

**DISCUSSION PAPER No. 239**

**NORTH AFRICA'S DOUBLE PURSUIT - PART II**

# Mixed messages from Europe and Africa stand in the way of an intercontinental deal

**NORTH AFRICA**

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## **SUMMARY**

European and African leaders have underlined the merits of a hypothetical fully-fledged continent-to-continent partnership on several occasions, most recently in a EU-AU Joint Communiqué of January 2019. But in practice, they are sending mixed signals or even acting dividedly and divisively.

During 2018 the African heads of state and government had announced that the African Union would negotiate a continent-to-continent partnership directly with the European Union. Direct negotiations might have compromised or affected the ongoing negotiations between the ACP Group and the European Union for a successor to the Cotonou Agreement. In any event, government ministers of both North African and sub-Saharan states did not follow suit neither on the principle nor on the execution of direct AU-EU negotiations.

At the same time, the EU created an opening for North African states in the context of the ACP-EU negotiations, which traditionally excludes them. However, the so-called ACP-EU framework does not appeal to those states. Besides, not only the Maghreb itself but also sub-Saharan countries have shown opposition to a North African involvement in this framework. Furthermore, also beyond the ACP context, EU policies and instruments continue to lack pan-African coherence, despite modest signs of improvement.

This two-faced approach on both continents, and the tensions surrounding the appropriate diplomatic framework, AU-EU or ACP-EU, stand in the way of setting out the contours for a fully-fledged continent-to-continent partnership.

As a result, North African countries have even less incentive to bridge the diplomatic divide and prefer to continue their double pursuit of 'looking south' to pursue economic opportunities and political cooperation within Africa while 'looking north' to safeguard their relations with the EU.



## Table of Contents

Acknowledgements .....	ii
Acronyms .....	iii
1. Announcing a grand continent-to-continent partnership .....	7
1.1. In Africa: towards continental integration but no pan-European approach .....	7
1.2. In Europe: hesitant steps to remedy the fragmented approach towards Africa .....	8
2. AU, ACP, and their members: contradicting positions.....	9
2.1. The Common Position: pan-African coherence above divisive policy frameworks .....	9
2.2. The ACP route: trotting out the same old hobby horses .....	11
3. The EU: clear message but fragmented approach .....	12
3.1. At the highest level the EU favours an all-Africa approach .....	12
3.2. In practice, a fragmented approach .....	13
4. Concluding observations.....	18
4.1. EU and AU external relations: no rupture with the past .....	18
4.2. North African countries: no reason to step into the breach .....	19
4.3. Considerations for the future .....	19
Bibliography .....	22

## Table of Figures

Figure 1: Africa-EU relations: from Abidjan to Post-Cotonou .....	14
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## Table of Tables

Table 1: Priority areas in NDICI draft regulation and regional strategic frameworks.....	16
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## Acronyms

ACP	African, Caribbean and Pacific Group of States
AfCFTA	African Continental Free Trade Agreement
AU	African Union
AUC	African Union Commission
DG DEVCO	Directorate-General for International Cooperation and Development
ECDPM	European Centre for Development Policy Management
EDF	European Development Fund
EEAS	European External Action Service
EFSD	European Fund for Sustainable Development
EIB	European Investment Bank
EIP	External Investment Plan
ENI	European Neighbourhood Instrument
ENP	European Neighbourhood Policy
EU	European Union
ISS	Institute for Security Studies
JAES	Joint Africa-EU Strategy
MFF	Multiannual Financial Framework
NA	North Africa
NDICI	Neighborhood Development and International Cooperation Instrument
REC	Regional economic community
RSA	Revenu de solidarité active (income support)
SADC	Southern African Development Community
UE	Union Européenne
UN	United Nations



## Introduction

This paper focuses on evolving Africa-Europe relations in various fields (including political cooperation and trade) and places them in a larger context, especially with regard to the question of the *diplomatic framework* for these relations. Building on Part 1<sup>1</sup> about North African countries' perspectives on Africa-Europe relations,<sup>2</sup> this paper examines how the AU, the ACP Group and the EU interact with the foreign policy agenda of North African countries.

