the Yaoundé I preamble was diversification of the economy and more specifically industrialization. The funded projects had to be “as much as possible in the context of a development plan”¹⁷. The funding of “core” infrastructure had to foster the development of

15. The “free movement of goods” was one of the “four fundamental freedoms” when the European Community was founded.

16. The concept of “industrializing industry” was developed at that time by the economist Gérard Destanne de Bernis. He considered that certain industries—heavy industries—played a leading role in the development of economies. Read G. Destanne de Bernis, *Fluctuations et croissance*, Meylan: Éditions Campus ouvert, 2020.

17. Article 1 of Protocol No.5 regarding management of financial assistance.

an industrial base and therefore promote the economic and social development of the AASM.

The implementation of this policy was entrusted to a service in the Commission (Directorate-General for Development and Cooperation – DG8) whose managers were mainly former French or Belgian colonial civil servants (such as Jacques Ferrandi, the first director and chief authorizing officer of the EDF¹⁸). The DG8 operated according to fundamentally “anti-bureaucratic and pragmatic managerial practices”¹⁹. The projects were agreed on case-by-case essentially because of direct personal relations between African officials and the management team in Brussels, that practically decided independently which projects to finance. Originally a “colonial caprice”, the DG8 allowed for “the Empire to be recycled”²⁰ and a continuation of the indirect administration practiced in some colonies. Indeed, the Director, the Chief Authorizing Officer, called African heads of states directly to settle problems.²¹ “EDF technical controllers”, who were mainly contract civil engineers with experience in Africa, were recruited as early as 1960 to ensure technical supervision of contract performance. At a time when there was no Internet or fax, they were given a great deal of freedom of autonomy to negotiate in the field with local leaders, and served as vectors for Ferrandi’s directives. So, the management of European development assistance was originally over-centralized, scarcely codified and one-sided.

The only notable development in the areas of intervention during this founding period, was the consideration of agricultural development following the major famine in the Sahel in the 1970s-1980s. This awareness was initially tentative and late in the Lomé I (1975) and Lomé II (1979) Conventions, but it was asserted with the Lomé III Convention (1984), Title I of which related to “agricultural and rural development and conservation of natural resources”.

18. The financial procedures adopted when the European Community was originally founded were directly based on French public accounting practices with the strict separation of roles between an authorizing officer who can handle public funds and an accountant who alone can receive and disburse funds.

19. See V. Dimier, *The Invention of a European Development Aid Bureaucracy: Recycling Empire*, New York: Palgrave MacMillan, 2014, pp. 102-106; V. Dimier, “Institutionnalisation et bureaucratisation de la Commission européenne : l'exemple de la DG développement”, *Politique européenne*, Vol. 11, No. 3, 2003, pp. 99-121. For another case in point of anti-bureaucratic organization in the development sector: A. Natsios, “The Clash of the Counter-bureaucracy and Development”, Center for Global Development Essay, 2010, available at: www.cgdev.org.

20. V. Dimier, “Institutionnalisation et bureaucratisation de la Commission européenne : l'exemple de la DG développement”, *op. cit.*, pp. 99-121.

21. V. Dimier, *The Invention of a European Development Aid Bureaucracy: Recycling Empire*, *op. cit.* Specifically in Chapter 2 “Brussels or the Last French Colony: French Colonial Official’s Leadership in Designing DG8” (pp. 22-56) in which she recounts the direct telephone calls between Ferrandi and Senghor.

As part of Lomé III, under the impetus of the United Kingdom, which entered into the agreement, bringing with it many Commonwealth states, the concept of “partnership” was embodied within a specific administrative mechanism. According to the Lomé III Convention, the ACP states were responsible “in close cooperation” with the European Community for implementing interventions funded by the EDF: setting objectives, choosing projects, preparing funding proposals and contracts, coordinating payments. To this end, Article 227 established the role of National Authorizing Officer “who represents the authorities of their country for all operations financed with the resources of the Fund managed by the Commission”. From that time, the entire EDF management was based on a two-person team: a local representative from the Community and the National Authorizing Officer. This team was responsible for all the stages of programming and implementing EDF resources, that gave real substance to the partnership concept that has been promoted since the beginning of European development assistance. Codified programming procedures were adopted under pressure from the British who worked to streamline the administration of European development assistance.²²

For about 20 years, the partnership between the EU and the AASM and later the ACP was based on the predominant developmentalist thinking of the time²³. The EDF almost exclusively financed infrastructure projects, and the framework of tariff preferences was complemented by specific funds²⁴ established to mitigate the impacts of world price fluctuations. Partner country officials made their annual ritual visit to Brussels to meet with DG8 officials and to revitalize various partnership institutions established by the Yaoundé I Convention, all of which were fully funded by the European partner. The European side did not interfere in ACP countries’ domestic politics. The important thing was that ACP countries acted as loyal clients in international bodies. This enabled Jean-Michel Severino, one of the people in charge of development cooperation at the time, to write “whether assistance was effective or not did [not] really matter, for example, if it bolstered friendly regimes”²⁵. EDF controllers, experts and their counterparts in Brussels were willing to accommodate authoritarian political regimes and their excesses (Emperor

22. Articles 215 to 224 of Lomé III Convention.

23. Development economics in the early 1960s comprised several schools of thought, such as Marxist developmentalism (Samir Amin, Myrdal, etc.), self-centered development (Prebisch, Furtado) and Father Lebreton's Economy and Humanism movement.

24. STABEX related to the prices of some agricultural products established by Lomé I in 1975 and SYSMIN for mining products in Lomé II in 1980.

25. J.-M. Severino, “La résurrection de l’aide”, *OECD: Coopération pour le développement*, Paris: Éditions OCDE, 2012, pp. 135-149.

Bokassa in the Central African Republic, Marshal Mobutu in the Democratic Republic of Congo, etc.).

The implementation of European development assistance primarily relied on engineers who had to be very involved in negotiating with local technical and political leaders to avoid or minimize misappropriation. At the time, the technical outcome of projects took precedence over aspects of financial management and procedures. Furthermore, as the great majority of European development assistance was predominantly donations, it did not have a direct impact on beneficiary countries' public finances. Issues related to its management from a macroeconomic and financial point of view, were of little interest to a DG8 mainly made up of engineers.

The last ten years of Lomé: a wind of change

The 1990s marked a paradigm shift in the ideological and practical approach to the EU-ACP partnership. This shift was driven by new theoretical concepts and international developments that were beyond the control of European assistance institutions and officials, and for which their "corporate culture" had not prepared them. As the neoliberal ideology personified in the 1980s by Ronald Reagan and Margaret Thatcher became established, the "Eastern Bloc" disappeared and new development problems emerged, and the European development assistance strategy was transformed by new political and economic paradigms. Three areas were then fundamentally challenged.

