

Africa–EU relations and natural resource governance: understanding African agency in historical and contemporary perspective

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Introduction

Resource extraction in Africa has long been characterised by unequal and exploitative power relations. While this has not gone uncontested, how it has been contested, and with what success, has varied considerably over time. Contemporary boundaries about the kind of contestations attempted and deemed possible are shaped by analogous efforts in the past. In this article, we examine historical and contemporary cases of African agency in natural resource governance to explore how this agency has changed. In doing so, we challenge perspectives that emphasise African agency while neglecting structural constraints, and challenge arguments that depict African societies as inert victims of powerful forces they cannot contest, both of which are persistent features in the literature (Brown 2012; Brown and Harman 2013).

We concentrate on relations between Africa and the European Union (EU), which remains the largest trading partner of sub-Saharan Africa (Kotsopoulos and Mattheis 2018, 448). Although many powerful external actors are involved in resource extraction in African states, this article focuses on the EU for two reasons. The first is that the EU has long been a ‘pivotal actor in the shaping of Africa’s trade regimes with the rest of the world’ (Orbie 2007, 299), and so the outcome of negotiations between the EU and African states has strongly influenced other external economic relations. The second reason is that European states have consistently regarded access to raw materials in Africa as the solution to their lack of domestic supplies. Richard von Coudenhove-Kalergi (1924), a pioneer of European integration, argued in his

popular appeal for a politically and economically united Europe, Pan Europa, that Africa should become ‘the future granary and raw material source of Europe’, because ‘Europe’s economic future rests on Africa.’ Many of his contemporaries believed that all the raw materials required by a united Europe would be provided by Africa, and that only a united Europe could dominate the African continent (Beckert 2017, 1161–1164). The idea that Europe requires Africa’s resources to remain a global power remains a part of present-day political imaginaries. In March 2018, for instance, Guy Verhofstadt (2018), the former Belgian prime minister and leading proponent of European integration, called for ‘a single Euro–African economic area’ which would be ‘able to rival with China’ at a conference of the Alliance of Liberals and Democrats for Europe held in Cape Town. Efforts by African actors to disrupt this vision are usually regarded as ‘resource nationalism’ that disrupts the natural order of things, i.e. raw materials flowing from African states to the EU and elsewhere.

There is a substantial critical literature on relations between Africa and the EU (Zartmann 1971; Hurt 2003; Sicurelli 2010; Adebajo and Whiteman 2012; Kohnert 2015). In this article, we contribute to this critical approach by examining African agency in contestations over natural resource governance, and how recent history has constrained African agency. We argue that the failure of the New International Economic Order (NIEO) in the 1970s is the crucial context for understanding the dominance of the EU policy agenda in negotiations over natural resources and relative lack of ambition in the African Union’s (AU) initiative on natural resource governance, the African Mining Vision (AMV). The focus here is on relationships between states and multinational bodies, although African agency does not solely emanate from states and there are other forms of agency and contestations by civil society, trade unions and local communities affected by resource extraction (Chipaike and Knowledge 2018).

This article emerged from the ‘Fate of Nations: Symposium on the History of Extractive Industries and African Development’ that took place at the University of Ghana in February 2018, where each of the authors presented their then-separate research on aspects of natural resource governance in Africa. In subsequent discussions, we became convinced that recent historical events have shaped African agency, and the scope of what was deemed possible, in natural resource governance. On that basis we selected three case studies in different periods from our research which we argue provide a historical and contemporary account of African agency. Different forms of data are used for the different periods and we adopt a pragmatic methodological approach. Documents from the European Commission and World Bank inform

the first two case studies, while interviews inform the section on the AMV, about which fewer documents are available. In this regard, interviews acted as a stopgap to the data in the documents used in this article (Harvey 2011). We conducted interviews with officials from the three institutions that jointly administer the AMV: the African Development Bank, the AU, and the United Nations Economic Commission for Africa (UNECA).

This article first considers African agency and how we understand this concept, then turns to an examination of the historical dimensions of natural resource governance by looking at the unsuccessful attempt to establish a copper cartel modelled on the Organization of the Petroleum Exporting Countries (OPEC): the Intergovernmental Council of Copper Exporting Countries (CIPEC). This is followed by a section on the formulation, motivations and implementation of EU policy on raw materials since the early 2000s, focusing on the Raw Materials Initiative (RMI) and efforts by African states to frustrate this policy. The fourth section analyses the AMV and its prospects for overcoming the weaknesses faced by resource-rich nations in international negotiations. Finally, there is a brief conclusion restating our central arguments.

