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Purposefully Triggering Unintended Consequences: the European Commission and the Uncertain Future of the EU-ACP Partnership

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Abstract

The EU's proposal to renew the EU-ACP Agreement in spite of a number of signals pointing in the opposite direction is *inter alia* the unintended consequence of independent decisions taken in three different policy areas (trade, environment, and foreign and security affairs). The common unintended consequence that the three decisions shared would not have materialised if the European Commission had not purposefully triggered it to justify its vision on future EU-ACP relations. These findings challenge the prevailing and superficial usage of the notion of the unintended as a synonym for unanticipated and undesirable and demonstrate that unintended consequences do not necessarily presuppose lack of anticipation, but they may well be the result of calculation of policymakers.

Keywords: Unintended consequences; EU-ACP relations; Cotonou Agreement; Paris Agreement; Economic Partnership Agreements; EU Global Strategy

Between February 2014 and June 2016, the European Union (EU) took some important decisions which apparently seem unrelated: it concluded several free trade agreements, which guaranteed various countries in sub-Saharan Africa preferential access to European markets; it built an ambitious alliance between developing and developed states, which was instrumental for the signature of the Paris Agreement on climate change; it published the Global Strategy for the European Union Foreign Affairs and Security Policy (hereafter

EUGS), which presented the main lines of its external action. These decisions generated a common unintended consequence, which however would not have materialised if the European Commission (EC), most specifically its Directorate General for International Cooperation and Development, had not purposefully triggered it: they fed into the proposal made by the EC to renew the Cotonou Agreement, which has been governing relations between the EU and the African, Caribbean and Pacific (ACP) Group of states since June 2000 and is set to expire in February 2020. The EC proposal was contentious, not least because a number of actors and factors pointed in the opposite direction: dismantling the EU-ACP partnership and replacing it with separate arrangements agreed upon with the three ‘regions’ (Carbone 2013b).

In making this argument, this article builds on and contributes to two strands of the existing literature. The first relevant strand is concerned with the notion of unintended consequences, which has been widely used in sociology and economics (Merton 1936; Baert 1991; de Zwart 2015; Mica 2018) and increasingly in many other fields such as security (Daase and Friesendorf 2010), migration (Dickie *et al.* 2016), or development studies (Jabeen 2016; Koch and Schulpen 2018). With regard to EU studies, it has traditionally been associated to historical institutionalism (Pierson 1996; Dimitrakopoulos 2001), but more recently to economic governance (Nedergaard and Snaith 2015) and external relations (Burlyuk 2017). Though nuances in the various approaches exist, a consensus has emerged that sees unintended consequences as unanticipated, negative, and as producing effects only on the initiators or targets of the actions.

The second relevant strand of the literature focuses on EU-ACP relations.¹ In particular, existing contributions have largely concentrated on outcomes, concluding that the persistence of asymmetrical relations between the two parties has facilitated the promotion of EU interests (Farrell 2003; Hurt 2003; Montoute and Virk 2017). Less documented are processes and, specifically, the role played by the European Commission, the assumption being that it either promotes its bureaucratic interest or is simply an agent of the most powerful states (Forwood 2001; Holland 2002; Babarinde and Faber 2005).

This article investigates preference formation within the European Commission by drawing on primary sources (both published and unpublished documents), different types of secondary sources (including specialised press and reports), and over 20 interviews with senior policymakers closely involved in the policy process from the EU institutions, the permanent representations of the EU member states in Brussels, and the ACP Secretariat, conducted on several occasions between January 2016 and July 2017. In particular, looking at different critical junctures in the preparation of the proposal adopted by the EC on 12 December 2017, the second part of this article traces the impact of the different decisions taken in trade, environmental and foreign and security policies on the EU's position with respect to its future relations with ACP countries. To be sure, this article does not pretend to establish a straightforward causal link between unintended consequences and the EC proposal: after all, it is “easy to mistake the thrill of discovery for the thrill of explanation” (Elster 1990, 131). However, it does offer an analytical framework that makes it possible to appreciate the rationale used by the EC to launch and defend its proposal, unravelling some of the forces at play within the EU decision-making process that may potentially affect the EU-ACP negotiations that commenced in September 2018. The discussion of the analytical

¹ For a systematic review of the literature, see Carbone (2013b).

framework takes the first part of the article, which looks into different streams of the study of the unintended as well as some concepts, notably manifest and latent functions, that have been overlooked by existing scholarship. The third and concluding part reviews the main findings and highlights how this article adds to existing debates.

