

How can the EU achieve an equal partnership with Africa?



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Summary

Establishing a real and equal partnership with Africa has featured as a central goal for the European Union's (EU) development policy over the last two decades. This goal constitutes a central pillar of the EU's pursuit of sustainable development and the Agenda 2030. However, establishing an equal partnership has proven difficult to achieve. Moreover, critics hold that EU-Africa relations are unjust: The Union has been accused of operating with a fundamental lack of mutual respect towards its partner countries on the African continent. In the GLOBUS project, we have conducted a critical analysis of the EU's contribution to global justice and we find that the challenge of establishing an equal partnership is augmented by a tension in the EU's development policy between the goal of supporting and enhancing country-owned development and the goal of conducting a rights-based approach to development. The tension between ownership and human rights conditionality arise due to the competing views of how to reduce injustice between states at the global level.

Establishing a real and equal partnership with Africa has been a central goal for EU development policy throughout the last decade. Already in 2007 at the EU-Africa summit, development Commissioner Louis Michel declared that a real partnership with equal possibilities on each side was launched and that the era of donor-recipient dynamics had come to an end. Over a decade later, the appointment of Jutta Urpilainen as Commissioner for International Partnerships, instead of Commissioner for International Cooperation and Development, as her predecessor was called, highlights that the challenge of moving beyond donor-recipient dynamics is still present. In her Mission Letter, President of the European Commission, Von der Leyen has instructed Commissioner Urpilainen to develop a new comprehensive strategy for Africa which 'should create a partnership of equals and mutual interest'.¹

However, establishing a real and equal partnership with Africa has proven to be difficult. This policy brief discusses how the EU can achieve an equal partnership with Africa and some of the key challenges the Union is facing in this area. It does so by drawing some conclusions from the research conducted within the project Reconsidering European Contributions to Global Justice – GLOBUS (2016-2020).

Critics hold that the way the EU operates reflects a fundamental lack of justice and mutual respect towards its partner countries in the African

¹ https://ec.europa.eu/commission/sites/beta-political/files/mission-letter-jutta-urpilainen_en.pdf

continent.² Human rights conditionality, the practice of conditioning foreign aid to the respect of human rights principles, has been perceived as ‘lecturing’ rather than constructive support. In addition, the EU is accused of acting inconsistently on its human rights promotion, letting countries of strategic importance ‘off the hook’.³

Lastly, one can ask whether it is at all possible to establish a partnership with a continent as diverse as the African one. While ‘Africa’ is often presented as a single story with cohesive and similar challenges, the state of social, economic and sustainable development differs widely in the countries situated between Tangiers and Cape Town. These critiques of the EU’s approach affect conditions for global justice and the question of how fair and effective solutions to sustainable development globally could be reached.

Tension between country-owned and human rights-based development

The idea of a partnership is to build mutually beneficial cooperation between actors that share ideas, values and interests. Despite asymmetrical differences in capacities, power or financial clout, an equal partnership can be based on mutual respect and common goals. In the GLOBUS project, we have conducted a critical analysis of the EU’s contribution to justice in the realm of development. We find that the EU’s failure to meet its partners

² See Gomes, P. (2013) ‘Reshaping an Asymmetrical Partnership: ACP-Eu Relations from an ACP Perspective’, *Journal of International Development*, 25: 714-726; ACP Statement (2014) available at <http://www.acp.int/content/declaration-acp-parliamentary-assembly-recent-proposals-adopted-european-parliament-regard-u>

³ See Crawford, G., and Kacarska, S. (2019) ‘Aid Sanctions and Political Conditionality: Continuity and Change’, *Journal of International Relations and Development*, 22(1):. 18-214; Youngs, R. (2010) *The European Union and Democracy Promotion. A Critical Global Assessment*, Baltimore: Johns Hopkins University Press’.

in the African continent with justice and mutual respect is augmented by a tension in the EU’s development policy. There is a tension between the goal of supporting and enhancing country-owned development and the goal of conducting a human rights-based approach to development.

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A central component of the goal of moving towards a partnership of equals has been to reduce donor-driven initiatives and enhance country-led and country-owned development. In line with the overall emphasis on ownership, EU development policy has attempted to enhance the legitimacy and effectiveness of aid through initiatives such as donor coordination around partner country strategies for development. In EU-internal negotiations, proponents of securing recipient ownership participation over donor-driven coordination have managed to get support for their view, which is reflected in the EU’s development policy documents.