Public finance management and neoliberal macroeconomic policy

As a result of the public debt crisis, worsened by the mismanagement of many ACP states, the Bretton Woods institutions applied neoliberal solutions based on the ideas of the Washington Consensus²⁶: reform and strict fiscal discipline, reduced public expenditure, adoption of more competitive exchange rates, elimination of subsidies and privatization of poorly managed state-owned companies. These structural adjustment programs with

26. The document drawn up in 1986-1987 by a team of experts appointed by the World Bank, but which entailed discussion with several hundred African officials in about 15 countries is: "Sub-Saharan Africa: From Crisis to Sustainable Growth – A Long-Term Perspective Study", World Bank, 1989. This report by Pierre Landell-Mills, Ramgopal Agarwala and Stanley Please was published a year before John Williamson's famous article that is considered to have paved the way for the "Washington Consensus".

relatively standardized neoliberal political conditionalities meant that the “original objective of development assistance—satisfying needs—is most noticeably replaced by the objective of bringing countries’ economic policy into line with a policy defined as optimal...consistent with the market economy and major macroeconomic equilibria”²⁷. This approach focused on the consolidation of public finances in the short- and medium-term, and was broadly contradictory to that of European development assistance. In contrast, the latter had a medium- and long-term perspective, provided grants for the construction of public infrastructure and addressed the issue of reduced export revenues through financial compensation instruments, such as STABEX (Stabilization Fund for Export Earnings from Agricultural Products) or SYSMIN (Special Financing Facility for Mining Products), i.e., subsidies with no impact on improving competitiveness. European cooperation was reluctantly forced to contribute to the financing of structural adjustment programs. The Lomé IV Convention (1989) was the first-time involvement in financing structural adjustment programs as part of an assumed subsidiarity to the World Bank and International Monetary Fund (IMF).²⁸ Furthermore, this new approach to development assistance was only implemented very tentatively: for the 7th (1990-1995) and 8th (1995-2000) EDFs, it only represented approximately 10% of payments.²⁹

Democratic governance

The promotion of democratic governance was also linked to a series of international events unrelated to the partnership. These included the World Bank's new doxa, which in 1989 identified the importance of an efficient bureaucracy, rule of law and limited corruption to achieve sustainable economic growth.³⁰ In addition, the collapse of the socialist bloc reduced the importance of diplomatic support from the ACP states in international bodies for the European partner. This put the ACP states in a position of almost total dependence on Western donors.

27. J. Coussy, “Soixante ans de conditionnalités” in: *Les conditionnalités de l'aide: analyse critique et perspectives. Journée d'étude proposée par l'AITEC*, OXFAM France-Agir (here in partnership with the Debt and Development Platform), January 16, 2007, pp. 11-13.

28. Art. 246: “The ACP states undertaking reform programs are recognized and supported by at least the major multi-lateral donors [...] are considered to have automatically qualified for adjustment assistance.”

29. J. Coussy, “L'appui de l'Union européenne aux ajustements structurels”, in: “La Convention de Lomé, diagnostics, méthodes d'évaluation et perspectives”, *Cahiers du GEMDEV*, No. 25, 1997, pp. 195-211.

30. “Sub-Saharan Africa: From Crisis to Sustainable Growth – A Long-Term Perspective Study”, *op. cit.*

Like the French government and François Mitterrand's famous speech at La Baule which triggered a democratization process in Francophone Africa, in the early 1990s most donors stated they were committed to making their development assistance conditional upon "efforts made to move towards greater freedom"³¹.

In the case of the EDF, this change was initially slow. At the time, the European Community only acted as a "supplement" to its member states with regard to foreign policy. For the first time with Lomé IV, a separate reference appeared in Article 5 stating that "development policy and cooperation are closely linked to the respect and enjoyment of fundamental human rights and freedoms."³² This Convention stated that the EU and the ACP states reiterated their "obligations under international law" to combat a whole range of discriminations based on "ethnicity, origin, race, nationality, color, sex, language, religion" and the "apartheid system"³³ The same article provided that "financial resources may be spent [...] to promote human rights in ACP states through concrete public or private actions", but at the outset stated that mobilizing these resources depended on "requests from the ACP states" themselves.³⁴

The challenge to preferential trade instruments

The foundation of the World Trade Organization (WTO) in 1995 changed the legal framework for international trade relations. The "Most Favored Nation" clause was introduced and the preferential trading regimes established by the European Community were delegitimized. The approach instituted by the Europe-ACP Conventions was ineffective anyway. Two-thirds of ACP states' exports to the Community no longer benefited from any preference, because they were covered by other more general preferential regimes. The share of ACP states' imports out of European imports had become minimal. The various products for which the ACP states did have preferential access (sugar, bananas, etc.) were the basis for a regressive specialization in raw materials and commodities with low added value, and not conducive to development. Finally, the evaluation of these funds revealed that most of the funds did not go to sectors and manufacturers affected by price variations, but remained in the state coffers.

31. François Mitterrand's speech at La Baule, June 20, 1990, available at: <https://nsarchive2.gwu.edu>.

32. Art. 5.1 of the Lomé IV Convention.

33. Art. 5.2.

34. Art. 5.3.

Original characteristics of European development assistance

On the verge of signing the Cotonou Partnership Agreement in 2000, after 43 years of evolution, European development assistance had a number of specific features:

- it was based on consensus around a development vision embodied in a partnership between the Commission's services and beneficiary countries' governments;
- it prioritized infrastructure and was implemented by a homogeneous professional group;
- it was implemented by small teams and had low transaction costs.

Consensus around a development vision embodied in inter-governmental partnership

As instituted by the Treaty of Rome, European development assistance was intended to “promote the interests and prosperity of the inhabitants of these countries and territories, with a view to achieving the economic, social and cultural development they expect”³⁵. For stakeholders on the European side, there was only one development model, that was based on the belief in “progress” and consisted of providing low-income countries with core infrastructure. This strategy was supposed to lead to development, i.e., to the standards of living and consumption levels of European countries. This vision was widely shared by their ACP partners: the time had not yet come to criticize development economics and to deconstruct the Western view of the countries in the Global South. In each ACP state, the implementation of European development assistance was based on close, daily relations between very small EDF teams and local politicians and administrators. Projects were managed jointly: no project could be signed off, no contract could be awarded, no payment could be made without joint signatures of the National Authorizing Officer, representing the government, and the Head of Delegation representing the Commission. This comanagement was facilitated by the development of a set of rules and procedures for programming, procurement and payments. With ongoing training of partners' officials, this made it possible to establish administrative routines so everyone knew the boundaries

35. Art. 131.

they could work within.³⁶ Furthermore, unlike development banks that often operate on a project-by-project basis, development assistance was programmed over five years and enabled genuine dialogue between the European side and the ACP state regarding objectives and projects.

A focus on infrastructure and a homogeneous professional environment

In this context, technical feasibility dominated. During the early decades, there was little interest in the economic profitability of projects and the political consequences of decisions taken as part of this primarily technical dialogue were often neither understood nor anticipated. The Delegation officials, who were mainly civil engineers or agronomists originally recruited as contract employees by the AEC (a Belgian organization that made them available to the Commission)³⁷, were former "experts" who had often worked for a construction company overseas and were mainly nationals of the ex-colonial powers (France, Italy, Belgium). Therefore, they spoke the same language as the engineers recruited as experts for the projects, or as advisors for the National Authorizing Officer, local technical services or contractors. After a period in the delegations, they were expected to form the basis of officials at the Directorate-General for Development and Cooperation (DG DEV) in Brussels. Therefore, it was a very homogeneous environment, whose managers knew not only the issues specific to their role, but also that of their subcontractors (experts on projects and contractors). This relative professional homogeneity among development assistance practitioners made the EDF an extremely effective instrument for carrying out billions of euros' worth of public works (construction of thousands of water points, water supply and sewage pipes, roads, irrigated land, etc.).

A fundamentally anti-bureaucratic system with low transaction costs

Even after the codifying of programming procedures in the Lomé III Convention, much of the work continued to be based on

36. As early as the 1990s, service contracts were signed with consultancy firms to train officials from ACP states working on EDF-financed projects in programming and fund management procedures.

