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The European Community (EC) is proposing a fresh approach to cooperation with the African Caribbean and Pacific (ACP) countries by gradually dismantling non-reciprocal trade preferences to the ACP. Yet, as the European Union (EU) has wished to bring in political sensitive issues such as the establishment of Free Trade Areas, an effective process of political co-operation between the ACP and the EU is more vital than ever.² However, the decision-making process has lacked the necessary high public profile for setting the broad political guidelines of the negotiations. Indeed the future of the Lomé Convention is endangered because its beneficiaries are ill-informed on the process and there has been a lack of support from the press and civil society.

Development co-operation between the EC and the ACP countries has been widely described as one based on the principle of partnership. To date this co-operation has been formally anchored on the framework of successive agreements known as the Lomé Conventions. This arrangement guarantees co-operation between the two parties –the ACP on the one hand and the EU on the other– together in a contractual agreement. As the most recent Lomé Convention states, co-operation between the two parties is underpinned by a legally binding system and the existence of joint EC and ACP bodies. According to the Convention, co-operation is exercised on the basis of the following principles: equality between two partners; the right of each state to determine its own policy options; and the security of relations based on the experience of their system of co-operation.

POLITICAL PARTNERSHIP WITH THE EUROPEAN UNION: AN ANALYSIS¹

Formalised co-operation between the EC and a grouping of African states (a forerunner to the ACP) dates back to 1957. In 1975 the first Lomé Convention established the basic mode and frame of co-operation that exists today. At present the two partners are in the process of negotiating a successor agreement to the revised Lomé IV Convention. The ACP is in favour of building on the existence of the current Convention by improving its achievements. The EC is proposing a fresh approach to ACP-EU cooperation by gradually dismantling non-reciprocal trade preferences to the ACP. Yet, as the EU wishes to bring in political sensitive issues such as the establishment of Free Trade Areas, an effective process of political co-operation between the ACP and the EU is more vital than ever.

ADVANTAGES OF CONTRACTUAL COOPERATION AGREEMENTS

The concept of contractuality in a development co-operation framework is virtually unique. It contributes to making the ACP-EU framework for co-operation different from other conventional development co-operation agreements in a number of ways.

Firstly, the different roles and responsibilities identified for the two parties allow both of them to play a part in defining and carrying out co-operation. The Convention provides for decisions to be taken jointly on all aspects of the Convention apart from the levels of finance that ACP countries, collectively and individually, receive for the implementation of the Convention.

¹ Research for this chapter was informed by a series of interviews with civil servants from the ACP Secretariat, the ACP Committee of Ambassadors, the European Commission, the EU permanent representatives to the EU and the Joint ACP-EU Parliamentary Assembly.

² The terms «European Community» (EC) and «European Union» (EU) are used throughout this article. The European Union was established in 1992 by the Maastricht Treaty. In this treaty the European Community was given competence in development cooperation policy. This competency is shared with the Member States. In this report, EU refers to Europe in general terms, and EC refers specifically to development cooperation related topics.

Secondly, the contractual nature of the agreement ensures a certain degree of predictability by spelling out the terms of the contract in the form of clear rules of co-operation and responsibilities of both parties. It also informs the ACP of the amount of finance they can expect to receive over a given period of time. In earlier conventions, exact amounts of finance for ACP countries, corresponding with five year national indicative programmes, were virtually guaranteed.³

Finally the contractual nature of the partnership necessitates that both partners agree to implementing policies in a common direction. As «ownership» of policies by developing countries' governments is seen as crucial for the success of any development co-operation, emphasis is given to political dialogue as a means of clarifying and setting the responsibilities of both parties and conditions of the agreement.

The Lomé IV bis Convention assigned the role of conducting an enlarged political dialogue to the Joint Council of Ministers. This dialogue may take place outside the framework of the Convention. It calls for procedures for dialogue to be made as flexible as possible to allow it to take place at global, regional, sub-regional and country level. This may include Troika meetings (current presidency of the council plus former and next presidencies) and senior officials meetings. This arrangement is intended to allow the Joint Council to better address specific problems when they arise.