Rethinking unintended consequences

The notion of unintended consequences, generally, refers to “a particular effect of purposive action which is different from what was wanted at the moment of carrying out the act” (Baert 1991, 201). It has however suffered from conceptual ambiguity, in large part owing to the fact that it is linked to three diverse analytical traditions: the first, drawing on functionalist sociology, points to failures to anticipate outcomes which may result in unintended consequences that are different from initial plans or even contrary to them; the second, drawing on the spontaneous order literature, suggests that individual acts of self-interest can generate benign aggregate outcomes that were neither intended nor foreseen; the third, associated to analyses of externalities/side effects, explores the impact of actions on third parties which were not originally accounted for, but which eventually become integral to the situation (de Zwart 2015; Mica 2017). These three different streams often get conflated, yet it is possible to use them without creating conceptual confusion – and this is indeed what this article seeks to do.

The starting point is the conduct of policymakers who engage in purposive social action, which entails making a choice between several alternatives (Daase and Friesendorf 2010). In making choices, policymakers may face limitations that can be due to errors and ignorance, preventing them from fully considering the consequences of their actions, or may result from

an excessive focus on short-term interests or values, leading them to ignore possible long-term consequences and the broader effects of their actions (Merton 1936).

Yet, unintended consequences may also be linked to conscious choices. Policymakers may well be aware of the potential side-effects of their decisions, but for various reasons opt to pursue a certain course of action: because they think that the negative effect of the unintended consequence is not very probable; because they wish to pursue the lesser of two evils, thinking that not acting would be worse; or because they choose to gamble, hoping that no unwanted effects will actually materialise and that things will not turn out to be that bad (de Zwart, 2015). Importantly then, unintended does not necessarily equate with unanticipated; furthermore, in some cases, actions may result in paradoxical consequences, which are not only different from but even contradict what was originally planned – and again in an attempt not to create conceptual confusion, these distinctions will be retained in this article.

Clearly, not all consequences can be anticipated. Reality is so complex that some effects occur regardless of the decision-makers' efforts at anticipating: unintended consequences are a natural by-product of the complex system in which an action is taken. Actions, thus, are sub-systems of a larger system involving human beings and operating in socially, economically and politically dynamic contexts, where they interact with other sub-systems as well as with the system at large (Jabeen 2016). Interestingly, recent contributions from new economic sociology have combined unintended and unanticipated into unexpected consequences, with complexity and uncertainty given as the main source of failed anticipation or impossibility of prediction: this, simply put, means that some unintended consequences may or may not occur (Portes 2010; Mica 2017).

Another aspect to consider is the value attached to the effect, which undoubtedly is in the eye of the beholder. Unintended consequences can be desirable, undesirable or neutral, though

most of the attention tends to concentrate on the undesirable. Furthermore, the effects of an action are felt not only by the initiators or the targets of the action itself, but may have spill-over effects on third parties or on the system as a whole (Baert 1991). Unintended consequences, thus, “tend to be spatially and temporally asymmetric”: it is unlikely that policy initiators and other actors feel unintended consequences in the same way and at the same time (Daase and Friesendorf 2010, 9).

The “resurrection of Merton” (Nedergaard and Snaith 2015) would not be complete without reviving the concepts of manifest and latent functions (Merton 1957). Importantly, in spite of the general enthusiasm and outspoken appreciation in the literature for these concepts, they have been applied only sporadically (Mica 2018). Leaving aside the definition and implications of the notion of function, Merton attributes at least four different meanings to the conceptual pair of manifest-latent functions, two of which are relevant for the purpose of this article: 1) manifest functions are objective consequences that contribute to the adjustment or adaptation of the system and are intended and recognised by the participants in the system, whereas latent functions are neither intended nor foreseen; 2) manifest functions are equated with expressed purposes and latent with non-expressed ones (Campbell 1982). It seems evident that, since Merton’s vision of the unintended is ambiguous as concerns intended and expressed, this ambiguity has infected the notion of latent function (Helm 1971). An adapted, and simpler, understanding of the latent is used in this article, referring to it as something that is present but needs particular conditions to become active, or be triggered.