The principle of ownership derives from a conception of justice that emphasises difference. To achieve justice at the global level, procedures that allow for treating groups and people differently are necessary. Ownership emphasises the need for all actors affected

by the policy to have a say and those most affected to be in the lead. This might require different solutions adapted to each country's or region's needs and preferences. However, ownership may also become limited to government ownership and thereby fall short of securing all affected parties due hearing and adapted solutions. The overall concern for the country-driven approach is also visible in the multilateral setting. The United Nations has paved way for a common development agenda, Agenda 2030, which is rooted in country-led and country-adapted measures to achieve shared goals, the Sustainable Development Goals (SDGs).

“ **The crisis of multilateralism and contestation of global norms requires the EU to continue its focus on human rights as a centrepiece of sustainable development and conduct a rights-based development policy.** ”

Meanwhile, human rights conditionality remains a cornerstone of the EU's rights-based approach to trade and development cooperation with African partners. Human rights conditionality calls for a universal and law-based approach to problem-solving requiring similar solutions to similar problems. Conditionality is anchored in a conception of justice that prescribes equal solutions for all groups and individuals irrespective of the context it is applied in. Justice is achieved by finding neutral and unbiased principles for problem-solving, i.e. human rights, which in principle can be accepted by all. However, conditionality, which includes the possibility of

aid-suspensions, may reduce predictability of funding and may thereby contribute to dilute policy ownership. The most common critique of the Cotonou agreement stated by the ACP countries is the lack of mutual respect following from the suspension of aid through political conditionality mechanisms. The plea to reduce the use of aid-suspension is also a central element in the ACP countries' post-Cotonou mandate, highlighting the need for strengthened political dialogue in order to prevent situations where conditionality suspensions are deemed necessary.

On the one hand, ownership calls for a just approach through giving affected parties due hearing as well as flexibility to differentiate policy responses in line with the strategies and priorities of partner countries. On the other, conditionality calls for achieving justice through universal and unbiased solutions to ensure moral equality and rightful assurance, e.g. that violations of commonly agreed values are treated with similar responses.

To reconcile the tension following from these competing views' call for 'differentiation' and 'impartiality', the EU should seek to strengthen its support for democratic ownership of development strategies in recipient countries, and increase sensitivity on the use of restrictive measures.

Strengthen inclusive political dialogue

The European Union is currently in a process of defining and constructing its development policy post 2020. A new agreement with the historically most important development partners of the EU, the African, Caribbean and Pacific group of states, is currently being negotiated and a new comprehensive strategy with Africa is under development. Further, Brexit and the EU's long-term budget may cause alterations to the EU's development policy as we

currently know it. This apparent crossroads is appearing within a context where multilateralism and global norms are contested. Human rights and fundamental freedoms are under pressure both inside and outside the EU.

The crisis of multilateralism and contestation of global norms requires the EU to continue its focus on human rights as a centrepiece of sustainable development and conduct a rights-based development policy. To adapt to the new international context, the EU should combine pressure for strong human rights legislation at the global level with an effort to strengthen mechanisms for meaningful political dialogue with multiple stakeholder in partner countries. Political dialogue with multiple stakeholders can provide the EU with context-sensitive knowledge and stakeholders may operate as advisors on how to adapt the EU's rights-based approach to local needs and understandings of justice.

In its official documents, the EU commits to include and value the participation of multiple stakeholders and all parts of society in development efforts. Civil society organisations (CSOs) are viewed as key actors in promoting democracy and as 'defenders of rightsholders and of the rule of law, social justice and human rights.'⁴

In the EU's policy, we can on the one hand see some developments that have enabled citizen participation and transparency of EU policymaking. Before the post-Cotonou negotiation started, both the ACP and the EU made their negotiation mandates available to the public. In addition, a public consultation procedure was conducted on the EU side in the process of preparing the mandate.

⁴https://www.consilium.europa.eu/media/24004/european-consensus-on-development-2-june-2017-clean_final.pdf

These developments increase transparency and show that the partners are willing to collect stakeholders' viewpoints.

On the other hand, however, these developments do not amount to a true multi-stakeholder logic. The on-going negotiations of the post-Cotonou partnership for instance, are restricted to negotiation teams composed by mandated officials from EU institutions and ACP states only. Furthermore, political dialogue with partner states on human rights violations are mainly reserved for the executive branches of the Union and partner countries. Hence, there is room for a broader and more meaningful inclusion of stakeholders and citizen representatives in development negotiations and dialogue meetings.

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The prioritisation of the executive branch of partner governments, instead of a broader democratic ownership with multiple stakeholders in partner countries, reflects a narrow interpretation of the ownership principle. A continuation of this approach will inhibit the Union's quest for an equal partnership with Africa.