### **An overarching institutional and diplomatic framework for EU-Africa relations?**

The form, nature and substance of future continent-to-continent relations became a matter of renewed concern, also from the African perspective, when the African Union (AU) adopted the '*African Common Position for Negotiations of a new cooperation agreement with the European Union*' (the 'Common Position') in March 2018.<sup>3</sup> It advanced the idea of an overarching AU-EU cooperation agreement outside the ACP-EU framework in which North African countries would naturally play an important role. This political declaration was likely to be quite problematic for the ACP Group, as well as the EU, which were both involved in defining the terms for a successor to the Cotonou Agreement that is due to expire in 2020.

In this context, the EU acknowledged the need to deepen relations with Africa as a whole and strengthen its ties with the AU and regional bodies. It proposed to do so *within* the longstanding ACP-EU framework, however, which traditionally excludes North African states. The EU committed itself to shifting the "*decision-making and implementation towards the regional levels*"<sup>4</sup> and to including an 'EU-Africa Partnership' (as one of the three "*strengthened regional partnerships*" based on a "*common foundation agreement*"), by welcoming the "*involvement or accession*" of North African states to a post-Cotonou Agreement.<sup>5</sup>

These two opposing views on who should negotiate the overarching framework for continent-to-continent relations between Africa and Europe continued to clash in the ensuing months. The ACP-EU Group went ahead with starting the negotiation process for a post-Cotonou Agreement while the AU struggled to keep its ranks closed behind the Common Position. The pan-African body did not manage to obtain a consensus for a fully-fledged 'regionalisation' of its relations with the EU (outside the ACP) as major African states preferred - for various reasons - to maintain the status quo.<sup>6</sup>

For the time being, disagreement on the diplomatic chapeau precludes any overarching Africa-EU cooperation agreement. The EU-AU Joint Communiqué of 21-22 January 2019 simply sidesteps the issue. Without calling things by their name, it acknowledges "*the engagement of African states and regions in different cooperation frameworks and the need to preserve their interests*" while confirming that the AU and EU should "*continue to work towards enhancing the continent-to-continent partnership*".<sup>7</sup>

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<sup>1</sup> Groof de et al. (2019).

<sup>2</sup> Ibid.

<sup>3</sup> Document on file.

<sup>4</sup> EC (2016), p. 4.

<sup>5</sup> See Council of the European Union (2018) p. 4 & p. 82.

<sup>6</sup> Groof de, Djinnit and Medinilla (2018).

<sup>7</sup> EU-AU (2019) par. 27.

However, the story does not end there. The AU now claims that it no longer objects to a future deal between the ACP and the EU, although it does not feel committed to such and argues that ‘continental matters’ should be addressed between the AU and the EU only. The latter also realises that there are many pressing issues that cannot be adequately addressed around an ACP-EU negotiating table without the full political involvement of the AU or North African states, notably on peace and security, trade and migration. At this stage, it is unclear how the process will further unfold.

The question of how to determine the most appropriate framework for Africa-Europe relations post 2020 will remain highly relevant throughout 2019 for the following reasons:

- On both sides, in the EU-ACP negotiations nothing is agreed until everything is agreed. So the question of an overarching cooperation agreement could still arise at any time until these negotiations are finalised by December 2020 at the latest.
- On the African side, the ‘EU-Africa Partnership’ in the framework of a possibly renewed post-Cotonou Agreement, will continue to elicit resistance from certain segments of the AU (in particular the AU Commission) which still considers itself, rather than the ACP Group, to be the ‘voice of Africa’.<sup>8</sup> With Egypt assuming chairmanship of the AU in 2019, there may be renewed focus on the role of North Africa in EU-Africa relations. Plus, in the long run, Agenda 2063: *“a strategic framework for the socio-economic transformation of the continent over the next 50 years”*, clearly promotes a pan-African approach to trade, development and political cooperation.
- On the European side, the EU has formally reiterated calls for a fully-fledged continent-to-continent partnership,<sup>9</sup> and some member states have even mentioned the need for a “sacred alliance”.<sup>10</sup>

The question of the overarching institutional and diplomatic framework for EU-Africa relations thus remains relevant even at a time when Africa is increasingly being ‘courted’ by several actors,<sup>11</sup> and strengthening its standing and representation in global fora, notably within the UN system.<sup>12</sup> This paper does not place EU-Africa relations in this wider context, neither does it address why a more holistic and interest-driven EU-Africa partnership would be beneficial,<sup>13</sup> nor does it look at whether the current policy cycle and political turmoil in the EU (e.g. the announced withdrawal of the UK from the EU)<sup>14</sup> could affect this partnership.

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<sup>8</sup> Murithi (2012).

<sup>9</sup> EC (2018b).