Finally, a new path has slowly emerged in the study of the unintended, exploring the opportunities that the unintended may open rather than the risks that it may generate. From this perspective, “unintended consequences are not to be considered only in relation to lack of

foresight, overwhelming uncertainty and complexity, but also as a realm of possibility, a window of opportunity” (Mica 2018, 3). Nevertheless, the focus seems to remain on the actors that initiate the action, though no longer treated as unprepared or naive, but as skilled in reacting to unexpected consequences. It may well be possible, in fact, that third parties purposefully use unintended consequences of actions they have not started to promote their specific goals. This is indeed what is going to be investigated in the empirical section that follows, where the European Commission’s proposal to renew the EU-ACP Agreement will be seen as the result of the purposeful aggregation of decisions and events which were not or were only loosely linked (de Zwart 2015).

Towards a new EU-ACP Agreement after 2020

When it was signed in June 2000, the Cotonou Agreement was seen as the final move towards the normalisation of relations between the EU and the ACP Group. Its adoption, however, largely reflected the preferences of the European Union, which by blending ideas of consent (for example, dialogue, partnership, ownership) and coercion (for example, trade liberalisation and aid conditionality), managed to impose its material and normative interests on its counterparts (Farrell 2003; Hurt 2003). The ACP Group, because of its dependence on European aid and markets and its lack of the kind of strong institutional structures needed to effectively negotiate, had no choice but to accept what was on offer (Forwood 2001). A more general analysis of the evolution of EU-ACP relations reveals that policy outcomes are often the result of the convergence of the preferences of a few EU member states, with either France or the United Kingdom, or both, always playing a leading role. Still, the role of the European Commission should not be overlooked, as on various occasions it has appeared to

promote continuity more than change (Holland 2002; Babarinde and Faber 2005; Carbone 2013b).

This asymmetrical context – emerging also from the increased politicisation of aid allocations, the rise of security and migration as new areas of cooperation, and the controversial operationalisation of the new trade regime – matches the patchy progress in human development and economic growth achieved within the ACP Group. Another relevant issue to highlight is the fact that the EU-ACP partnership has not generated joint positions influencing global decision-making processes and international fora, with the notable exception of the negotiations of the Paris Agreement on climate change as shown below (Bossuyt *et al.* 2016; Montoute and Virk 2017). The adoption of joint regional strategies (with Africa in 2007 and the Caribbean in 2012), the decision to launch the Economic Partnership Agreements (EPAs) at sub-regional level, and the establishment of ad hoc cross-country processes, most notably on migration, together with the declining commitment of some ACP champions within the group of ‘old’ EU member states and the scepticism within the group of ‘new’ ones, have further challenged the relevance of the EU-ACP cooperation framework (Carbone 2013a; Carbone 2013b).

Nevertheless, in December 2017 the European Commission issued a proposal for a new, legally binding EU-ACP Agreement, consisting of two interlinked components: a general part applicable to all ACP countries, listing overarching objectives and principles, strategic priorities, institutional provisions, means of implementation, and with a new focus on international cooperation; and three separate regional compacts, with objectives and priorities tailored to countries in the three continents, aimed at replacing the existing regional strategies (EC 2017a). This initiative was preceded by an intense preparatory process. First, a consultation paper launched in October 2015 presented as many as 40 questions with a view

to identifying new ways in which the future EU-ACP partnership could promote common interests and address common challenges (EC and HR 2015).² Second, a communication adopted in November 2016, largely based on the findings of an internal impact assessment (EC and HR 2016b), proposed the building blocks for a revised partnership with ACP countries. The view was that the Cotonou Agreement provided a good starting point for future relations, hence the general part of the agreement, but decision-making and implementation of the strategic priorities required a significant shift towards the regions, hence the three regional compacts (EC and HR 2016a).

One of the novelties was the attempt to move away from previous donor-recipient dynamics, and to enable the EU – as well as the ACP Group – to advance its strategic interests best in a number of areas beyond development. Considering the fact that “consistency with existing policy provisions” has become an obligation for any initiative taken by the European Commission (EC and HR 2016a), it can safely be assumed (and empirical evidence has confirmed it) that decisions in policy areas other than development would affect the EU’s vision when planning its future agreement with ACP countries.

The remainder of this section, thus, focuses on three policy areas, which are arguably not only crucial in the EU’s external action, but also served as the basis for the objectives and strategic priorities identified in the EC proposal. It should be noted that the decisions taken in these policy areas do not constitute case studies in the traditional sense but are used for illustrative purposes (Burlyuk 2017). Moreover, this study takes a practical approach in relation to the fuzziness of the notion of intention: it uses stated goals and official sources as yardsticks, realising also that those taking an action may have mixed motives, thus making it difficult to disentangle intended from unintended consequences (Daase and Friesendorf

² In parallel, an internal evaluation of the first 15 years of the Cotonou Agreement was also conducted.