Institutionalise and support inclusion of civil society

In order to strengthen a multi-stakeholder logic in its development policy, the EU can ensure that the inclusion of civil society organisations is institutionalised in all political dialogue processes.

Furthermore, the EU can step up its financial and technical support for civil society and citizens initiatives in partner states. Due to its expertise in cross-country coordination, the EU is in a unique position to support civil society coordination across borders on pressing issues which could lead to a strengthened voice for marginalised groups.

One example is the successful coordination of civil society organisations advocating for LGBTI human rights in Uganda. Ugandan LGBTI human rights activists have managed to get their voice heard among the most powerful donors and managed to create a coordinated platform for advocacy when LGBTI human rights came under pressure by the Anti-Homosexuality Act in 2014. Supporting coordination, exchange of best practices and learning between successful organisations in Uganda and organisations in Kenya, Tanzania and other neighbouring states could be a meaningful way to support and strengthen country-owned and transnational human rights activism.

Increase sensitivity and self-reflection

In a global context where human rights and fundamental freedoms are under pressure more than ever, the EU should step up its efforts to promote and protect multilateralism and a rights-based global order. However, to remain a relevant actor in global development the Union should consider increasing sensitivity in its reactions to violations of human rights, democracy and the rule of law in partner countries.

A common critique of the EU's rights-based approach is the Union's lack of mutual respect towards its partners. Instead of 'talking with', the EU is perceived

as 'talking at' its partners.⁵ In order to remain a credible partner for sustainable development, the EU could step up its efforts to act as a more humble and self-reflective partner that is willing to recognise its internal struggles for justice and listen to its partner countries. The EU should listen to multiple stakeholders in partner countries and their proposals for how to address and respond to problems and violations of development agreements.

The EU could use listening as a tool to strengthen development partnerships and support local solutions to address governance problems or human rights violations. To avoid being perceived as paternalistic, the EU could reduce the use of ready-made solutions to crisis and instead use political dialogue with multiple stakeholders to identify where they could provide meaningful support to the ideas and proposals for reforms that emerges from partner country actors.

A case in point is the use of aid-suspensions or threats thereof. The combination of public condemnation of human rights violations or governance problems with aid-suspensions might be considered particularly unjust for citizens in partner states. Instead of punishing the government, aid suspensions may result in reduced social and health benefits for the population and thereby create negative impacts on citizens social and economic well-being. Peer pressure through public condemnation or threats of aid-cuts by donors can be effective in some instances, but it has also proven to be ineffective and in fact damaging. For instance, the UK's threats to suspend aid to African states

⁵ See Chaban, N. Knodt, M. and Verdun, A. (2017) 'Talking with not talking at. Perceptions of the EU as a global normative energy actor in the eyes of BRICS and EU Big 3', *Comparative European Politics*; Fioramonti, L. (2009) 'African Perceptions of the European Union: Assessing the Work of the EU in the Field of Democracy Promotion and Peacekeeping', *International Institute for Democracy and Electoral Assistance*.

that violate LGBTI human rights in 2011 was met with critique by civil society actors on the African continent.⁶ In these actors' view, sanctions are unjust because they reinforce asymmetrical power dynamics and disregard the agency of local social movements. Instead of top-down imposed sanctions, civil society organisations suggested that a more differentiated and just approach could be carried out through bottom-up support to the local initiatives that were already in place.

While maintaining a rights-based approach to development, the EU could increase sensitivity in using signalling responses to human rights violations by supporting local civil society responses. Civil society organisations can work as critical interlocutors and knowledge providers regarding the local context. This is particularly important when considering support to marginalised and vulnerable groups struggle for their human rights. In doing so the EU would take into account the concern for differentiated solutions to achieve justice while at the same time maintaining a rights-based approach.

Institutionalise mechanisms for citizen involvement in consultations

A cornerstone in the EU's rights-based approach to development is the conditioning of development partnerships on the respect for human rights, democratic principles and the rule of law. In the case where one of the parties does not comply with these elements a consultation procedure can be initiated with the aim of finding a solution to the situation violating the agreement.

The consultation procedure reinforces that the EU's primary choice of foreign policy measures is

⁶ <https://www.pambazuka.org/activism/statement-british-aid-cut-threats-african-countries-violate-lgbti-rights>

political dialogue and diplomacy. However, in the EU's partner states the consultation procedure has been perceived negatively as the outcome of the consultations has often resulted in aid suspensions. To make the consultation procedure more just and inclusive the EU should consider reforms.