37. They obtained the status of civil servants in 1988 after a long union and legal struggle (Regulations 30/18/87 and 30/19/87 dated October 5, 1987 cited by V. Dimier, "Préfets d'Europe: le rôle des délégations dans les pays ACP (1964-2004)", *Revue française d'administration publique*, Vol. 111, No. 3, 2004, pp. 433-445. In 1989, they obtained diplomatic status as a result of a decision by the ACP states.

communications between the Europeans’ representative (EDF controller, then delegate and then head of delegation) and local representatives. The delegations were then made up of small teams: a head of delegation, one or two advisors, an advisor responsible for monitoring projects in institutional and social fields, and an economist when the structural adjustment programs were introduced. In addition, there was a handful of local support staff and possibly a few European contractors. The teams in Brussels were also small. Emphasis was placed on technical and legal aspects of project management, with a series of documents codifying the awarding of contracts, their performance and procedures for conciliation and disputes. The EDF teams not only had extensive technical skills, but also legal ones in public procurement. However, the financial procedures were poorly regulated. Local officials were usually responsible for monitoring payments already cosigned by the National Authorizing Officer.³⁸ There was practically no internal control instrument as the financial monitoring system was not very effective. The engineers’ objective was to ensure the work was completed on time and within budget. To achieve this, technical assistance (mainly engineers) was provided to line ministries responsible for the works (specifically inspection and supervision) and to the departments of the National Authorizing Officer (the client). The system was very adaptable. Direct telephone calls between the Head of Delegation and headquarters enabled quick decision-making after local consultation. Unlike current management,³⁹ this way of operating was effective in carrying out infrastructure projects often under risky technical and political circumstances.

38. Before the transfer of decision making power to the delegations in the early 2000s, the head of delegation also had a “delegated payer” account opened locally, enabling them to pay local suppliers directly and quickly, with only payments in ECU or European currencies being sent to Brussels, thus requiring longer deadlines. This arrangement made it possible to pay debts to local suppliers quickly, encouraging them to participate in EDF contracts.

39. See the section “Politicization of development assistance, the decline in the partnership spirit and the new post-Cotonou agreement”, pp. 37-41 of this paper.

The ACP-EC Cotonou Partnership Agreement: change behind continuity

The ACP-EC Cotonou Partnership Agreement, which was signed in 2000, was preceded by a vast consultation process with ACP partners and civil society organizations and represented a major change compared to the preceding Yaoundé and Lomé Conventions. However, this change is paradoxical, as much of the content of the Cotonou Agreement often repeats the terms of these conventions, often word for word. Therefore, the objectives set out in the preamble (the economic, social and cultural development)⁴⁰, the institutional framework (Council of Ministers, Committee of Ambassadors and Joint Parliamentary Assembly) and the procedures remain identical. But new regulations have been superimposed on old ones. This makes the Cotonou agreement, signed in 2000, a hodge-podge, the result of the accumulation of intervention procedures that have appeared over the years.⁴¹ The innovations of this agreement have led to a significant shift in European development assistance that is now part of a new normative framework, a new political-institutional environment and a new professional culture.

The new normative framework

Human rights obligations

Before the Cotonou agreement, the human rights obligations were simply mentioned as an incentive in Article 5 in the Lomé IV and IVa Conventions that allowed for the possibility of committing funds for “the promotion of human rights”, but only at the request of ACP states. The concepts of “political dialogue” and binding conditionalities were newly introduced with the Cotonou agreement. Indeed, for the first time, the agreement provided for the cancellation of financing and projects by the EU, or even the suspension of cooperation between the EU and the ACP state involved⁴², if the latter does not fulfill its obligations regarding

40. Section 2 and Protocols 1 and 2 of the Agreement.

41. D. Lecompte and T. Vircoulon, “L’aide de l’Union européenne : du développement à la sécurité, l’exemple du Fonds européen de développement”, *Notes de l’Ifri*, Ifri, June 2014.

42. Articles 96 and 97 of the Cotonou Agreement.

respect for civil liberties, rule of law and fight against corruption. At the same time, the agreement formalized civil society participation, recognizing non-state organizations as fully-fledged participants in the partnership⁴³, and provided for their strengthening. Therefore, the Cotonou Agreement marked the first stage in the politicization of European development aid and a break with the founding myth of “partnership of equals” that has been in force since 1963: the European partner now had a right to review the ACP partner’s policies in various areas, such as civil liberties, rule of law or fight against corruption.

The replacement of trade preferences with the economic partnership

The second major innovation was the removal of all trade cooperation arrangements (preferential conditions of access to the European market granted to a whole series of ACP products, export subsidy instruments in the form of STABEX and SYSMIN). Instead, the parties agreed to “take all necessary measures to reach new economic partnership agreements compatible with WTO rules⁴⁴”. These words initiated the difficult negotiations of the Economic Partnership Agreements (EPA) to establish WTO-compliant trade relations with the ACP states. In theory, this process had to be completed before December 31, 2007, when the WTO waiver expired. Extended until 2014, it still has not been fully completed and has provoked outcry and hostility from civil society actors in both EU and ACP states, as well as from many political leaders in these countries.⁴⁵

The new political-institutional environment

In the years immediately preceding and following the signature of the Cotonou Partnership Agreement in 2000, the European Union was affected by major changes: a new institutional framework, new powers in foreign and security policy, expansion of the EU to include new member states with no longstanding historical relations with developing countries, and finally the emergence of a greater demand for accountability leading to a strengthening of the EU's internal and external control systems. These upheavals profoundly changed the

43. Articles 4, 5 and 6 of the Cotonou Agreement.

44. Article 36.1.

45. See for example, J.-F. Sempéré, “Les accords de partenariat économique : un chemin critique vers l’intégration régionale et la libéralisation des échanges” [Economic Partnership Agreements: An Essential Step on the Path Towards Regional Integration and Trade Liberalisation], *Notes de l’Ifri*, Ifri, November 2008.

institutional and political environment in which European development assistance was implemented. The procedures, organizational structure and even the ideological framework of development assistance were fundamentally changed.

The emergence of the EU's foreign policy and gradual subordination of development assistance to diplomacy

The emergence and then structuring of the Union's common external action since the Treaty of Maastricht (Treaty of the European Union—TEU) came into force in 1993, has been a major shift in the EU's development assistance policy. The successive treaties of Amsterdam (1997), Nice (2001) and Lisbon (Treaty on the Functioning of the European Union [TFUE], 2007) transformed foreign policy from the sole responsibility of member states into a "shared responsibility" between them and the EU.⁴⁶ This development was materialized with the creation of the role of High Representative for Common Foreign and Security Policy by the Treaty of Amsterdam. This post was then combined with that of Commissioner for External Relations (in charge of the former DG RELEX). Finally, the European External Action Service (EEAS) was established in 2009. The EEAS is responsible for external relations, and consequently the 140 EU delegations worldwide that represent as many EU embassies. Since its foundation the EEAS has been a *sui generis* body, since the TFUE makes the EU High Representative for Common Foreign and Security Policy both the Secretary-General of the Council, the "President of the Council of Ministers" for Foreign Affairs, and the Vice-President of the Commission. Therefore, the High Representative wears "two hats" since they report to both the Council (intergovernmental institution) and the Commission (supranational institution). Besides posing problems,⁴⁷ depending on whether the EEAS deals with a subject that falls within the scope of the Council or the Commission, this double affiliation is also a possible cause of conflict, particularly in terms of financial management of funds that respectively come under the Council's or Commission's responsibility.

46. "Politique étrangère: objectifs, instruments et réalisations", European Parliament, 2021; M. Lefebvre, *La Politique étrangère européenne*, Paris: Presses universitaires de France, 2016.

