



The quest for partnership: Challenges for the EU's rights-based approach to development

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. However, establishing equal partnerships with the global South has proven difficult to achieve. Critics hold that EU-Africa relations are unjust: The Union has been accused of operating with a lack of mutual respect towards its partner countries on the African continent. In this policy brief, I show 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. I further suggest some ways in which the EU can mitigate this tension and uphold a rights-based development policy while at the same time be a more respectful partner.

Key points

- Despite the ambition of being a real and equal partner, the EU's partnership policy suffers from a tension between respecting partner ownership of their development trajectory and the goal of wielding a rights-based development policy.
- To mitigate this tension the EU can strengthen inclusive political dialogue with its partners and increase sensitivity and self-reflection to avoid being perceived as paternalistic.
- Without involving a broader set of stakeholders in consultations on human rights violations, the EU risks overlooking local knowledge and context-sensitive information that is key to preserving minorities' and vulnerable groups' human rights.

Johanne Døhlie Saltnes
University of Oslo

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, Ursula 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’. However, establishing a real and equal partnership with Africa has proven to be difficult. This policy brief discusses why the EU has struggled to achieve an equal partnership with its neighbours in the African continent and how the EU can improve its partnership policy.

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Critics of the EU hold that the way it operates reflects a fundamental lack of justice and mutual respect towards its partner countries on the African continent. 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. High-visibility promotion of LGBTI human rights, the International

Criminal Court and abolishment of the death penalty have also spurred critiques of unnecessary and unethical intervention in internal affairs.

In the book [‘The European Union and Global Development: A rights-based development policy?’](#), I have, among other things, looked more closely at one tension that contributes to dilute the EU’s partnership policy. That is the tension between the goal of supporting and enhancing country-owned development and the goal of conducting a human rights-based approach to development.

A country-owned or human rights-based policy?

A central component of the EU’s strategy for establishing a partnership with Africa has been to reduce donor-driven initiatives and enhance country-led development. In EU-internal negotiations, proponents of securing recipient ownership over donor-driven coordination have managed to get support for their view, which is reflected in the EU’s development policy documents. One example is the [EU’s code of conduct on complementarity and division of Labour in Development policy](#), which

highlighted that ‘EU initiatives on a better division of labour will aim at reinforcing the objective of strengthening the partner country ownership and capacities to take over responsibility for donor coordination processes’.

The principle of 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. Yet, ownership may also become limited to the views of partner country governments and thereby fall short of including the viewpoints of vulnerable citizens. In countries with authoritarian traits, government ownership may lead to minority and vulnerable groups having their rights violated.

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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 follows universal and law-based approach to problem-solving prescribing standardised solutions that in principle could be accepted by all parties. However, in practice such solutions may be considered inadequate due to context-specific circumstances. One such standardised solution is the suspension of aid. In practice, aid suspensions reduce predictability of funding and may thereby contribute to dilute policy ownership. A common critique of the Cotonou-agreement, by ACP officials, 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 to prevent situations where conditionality suspensions are deemed necessary.

Then, on the one hand, the ownership principle calls upon the EU to respect its partners’ viewpoints and policies as well as operate with flexibility

to differentiate policy responses in line with the strategies and priorities of partner countries. On the other, the EU’s conditionality policy relies on the need to use standardised solutions to ensure coherency and moral equality, i.e. 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

In the context of the contestation of global norms both within and outside the Union’s borders, the EU is advised to continue its efforts to 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 governments and multiple stakeholders in partner countries.

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'. However, does the EU live up to this in practice?

On the one hand, I detect some developments that have enabled citizen participation and transparency of EU policymaking. For instance, prior to the negotiations of the post-Cotonou agreement, both the ACP and the EU made their negotiation mandates available to the public and a public consultation procedure was conducted in the process of preparing the EU's mandate. These developments increase transparency and show that the partners are willing to collect stakeholders' viewpoints. On the other hand, these developments do not amount to a true multi-stakeholder logic. The negotiations of the newly concluded post-Cotonou partnership for instance, were 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

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 that could lead to a strengthened voice for marginalised groups.

One example, discussed in my book, 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.

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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.

Institutionalise and support inclusion of civil society

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

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, in partner countries.

A common critique of the EU's rights-based approach is the Union's lack for mutual respect towards its

partners. Instead of 'talking with', the EU is perceived as 'talking at' its partners. In order to remain a credible partner, the EU should act as a more humble and self-reflective partner that is willing to recognise its internal struggles for justice, democracy and human rights and listen to its partners. To avoid being perceived as paternalistic, the EU could reduce the use of ready-made solutions to crisis and instead use political dialogue with stakeholders to identify where they could provide meaningful support to the ideas and proposals for reforms that emerges from partner country actors.

“ The EU should 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.

An example is the EU's use of aid-suspensions. The combination of public condemnation of human rights violations and 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. While peer pressure and aid-cuts have been effective in some instances, it has also proven to be ineffective and damaging in others.

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 while at the same time maintaining a rights-based approach.

Institutionalise mechanisms for citizen involvement in consultations

The EU's human rights clause involves a consultation procedure, something which attest to the EU's preference for political dialogue and diplomacy. However, in view of the EU's partners, the human rights clause is perceived as problematic, since

it often results in aid suspensions. To make the consultation procedure more inclusive the EU could consider reforms.

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. However, while there are examples of inclusive consultations, a multi-stakeholder approach is seldom carried out in practice.

To strengthen individuals' autonomy also at the global level and thereby the rights-based approach, the EU should 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. The challenge to achieve a partnership based on shared values and interests is made even more demanding by the tension in the EU's policy between the ownership principle's call for differentiated solutions and country-led strategies and the principle of conditionality's call for impartial solutions.

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](#)'. 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, 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 partner states.

Further readings

This policy brief is based on Johanne's book '[The European Union and Global Development: A rights-based development policy?](#)' (Routledge 2021).

Saltnes, Johanne Døhlie and Sebastian Steingass (2021) Fit for creating partnerships of equals with the global south? Tensions in the EU's development policy post-2020. *Global Affairs* (forthcoming)

Del Biondo, Karen (2020) Moving beyond a donor-recipient relationship? Assessing the principle of partnership in the joint Africa-EU strategy. *Journal of Contemporary African Studies* 38(2): 310-329. DOI: [10.1080/02589001.2018.1541503](https://doi.org/10.1080/02589001.2018.1541503)

Saltnes, Johanne Døhlie and Markus Thiel (2021) The politicization of LGBTI human rights norms in the EU-Uganda Development Partnership. *Journal of Common Market Studies* 59(1): 108-125. DOI: [10.1111/jcms.13141](https://doi.org/10.1111/jcms.13141)



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