African agency in global political economy

‘African solutions for African problems’ has become a central slogan for the AU (Glas 2018), and the organisation, along with its predecessor the Organisation for African Unity (OAU), has long stressed the idea of African agency in its public statements. What is ‘African agency’, though, and how can it be understood? The ‘essential dilemma’ for understanding agency is how to approach the relationship between actor and structure (de Bruijn, van Dijk, and Gewald 2007), and this remains under-theorised at a state level (Wight 2006). While Will Brown (2012) warns that any definition of African agency risks over-generalisation, he argues – building on the work of Colin Wight (2006) – that agency has three dimensions. The first dimension is doing something, not only acting but engaging in action that involves meaning and intentionality; the second is agency in terms of being an agent of something, a bearer of the socio-cultural context from which the agent originates; and the third is the position of the agent in a role that may empower or constrain their choice. African agency, therefore, recognises the subjective freedom of African agents, but in the context ‘of the roles they are performing and the social contextual constraints that inform that subjectivity’ (Brown 2012, 1895–1896).

Scholars focusing on African agency have sought to challenge the idea that Africa was a continent of perpetual victims unable to alter that status and emphasise that ‘Africa cannot be

seen as simply a passive space' (Mohan and Lampert 2013, 109). In particular, since the 1970s, structuralist approaches – such as world systems theory and dependency theory – 'have been countered and critiqued by perspectives' that emphasise African agency (de Bruijn, van Dijk, and Gewald 2007). One of the influential critiques of structural approaches to understanding African societies has been the concept of 'extraversion' formulated by Jean-François Bayart (1993). Extraversion, Bayart argued, was a long-term phenomenon in African societies whereby elites sought to maintain their position through access to power and resources obtained through external relations, and entered into and shaped those often-dependent external relations. In this way, Africans 'have been active agents in the mise en dependance of their societies, sometimes opposing it and at other times joining in it' (Bayart 1993, 24). Bayart was responding especially to Walter Rodney's (1972) ideas of under-development that explained African poverty as the outcome of the slave trade and European colonialism and thereby, Bayart claimed, inadvertently reproducing the idea of Africans as passive victims.

While acknowledging that dependency theory sometimes lapsed into 'ahistorical structuralism', Mamdani (1996, 10–11) warned that scholars who sought to salvage agency have tended 'to diminish the significance of historical constraint', leading to a danger that anything, even imperialism, can be explained 'as the outcome of an African initiative!' Mamdani instead stressed that we cannot abstract agency away from its structural constraints. Recent work by Brown and Harman (2013, 2) builds upon this insight to argue that one major and useful approach to understanding African agency is by focusing on the freedom of action that African political actors have and identifying factors 'whether at the level of the international system or in domestic politics, which enable or constrain' that agency. Brown (2012, 1900) has also argued that a large part of identifying structural constraints is accounting historical specificity.

We utilise this approach to argue that contestations over natural resource governance on the African continent must be understood in the context of how the constraints upon African states have developed and changed over time, and thus concur with Brown about the necessity of a historical approach in understanding African agency. Carmody (2009, 358) argues that 'natural resource fixity allows some bargaining power for poor peripheral states', but the bargaining power conferred by this fixity – the geological fact that African states contain natural resources that European states do not have and yet need – has changed considerably over time.

Much recent literature on African agency has been optimistic about the potential for African agency and is predicated on the perception that African actors are becoming more influential, and thereby overlooks the variety of African responses (Murray-Evans 2015). In contrast, in the following sections, we look at how the agency of African states is more constrained in the present than in the recent past, and how events in the recent past have constrained agency in the present. We look at how the failure of ambitious efforts in the 1970s to change how minerals were produced and traded has curtailed the possibilities for African agency in negotiations over natural resources. Instead, narrower and weaker forms of agency have been utilised by African states in these negotiations. Lee (2013), for instance, points to the ability of African states to play a ‘spoiling role’ in international trade negotiations – and use their agency to deadlock these talks – by adopting the discourses of powerful states to challenge these same states. The AU and African states tend to rely on weaker forms of agency like this, particularly the strategy of ‘agency slack’. This is an independent action by one party which is undesirable to one of the contracting parties. It manifests in two forms: ‘shirking’, whereby one party minimises its efforts in order to delay action; and ‘slippage’, wherein the vulnerable party shifts policy away from an outcome preferred by the other (Hawkins et al. 2006). These coping strategies point to a chronic vulnerability and weakness of African actors in the international system.