<sup>10</sup> Belgium went as far as to ask for a ‘sacred’ and fully-fledged alliance in its [UNGA address](#) in September 2018: *“Je lance un appel vibrant pour une alliance sacrée Afrique Europe. Une alliance solide et durable pour le développement de nos deux continents. Au service de nos peuples. Une alliance pour des investissements, pour du commerce, pour des emplois en Afrique et en Europe [...] Je plaide pour un accord ambitieux de libre-échange, de continent à continent, un partenariat global et réciproque, gagnant pour tous”*.

<sup>11</sup> Mthembu (2018) p. 14.

<sup>12</sup> Lala (2018).

<sup>13</sup> In a nutshell, the rationale for such an approach is based on the observation that it is time to move towards an interest-driven Africa-EU political partnership (see Laporte 2017), and that various challenges e.g. related to migration, climate, security and trade run counter to the artificial division between North Africa and sub-Saharan Africa, and require both continental and local action. On using local actors to increase intra-regional cooperation in North Africa: see Colombo (2018) p. 28.

<sup>14</sup> See ECDPM (2018) and especially the article by Darmuzey (2018).

After discussing recent diplomatic initiatives spreading a discourse of an expected quantum leap in the Africa-Europe partnership **(1)**, this paper outlines the views of the African Union and ACP Council on this topic **(2)**, and then considers the European Union's perspective **(3)**. The conclusion notes that the absence of a clear proposal on the framework and nature of an all-embracing continent-to-continent partnership and the mixed messages and contradictory practices on both continents will do little to curb the relative indifference of North African countries towards such a partnership **(4)**.

# 1. Announcing a grand continent-to-continent partnership

Several initiatives in both Africa **(1.1)** and Europe **(1.2)** in 2018, heralded - sometimes with great fanfare - the advent of a continent-to-continent partnership.

## 1.1. In Africa: towards continental integration but no pan-European approach

“Africa must unite or perish”, said Moussa Faki, Chair of the AU Commission, on 14 September 2018.<sup>15</sup> Since “the ideals of pan-Africanism and the vision of Africa’s Renaissance” were proclaimed in Agenda 2063,<sup>16</sup> several initiatives during 2018 suggested that a continental, pan-African approach ‘by Africa for Africa’ was favoured or, at least, facilitated in some areas. The Rwandan chair of the AU Assembly of Heads of State and Government had tabled a proposal to strengthen AU institutions,<sup>17</sup> an initiative which the current Egyptian chair of the AU Assembly of Heads of State and Government, in principle, will continue, as much as it will support the entry into force of the African Continental Free Trade Agreement (AfCTA), which is also based on greater continental integration.<sup>18</sup> The trend towards increased pan-Africanism in other domains, such as migration, appears to be confirmed too.<sup>19</sup> Note that such initiatives strengthen the pan-African approach *within* Africa (*in foro interno*) but, in themselves, have no automatic bearing on a continent-to-continent approach (*in foro externo*).

However, the March 2018 Kigali Declaration of the AU (the Kigali Declaration) and the conclusions of the Nouakchott AU Summit of June/July 2018 (the Nouakchott Summit)<sup>20</sup> were also explicit about the commitment to reinforce a pan-African approach in AU *external* affairs (*in foro externo*). There was some momentum for driving home the pan-African point at a consensus-building AU ministerial meeting on 14 September 2018.<sup>21</sup> The ministers however did not endorse the commitments made in Kigali and Nouakchott. This was ‘too big a leap forward’ for several African states, including in the Maghreb. Lobbying of European origin may have contributed to the impasse. The post-Cotonou negotiations therefore began in autumn 2018 in the usual ACP-format which, on paper, is a grand alliance but still fragments Africa in the same way as in the past because it does not (for historic reasons) involve the North African states.

In short, the idea of a continent-to-continent partnership promoted at the highest political level in Africa was strong at first but then was dampened by an important group of African states that would prefer to negotiate a post-Cotonou arrangement under the ACP framework. Perhaps the last word on this has not yet been said. The issue may return to the table in 2019 for the reasons already mentioned, and because issues such as trade, migration and peace and security, are not bound by the artificial distinction made between North Africa and sub-Saharan Africa.

<sup>15</sup> See Mahamat (2018).

<sup>16</sup> AUC (2015) Aspiration 2.

<sup>17</sup> AU (2018b).

<sup>18</sup> Interview with high-level Egyptian diplomat and with former Rwandan Minister for Trade.