47. For an analysis of this issue, please see: I. Grässle, "Analyse critique, La création du Service européen d'action extérieure", *Question d'Europe* (Policy Paper), No. 194, Fondation Robert Schuman, February 2011. Also see the European Court of Auditors' report on the problems and shortcomings that occurred with the establishment of the EEAS: "Rapport spécial. La mise en place du Service européen pour l'action extérieure", 2014. This report stresses that "the foundation of the EEAS was hurried, poorly prepared and made difficult by too many constraints and vaguely defined tasks".

The establishment of the EEAS had major consequences for the Commission's development assistance organizations. Just like several Member States, which separated the political dimensions of development assistance and its implementation,⁴⁸ the Commission established the Directorate General for Development and Cooperation and DG AIDCO in 2001 to ensure the operational implementation of European development assistance, that complemented DG DEV and the EEAS. This organization proved to be a source of tension and ineffectiveness, and these two functions were combined again in 2011 with the merger of DG AIDCO and DG DEV into the Directorate-General for Development and Cooperation (DG DEVCO). Putting DG DEVCO under the leadership of the EU High Representative for Foreign Affairs and Security Policy, who is also the European Commissioner for External Relations and head of the EEAS, clearly demonstrates the subordination of development cooperation to diplomacy.

This has had significant effects on the implementation of European development assistance. Firstly, as a result of the bureaucratic power struggles, which accompanied the establishment of the EEAS in Brussels, DG DEVCO lost much of its autonomy. It now implements policies developed at another level, and is faced with an EEAS that wields considerable influence in debates on programs and budgets. Secondly, the changes in bureaucratic organization are accompanied by changes in workplace sociology. At delegation level in ACP countries, while many of the heads of the 46 delegations were development assistance technicians, often even former technical assistants with development experience, they are gradually being replaced by diplomats who are more focused on the political than technical dimension of projects. Consequently, the technical quality of projects is sometimes sacrificed on the altar of political priorities. This development is all the more problematic as DG DEV had relatively homogeneous staff. Conversely, the EU's foreign policy often suffers from a lack of coherence in terms of Member States' stances and is based on staff who come from very different diplomatic traditions.⁴⁹

Another consequence of the foreign policy as a “shared responsibility” between the EU and its Member States is the strengthening of consultation and coordination between them. At central level, it is envisaged that “the EU and its Member States will gradually adapt their reporting system in the field of cooperation...”.

48. The definition of aid policy is often entrusted to Ministries of Foreign Affairs or Cooperation, and the implementation of this policy is entrusted to an agency.

49. I. Grässle, “Analyse critique. La création du Service européen d'action extérieure”, *op. cit.*

It is also stated every four years at the meeting of the Heads of States of the UN High-Level Political Forum on Development that “the EU and its Member States will adopt a joint synthesis report on the implementation of consensus”⁵⁰. At local level, in each country, the EU ambassador and their colleagues from Member States in the field (“*Team Europe*” as it is officially called) also should maintain ongoing dialogue to coordinate approaches and actions and draft joint reports.

The multiplication of objectives and increase in strategic documents

Giving the EU prerogatives in foreign policy assumes that it sets objectives and strategies. The definition of the EU’s foreign policy objectives is the result of working groups made up of members of rival Council and Commission services. These groups must take into account the interests of Member States and the Union’s various institutions. Consequently, the formulation of the EU’s foreign policy objectives often only leads to a minimal consensus that does not hide the inconsistencies and contradictions between the positions of the various parties. Over the course of the Europe–Africa summits, the objectives pursued change and accumulate, without ever presenting an assessment of what has been achieved.⁵¹

Hence, the final resolutions and decisions often correspond to some of the “latest” issues:

- The first summit (Cairo in 2000) had conventional focuses that were consistent with the Cotonou Agreement signed in the same year: regional integration in Africa and the integration of Africa into the global economy; good governance, institutions and human rights; and finally, peace and conflict resolution.
- At the second summit (Lisbon in 2007), while reiterating the priorities identified at Cairo, greater emphasis was placed on migration and security issues, particularly terrorism, with the new aspect being the adoption of a “joint strategy”.
- The third summit (Tripoli in 2010) retained the objectives relating to human rights, democracy and immigration, but saw the inclusion of climate change.

50. Joint statement by the Council and representatives of Member State governments meeting within the Council, European Parliament and Commission: “Nouveau consensus européen pour le développement. Notre monde, notre dignité, notre avenir”, *Official Journal of the European Union*, C 310, June 30, 2017, available at: <https://op.europa.eu>.

51. See, for example the article by L. Jaidi and I. Martin, “Les enjeux et les défis du partenariat Europe-Afrique pour l’Europe, l’Afrique et le Maroc et les résultats du sommet d’Abidjan” in: L. Jaidi and I. Martin (eds.), *Le partenariat Afrique-Europe en quête de sens*, OCP Policy Center, 2018, pp. 23-41.

- The fourth summit (Brussels in 2014) addressed a wide range of issues from access to employment and social welfare, basic education, health systems and healthcare, etc.

Although the first summit was in the wake of the Cotonou Agreement and the standard objectives of European development assistance, the following summits have introduced security and migration issues. This shift shows that European rather than ACP issues are increasingly gaining precedence in the partnership's agenda. This change represents a reversal in the assistance paradigm, since “development” is no longer really the teleological objective of the EU's action. This objective is rather conceived as a means to solve the problems facing Europe itself— security and immigration.⁵² In a system that makes it very difficult for the 27 Member States to agree on aspects of a common foreign policy, these two problems are only one of the “common denominators” between European governments under pressure from a share of their public opinion. Rethinking development assistance as part of the European foreign policy, officially refocuses on the donor's concerns to the detriment of those of the beneficiary countries.

The allocation of external action prerogatives to European institutions is reflected in the establishment of a body of consensus, “road maps” and theme-based “strategies” (for example development, climate change, security, etc.) or geographical ones (Africa, Caribbean, Pacific, the Sahel region, Horn of Africa, etc.) that are revised, modified, reviewed during the course of various summits and international organizations that the Union participates in.⁵³ This confusing growth is partly the consequence of the EU's participation as a new global actor in various negotiations and international organizations.⁵⁴

52. See M. Tardis, “Les partenariats entre l'Union européenne et les pays africains sur les migrations. Un enjeu commun, des intérêts contradictoires” [European Union Partnerships with African Countries on Migration: A Common Issue with Conflicting Interests], *Notes de l'Ifri*, March 2018; D. Lecompte and T. Vircoulon, “L'aide de l'Union européenne: du développement à la sécurité, l'exemple du Fonds européen de développement”, *op. cit.*

53. For example, regarding Africa in 2005, “Communication de la Commission au Conseil, au Parlement et au Comité économique et social – La stratégie de l'UE pour l'Afrique – Vers un pacte euro-africain pour accélérer le développement de l'Afrique” (available at: <https://eur-lex.europa.eu>), in 2007, “Le Partenariat Stratégique Afrique-UE. Une stratégie commune Afrique UE” (available at: www.africa-eu-partnership.org), in 2014 “Feuille de route UE-Afrique 2014-2017” (available at: <https://eeas.europa.eu>), in “L'Afrique comme une seule entité. Programme Panafricain 2014-2017” (available at: www.africa-eu-partnership.org), and finally in 2017, “Communication conjointe au Parlement et au Conseil – Un nouvel élan pour le partenariat Europe-Afrique”, (available at: www.africa-eu-partnership.org).

54. F. Petiteville, “L'Union européenne, acteur international ‘global’? Un agenda de recherche”, *Revue internationale et stratégique*, Vol. 47, No. 3, 2002, pp. 145-157.