African states attempted to mitigate this weakness through the formation of the AU in 2002, described as ‘a key institutional change’ and ‘a renewed attempt to make African numbers count in international forums’ (Brown 2012, 1891). The relationship between the AU and the idea of African agency ought to be understood in terms of the relationship between states and multilateral organisations. States act through international organisations to reduce transaction costs and to pool as well as disperse information (Abbott and Snidal 1998). The nature of agency in African regionalism is binary. It often starts at the state level but is frequently limited, and is thus complemented by the multilateral dimension where pan-Africanism and solidarity strongly influence the nature of African agency in international affairs (Mazrui 2006). Correspondingly, Zondi (2013) argues that common positions at the AU are treated as both an expression and a projection of African agency in international affairs, while Kwasi Tiekou (2013) found that regional institutions can enhance African agency. Member states use the AU as a forum for international interactions by ceding a certain level of authority to the organisation.

Alternative forms of resource governance: the formation and failure of CIPEC

African states were not passive in the face of external domination and control over natural resources. The narrative of dispossession and exploitation during the colonial period is well known. What is less well-known are the concerted efforts to reduce external control over natural resources undertaken by African states, and other states in the global South, during the 1960s and 1970s. From the mid 1960s, newly independent states sought to shift the regulation of the global economy from institutions established and dominated by Western powers in the 1940s – the International Monetary Fund (IMF), the World Bank and the General Agreement on Tariffs and Trade – to the United Nations (UN).

This culminated in the UN General Assembly adopting a Declaration and Programme of Action on the Establishment of a New International Economic Order in May 1974. This set out principles for equality between nations, including sovereignty over natural resources and an equitable relationship between the producers and consumers of raw materials (Akinsanya and Davies 1984). This declaration, however, had little force. The desire to give it force motivated the formation of cartels. This section examines one of these cartels: CIPEC.

CIPEC was an African initiative. The organisation was founded in Lusaka, Zambia, in June 1967 when the country's first president, Kenneth Kaunda, invited the leaders of three other major copper producers – Chile, Peru and Zaire (now Democratic Republic of Congo) – to a meeting to establish a cartel. A subsequent summit in September 1967 established CIPEC as a permanent body with the aim to 'co-ordinate measures designed to foster real earnings from exports...[and] assure greater price stability in the international copper market' and ultimately 'to increase resources for the economic and social development of producer countries' (Panayotou 1979, 3). The anticipated benefits for producer nations were obvious. Zambia and Zaire's economies were dependent on the export of one or two key commodities, and therefore vulnerable to sudden fluctuations in prices over which they exercised no control.

The relevance, and threat, of CIPEC to member states of the European Economic Community (EEC) – the predecessor of the EU – lies in the fact that these states were heavily dependent on copper imports from CIPEC member states (see Table 1), particularly Zambia and Zaire. Control over the copper market by producers represented a threat to European industries, and while no West European state argued against the overall goal of the NIEO, views were different when it came to practical issues (Laszlo and Kurtzman 1980). The EEC and individual

European states bargained hard and, through the Lomé Convention(s), pursued profound interests around supply security, with the end result that Lomé allowed European states to appear generous without giving up privileges (Ravenhill 1985). Concessions such as STABEX and SYSMIN – European Commission schemes to compensate producer nations for fluctuations in export earnings – were offered as an alternative to NEIO demands for price stabilisation, and the EU subsequently admitted frankly that these concessions were based on ‘a fear of raw material shortages’ (Raffer 2002, 587).

States in the global South could attempt such an ambitious challenge as CIPEC because of the profound shifts that took place in the copper industry over the twentieth century, which in itself makes copper a useful way to look at changing constraints around agency. Demand for copper among industrialised states in the global North increased enormously in the long post-war economic boom – rising from 2.5 million tonnes in 1950 to 5.46 million tonnes in 1970 (Takeuchi 1972, 5) – but less and less copper was produced in these states. In 1920, North America, Western Europe and Australia produced over 75% of world copper mining output, and production was largely controlled by a handful of American companies who formed a series of cartels. This changed dramatically in the following decades and by 1974–1976 copper production in the global North had fallen to 35% of world production, while production in Africa, Asia and Latin America had risen to 46% (Takeuchi, Strongman, and Maeda 1987, 17).