<sup>19</sup> The revised African Union Migration Policy Framework; the proposed African Observatory for Migration and Development (to be based in Morocco); and the Protocol on Free Movement of Persons, Right of Residence and Right of Establishment.

<sup>20</sup> The 31st Ordinary Session of the Assembly of Heads of State and Government of the AU between 25 June and 2 July 2018.

<sup>21</sup> See the briefing note by Groof de, Djinnit and Medinilla (2018).

## 1.2. In Europe: hesitant steps to remedy the fragmented approach towards Africa

From the European point of view, fostering a comprehensive *continent-to-continent approach* beyond aid has been formally on the agenda since the 2007 Joint Africa-EU Strategy (JAES). The External Investment Plan, applicable throughout Africa, was launched a decade later in autumn 2017. During the same period discussions on potentially revising and upgrading the JAES were in full swing.<sup>22</sup> The need to revitalise this political declaration has been recognised repeatedly in recent years.

More recently, the EU Commission's proposal of June 2018 to establish a single EU foreign policy instrument (the Neighbourhood, Development and International Cooperation Instrument or NDICI)<sup>23</sup> in theory, could foster a coordinated approach towards Africa. Currently, policies for different parts of Africa are implemented through separate instruments.<sup>24</sup> The NDICI could, in principle, bring to an end the EU's currently fragmented approach to Africa through the restructuring and political steering of EU foreign policy.<sup>25</sup>

The EU mandate for the post-Cotonou negotiations gave an extra impetus to the continent-to-continent approach by providing for the possible "*involvement or accession*" of North African states,<sup>26</sup> at least on paper. Paradoxically, such an approach would be anchored in the restrictive ACP-EU framework, which is seen as merely an aid disbursement mechanism. This framework historically excludes North African states and does not exactly trigger their enthusiasm now (see Part 1).<sup>27</sup>

A fully-fledged continent-to-continent partnership is also supported at the highest political level. In September 2018 President Juncker praised the merits of a stronger continent-to-continent partnership in his annual [State of the Union](#) address.<sup>28</sup> His recently proposed Alliance only partly remedies the EU's fragmented approach towards its Africa relations.<sup>29</sup> Overall, despite the ostensible attachment to an all-Africa approach and a 'partnership between equals', the EU is thus sending mixed messages.

<sup>22</sup> See EP (2017), for example "*At the strategic level, a refinement of the Africa-EU partnership has become urgent following the adoption of Agenda 2063 and the EU Global Strategy*" p. 2.

<sup>23</sup> EC (2018a). The NDICI will be established under Heading 6 of the next Multi-annual Financial Framework ('MFF'). It should become applicable from 2021 unless the MFF negotiations fail. The Neighbourhood (including North Africa) and sub-Saharan Africa will still have separate budget lines (EUR 22,000 and EUR 32,000, respectively).

<sup>24</sup> The European Neighbourhood Policy pursued through the corresponding instrument and policies towards sub-Saharan Africa implemented through the ACP framework.

<sup>25</sup> Jones, De Groof and Kahiluoto (2018).

<sup>26</sup> See Council of the European Union (2018) p. 4 & p. 82.

<sup>27</sup> Groof de et al. (2019).

<sup>28</sup> Juncker mentioned that "*donor-recipient relations are a thing of the past. We agreed [with President Kagame] that reciprocal commitments are the way forward*". Juncker furthermore announced a "*new Alliance for Sustainable Investment and Jobs between Europe and Africa*" (the Alliance), a policy framework for private investment in Africa. The rationale behind this alliance was further explained in a separate document, "*Communication relative à une nouvelle alliance Afrique - Europe pour un investissement et des emplois durables: hisser notre partenariat pour l'investissement et l'emploi au niveau supérieur*". EC (2018c).

<sup>29</sup> Boidin (2018). "*Les relations entre l'UE et l'Afrique sont déjà structurées de façon complexe autour de la Stratégie commune UE-Afrique de 2007, d'un dialogue politique au plus haut niveau rythmé par les Sommets trisannuels des Chefs d'Etat (le dernier à Abidjan fin 2017), de l'Accord de Cotonou avec l'ensemble de l'Afrique Sub-saharienne, des APE signés avec une vingtaine de pays, et des accords bilatéraux très complets conclus avec les pays d'Afrique du Nord et la RSA... La présentation de J.C. Juncker devant le Parlement était nécessairement succincte, et ne mentionnait pas le lien entre cette « nouvelle alliance » et les accords existants ou à venir*". See also European Union Newsroom (2018) "*The future ACP-EU agreement will contribute to this alliance by strengthening our relations with both each African state and the continent as a whole, through the tailor-made African pillar. ... The new Africa Europe Alliance is thus not a stand-alone initiative*".