The shift from a engineering culture to a management culture

As a result of the financial scandals that followed the resignation of the Santer Commission, the 1990s were marked by a demand for increased accountability regarding the use of funds by the Commission on behalf of the Parliament, Court of Auditors and civil society, with the consequence of strengthening the control mechanisms. Initially managed within a deliberately anti-administrative framework, and largely ignoring any formal internal control procedure, the EDF did not escape this trend, although it was never characterized by widespread misappropriation like some other European funds. As early as 2000, the European Court of Auditors identified several problems. In particular, it highlighted the weakness of “economic, environmental and institutional justification, organization problems, and potential sustainability” of projects, pointed out that the Delegations’ role was not clearly defined and stated that “a limited number of standardized monitoring instruments should be systematically used to ensure rigorous monitoring”⁵⁵. The British, in particular, described the Commission as the “worst development assistance agency in the world” and threatened to “re-bilateralize” their assistance.⁵⁶ Several radical changes in European development assistance management practices were then introduced:

- **Transfer of powers:** management responsibilities were transferred to the Delegations and standard internal and financial control procedures were introduced for all the Union's external actions, whether budgetary or extra budgetary, such as the EDF. A procedures manual for the EU's external actions was also drawn up, setting out detailed procedures for procurement. A “Finance and Contracts” unit was set up in each delegation, responsible for internal checks on all procurement and payment procedures.
- **Outsourcing of technical assistance:** after several unsuccessful and clumsy attempts⁵⁷ to have the Commission itself organize the recruitment and direct management of experts working on projects, all recruitment is currently carried out

55. Court of Auditors, “Rapport spécial No. 21/2000 sur la gestion des programmes d’aide extérieure de la Commission”, *Official Journal of the European Union*, 2001/C 57/01, February 22, 2001, available at: www.eca.europa.eu and www.eca.europa.eu.

56. C. Bué, “La politique de développement de l’Union européenne : réformes et européanisation”, *op. cit.*, p. 86.

57. For example, the attempt to set up a roster of experts (WEBER roster named after its initiator) never really worked, and then the subcontracting of managing technical assistants and their logistics to external bodies (GTZ and AGRER), were all short-lived attempts without a future.

under service contracts. While the systematic use of tendering procedures guarantees a certain transparency, it has created a substantial market for consultancy and probably does not lead to lower costs or a better quality of services.

- **Strengthening of project evaluation and monitoring procedures:** it is now almost mandatory to carry out this type of analysis during and at the end of the project, and an annual “monitoring” system by sampling EDF and non-EDF projects has been set up in each delegation. In practice, evaluation and monitoring have had little effect. These activities are entrusted to external consultancy firms and no summary of success or failure seems to be carried out by the Commission’s services based on these hundreds of reports. As the evaluation is paid for by the organization being audited, the results are often influenced by European bureaucracy. Any possible negative evaluations are ignored, which turns the exercise into a “compliance ritual” most often aimed at “positively reframing a project’s negative aspects”⁵⁸.

58. V. Dimier, “Au nom de l’efficacité l’évaluation des politiques européennes de développement, un rituel de conformité ?”, *Politique européenne*, Vol. 49, No. 3, 2015, pp. 8-29.

The shifts from the Cotonou Agreement (2010-2020)

As the EU became more structured and underwent significant political and institutional change, the shifts observed in the post-Cotonou decade only increased and created frustration for both parties in the partnership. The new agreement, which was negotiated in 2020, is largely the result of this mutual frustration.

An increasingly less comprehensible and autonomous development strategy

For the sake of inclusiveness, the process of drawing up strategy documents means each Member State, each EU institution, each Commission service and each influential civil society pressure group can leave their mark. Consequently, these documents contain a plethora of disparate objectives that are more like a long shopping list than a discussion about development issues. This shift is particularly obvious when you analyze the main document that sets out how the EU intends to contribute to the UN “2030 Agenda for Sustainable Development”. Entitled “The New European Consensus on Development: Our World, Our Dignity, Our Future”⁵⁹, it is at the highest level of the hierarchy of EU legal norms since it is a joint decision by the Council and Member State governments. In 24 pages, it presents neither a specific strategy nor possible actions, but states the European commitment to implement more than 250 objectives and actions. Such a high number of objectives casts doubt about the implementation of the European Consensus on Development.

Also, while the EU prides itself on being a global actor and participating in international organizations, it is not always clear how the EU has been able to play a leading role in defining its policies. The EU often gives the impression of simply aligning itself with positions defined by others who are better placed in terms of diplomatic influence and intellectual analysis. Therefore, the Millennium Development Goals, which were developed at UN level, have been integrated as EU objectives, which is the largest donor at global level,

59. Joint Declaration by the Council and Member State representatives meeting within the Council, European Parliament and Commission, *Official Journal of the European Union*, C 310, June 30, 2017, available at: <https://op.europa.eu>.

without any critical consideration⁶⁰. Similarly, as regards budget support, which has become the EU's main development assistance mechanism, the EU is fully aligned with the Bretton Woods institutions. In neither case, has the EU played a leading role in defining the objectives and development assistance instruments.

The confusing increase of External Action Instruments

Even before the emergence of a common EU external action policy, the Commission had gradually been undertaking actions in the ACP states that were not covered by the EDF. They were directly financed from the Commission's budget independently of the Fund's own comanagement system.

About ten external action instruments have gradually been set up. They cover different areas and/or can only be applied to some states and amount to a total of €96 billion⁶¹.

Some are described as geographical:

- the Pre-Accession Instrument for six Balkan countries and Turkey;
- the European Neighbourhood Instrument for 17 Mediterranean Basin, Caucasus and Middle Eastern countries;
- the Instrument for Greenland.

Others are “themed”:

- the Development Cooperation Instrument (DCI-III for the environment, non-state actors, food security, migration and asylum, and human development);
- Partnership Instrument with Industrialized and Emerging Countries in areas of regulatory convergence, trade promotion, public diplomacy, etc.;

60. The 2005 “MDG Package” stemming from the 2002 “Barcelona Commitments”, several high-level documents were drawn up to align the EU with positions developed internationally: Communication from the Commission to the Council, European Parliament and the Economic and Social Committee: “Accélérer les progrès vers la réalisation des Objectifs du millénaire pour le Développement – La contribution de l'Union européenne” [Speeding up progress towards the Millennium Development Goals – The European Union's contribution] (available at: <https://eur-lex.europa.eu>); Communication from the Commission to the Council, European Parliament and the Economic and Social Committee: “Accélérer les progrès vers la réalisation des objectifs du millénaire pour le développement cohérence des politiques pour le développement” [Speeding up progress towards the Millennium Development Goals: Policy Coherence for Development] (available at: <https://eur-lex.europa.eu>); Communication from the Commission to the Council, European Parliament and the Economic and Social Committee: “Accélérer le rythme des progrès accomplis sur la voie des Objectifs du millénaire pour le développement: financement pour le développement et efficacité de l'aide” [Speeding up progress towards the Millennium Development Goals: Financing for Development and Aid Effectiveness] (available at: <http://publications.europa.eu>).

61. European Union, Financial Framework 2014-2020.

- Instrument for Stability for all countries other than industrialized ones;
- European Instrument for Democracy and Human Rights for third countries (election observation, governance, human rights);
- Instrument for Nuclear Safety.