2010). Nevertheless, by the end of the next three sections, it will have become clear that, in order to understand the rationale behind the EC proposal, particularly the hybrid format, it is necessary to take into consideration the unintended consequence(s) generated by decisions taken in these policy areas.

Trade policy and the Economic Partnership Agreements

The Economic Partnership Agreements are free trade agreements which were supposed to be negotiated and agreed upon from 2002 to 2007 between the EU and six ACP ‘regions’: four in Africa, one in the Caribbean and one in the Pacific.³ When the December 2007 deadline was reached, only the EPA with the Caribbean had been completed, while negotiations with other regions continued at a very slow pace, tensions between the parties escalated and five countries in East Africa formed a new ‘region’. In late 2011, the EU announced that those ACP countries that had failed to sign an EPA by October 2014 would either fall under one of the EU’s less preferential trade arrangements or not benefit from any EU preferential treatment at all. This ‘threat’ spurred an acceleration in the negotiations and various EPAs were concluded in 2014 (Carbone and Orbie 2014). By December 2017, full EPAs had been signed with two regions (South African Development Community and the Caribbean) and agreed upon, although not signed, with two other regions (West Africa and East Africa), whereas negotiations with the three remaining regions were stalled (Central Africa, Eastern and Southern Africa, and the Pacific). Note that, owing to delays in concluding the

³ In one of the few studies of unintended consequences in the area of EU external relations, Stevens (2006) claimed that the European Union’s aggressive stance in the EPA negotiations antagonised ACP countries and regions and undermined the promotion of regional integration as well as other crucial political, environmental and social norms.

negotiations, some countries (Cameroon, Côte d'Ivoire, Fiji, Ghana, Papua New Guinea) decided to sign EPAs outside of their respective regions.

One of the most contentious issues pertained to the clause indicating that, in line with exactly the same provisions in the Cotonou Agreement, respect for human rights, democratic principles and rule of law constitutes an 'essential element' of the EPAs, whose violation could lead to 'appropriate measures', including the possibility of suspending them (Matarutse and Chipaike 2017; Hulse 2018). Empirical evidence suggests that in the attempt to sign an agreement before the October 2014 deadline, the attention of the parties focused mostly on economic growth and development cooperation clauses (e.g. product coverage, liberalisation schedule), and the "EU negotiators may not have pushed as much as expected by some to include more specific provisions on sustainability and human rights as key conditions to conclude an agreement, probably being satisfied with references to the Cotonou Agreement, and adding clauses wherever possible" (Bilal and Ramdoo 2017, 30; also Interviews with EU senior officials, January-July 2016). The result of this conduct, certainly affected by the different degrees of actorness and agency of different ACP regions, is significant variation in the provisions concerning these political norms: in some cases, references to essential elements and appropriate measures are explicit (Caribbean, Pacific, South African Development Community), whereas in others they are either implicit (East Africa, Eastern and Southern Africa) or ambiguous (Central Africa, Côte d'Ivoire and Ghana).

The link between the EPAs and any future EU-ACP Agreement became part of the preparation of the EU negotiating mandate. Since the EPAs are self-standing agreements, their existence was not at risk. What was at stake, instead, was the fate of those essential elements and appropriate measures in the EPAs that did not make explicit reference to them. Some have argued that the reference to the essential elements would cease to have an effect

once the Cotonou Agreement expires, hence its renewal was deemed necessary to guarantee the link. Others have claimed that since all EPAs refer to all obligations contained in the Cotonou Agreement, the actual will of the parties when the EPAs were agreed upon would prevail and the specific commitments to the essential elements would remain legally valid even in the absence of a post-Cotonou Agreement. Yet others have maintained that, to avoid any legal uncertainty and risk of possible future legal disputes between the parties, the only solution would be to reopen negotiations and insert a specific clause into the deficient EPAs. Very important, however, is the fact that the European Court of Justice had already established that the EU should ensure that all its agreements with third countries must not under any circumstance overlook any scenarios leading to potential violations of human rights and that procedural mechanisms must be put in place to prevent any risk in this regard (Interviews with EU senior officials, January-July 2016 ; see also Bartels 2017; Bilal and Ramdoo 2017; Keijzer and Bartels 2017).