This introduction allows us to make an evident yet important distinction more explicit. The question of whether or not African countries may be interested in a continent-to-continent approach is distinct from the question of whether African are interested in continental integration. There is no causality necessary between continental integration and the drive for a closer continent-to-continent partnership. At the same time, the efforts of North African countries in the areas of political cooperation and economic expansion with their southern neighbours and the continent as a whole (described in Part 1),<sup>30</sup> affect the interplay between bilateral, regional and continental governance aspects, and may help to shape the nature of continent-to-continent relations in the more distant future.

With these observations in mind, the remainder of this paper addresses the perspectives of the AU and ACP Council (2); and of the EU (3) on the desirability of, and diplomatic framework for, fully-fledged continent-to-continent relations.

## 2. AU, ACP, and their members: contradicting positions

Like any other regional organisation, the AU is characterised by a cyclic nature, with waves of greater or lesser degrees of integration. The proposed Kaberuka reform<sup>31</sup> and Kagame reform<sup>32</sup> and the recently signed AfCFTA suggest that the AU and its members are currently shifting up a gear in terms of continental integration and cooperation (*in foro interno*). Regarding external affairs (*in foro externo*), however, African states are more reserved and hesitate to confer a major mandate on the AU. Logically, they often diverge on many issues, including on the question of which framework should govern EU-Africa relations and how the AU should be involved. In 2018 and still today, there is friction between two contending views, the ‘Common Position’ (2.1) and what we shall call the ‘ACP route’ (2.2).

### 2.1. The Common Position: pan-African coherence above divisive policy frameworks

#### High Ambitions

The Common Position, as the full title indicates,<sup>33</sup> clearly favours a continent-to-continent approach. It observes that the multiple frameworks governing Europe-Africa relations (JAES; Cotonou; Euromed; ENP) are counter-productive, hamper integration on the continent, harm the political and socio-economic interests of Africa, and contradict the 2063 Agenda.<sup>34</sup> Steered by the Rwandan chair, North African countries took part in formulating the Common Position which recommends that a new agreement with the EU should be *separate* from the ACP context and based on a sustainable continent-to-continent partnership between the AU and the EU.

<sup>30</sup> Groof de et al. (2019).

<sup>31</sup> Apiko & Aggad (2018).

<sup>32</sup> Kagame (2017).

<sup>33</sup> ‘African Common Position for Negotiations on a new cooperation agreement with the European Union’. For more information, see AU (2018a).

<sup>34</sup> Common Position (March 2018). “[c]ette fragmentation géographique de l’Afrique dans ses relations de coopération avec l’UE fragilise et ralentit le processus d’intégration en cours sur le continent et sape les intérêts politiques et socioéconomiques de l’Afrique. Aussi, une plus grande cohérence s’avère-t-elle nécessaire pour sauvegarder les intérêts du continent tels que définis dans l’Agenda 2063”. Document on file.

The Common Position also builds on the AfCFTA which “*gave added impetus to the need for Africa to negotiate with one voice*”.<sup>35</sup> It incidentally reduces the importance of the CP part (Caribbean and Pacific countries) of the ACP Group given their relative size, population and economic weight.<sup>36</sup> According to the Common Position, a new agreement should reaffirm the interdependence of Africa and Europe, as well as the development of modern political dialogue, based on equality, equity, mutual respect and the shared responsibility of both continents. It should promote African development and revolve around seven pillars,<sup>37</sup> while fully respecting existing bilateral agreements with the EU, including those of North Africa.

At the July 2018 Nouakchott Summit, the AU broadly confirmed the Common Position, without going as far as pulling the rug out from under the ACP Group (a collective retraction from the ACP Group would have left little other choice than to respect and implement the Common Position).