Table 1: Proportion of copper imports originated from CIPEC member states for selected industrial economies

	Proportion of copper imports from CIPEC member states	
	1970	1980
Belgium	91.7	74.2
France	78.2	85
Italy	77.6	88
United Kingdom	62	58.2
United States	60.6	48.9

West Germany	65.4	68.2
Japan	82.4	83.9

Source: (Wagenhalls 1984, 41)

The changing location of production was accompanied by a change in ownership, which passed rapidly from multinational mining companies to state-owned companies during the 1960s and 1970s. Nationalisation accompanied the establishment of CIPEC as first Zaire, then Zambia, Chile and Peru took majority ownership of the copper industry within their countries and, crucially, provided mutual support during this process (Mingst 1976, 227–228). The net result was the increased dependence of Western states on copper produced in the global South and controlled by those nations’ governments. Decisive intervention from producer nations had seemingly shifted the balance of power away from private multinational mining companies towards producer nations. Co-operation over price and quota-fixing therefore passed from private multinational companies, with no involvement of the state, to state-level relations.

While CIPEC members controlled only a minority of world copper production – around 40–42% in 1971 (World Bank 1971, 14) – two of the world’s largest producers, the United States and the Soviet Union, primarily produced copper for domestic consumption. The position for exports was different, and CIPEC members controlled 74% of copper exports in 1969 (World Bank 1971, 16), and over 80% by 1976 after other copper producers had joined (Mingst 1976, 274). This meant that CIPEC members were of crucial importance to those nations that lacked domestic copper supplies and so had to purchase copper on the international market – primarily the EEC and Japan. As Table 1 indicates, the largest European economies were heavily dependent on copper exports from CIPEC member states, and this dependence generally increased during the 1970s.

CIPEC was seemingly in a strong position by the mid 1970s as copper prices rose and the cartel increased its share of world production. Membership expanded, and by 1977 almost all major copper exporters had joined: Australia, Chile, Indonesia, Mauritania, Papua New Guinea, Peru, Zaire and Zambia. Apart from Australia, all were from the global South. Furthermore, in 1974, the year of the NEIO Declaration, CIPEC adopted an additional objective: ‘co-ordination of

policies with other international organisations whose objectives are similar to those of CIPEC' (Mingst 1976, 275).

The timing of this push was inauspicious as the slump in copper prices in 1974 presented CIPEC with a major crisis. It was, and remains, difficult for copper producers to cut production because the creation and operation of mines, smelters and refineries requires substantial capital investment. Producers can maintain production and cut exports by stockpiling copper but CIPEC faced the fundamental problem that member states did not have the resources to finance stockpiling, and other institutions refused to provide this support. Crucially, the IMF and World Bank refused to offer assistance to finance stockpiles (Bissell 1979, 10–11). CIPEC requested financing from OPEC in 1974 to support stockpiling but received nothing more than vague promises, OPEC members possibly having balked at the estimated \$4 billion cost of the scheme (Araim 1991, 148). Instead, CIPEC members attempted to cut production to support prices, first by 10% in November 1974 and then by 15% in April 1975 (Wagenhalls 1984, 45). 'The Arabs have shown us the way', one Peruvian minister declared following the latter meeting, a reference to how oil production cuts by OPEC had vastly increased member states' earnings from oil (Time 1974).

Enforcement of these agreements proved more difficult, however. Politically, this should have been possible as the copper industry in most member states was dominated by state-owned companies. However, mutually agreed production restrictions were ignored and no mechanisms had been established to sanction national governments for non-compliance. For instance, Zambia cut copper exports by only 5% during 1975 and actually increased exports in 1976 (World Bank 1977, 42) while in 1977 Chile announced it would ignore CIPEC decisions and would increase production, a move followed by Peru (Takeuchi, Strongman, and Maeda 1987, 98). No subsequent attempts were made to coordinate production cuts.

The structural economic position of CIPEC member states limited their actions. CIPEC did not have the leverage to obtain external financing for stockpiling – and it is unlikely wealthy states would have provided it willingly – and member states could not themselves finance this as they were heavily dependent on revenues from copper exports. This dependence also made production cuts very difficult to implement. Between 1970 and 1980, copper provided an average of 91% of annual export earnings for Zambia, 61% for Chile and 51% for Zaire (Wagenhalls 1984, 42). This was an important structural limit on their agency, and one that

applies more widely than to copper exporters. Many African economies remain dependent on revenues generated by commodity exports and would be crippled by a major or sustained cut in exports. Counter-intuitively, then, the abundance of natural resources undermined efforts by producer states to obtain greater benefits from these resources. CIPEC effectively abandoned its earlier ambitions and functioned instead as an information exchange between member states, who did not again attempt to overhaul international natural resource governance.

Perceptions in the EEC about risks to natural resource supplies diminished in the second half of the 1970s as commodity prices eased and initiatives like CIPEC faltered. Potential measures which the European Commission (1975) elaborated in the mid 1970s were put aside but seem to have informed the RMI when European fears about supply shortages were reanimated during the spike in commodity prices in the early 2000s. We now turn to this later period to examine negotiations over natural resources between the EU and Africa since the 2000s, with the EU clearly setting the agenda.