These concerns can be traced in the various phases of the post-Cotonou process. A first hint can be found in the 2015 consultation paper, which affirmed that the Cotonou Agreement, including its general objectives and essential elements, constituted the framework agreement for all EPAs (EC and HR 2015, 7). This approach was reiterated in the 2016 communication, which indicated that one of the advantages of the EC proposal was that, by placing the references to the EPAs in the general part of the agreement, it assured a link between the essential elements and the various EPAs (EC and HR 2016a, 26). Interestingly, the impact assessment attached to the communication concluded that not renewing or not agreeing on a successor to the Cotonou Agreement would likely result in a revision of the EPAs (EC and HR 2016b). The idea of reopening negotiations, particularly within EU trade circles, was to be avoided for various reasons: first of all, after the Brexit referendum many ACP countries no longer found the terms of trade with the EU acceptable, and secondly, re-discussing

human rights and democratic principles with various African countries would likely lead to a new impasse in the negotiations (Interviews with EU senior officials, January-July 2016). The negotiating mandate adopted in December 2017 reassured many within the EU, especially within DG Trade, that the general part of the proposed EU-ACP Agreement would include a clause stating that respect for human rights, democratic principles and the rule of law constitutes an essential element of all EPAs (EC 2017b).

In sum, the renewal of the EU-ACP Agreement was not only an anticipated but also a desirable outcome for EU trade policymakers, with the proviso that any EPA-related issues would be dealt with in the general part of the proposed agreement and not in the regional compacts (Interviews with EU senior officials, January-July 2016).⁴

Environmental policy and the Paris Agreement on climate change

The Paris Agreement on climate change, signed by 196 countries in December 2015, is a milestone in global environmental politics and policy. The final compromise contains some ambitious goals and various obligations for all countries, regardless of their economic status: keep global warming well below 2.0° C above pre-industrial levels and pursue efforts to limit temperature increases to 1.5° C; limit the amount of greenhouse gases emitted by human activity to the same levels that trees, soil and oceans can absorb naturally; review each country's contribution to cutting emissions every five years; transfer resources from industrialised countries to developing countries to adapt to climate change; promote renewable energy (Oberthür and Groen 2017; Parker *et al.* 2017).

⁴ Along similar lines, Kejzer and Bartels (2017, 3) argue that the “provisions in EPAs that feature cross-references to the Cotonou Agreement have had the unintended effect of contributing to a felt need to continue the existing EU and all-ACP partnership”.

The European Union played a crucial role in the preparatory stages. An important reason for the EU's diplomatic success was coalition-building, with the Commissioner for Climate Action, Miguel Arias Cañete, conducting numerous outreach activities in order to build an alliance of developed and developing countries. A fundamental role throughout the process was played by the group of Small Islands Developing States (SIDS) and its leader Tony De Brum, then Foreign Minister of the Marshall Islands, an ACP country. It was however the formalisation of a “high ambition coalition”,⁵ initially with the ACP Group and then extended to the USA and other big players such as Brazil, Canada, and Mexico that modified the balance of power and represented a “game-changer”, to use Cañete's own words (Sohn 2015; Oberthür and Groen 2018; Interviews with EU, MS and ACP senior officials, January-July 2016). In fact, it put significant pressure on “major emitting countries for a far-reaching deal – with concrete goals and a robust and dynamic review process”, particularly China and India, weakening their role within the G-77 and their attempt to water down the transparency and reporting elements of the Paris Agreement (Parker *et al.* 2017, 249).

The success of the EU-ACP alliance in Paris had a remarkable impact on the EU's vision for its future relations with the ACP Group, as clearly emerges from the process leading up to the adoption of the EU negotiating mandate. The consultation paper released in October 2015, two months before the final stages of the negotiation in Paris, contained only a vague reference to the fact that the EU and the ACP Group had a similar approach in the area of climate change (EC and HR 2015, 4). It did not mention any need to intensify cooperation in international settings, partly reflecting the fact that the EU-ACP partnership had not been designed to address global challenges.

⁵ The first to use this expression was the chief negotiator of the United States, Todd Stern, at a press briefing on 7 December 2015: “There is a large coalition for high ambition. I referred to it as a high-ambition coalition”.