### No Consensus

The Common Position was thus provisionally confirmed yet lacked a firm base in the multifaceted AU. Eventually, there was insufficient African momentum to set the parameters for this ambitious programme further to the opposition of an important group of AU member states, including some North African countries. As a result, there was no consensus on how to move forward with the continent-to-continent approach advanced in the Kigali Declaration and at the Nouakchott Summit.<sup>38</sup> Some commentators noted that “*African nations are losing out by allowing the EU to set the agenda in talks on a successor treaty to the Cotonou Agreement*.”<sup>39</sup>

Several sub-Saharan countries too, favour a continuation of the current two-pronged treatment. They fear that a continent-to-continent approach will increase the already vested powers of North African countries in the AU and that EDF funds traditionally allocated to them might become accessible to North African countries.<sup>40</sup> The reasons behind the temporary triumph of the ACP route, to which we will now turn, thus lie in both North Africa and sub-Saharan Africa.

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<sup>35</sup> ISS (2018b).

<sup>36</sup> While the C part is not wholly insignificant in the ACP structure (with a Jamaican chair in the ACP secretariat), the ‘P’ part almost is. In any event, Caribbean and Pacific heads of state have clearly confirmed that they would like to keep the integrity of the ACP Group. They mainly back the ACP-EU cooperation because it gives them the impression that they can ‘punch above their weight’ as small regions in a large (mainly African) Group (ACP-EU provides them with access to substantial funding. However, with the transition it remains to be seen whether the MICs from C and P will still be entitled to substantial aid.

<sup>37</sup> Structural transformation of economies and inclusive growth; people-centred development; migration and mobility; peace and security; science, technology and innovation; the environment and climate change; governance, human rights and natural resource management.

<sup>38</sup> Groof de, Djinnit and Medinilla (2018).

<sup>39</sup> Africa Confidential (2018) p. 10.

<sup>40</sup> Interview with high-level Egyptian diplomat.

## 2.2. The ACP route: trotting out the same old hobby horses

The ACP route is based on the notion that the ACP framework is still relevant today and should be used to negotiate and implement the post-Cotonou agreement, also for Africa under a so-called 'EU-Africa Partnership' (a protocol attached to a future ACP-EU agreement). The ACP route contradicts the spirit of the Common Position which favours a role for the AU as the 'voice of Africa' in negotiating and implementing a cooperation agreement with the EU.

The preference for the ACP route was crystallised in a number of successive steps. On 29 May 2018, the ACP Council of Ministers adopted a negotiation mandate in Lomé, without a vote and 'by acclamation'. As noted, at the 14 September Ministerial Council, the Common Position was set aside giving new impetus to the ACP route.<sup>41</sup> This side-stepping of the Common Position was opposed by the Chair of the AU Commission, Moussa Faki and his support base mainly in Addis, Kigali and N'Djamena. This has exacerbated several stakeholders' aversion to the ACP, contributing to other divisions and shifting positions across the continent.<sup>42</sup>

Delegations from the same country do not always express the same views, depending on whether they operate in the AU context or in the ACP context. Several African Ambassadors in Brussels appear to defend the ACP framework, while their colleagues in Addis defend the AU's ambitions. Heads of State, Ministers of Foreign Affairs, ACP Council Ministers (mainly Finance Ministers or Ministers of International Cooperation), Ambassadors in Brussels or Addis of one and the same African country may take diverging positions on the ACP and the AU. As a result, few African countries speak with one voice on this matter.

The AUC is therefore no longer in favour of advocating an 'either-or approach' but prefers some type of division of roles in the future. It now accepts that its input to the post-Cotonou negotiations will be limited to 'technical advice'. It considers that it is still in control on matters of a continental nature - notably peace and security, migration and trade - and continues to question whether the ACP-EU format would serve as the right diplomatic framework for such matters. In the meantime, however, the double-discourse and approach contributes to the same old hobby horses constantly being trotted out.

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<sup>41</sup> Groof de, Djinnit and Medinilla (2018).

<sup>42</sup> See, for example, ISS (2018).

### 3. The EU: clear message but fragmented approach

At the highest political level and in formal declarations, the EU has conveyed a clear message about the merits of a continent-to-continent approach (3.1). At the same time, its approach is two-faced (3.2).