WILL THE EU FORCE FREE TRADE AREAS UPON THE ACP?

The vigorousness and effectiveness of the political process will depend on the actual manner in which both parties arrive at decisions through their respective and joint institutions. It is obvious that faults or constraints in the decision-making process can strongly undermine credibility of the partnership. Similarly, inequality in the bargaining power of the parties may subvert the agreement process.

This problem is illustrated by a comment from a civil servant working for an EU institution who mentioned that, once agreement is reached on the successor Convention of Lomé, the EU Council will unilaterally decide on the Regional Economic Partnership Agreements (REPAs) it is proposing for non-LDC ACP countries. Hence the ACP countries would be forced to accept proposals they have so far rejected. They would be forced into non-reciprocal trade preferences.

Although it may benefit EU countries, this corrupted political process would undermine credibility and trust for future co-operation between the partners. It may also result in decisions that have not been adequately considered. In the case of the REPAs,

for instance, many observers question their feasibility and appropriateness for the ACP. These observers include independent experts commissioned by the European Commission to conduct a study on the feasibility of REPAs.

A sound political process is in essence designed to ensure that decisions are taken in a responsible and considered manner with the support of the main constituencies affected by the measures decided on.

Because policy decisions are reached by consensus, the negotiating process may appear time consuming. However, the political process that the parties engage in helps to establish a common point of departure for the joint implementation of policies in Southern countries with the support of the Northern governments. Reaching such common understanding should be a vital element of any co-operation agreements between donors and recipients.

CONSTRAINTS TO PARTNERSHIP WITHIN THE DECISION-MAKING PROCESS

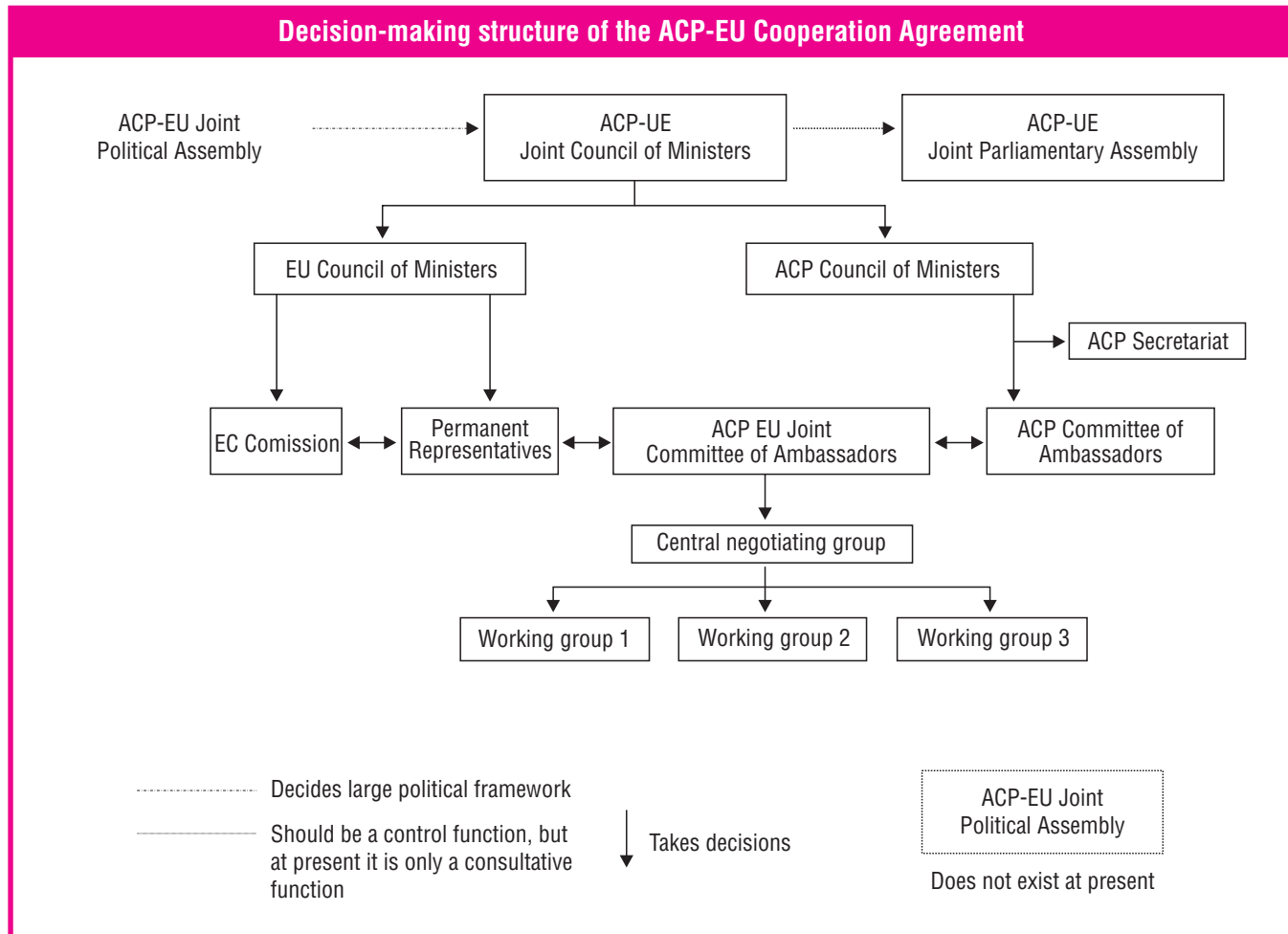
The accountability of the ACP-EU decision-making process is seriously hampered by the fact that the principal decision-making body, the ACP-EU Joint Council of Ministers, is not accountable to any of the joint bodies, not least the Joint Parliamentary Assembly. The role of the Joint Parliamentary Assembly within the decision-making process is almost marginal. It has no legislative, budgetary or control functions.