The EU's Raw Materials Initiative: origins, implementation and relation to African countries

Anxieties in the developed world about supplies of natural resources re-emerged in the 2000s amidst what EU Trade Commissioner Peter Mandelson (2009) publicly warned was the spread of resource nationalism among resource-rich countries that would seriously hamper European industry. From the late 1990s, rising demand from emerging economies such as Russia, China and India had caused a commodity boom, and European countries faced an increasingly competitive global environment to access raw materials (Awuah 2019). These economies had introduced export restrictions to retain commodities for their own growing industries. By 2008, the EU Commission identified over 450 export restrictions covering 400 raw materials (European Commission 2012). Brussels perceived that restrictions had caused commodity prices to rise sharply.

Between 2002 and 2008 prices tripled, leading many economists to anticipate a long-term change in terms of raw materials trade in favour of producer countries in the global South (Kaplinsky 2006). It was this challenge the 2008 RMI would target, while the EU also adopted an integrated strategy to ensure global access to raw materials for its manufacturing industries (European Commission 2008). In essence, the RMI would attempt to preserve asymmetrical power relations between resource-rich producer countries and consumers in the EU.

The RMI emerged from lobbying by Europe's metal and mining industry, initiated by the German metal industry in 2003. Supply concerns were shared by the German government, which in 2007 held the rotating presidency of the EU and used its powers to push for the development of a coherent political approach to raw materials supply for industry. The result was the RMI. The overall goal of the RMI was to reinforce a liberal trade and investment regime globally in accordance with World Trade Organization (WTO) regulations, in line with the 2000 Cotonou Agreement. Cotonou removed the various preferential regulations which EU had granted to African, Caribbean and Pacific (ACP) countries because they were incompatible with WTO regulations. Economic Partnership Agreements (EPAs) would replace the preferential arrangements of the Lomé convention. EPAs were basically free trade agreements (FTAs) and EU policy had been to negotiate regional FTAs, compatible with OAU/AU policies, since the late 1970s. A WTO waiver allowed sustaining the Lomé preferences until 2007.

Under the RMI, the EU would negotiate new or reform existing FTAs and Strategic Partnerships as well as negotiate new WTO memberships. It would use the WTO's dispute settlements to reach this and referred to these foreign policy instruments as 'raw materials diplomacy'. Continued access to raw materials was guaranteed by the EU, applying a deliberate mixture of trade and development policies towards ACP countries. Essentially, this meant exchanging European commercial or infrastructural investments from the European Investment Bank and the European Development Fund for access to raw materials. The 2011 RMI emphasised this mix by calling for stronger coherence between development and the supply of raw materials, and blamed producer nations' failure to use their natural resources to generate wider economic development on poor regulatory frameworks in these countries. The EU justified its overall policy design quite openly: 'The EU, through its development policies and in partnership with developing countries, can play a crucial role in creating win-win situations where both developed and developing countries benefit from the sustainable supply of raw materials' (European Commission 2011, 13–15). The European political elite saw no inconsistencies when wrapping hard European interests in the vocabulary of liberal Western development discourse. As Langan (2009, 436) argues, there have been longterm continuities in EU trade policy, but the provision of private sector aid in exchange for resources allows the EU to reinforce 'its (self-)image as a progressive force'.

The EU possessed a strong machinery to implement its 'raw material diplomacy'. In 2006, the Raw Materials Supply Group, a dormant advisory committee established during the 1970s commodity boom, was revived and since 2008 has overseen the implementation of the RMI. A first step was to initiate consistent monitoring, every three years, of restrictions placed on the export of raw materials by producer nations (European Commission 2012). The first criticality assessments of 41 non-energy and non-food commodities in 2011 deemed 14 of them critical (European Commission 2011, Annex). Three years later, the equivalent numbers were 54 and 20 (European Commission 2014). The third assessment in 2017, which covered 78 raw materials, judged 27 of them critical (European Commission 2017). The number of raw materials under scrutiny grew but the share of commodities deemed critical remained rather stable.

Aggravated by the WTO deadlock in the Doha Round, the EU's potential to use the WTO to fight export restrictions was limited (Espa 2015). Consequently, the EU has largely focused on bilateral relations through negotiating FTAs with several countries in Asia and America. The comprehensive FTA with resource-rich Canada in 2013, after seven years of negotiations, is revealing about the EU's goals. The FTA lowered tariffs substantially with both parties while Canada agreed to prohibit export duties. It further included a clause obliging the parties to maintain a dialogue on the extraction and trading of raw materials (European Commission 2014).