#### 3.1. At the highest level the EU favours an all-Africa approach

At least since the JAES was adopted in 2007, the EU together with the AU, has promoted a continent-to-continent approach, intending *“to take the Africa-EU relationship to a new, strategic level with a strengthened political partnership and enhanced cooperation at all levels”*.<sup>43</sup> More than a decade later, in his [State of the Union](#) address of September 2018, President Juncker referred to Europe and Africa as ‘twin continents’ and announced a new Euro-African Alliance on private investment, only days after China had committed to investing US\$ 60 billion in the continent.<sup>44</sup>

Furthermore, in the post-Cotonou process, the EU is aiming to strengthen the partnership with the AU and its regional bodies within the broader ACP framework. Thus, it has stated that the EU-ACP partnership should *“build on, reinforce and upgrade”* the JAES,<sup>45</sup> which is the “first even EU programme ... that covers Africa as a whole”<sup>46</sup>. The EU also seeks to enhance coherence between regional cooperation with the southern Mediterranean (notably through the Union for the Mediterranean) and the ACP.<sup>47</sup> Crucially, the European Commission has recognised that the possible involvement or accession of third countries in the future EU-ACP partnership *“is particularly relevant... to allow strengthening the ‘Africa as one’ approach”*.<sup>48</sup>

The EU’s emphasis on a more integrated and coherent approach also stems from the Commission’s proposal, tabled in June 2018, to establish the NDICI. With such a broad instrument and subject to some institutional reforms, EU external action could become more strategic, coherent and responsive, also in relation to Africa.<sup>49</sup> The proposed NDICI regulation mentions the renewed EU-Africa Partnership as a key policy framework.<sup>50</sup> This draft regulation furthermore integrates the EDF and provides for cross-programmatic flexibility, making it easier to reallocate funds when and where necessary. The ACP countries are no longer referred to as beneficiaries in the new instrument. All this could give the impression that the EU is gradually moving away from the ACP construct towards a more coherent approach to its cooperation with third countries.

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<sup>43</sup> EC (2007) par. 4.

<sup>44</sup> France 24 (2018).

<sup>45</sup> Council of the European Union (2018) p. 26.

<sup>46</sup> See EC – International Cooperation and Development (N.d.).

<sup>47</sup> Council of the European Union (2018), p. 19: *“The EU should increase its outreach to partners in sub-Saharan Africa and the Sahel region and in this context ensure coherence with ongoing work on the post-Cotonou agenda”*.

<sup>48</sup> EC (2017b).

<sup>49</sup> Jones, De Groof and Kahiluoto (2018).

<sup>50</sup> EC (2018a) p. 3.

Lastly, at a meeting convened for this purpose on 14 September 2018, the EU accepted postponing the start of the post-Cotonou negotiations until African ministers could reach consensus. Formally, it therefore allowed African ministers to crystallise and defend the Common Position. Although, at face value, the EU did not impede or discourage an all-Africa approach, there is more to this than meets the eye.

### 3.2. In practice, a fragmented approach

The EU's message on an overarching approach towards Africa is not applied in practice. Delving deeper than high-level declarations, it becomes apparent that the EU sends contradictory messages. This is so for three reasons, all linked to the nature of the EU, its relative lack of a shared political stance on foreign policy matters and ordinary path-dependency. African affairs are consequently dealt with in various fora and along different diplomatic tracks (i); policy priorities between the EU, North Africa and sub-Saharan Africa all differ (ii); and divisions and coordination challenges persist between or within EU institutions (iii).

#### i. A panoply of instruments

The EU is sending mixed signals. On the one hand, it is advancing an all-Africa approach, as described above. On the other hand, the variety of applicable frameworks and policies prevent the EU from adopting a coherent policy towards Africa.<sup>51</sup> The pan-African programme is the only operational one which “*considers Africa as a single entity*”,<sup>52</sup> to use the Commission's own words. The EU reluctance to move beyond the ACP ties its hands in terms of strengthening its political partnership with the whole of Africa.

The EU is aware of this but argues that the two approaches can be reconciled: “*the umbrella option also permits best to involve interested countries beyond ACP in order to ensure coherence in particular with respect to the pan-African dimension (e.g. between the ACP-EU Partnership and the Joint Africa-EU Strategy)*”.<sup>53</sup> The EU mandate for the post-Cotonou negotiations suggests that involving North African countries in the post-Cotonou framework would then strengthen a connection between ACP and JAES.

But with both parts of the chain being weak, it is unlikely that true synergy can be achieved. First, the ACP Group only includes sub-Saharan African members, and has lost political weight and legitimacy in recent decades.<sup>54</sup> Second, the JAES covers the whole Africa but it is a political declaration and has little operational power and financial clout. If the EU-Africa Partnership under a future post-Cotonou arrangement were to be built on such fragile foundations, this could result in a geographical mismatch in which two weak ingredients are mixed.