A change of direction was registered with the 2016 communication, which used the success of the high ambition coalition in Paris to recommend that “Cooperation in the international arena should be an area where a new partnership can provide a substantial added value” (EC and HRa 2016, 13). Interestingly, the group of SIDS was singled out for potential outreach beyond ACP countries only in relation to its crucial role in climate change negotiations (EC and HRa 2016, 26). The negotiating mandate adopted in December 2017 elevated international cooperation to one of the three overall objectives of the proposed EU-ACP Agreement and created a separate part on international cooperation to mark the importance of this new aspect in EU-ACP relations. Specifically, it stated that one of the objectives would be to identify concrete themes and set up mechanisms aimed at building effective alliances in the international arena in order to drive global action forward, reform the system of global governance, and coordinate voting in international fora (EC 2017b, 13).

The renewal of the EU-ACP Agreement was not necessarily intended or expected by EU environmental policymakers: it was a possibility, which depended on a number of other factors. It became a desirable outcome, as it was seen as institutionalising and facilitating coordination to address various other global environmental issues beyond climate change, for instance ocean governance or biodiversity conservation (Interviews with EU officials, January-July 2017). It was also a desirable outcome for the ACP Group, which had on various occasions manifested the ambition of becoming a global player (Interviews with ACP senior officials, January-July 2016; see also Carbone 2018).

Foreign and security policy and the EU Global Strategy

The Global Strategy for the European Union Foreign Affairs and Security Policy, drafted under the leadership of the EU High Representative Federica Mogherini, was presented to

and endorsed by the European Council in June 2016. It replaced the 2003 European Security Strategy, in some respects marking a significant departure from it (Smith 2017). It was the first strategic document to list a series of concrete interests for the EU and its member states, with a view to upholding, above all, the security and prosperity of Europeans. While being presented as global both geographically and functionally, the overwhelming emphasis was on “surrounding regions” with “engagement further afield” being only “targeted” (Biscop 2016).

The EUGS certainly affected the post-Cotonou process.⁶ In particular, the EU negotiating mandate was much bolder about the promotion of EU interests than any other previous document on EU-ACP relations: it introduced the notion of an integrated approach to conflicts and crises and that of resilient states and societies; and it drew on the emphasis on a rules-based global order set down in formal agreements to propose a legally binding agreement instead of a political declaration supported by many European countries (EC 2017b). There are however some aspects in which the EUGS and the EU negotiating mandate for the post-Cotonou differ, two of which are relevant for the purpose of this article.

The first aspect is the balance between norms and interests proposed by the EUGS, captured by the notion of “principled pragmatism” (EU 2016). Of course, the EU would keep on promoting human rights and democratic principles, yet the tone was much more realistic than in the past: previous bold approaches on the promotion of norms were replaced by an emphasis on building the resilience of states and societies through the fight against poverty and inequality, hoping that over time positive change would emerge (Tocci 2017). Some observers noted however that, paradoxically, resilience could mean supporting autocratic regimes rather than promoting the EU’s liberal values that could undermine such regimes

⁶ It should be noted that the European External Action Service (EEAS) was in the co-lead with DG DevCo, which however remained chef de file.

(Biscop 2016; Wagner and Anholt 2016). This allegedly lowered ambition in terms of political norms was at odds with the legacy of the EU-ACP partnership and the positions expressed by several EU member states and the European Parliament, particularly in relation to Africa (Interviews with MS senior officials, January-July 2017).

It is therefore not surprising that this aspect of the EUGS was not taken on board in the mandate for a new agreement with ACP countries. In this regard, the 2015 consultation paper highlighted progress achieved in this area, yet it also noted that many challenges remained and therefore any lowered ambition could not be warranted (EC and HR 2015, 4). The 2016 communication and the 2017 negotiating mandate went further, positing a direct link between the political dimension of the partnership and the achievement of sustainable development (EC and HR 2016, p. 8; EC 2017b). The preservation of the long-standing commitment to human rights and democratic principles, in fact, became one of the main reasons not only for the renewal of the EU-ACP Agreement, but also for proposing a hybrid format, with the commitment to shared values included in the general part of the agreement to avoid any reopening of discussions on issues potentially sensitive for various African countries (Interview with EU senior officials, January-July 2017).