Africa was treated differently, as is clearly visible in the 2011 version of the RMI. Having stated that African states had failed to convert natural resources into inclusive economic growth, a close reading suggests that the use of development aid primarily targeted African extractive resources. It mentioned that EU had already funded mining projects and related infrastructure, before concluding:

The European Commission, The European Investment Bank, and other European development financing institutions, in cooperation with African national and regional authorities, will continue to assess how to promote the most appropriate infrastructure, and related governance issues, that can contribute to the sustainable use of the resources of these countries and facilitate raw materials supply, using respective sector dialogues to steer this process. (European Commission 2011, 16)

While Tiess (2010) saw the RMI as a response to the general global commodity boom, Stahl (2011) argued that the RMI responded to China's resource diplomacy in Africa and that it aimed to strengthen EU's relation with Africa. Other scholars of the RMI have supported the latter interpretation (Ramdoo 2011; Küblböck 2014). This supports the more general argument that the commodity boom during the 2000s prompted a 'new scramble for Africa' among resource-dependent powers (Abramovici and Stoker 2004; Lee 2006), although other scholars have stressed the agency of African states in taking advantage of great-power rivalry (Ebner 2015; Katz-Lavigne 2017). Several revised their mining codes and/or renegotiated contracts with mining companies (Lungu 2008; Campbell 2010; Katz-Lavigne 2017).

EU resource diplomacy seems to have taken a cue from China's approach to resource diplomacy towards Africa, which has deepened since 2006 when the Chinese government adopted its African Strategy. This encouraged Chinese enterprises to cooperate with African nations to develop African natural resources 'with a view of helping African countries to translate their advantages in resources to competitive strength' (Chinese Government 2006). Essentially, Chinese companies provided infrastructure to African countries in return for their natural resources. Investments in and trade with Africa grew massively over the subsequent years, and in 2009 more than 90% of African exports to China consisted of raw materials, as compared to 65% for Europe (Ramdoo 2011, 17).

The EU took a different but institutionally analogous approach towards African states, which have been a prime target for the EU's raw materials supply since the founding members negotiated the Treaty of Paris in 1951 and the Treaty of Rome in 1957 (Frøland and Ingulstad 2019). African countries made up the bulk of ACP countries under the Lomé Conventions, in which the EEC/EU established a first comprehensive framework to connect ACP development to European supply (Ravenhill 1985). The Cotonou Agreement had fixed a schedule for establishing a set of customs unions among ACP countries with which the EU would negotiate EPAs by the end of 2007 (Bilal et al. 2008) because the WTO waiver, which had allowed for sustaining the preferential market access under the Lomé Conventions, would expire at that date (Lee 2009).

The EU preferred EPAs because they would allow for wider policy areas of agreement, including investments and competition policy, but within which trade regulations would conform to WTO regulations. However, most African countries had been reluctant to sign

EPAs since 2003 because they would lose tariff revenue (Flint 2009; Ramdoo 2011). Technically, the EU gave the African regional groupings two choices: a self-interest time schedule to agree to EPAs and/or working a new set of rules around the RMI. By not signing, African states were exercising a shirking strategy – i.e. they minimised their efforts in order to delay an action that they deemed contrary to their interests.

Despite African reluctance, the EU continuously pursued the regional EPA target towards the African countries (European Commission 2009, 2012, 2013, 2014). EU officials used every opportunity within the political arenas of the EU–Africa Strategic Partnership to assure African governments that they would reap benefits by accepting the EU’s course. In 2012, for instance, during a high-level conference titled ‘EU–Africa Partnership on Raw Materials’, the EU’s Industry Commissioner, Antonio Tajani, emphasised that the European Development Fund would give priority to future African mining and refining projects (Küblböck 2014, 95). African states, however, continued to shirk despite the pressure applied by their EU counterparts.

The outcome of the EU’s endeavour has been meagre (European Commission 2018). All regional EPAs the EU has negotiated are provisional, ambiguous and far from what the EU wanted in the first place, as African states have been cautious about the possibility of losing autonomy and sovereignty. These are not unrealistic fears. For instance, the interim EPA covering relations between EU and Central Africa, which Cameroon agreed to in 2009, stated that the African party could only introduce new temporary export restrictions due to environmental protection or when ‘serious’ fiscal problems occurred, and, importantly, would have to consult the EU before taking such action (Interim Agreement 2009). This EPA, which schedules a gradual opening of African markets by 2023, was ratified by Cameroon’s Parliament in 2014, but has yet to be implemented as a regional EPA. Although it was assumed that neighbouring states would join the agreement, none have done so.