In the same ACP country, the EU therefore carries out projects financed by the EDF and various budget lines that do not fall under the comanagement principle. The EDF has been divided into diverse themed “facilities” (Water Facility, Energy Facility, Facility for Peace, etc.) that no longer include their projects in the framework of national or regional indicative programming. Rather, these facilities proceed on a case-by-case basis and award grants, each according to its own criteria following calls for proposals. With a view to leveraging its development assistance, the EU is also increasingly blending funds from its various external action instruments with private funding.⁶²

A “Platform of the EU for Blending in External Cooperation” (EUBEC) works and the Commission reports to the Council and the European Parliament about it on a regular annual basis.

The EU contributes to dozens of trust funds managed by international organizations or other donors. Since 2013, the EU has had the opportunity to establish and manage its own trust funds with a view to combining its financial resources with the Member States’ funds. Three EU trust funds (EUTF) have been created for the Central African Republic (Bekou Fund), Syria (MADAD Funds) and the €1.8 billion Emergency Trust Fund for Africa.⁶³ In addition, a new European institution is increasingly becoming involved in the development assistance field: the European Investment Bank (EIB). Established in 2000, the EIB is no longer just an investment bank for projects in the European Union; it has also become a development bank and finances projects in countries in the Global South. Although most of these projects are located in the EU, its funding portfolio outside of the EU is expanding rapidly and it has opened several branches in Africa.⁶⁴

While EU development assistance was mainly based for years on the EDF—a predictable, programmable instrument implemented jointly by both parties—it is now made up of many sources of financing, each with diverse objectives and programming procedures, project identification and

62. A “Platform of the EU for Blended Funding for External Cooperation” (EUBEC) works and the Commission regularly produces an annual report on it for the Council and the European Parliament.

63. See V. Hauk, A. Knoll and A. Herrero Cangas, “Fonds fiduciaires de l’UE : vers une action extérieure plus intégrée ?”, *Briefing Note*, No. 81, ECDPM, December 2015.

64. “La BEI a investi un montant record de 5 milliards d’euros en Afrique”, *Libre Afrique*, April 23, 2021 and “La Banque européenne d’investissement prend pied en Afrique centrale”, *Jeune Afrique*, October 21, 2016.

implementation. The increase in development assistance funding sources has had undesirable effects:

- the programmable nature of European development assistance, with each partner knowing in advance the budget allocated to them for a given period of time, has largely disappeared;
- the transparency of European funding, which however has become one of the Commission's major concerns, has been reduced by the cofinancing and increasing use of budget support⁶⁵;
- the transaction costs of development assistance have been increased by the time-consuming task of coordination and internal bureaucratic struggles.

An increasingly bureaucratic management

The introduction of rigorous internal control procedures has strengthened the quality of financial management of European development assistance, and made the Commission, as a donor, more accountable to the Parliament. But it has also had the effect of making the management of development assistance more onerous and slower. Indeed, an audit culture inspired by the New Public Management approach has replaced a culture of engineers experienced in project management.⁶⁶

This primacy of financial and control aspects over technical ones is evident in the latest DG DEVCO activity report, which only allocates half a page to human resources, 23 pages to presenting results achieved, but 50 pages to financial issues (controls, audits, etc.⁶⁷). Expertise, such as contract management and the ability to deal with possible litigation, which was the strength of the pre-Cotonou EDF teams, has been practically lost. A culture of risk aversion supersedes the desire to obtain results. The cumbersome management has been highlighted by the Organisation for Economic Co-operation and Development (OECD) that considers the Commission should “intensify its efforts to make the planning, authorization and awarding of contracts for its activities less time-consuming”⁶⁸. The OECD also focuses on the “disparity of career plans and opportunities between various staff categories; difficulties in retaining the necessary technical

65. See the section “The Choice of a Falsely Easy Solution: Budget Support”, pp. 35-36 of this paper.

66. For the general background to these changes, see Chapter 10 in V. Dimier, *The Invention of a European Development Aid Bureaucracy: Recycling Empire*, op. cit., called “Adieu les artistes. Here come the managers”.

67. “2018 Annual Activity Report”, European Commission, Directorate-General for International Cooperation and Development, 2019.

68. *Ibid.*

expertise and knowledge; and the relatively low level of staff satisfaction”⁶⁹. The transaction costs of assistance have also soared due to the increased number of staff and expensive outsourcing of many activities (technical assistance, audits, evaluation, supervision, training on procedures, etc.).

A number of factors have increased the time required to manage development assistance. These include the primarily formal compliance control of all documents, revision of each document and action using the so-called “four-eyes procedure”⁷⁰, the “online” processing of various opinions and the often-limited legal skills of the staff responsible for finance and contracts. This has had a significant effect on commitments and disbursements that are nevertheless key management indicators.

Examples of delays in implementing European development assistance

During the rainy season in 1998, torrential rains destroyed the main water supply pipe in the Cape Verdean capital, Praia. The European Commission's Head of Delegation and the country's Deputy Prime Minister met on the same day and decided to finance the reconstruction work. Within a week, using the EDF contractual procedures of the time, a negotiated works contract was signed with one of the major construction companies in the country. Another private contract was signed with a local works' inspection company to assess the volume of work undertaken each day for billing purposes. Less than two weeks later the water supply was rebuilt.

Eleven years later, in September 2009, torrential rains destroyed some districts of the Burkinabé capital, Ouagadougou. The government set up an organization to coordinate actions and development assistance. The European Union agreed to finance the construction of sustainable infrastructure in HILF (high intensity labor force) for the benefit of flood victims. Six million euros were mobilized from the 10th EDF resources for reconstruction, and allocated without a prior call for proposal to a non-governmental organization (NGO). In April 2011, 18 months later, the works had not yet started and the NGO's subsidy was still not authorized due to the lengthy discussions between the delegation and Brussels to get the project approved.

69. *Ibid.*

70. It is a management procedure involving a project monitoring officer, head of the delegation's cooperation section, an official from the Finance and Contract section, and their head of department.

The choice of a falsely easy solution: budget support

Although the EDF had four main methods of action, one gained precedence over the others: public procurement, financial management project units and subsidies gave way to budget support.

Budget support has gradually become the main method for implementing development assistance: it represented 30% of the amounts disbursed under the 9th EDF and 48% under the 10th. Tentatively initiated under Lomé, since the 2012 reforms budget support can take three different forms.⁷¹ good governance and development contracts (general budget support), sectoral reform contracts (sectoral budget support), and contracts for building state apparatus in fragile states.⁷² For the last category of contracts, the EU spent €3.8 billion from 2012 to 2018 in 23 countries, including in 16 sub-Saharan African ones.⁷³

In all cases, these are direct subsidies to the budget of the state concerned that uses them as part of its own budgetary procedures to achieve objectives negotiated with the EU. The funds are paid in fixed and variable installments. They are linked to the overall assessment of the quality of public financial management and the implementation of a reform program through the IMF and the World Bank. Some payments are made based on the achievement of performance indicators. Therefore, this is a revolution compared to the traditional project assistance that was paid for services rendered. Budget support is supposed to enable dialogue between donors and the beneficiary country on the policies pursued and the results achieved. Initially, this new type of assistance was welcomed by finance officials in ACP countries who saw it as a way to improve their budgetary room for maneuver. Furthermore, this form of assistance was considered internationally as complying with the principles and commitments of the Paris Declaration on Aid Effectiveness (2005), namely the alignment of donors with the priorities, systems and procedures in partner countries. In Brussels, it was seen as a driver of reform in the ACP countries and an instrument for reducing the Commission's staff costs, as project

71. “La gestion, par la Commission, de l'appui budgétaire général dans les pays ACP, de l'Amérique latine et d'Asie”, European Court of Auditors, Special Report No. 11, 2010, available at: <https://eur-lex.europa.eu>.