The decision-making process also seems deficient in transparency. The Joint Council Ministerial meetings, by their nature, are closed. Thus there is no automatic means for citizens of both partners to be informed on how broad decisions were arrived at, or how the different parties to the Convention voted on the broad major issues. Documents from the proceedings of Council meetings are not made accessible to citizens and other observers.

Finally, there is no formal avenue in the process of decision-making for civil society to play consultative or informative roles in the process. This reduces the credibility of the decision-making bodies who are supposed to be taking decisions on behalf of their citizens.

As a result, the decision-making process lacks the high public profile needed for setting broad political guidelines for the negotiations. Indeed the future of the Convention is endangered because its beneficiaries are ill-informed on the process and there has been a lack of support from the press and civil society. Since public interest and understanding is vital for sustaining the Lomé process, the decision-making process should be given a stronger political profile to engage the public in both parties.

³ In the last revision of the Convention the EU sought to make funding more conditional on the ACP meeting certain criteria.



Note: the ACP–EU Joint Political Assembly does not exist, but in this chapter it is argued that its establishment would increase the accountability and transparency of the political decision–making process. At present the ACP–EU Joint Parliamentary Assembly does not have control functions, as it should have.

NEGOTIATING POSITIONS FOR A NEW AGREEMENT

Both the current ACP and the EU's negotiating directives for a new Agreement⁴ make a number of proposals for expanding the cooperation agreement to encompass a wider political process. They both call for political dialogue to be extended beyond the objectives of the Convention to all questions of common interest to both parties.⁵ In addition to typical donor concerns such as peace and stability and the arms trade, one

issue the ACP is keen on discussing is the treatment of its migrants in the EU.⁶

The ACP, in its mandate and in the early stages of the negotiations, is calling for the creation of two new institutions, namely a Heads of State Summit and a Council for Foreign Ministers. This reflects the wish to accord the Lomé agreement greater importance as well as addressing the increasing emphasis on political issues. The EU—while not rejecting the rationale behind this proposal—has questioned the need for the creation of new institutions.

⁴ The European Union Council, *Negotiating Directives for the Negotiation of a Development Partnership Agreement with the ACP countries* June 1998; ACP Group, *ACP Group Negotiating Mandate*, September 1998.

⁵ A civil servant from an EU Permanent Representation identified the lack of political dialogue as the missing element in ACP–EC cooperation in comparison to other EC co–operation agreements.