The second aspect concerns the promotion of regional integration and, with it, the EU's role in and for Africa. With its rather critical stance, the EUGS acknowledged that different types of regional regimes capture regional dynamics much better than the EU can and, in fact, attempts to export the EU model of regional integration should no longer be a priority (Tocci 2017). The African Union was not indicated as a strategic partner, but as one of the various regional organisations with which the EU would have to cooperate. True, lip service was paid to Africa's development, with progress in peace and development seen as crucial to addressing Europe's concerns over its own security and prosperity. Yet, there was no

acknowledgement of the attempt to promote the ‘one-Africa approach’ that had intensified with the adoption of the Joint Africa-EU Strategy in 2007 (Carbone 2013a).

These issues became central and contentious in the post-Cotonou process (Interviews with EU senior officials, January-July 2016 and January-July 2017). The 2015 consultation paper identified some problems in relation to coherence of the geographical scope as Africa was covered by at least three different arrangements (EC and HR 2015, 10). Among the advantages of the EC proposal, the 2016 communication indicated the possibility of agreeing on priorities targeting regional specificities and ensuring “coherence with respect to the pan-African dimension” through the potential involvement of countries in North Africa (EC and HR 2016, 26). The 2017 negotiating mandate explicitly affirmed that the centre of gravity of the proposed agreement would be on the regional compacts, which in the case of Africa entailed upgrading and replacing the 2007 Joint Africa-EU Strategy, with the aim of finally achieving a one-Africa policy. Moreover, it stated that the African Union would be assigned a prominent role in managing the regional compact (EC 2017b).

The EUGS did not specifically mention, or give any indication on EU-ACP relations so as not to pre-empt the consultation process and the impact assessment that were being conducted in the first semester of 2016 (Interviews with EU senior officials, January-July 2016). It was however clear that renewal of the EU-ACP partnership was not considered a desirable outcome within EU foreign policy circles.⁷ Strangely enough, the approach proposed by the EUGS on political norms and regional integration generated a paradoxical consequence: it became accepted that any future agreement with ACP countries, whatever form it would take, would have to preserve the EU’s commitment on human rights and

⁷ It is worth remembering that the EEAS is organised around geographical divisions with ACP countries split into three different directorates.

democratic principles (Interviews with EU senior officials, January-July 2016 and January-July 2017). Therefore, the solution was to foresee a general part of the agreement applicable to all ACP countries, while introducing cosmetic changes to the sections of the Cotonou Agreement on norms and values. Moreover, considering the ambiguous approach to African integration taken by the EUGS, a proposal that could “reunite Africa” had to be put forward and sent out, “especially to African partners used to the EU’s rhetoric of treating Africa as one” (Laferrère and Helly 2016). The solution, therefore, was to have a separate compact on the EU-Africa partnership set within a renewed EU-ACP Agreement, with the African Union more actively involved than in the past (EC 2017).

Conclusion

This article has shed light on the European Commission’s proposal recommending renewal of the EU-ACP Agreement along two interlinked dimensions: a general part applicable to all ACP countries and three distinct compacts for countries in Africa, the Caribbean and the Pacific. Preservation of the EU-ACP cooperation model, albeit through a hybrid format, was controversial because of its patchy record in terms of human development and economic growth, the opposition of various EU member states, and the existence of allegedly more legitimate and effective frameworks for engaging with ACP countries and addressing global challenges (Carbone 2013b).

By drawing on the notion of unintended consequences, this article has gone to the roots of the EC proposal, highlighting the effect of decisions taken in diverse policy areas – most notably trade, environment and foreign and security policy – outside of the one in which EU-ACP relations have traditionally been dealt with, that is development policy. Of course, this article does not suggest that there is a causal link between unintended consequences and the EC

proposal, yet it argues that the EC proposal has been shaped, *inter alia*, by: the necessity to provide a general framework for the Economic Partnership Agreements agreed upon in 2014 so as to prevent their renegotiation; the attempt to capitalise on the successful EU-ACP cooperation in the context of the 2015 Paris Agreement on climate change; and the need to uphold political norms and persevere in the promotion of the one-Africa approach as a response to the ambiguous statements contained in 2016 EU Global Strategy.

These findings provide fertile grounds for future research on the process leading up to the adoption of the successor to the Cotonou Agreement. They also add to those studies that emphasise the European Commission's role as a policy entrepreneur or political opportunist (Carbone 2007). In fact, the recommendation of the European Commission was endorsed by the EU Council following tense and lengthy, six-month long negotiations, with the EU negotiating mandate finally adopted on 22 June 2018 (Interviews with MS senior officials, January-July 2017).