72. “Appui budgétaire Lignes directrices”, European Commission, Directorate-General for International Cooperation and Development – Tools and Method Collection, 2017, available at: <https://ec.europa.eu>.

73. “Evaluation of EU State Building Contracts (2012-2018)”, European Union, available at: <https://ec.europa.eu>.

assistance requires more staff than budget support. Since then, everybody has been disappointed. ACP officials have been obliged to back away from “policy dialogue” with the donors that, unlike development assistance projects, can lead to embarrassing questions about their public finance management policies and practices. For donors, on the one hand, the traceability of funds in the budget is impossible because of the very fact that there is only one fund and, on the other hand, the leverage of reform has proved unrealistic. Among the beneficiaries of budget support, there are many governments that fluctuate between false reforms and good excuses for not reforming. To be effective, budget support must be based on relevant and verifiable indicators that is often not the case⁷⁴. Furthermore, these “evaluations” are subject to a lot of political or bureaucratic interference. Ultimately, the EU concluded that its budget support in the context of state-building contracts for fragile countries is insufficient to initiate the required structural reforms, improve the quality of public services and consolidate democratization.⁷⁵

Politicization of development assistance, the decline in the partnership spirit and the new post-Cotonou agreement

Based on relations between a rich donor (the EU) and poor beneficiaries (the ACP states), the partnership, from Yaoundé to Cotonou, has always been asymmetrical, even though it was officially presented as “cooperation based on complete equality”⁷⁶. It is obvious that the EU’s action as a new diplomatic actor has had a subtle, but significant impact on the “partnership” with the ACP states. The foundation of values and behavior that characterized this relationship in the 20th century has eroded in recent years.

The politicization of assistance has made the partnership tense. As previously explained, the Cotonou agreement imposed conditions relating to respect for human rights, and the fight against corruption appeared on the agenda of EU-ACP relations. However, these various restrictions could until now be seen as necessary conditions to implement development policies. The situation has radically changed over the past decade with the emergence of conditionalities related to the containment of migration between the ACP states and

74. “L’utilisation de l’appui budgétaire pour améliorer la mobilisation des recettes nationales en Afrique subsaharienne”, European Court of Auditors, *Special Report No. 35*, 2016.

75. “Evaluation of EU State Building Contracts (2012-2018)”, *op cit*.

76. Yaoundé I Preamble

Europe and the fight against terrorism. For example, the Emergency Trust Fund for Africa has a strong anti-migration overtone. This Fund was created by the EU in the wake of the Valletta Summit on Migration in 2015 “to satisfy its desire to make development financing serve migration objectives, that paves the way to the possible subordination of development instruments to security considerations”⁷⁷. In line with the Cotonou Agreement, a growing proportion of European assistance is increasingly directed at addressing problems raised on the European side and not at solving the partners’ problems. The result is a shift in European assistance from development to security, theoretically justified by the concept of the security/development nexus.⁷⁸

A particularly contentious topic: migration

In response to the migration crisis, the Valletta Summit on Migration in 2015 brought European and African leaders together to discuss this issue. This summit led to an action plan that included the establishment of an EU emergency fund for stability and the fight against the root causes of irregular migration and the phenomenon of displaced people in Africa.⁷⁹ In addition to the controversy about rescuing migrants in the Mediterranean, this agreement was perceived by African public opinion as a desire to block immigration and a demonstration of the EU's hypocrisy that promotes its humanist values and human rights without applying them in this case. The Valletta deal was seen as the granting of European funds to African countries in exchange for a strengthening of their border controls and a simplified repatriation procedure for their undesirable nationals in Europe. This issue continued to put a strain on Euro-African relations, with the Europeans criticizing migration blackmail and the Africans criticizing the closure of Europe. The African Union repeatedly criticized the fact that Europeans put more emphasis on financing projects to combat migrant trafficking and promoting the repatriation of undocumented migrants rather than proposing legal mobility channels for African citizens to Europe.⁸⁰

However, in addition to the prioritization of security and migration policy in European development assistance, some of the EU's foreign policy guidelines were the cause of diplomatic tensions, or even crises, with the ACP states. Diplomatic tussles have stalled

77. See V. Hauk, A. Knoll and A. Herrero Cangas, “Fonds fiduciaires de l’UE: vers une action extérieure plus intégrée?”, *op. cit.*, p. 12.

78. D. Lecompte and T. Vircoulon, “L’aide de l’Union européenne: du développement à la sécurité, l’exemple du Fonds européen de développement”, *op. cit.*

79. Valletta Summit Action Plan, 2015.

80. S. Prestianni, “Contrôle (migratoire) contre ‘nourriture’”, *Plein droit*, Vol. 114, No. 3, 2017, pp. 11-14.

the partnership and sometimes even suspended it. In recent years, several European ambassadors who criticized the authoritarian abuses have had to leave their countries of posting at the request of the governments (Benin, Democratic Republic of Congo, Tanzania, etc.), and in turn, Brussels has suspended part of its assistance in response to antidemocratic developments (Burundi, Madagascar, Ethiopia, Mali, etc.). The stark contrast between the pro-democratic stance of EU foreign policy and the resurgence of authoritarianism in Africa has had a negative impact on development assistance policy. Misunderstandings between the EU and some ACP states have created a tense political climate that has complicated the donor/assistance beneficiary relationship and fueled resentment on both sides. This is how to interpret the comments of the EU High Representative for Foreign Affairs and Security Policy, Josep Borrell, who said recently: “Perhaps we have signed too many blank checks in the Sahel.”⁸¹

In recent years, the EU has repeatedly shown its loss of interest with regard to the partnership represented by the principle of development assistance comanagement. Firstly, the bureaucratic management of assistance shows that the partnership spirit has waned and comanagement has reduced in daily practice. The delegations have become increasingly accustomed to doing most of the work themselves and often consider it a waste of time to produce documents that are the National Authorizing Officer’s responsibility. The delegations prefer to send them files that have already been prepared or decisions that have already been taken internally for signature, or even sometimes to launch projects that do not meet any concrete request from the partner. Secondly, the consultation initiated by the Commission and the High Representative of the Union for Common Foreign and Security Policy in October 2015 on the future of EU-ACP⁸² relations highlighted the frustrations and doubts about the effectiveness of the partnership in Brussels. Some of the issues focused on the usefulness of the joint institutions of the ACP-EU partnership (Council of Ministers, Committee of Ambassadors, Joint Parliamentary Assembly, questions 34-35), the need to increase the financial contribution of the ACP states in these bodies, the advisability of maintaining a specific financing instrument (the EDF) and the added value of the comanagement system with the National Authorizing Officer (questions 38 and 39). Finally, as mentioned previously, the new financial instruments set

81. Interview by M. le Cam, *Le Monde*, April 28, 2021.

82. “Towards a New Partnership between the European Union and the African, Caribbean and Pacific Countries after 2020. Joint Consultation Paper”, European Commission, EU High Representative for Foreign Affairs and Security Policy, October 6, 2015, available at: <https://ec.europa.eu>.

up by the EU in recent years, in particular the trust funds, do not involve comanagement with the ACP states.

From the ACP states' perspective, a sense of disinterest and withdrawal prevails. Many National Authorizing Officers no longer hesitate to say "it's their money, they can do what they want with it" in private conversations or even publicly. In ACP meetings, for example, it has been said that "references to partnership, and the assumption that both partners are equally involved in the decision-making process, are just a myth"⁸³. Due to the increasing complexity of the management of European funds, for the ACP states, the image of Europe as a "benefactor", and in particular its local representative, has gradually given way to that of a Scrooge holding tightly onto his "coffer". This may explain the lack of interest of many partners, at a time when other more flexible, alternative sources of funding have emerged (China, the Gulf countries, private creditors, etc.).