Other EPAs have also been subject to protracted delays, and the reluctance to ratify these EPAs is a good illustration of shirking by African regional bodies and states. The provisional agreement between the EU and Côte d’Ivoire was negotiated in 2008 and was intended to be the basis for a regional EPA with the Economic Community of West African States (ECOWAS), but was only ratified by Côte d’Ivoire in 2016. A provisional agreement was signed with 12 other West African states in 2014, but has not been ratified by any state except

Côte d'Ivoire and so remains provisional. Similarly, the EPA negotiated in 2009 with Mauritius, Seychelles, Zimbabwe and Madagascar remains provisional, as are the regional EPAs concluded with the East African Community in 2014 and with the South African Development Community in 2016, neither of which has been ratified (European Commission 2018).

There is clearly little momentum towards the anticipated regional customs unions, but, as the EU is preparing to negotiate a new overall Partnership Agreement with the ACP countries, there is no indication that the EU will change strategy. As for Africa, the EU will sustain its policy to establish regional customs unions by negotiating EPAs. Although commodity prices have cooled and the European Commission has not submitted reports on the implementation of the RMI lately, EU raw materials policy towards Africa remains unchanged. EU interests, however, may now be more contested by the AMV.

A quest for agency in negotiating and implementing the Africa Mining Vision

The AMV is an AU continent-wide framework promulgated in February 2009 with the aim of improving the bargaining position of resource-rich African states so that they can negotiate better contracts with Western companies that dominate the extractives industry, in order to promote broad-based sustainable growth and development (African Union 2009). The AMV was inspired by previous multi-stakeholder initiatives, the first major initiative of which was the 1980 Lagos Plan of Action, often considered a critical juncture in pan-African economic governance (Matambalya 2015). The AMV has been regarded as a significant development by scholars, described by Shaw (2015, 257) as 'the most concrete and advanced articulation' of African agency and termed 'chief among the successes' of natural resource governance in Africa and 'a paradigm shift' by Awuah (2019, 263–264). In contrast, we argue that the AMV is best understood as a form of agency slack.

During the period of structural adjustment in the 1980s, African multilateralism seemed unable to live up to its potential. The shifts between African and UN initiatives signalled a quest for ownership and leadership, but African states faced two major disadvantages: limited institutional oversight during the OAU era and a chronic lack of fiscal resources to fund these programmes independently. In light of these challenges, African actors exercised shirking by exerting minimal efforts in natural resource governance. However, during what was arguably

the golden age of the AU in the years immediately following its formation in 2002, the organisation decided to launch its own initiative – the AMV – on the heels of the EU’s RMI. This was an apt case of slippage. That way the AU could own natural resource governance – though not entirely, as the AMV’s institutional mechanism would be housed by UNECA and was partly financed by external actors.

The institutional form of the AMV – the African Mineral Development Centre (AMDC) – was created in 2013 and was reportedly influenced by the ECOWAS Mineral Development Policy (Interview, Vanessa Ushie, 21 November 2018). The AMDC was housed by UNECA, a decision made for two reasons. First, it was a good platform to tap into the global expertise on resource governance (Gwatiwa 2021). Second, it would be easier to raise international funding to help with the initial phase of establishing the AMDC. Australia and Canada signed a four-year agreement to provide untied seed funding to the AMDC and, crucially, pledged not to lobby for their interests or tie any conditions to the aid. This was a significant step, as many of the world’s largest mining companies are based in these two countries (Interview, Vanessa Ushie, 21 November 2018). In order to reduce the risks that the UN platform might be dominated and manipulated by major powers, the AMDC was jointly administered by a triumvirate consisting of UNECA, the AU and the African Development Bank (Interview, Senior Officer, AU, 24 January 2018). In this manner, African actors managed to exercise the type of agency slack that would minimise – although not stop – external influence, while also making stronger efforts to implement their own agenda.

The largely African triumvirate managed to push through an African agenda in resource governance. Building on the AU’s AMV Action Plan, the AMDC published *A country mining vision guide book* in 2014. The guide book encourages a broad-based and bottom-up multi-stakeholder approach to mining that reflects inclusivity, equity, and the reform of mineral and fiscal regimes in cases of fragile political economies (AMDC 2014). This bottom-up approach was reportedly inspired by almost two decades of lobbying by the Community of Artisanal Small-Scale Miners in Africa (Interview, Stephen Yeboah, 23 November 2018). The AMDC’s focus, however, is on internal issues and obtaining better deals in the extractive industries for African states, not challenging the structure or control of the industry. The AMDC provides technical assistance to state negotiators who are negotiating contracts with multinational mining companies.