A rights-based approach can be interpreted in line with a conception of justice that calls for strong human rights legislation at the global level because it emphasises individual autonomy and strengthens citizens access to justice in global affairs. Rights-based approaches seek to enhance rights-holders' ability to claim their rights and duty-bearers to fulfil their obligations. From this viewpoint, there are limits to the consultation procedure as it is formulated in the EU's development cooperation agreements.

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The main point of critique derived from this understanding of justice is that the consultation procedure follows an executive driven logic. Both the initiation of consultation and determining who is entitled to participate in these consultations is a decision reserved for the executive branches of the EU and ACP states. There are examples where a participatory approach has been tried. For instance, in article 96 consultations between the EU and Mauritania following a coup in 2005, civil society

actors were invited and took an active part.⁷ However, while there are examples of inclusive consultations, a multi-stakeholder approach is seldom carried out in practice.

To secure autonomy, individuals must be enabled to co-determine the laws they are subjected to. In democratic states this is ensured through representative institutions and an active civil society. However, in global affairs the executive institutions of states are in charge of inter-state consultations through diplomatic activities. To strengthen individuals' autonomy also at the global level and thereby the rights-based approach, the EU could propose to reform the consultations procedure. One suggestion would be to institutionalise a mechanism where civil society or individuals could request EU-ACP institutions to consider the initiation of the human rights clause. Alternatively, such a mechanism could open up to requests from parliaments in all EU and ACP states.

Conclusion

The EU has struggled to establish an equal partnership with its partners on the African continent. In addition, the EU is now faced with an international context where global norms and principles are contested from actors both within and outside the European and African continents. The challenge to establish an equal and more just partnership based on shared values and interests is made even more demanding by the tension between the ownership principle's call for a differentiated approach and the principle of conditionality which call for impartial solutions.

⁷Garcia Perez, M. (2007) 'Human Rights in EU Development Cooperation: A Practitioner's Perspective', in M. Salomon, A. Tostensen, & W. Vandenhole (eds.), *Casting the Net Wider: Human Rights, Development and New Duty-Bearers*, Antwerp: Inersentia.

To respond to a new international context, Von der Leyen's commission has voiced an ambition to be geo-political. The Global Strategy states the EU should be guided by 'a realistic assessment of the current strategic environment'. Within this new international context, the EU has decided that: 'Development policy also needs to become more flexible and aligned with our strategic priorities'.⁸ While a development policy that emphasises mutual benefits may go some way towards reducing donor-recipient dynamics and accusations of neo-colonial intervention, the EU will struggle to create a real partnership for sustainable development by relying on such a strategy.

The recommendations provided in this brief will require the EU to move beyond their current focus on geo-politics. Rather, anchored in a concern for contributing to a more just global order, the EU should be guided by a continued focus on strengthening rights at the global level while at the same time increasing its efforts to support country-driven democratic ownership of development strategies, including multiple national and transnational stakeholders in partners states.

⁸ https://eeas.europa.eu/topics/eu-global-strategy_en

Further reading

- Hadfield, A. and Lightfoot, S. (2020) 'The Future of EU Development Policy Post-2020', [GLOBUS Research Paper 1/2020](#).
- Pallotti, A. (2018) 'The European Union and Africa: Depoliticised Development and the Elusive Quest for Democracy and Security', [GLOBUS Research Paper 13/2018](#).
- Saltnes, J.D. (2019) 'Global Justice and Aid Effectiveness: Reforms of the European Union's Foreign Policy', [GLOBUS Research Paper 3/2019](#).
- Saltnes, J.D. (2020) 'To Sanction or Not to Sanction: Normative Dilemmas in the Promotion of LGBTI Human Rights', [GLOBUS Research Paper 2/2020](#).
- Saltnes, J.D. (2020) 'A Break from the Past or Business as Usual? EU-ACP Relations at a Crossroad', [GLOBUS Research Paper 10/2020](#).

Policy recommendations

1. Strengthen inclusive political dialogue: Preserve focus on universal human rights through strengthened political dialogue with multiple stakeholders in partner countries.
2. Increase sensitivity and self-reflection and reduce the use of condemnation and restrictive measures: Support local human rights initiatives and reduce the use of public condemnation of human rights violations and (threats of) aid-cuts to partner countries.
3. Institutionalise mechanisms for citizen involvement in consultations: Increase efforts to ensure inclusive dialogue and set up mechanisms where civil society and citizens can issue complaints to EU-ACP joint institutions and request consultations between the parties.

Reconsidering European Contributions to Global Justice (GLOBUS) is a research project that critically examines the EU's contribution to global justice.

GLOBUS studies the contents and conduct of the EU's external policies with a focus on climate justice, migration, trade and development, peace and conflict resolution, gender and human rights.

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