Furthermore, the emphasis by the Europeans on issues related to migration, security or the promotion of its own cultural values offends many members of the ACP group. The former Ivorian Minister for Foreign Affairs, Jean-Marie Kakou-Gervais, complained "the focus of the Europeans [on] migration issues, that are too often manipulated during electoral debates", considering that "this hysteria in debates on migration complicates the search for concrete solutions"⁸⁴. The determination by the Europeans to impose a number of its cultural values (secularism, male/female equality, gay rights, etc.) has also been a source of controversy, not only between the two groups, but also within the ACP group itself, where the chief negotiator, the Togolese Minister of Foreign Affairs, Robert Dussey complained that "not all Africans are polygamous. But it's shocking when you talk about polygamy in Europe. Similarly, culturally, it's shocking when you talk about homosexuality in Africa. But not in all African countries. Time will solve these issues."⁸⁵

On April 15, 2021, the EU and the Organization of African, Caribbean and Pacific States (OACP) signed a new agreement that succeeds the Cotonou Partnership Agreement. This post-Cotonou agreement involves the EU and 79 ACP states. Like the Cotonou Agreement, it also marks an important step. Firstly, it confirms the disorganized increase in objectives and the disappearance of development as the dominant goal of European assistance.

83. Remarks by the Ambassador of Samoa at the Pacific ACP Pacific Group meeting. See F.-P. Luteru, "The ACP Group: Has It Got a Future? A Pacific Perspective", 2013, available at: www.epg.acp.int.

84. See the video: www.commodafrica.com.

85. E. Topona, "Un nouvel accord ACP-UE conclu à Bruxelles", DW, April 16, 2021, available at: www.dw.com.

Development assistance is now just one among several “priority areas”:

- democracy and human rights;
- sustainable economic growth and development;
- climate change;
- human and social development;
- peace and security;
- migration and mobility.

Secondly, the new agreement puts an end to comanagement. Indeed, the EDF has been replaced by the Neighbourhood, Development and International Cooperation Instrument (NDICI) with a total budget of approximately €79.5 billion. This transformation is driven by a most welcome need to simplify sources of funding. But at the same time, the principle of comanagement has been discontinued.⁸⁶ The many chapters and annexes of the Cotonou Agreement that dealt with the programming and management of development assistance have disappeared from the new document. This document no longer includes a protocol or annex on financial cooperation, that is now dealt with in a section of five small articles on “means of cooperation and implementation”. Paradoxically this new agreement promotes a partnership without the comanagement of assistance, i.e. political cooperation without administrative cooperation. This runs counter to the official discourse of all the donors since the Paris Declaration in 2005. The agreement deconstructs the assistance system that was built up from the 1970s to the 1990s and stalled after the Cotonou Agreement.

Furthermore, the new agreement is not accompanied by any ideological innovation regarding relations between Europe and the ACP states (and more specifically Africa). It merely reiterates concepts such as “fair competition”, “business climate” and “good governance” that are in line with the now outdated “Washington Consensus”⁸⁷.

86. “Partnership Agreement between the European Union and Its Member States, of the one part, and Members of the Organisation of African, Caribbean and Pacific States, of the part, April 15, 2021.

87. A. Kateb, “Les relations Europe-Afrique à l’aune de la pandémie de Covid-19. État des lieux et perspectives”, *Question d’Europe*, No. 584, Fondation Robert Schuman, 2021.

Conclusion: the partnership without partners

Since its invention in 1963, European development assistance has adapted, evolved, expanded its field of expertise and geographical spread, developed new implementation methods and seen its professional culture change. Despite budget restrictions, the EU has become the leading provider of official development assistance. However, a feeling of disenchantment between the EU and the “historical” beneficiaries of its billions in assistance has been growing since the beginning of this century. Frustration at the lack of results and disinterest on the part of Europe, most of whose current members do not have a common history with the ACP states, resentment and disenchantment on the part of the ACP states, some of which are stagnating or regressing (Central African Republic, Mali, Guinea, Burkina Faso, etc.), and are courted by many new potential partners.

This paper takes account of this paradox by highlighting the growing bureaucratization and politicization of development assistance that has finished up draining the “partnership”, unbalanced from the outset, of its essence. The more the term “partnership” is repeated in official speeches, the less reality it seems to have in the field. The forthcoming implementation of the new Neighbourhood, Development and International Cooperation Instrument will confirm to ACP states that the Euro-African partnership is now in the process of divorce. But beyond the EU's own developments and changes in the aid procurement market (emergence of alternative public and private donors), it is worth asking whether the gradual erasure of post-colonial ties between the European and ACP elites is not also behind the decline in the partnership between worlds that are both closer and further apart.

Annexes

List of Acronyms

AASM	Associated African States and Madagascar
ACP	Africa, Caribbean and Pacific (States)
AEC	Association for European Cooperation Development and Communication
CFSP	Common Foreign and Security Policy
DCI	Development Cooperation Instrument
DG8	Directorate-General for Development and Cooperation (DGDEV)
DGAIDCO	EuropeAid Co-operation Office
DGDEV	Directorate-General for Development and Cooperation (DG8)
DGDEVCO	Directorate-General for International Cooperation and Development
DGRELEX	Directorate-General for External Relations
EEAS	European External Action Service
EDF	European Development Fund
EEC	European Economic Community
EIB	European Investment Bank
EU	European Union
MDG	Millennium Development Goals
OACPS	Organization of African, Caribbean and Pacific States
OECD	Organisation for Economic Co-operation and Development
STABEX	Stabilization Fund for Export Earnings from Agricultural Products
SYSMIN	Special Financing Facility for Mining Products
TEU	Treaty on European Union (Maastricht Treaty, 1993).
TFEU	Treaty on the Functioning of the European Union (Lisbon Treaty, 2007)
WTO	World Trade Organization

Chronology of the ACP-Europe Agreements

Rome 1957: EEC founded: 6 Member States, 25 overseas territories under the administration of Member States

1963: Yaoundé I Convention

1970: Yaoundé II Convention, EEC 6 Member States, 18 Associated African States and Madagascar (AASM)

June 06, 1975: Georgetown Agreement, ACP Group of States established

1975: Lomé I Convention, EEC 9 Member States, ACP Group 46 Member States

1981: Lomé II Convention, EEC 10 Member States, ACP Group 57 Member States

1985: Lomé III Convention, EEC 12 Member States, ACP Group 66 Member States

1990: Lomé IV Convention, EEC 12 Member States, ACP Group 70 Member States

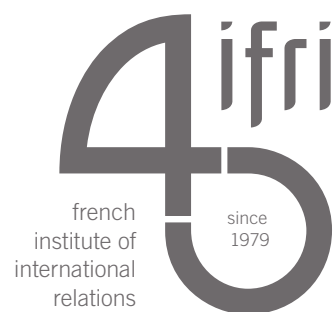
1995: Lomé IVa Convention, EEC 15 Member States, ACP Group 70 Member States

2000: Cotonou Agreement, EU 15 Member States, ACP Group 77 Member States

2005: Cotonou Agreement, first revision, EU 28 Member States, ACP Group 79 Member States

2010: Cotonou Agreement second revision, EU 28 Member States, ACP Group 79 Member States

April 15, 2021: New Partnership Agreement, EU 27 Member States, ACP Group 79 Member States



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