This expert support is aimed at fixing loopholes in mining value chains due to transfer mispricing, an inefficient mix of production-based and profit-based taxation, poor geological knowledge, and a lack of capacity to curb cross-border tax-dodging practices (AMDC 2017). In this manner, the AMDC supports African agency not just by helping rebuff the unfair practices of external actors but also by empowering AU member states to institutionalise systems that could improve natural resource governance. The AMV is gaining political support. Since the institutionalisation of the AMDC approximately 50% of AU member states have developed Country Mining Visions and, so far, Sierra Leone, Ghana, Malawi, Tanzania, Lesotho, and Kenya have aligned their mining regimes with the AMV. These are promising developments in the broadening of African agency in natural resource governance and the creation of harmonised regulatory regimes, as African states have often competed with each other to attract mining investment (Awuah 2019).

However, there are several broad issues that are likely to undermine the AMV and African agency if not dealt with expediently, most pertinently the impending relocation of the AMDC. This represents a potentially serious obstacle to its continued independent functioning. As of early 2020 the AMDC, presently hosted by UNECA, is in the process of being relocated to an AU member state. Although several states lobbied to host it, Guinea-Conakry is the leading contender. This portends more setbacks than gains as it seems likely that, located in Guinea-Conakry, the AMV would be subject to greater external influence, namely French influence. France retains close control over the economies of many of its former colonies (Nubukpo et al. 2016), and Guinea falls within the region subject to tightest control (Mays 2002, 26–27). It is unlikely that this control will suddenly be rescinded, and although in recent years France had purportedly been scaling back its control of African states (Moncrieff 2012), this is certainly not the case when it comes to mineral resources. In 2016, for instance, France forced Niger to sign an unfair trade agreement over its uranium resources, which are extracted by French companies, and then-President François Hollande ensured that the terms of the agreement remained secret (Interview, Stephen Yeboah, 23 November 2018). There is no guarantee that France will not exploit the political status quo to influence the work of the AMDC.

Beyond this, the main and persistent obstacle to the AMDC's independent functioning is that it appears likely the organisation will continue to depend on foreign funding. Efforts to make the AU Commission more self-reliant have been unsuccessful and much of the current financial support is skewed towards the Peace and Security Department, as opposed to the Department

of Trade and Economics, from which the AMDC will be coordinated. Some of these funding issues are related to the AMDC's potential move to Guinea, as it is not clear why the AMDC could be not be hosted within the AU Commission in Addis Ababa, where it would be easier to oversee its activities and potentially reduce financial costs.

Conclusion

The available forms of African agency have varied greatly in the post-colonial period, and African states have not successfully overcome the power imbalances that place them at a persistent disadvantage in the world economy. It is important to understand, however, that African states are not passive victims in this process. The EU has clear strategic objectives to maintain access to the natural resources required by industrialised economies, and which its member states do not possess, but has not been wholly successful in achieving its preferred policies. Although African states have been unable to set the agenda, they have been able to delay and frustrate the implementation of policies that they have ostensibly agreed to.

One reason why the AU, or regional blocs of African states, have been unable to set the agenda and instead must respond to initiatives from the EU is because of the failure of previous initiatives to reduce external control and influence over the continent's natural resources. Such increased control by African countries over natural resources is antithetical to the EU's interests, and prompts present-day hostility to what is termed 'resource nationalism'. The continued dominance of resource-poor but wealthy consumer nations and contemporary visions about what forms of African agency are possible are consequences of the failure of the NIEO, a failure discussed in this article through a case study of CIPEC. The relevant historical background for understanding the terrain upon which negotiations between African states and the EU take place is not only the colonial period. While not aiming to downplay exploitative economic relationships established in the colonial period, this article also directs attention towards the challenge to colonial legacies in the 1970s as the vital historical background for understanding negotiations between the EU and African states.

Contemporary forms of African agency should be distinguished from what happened in the 1970s, and, in some ways, exist in the shadow of their failure. Even the recently promulgated AMV is much less ambitious than the aims of African states in the immediate post-colonial period. In contrast to the NIEO, which focused on international trade and market structure, the

AMV deals primarily with internal issues in resource-rich states. The AMV is a promising initiative, however, and if it overcomes the challenges covered in this article it may help the AU and African states move beyond delaying tactics in negotiations and agreements with the EU over natural resource governance. EU policy on raw materials has not shifted in the face of shirking by African states and is unlikely to change unless seriously challenged by producer nations.

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