⁶ According to an EU Permanent Representative the EU is reluctant to discuss this issue.

Though both parties call for the extension of partnership to civil society, neither proposes any institutional mechanism to link civil society to the decision-making process. There are also no proposals to strengthen the powers of the ACP–EU Joint Parliamentary Assembly. In short the question of greater accountability and transparency is not adequately addressed in the proposals offered by the EU and the ACP.

PROPOSALS FOR ENHANCING THE PROCESS

A comparison of the political decision-making process between the ACP and the EU with the political cooperation between the South East Asian countries (the ASEM process) and the EU is instructive. It informs us about the way in which improvements in political co-operation can be made. In ASEM (Asia Europe Meeting) dialogue is conducted at all levels including bi-annual Head of States summits. Joint policy is carried out by officials, managed by the Senior Officials Meeting. The joint policies that are carried out reflect an incrementalist attitude towards achieving change, based on consensus, rather than a conditioned process. For instance, the question of trade liberalisation is firstly approached from the angle of reducing non-tariff trade barriers, as opposed to more conflictual issues such as the removal of trade barriers.⁷ This approach seems most interesting and suitable for application in the context of the co-operation between the ACP and the EU.

The ASEM process also demonstrates that a high profile of general decision-making summits helps to focus the attention of the press and the public on the benefits of the negotiations. The establishment of a Joint ACP–EU Inter-Governmental Political Assembly would fill this gap within the ACP–EU negotiations. This Assembly would have decision-making powers to establish the broad framework for future agreements and provide broad guidelines on how to achieve the objective of agreements in force. It would also decide on broad frameworks for the development of common policies between the ACP and the EU by ACP–EU officials' meetings. The Assembly should be partially accessible to all credited observers including civil society to ensure that public interest is generated.

Finally, the accountability of decision-making bodies needs to be enhanced to make the political co-operation more credible. To improve formal answerability of the decision-makers to the ACP–EU constituency, the ACP–EU Joint Parliamentary Assembly

must be able to exercise power over decisions taken in the Joint Council of Ministers. Specifically the Joint Parliamentary Assembly should have the right to vote on all broad decisions taken by the Joint Council and to reject concrete proposals made by the Council. The Joint Parliamentary Assembly should also have the right to ratify the whole Lomé agreement before it comes into force.⁸

It is evident that effective partnership necessary for social development cannot be assumed through the mere provisions of the Convention and declarations of the two partners. It will have to be achieved through measures that increase the transparency and accountability of decision-making and enhance the scope of political co-operation. The following proposals by Eurostep will ensure that the cooperation between the ACP and the EU is made more effective:

1. Establish a Joint ACP–EU Inter-Governmental Political Assembly that sets out broad guidelines for negotiations and joint policy co-operation by ACP and EU officials.
2. Mandate Senior Officials Meetings to develop joint ACP–EU policies with a view to incrementally move issues in a desirable direction on the basis of common consensus.
3. Develop joint policies on the basis of consensus. This could include the removal of non-tariff trade barriers as a first, more realistic, step to strengthen mutually beneficial aspects of trade liberalisation.
4. Strengthen the public profile to demonstrate the benefits of joint ACP–EU political co-operation.
5. Open the Joint ACP–EU Inter-Governmental Political Assembly to press, civil society organisations and observers to enhance transparency, to engage non-state actors, and to raise the public profile of the cooperation agreement among main constituencies.
6. Strengthen the parliamentary role of the ACP–EU Joint Parliamentary Assembly, which should have the right to vote on all agreements reached by the Council of Ministers and the right to ratify the co-operation agreements between the ACP and the EU.

- EUROSTEP is a network of non denominational European development organisations. The secretariat is based in Brussels.

⁷ See: van Reisen, Mirjam, and Laryea, Guggi, *Asia–Europe Trade and the Need for a Sustainable Development Strategy*, Transnational Institute, April 1998.

⁸ This presupposes that the participants of the Joint Assembly are democratically elected parliamentarians, representing the national constituencies. Though a number of ACP countries still send non-parliamentarians participants to the Joint Assembly, this trend is fortunately on the decline.