The focus on unintended consequences, particularly in relation to the examples from trade and environmental policies, makes it possible to appreciate the forces that could affect negotiations between the EU and ACP countries and the margin of manoeuvre the European Commission has when it engages with its counterparts. In fact, it can be expected that some pressure would come from EU trade and environmental circles in support of a solid general part of the new EU-ACP Agreement: the former would push for the inclusion of some provisions on the EPAs (specifically on the essential elements) to be applied uniformly across all regions, the latter for the addition of specific mechanisms to promote international cooperation at a time in which multilateralism is being questioned on various fronts. By contrast, it would be likely that the EEAS would wish to place emphasis on strengthening the

regional compacts, ensuring that the centre of gravity of the new EU-ACP Agreement effectively moves towards the three regions.

This article also contributes to the study of the unintended (Merton 1936), by challenging the prevailing and superficial usage of unintended consequences as synonym for unanticipated and undesirable ones (Baert 1991; de Zwart 2015; Burluyuk 2017) and by more appropriately using the notions of paradoxical consequences and unexpected consequences to highlight the perverse effects of actions and the role of uncertainty (Portes 2010; Jabeen 2016). In this regard, it has shown that unintended consequences do not necessarily presuppose lack of anticipation and are not always unexpected, but they may well be the result of calculation by policymakers. More importantly, it has demonstrated that unintended consequences travel beyond the policy domains in which decisions are taken – from trade, environmental and foreign and security policies to development policy – and that an unintended consequence may simultaneously be both desirable and undesirable, depending on the perspective taken.

Specifically, the example on trade policy shows that, faced with an imminent deadline and strong resistance from African countries, EU negotiators made a conscious decision: by accepting to sign trade agreements that provided only a loose link between EPAs and essential elements, they hoped that a solution to the ensuing legal uncertainty would eventually be found. Thus, seen from the perspective of EU trade circles, the proposal for a new EU-ACP Agreement was more than a desirable outcome, in fact a necessity.

The proposal for a new EU-ACP Agreement with a specific part on international cooperation was also a desirable outcome from the EU environmental policy perspective. When the EU formed the high ambition coalition with the ACP Group in December 2015, its main concern was to conclude the Paris Agreement on climate change to address the lethal effects of environmental degradation. The EC proposal to renew the EU-ACP Agreement was an

unexpected consequence for environmental policymakers, considering the degree of uncertainty regarding the fate of the Cotonou Agreement in 2015; more important, however, was the inclusion of a strong commitment to and specific mechanisms for building global alliances, with a view to enhancing the EU's diplomatic clout in international settings.

The proposal for a successor to the Cotonou Agreement, from the perspective of foreign and security policymakers, can be seen as a paradoxical consequence of the EU Global Strategy, which marked the transition from a decade in which the EU had projected itself as a normative power into a new era in which interests and norms could be simultaneously promoted on a more focused scale. The allegedly lowered ambitions in the promotion of political norms, on the one hand, and the ambiguous references to African integration and the African Union, on the other hand, contributed to the formulation of the EC proposal for a bifurcated EU-ACP agreement, with a general part in which to reiterate the commitment to political norms and three compacts in which to reaffirm the EU's support for continental integration in Africa with the African Union as the key interlocutor.

Finally, this study has pointed towards a new direction in the study of the unintended. There is increasing interest in how organisations and actors deal with and manage the unintended and the extent to which unintended consequences can be taken as an opportunity to affect change (Mica 2018). Added to this is the view that, if Merton is to be resurrected, then it is also time to revive and refine the concepts of manifest and latent functions (Helm 1971; Campbell 1982). A meticulous analysis of the post-Cotonou process has suggested that the non-expressed consequences of the three decisions pertaining to trade, environmental and foreign and security policies did not materialise until they were triggered by a third party acting in a purposeful fashion: in other words, their consequences in relation to the EU-ACP Agreement were latent which, as indicated earlier, refers to a quality existing but not yet

developed or manifest. The proposal of the European Commission, with the Directorate General for International Cooperation and Development in the lead, can therefore be seen as the effect of aggregation of decisions and events which were not necessarily linked ex-ante, but were, with some organisation and design, ex-post (de Zwart 2015). This ultimately means that this article should be read using bifocal lenses: from afar, it may look like another story of political opportunism or policy entrepreneurship; close up, it points to the latent consequences beneath officially announced goals.

Notes on Contributor

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