Unless accompanied by profound reform, such a combination cannot do justice to the clear call for a modern political continent-to-continent partnership - as envisaged in Lisbon (2007), Brussels (2014), Abidjan (2017), Kigali (2018), and Nouakchott (2018). This risk is particularly great if the policies relevant to ‘all Africa’ are somewhat artificially grouped under the proposed Africa pillar of the post-Cotonou Agreement, as the following infographic shows (developed by DG DEVCO).

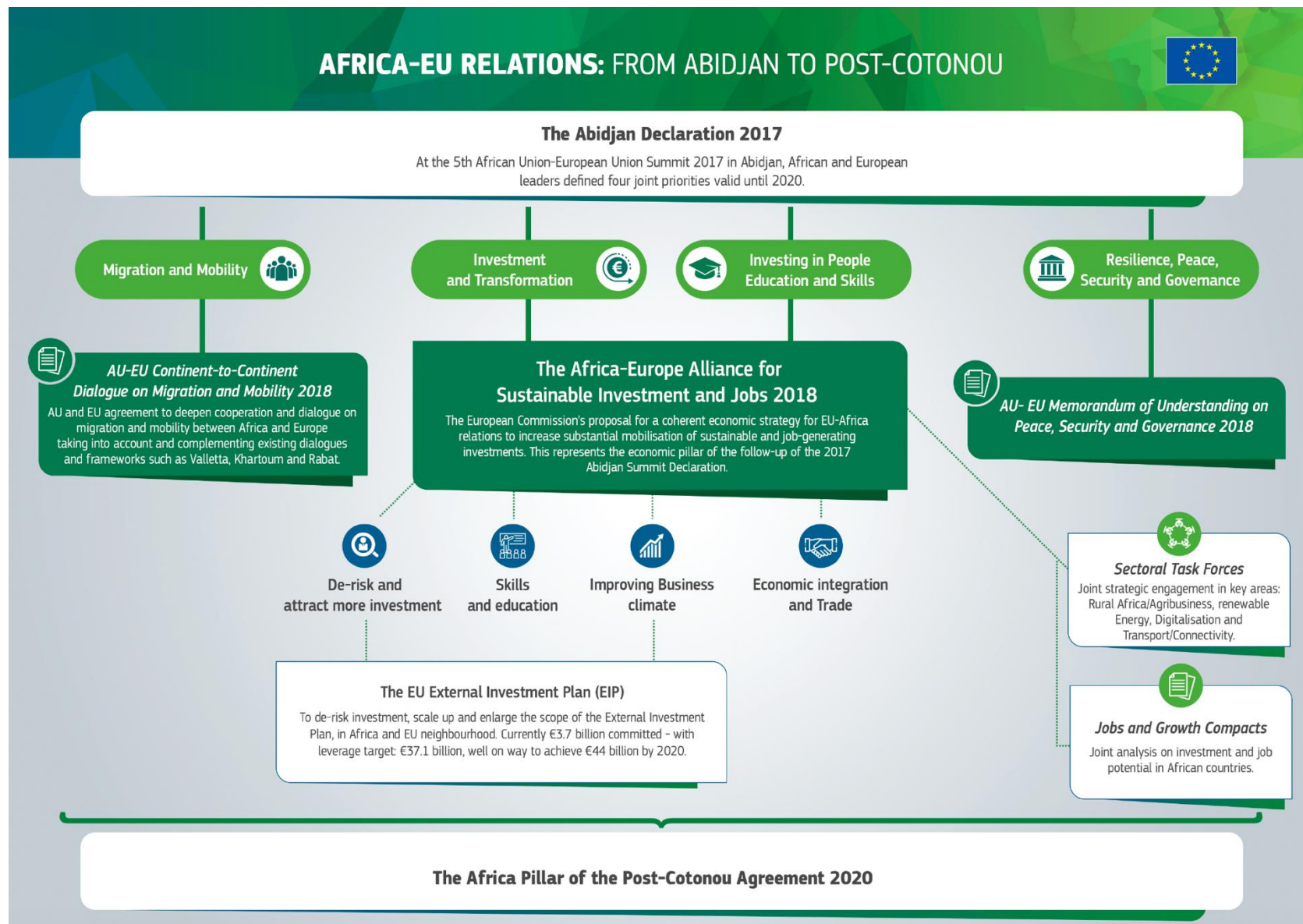
<sup>51</sup> This is nicely summarised in Carlos Lopes' article (2018).

<sup>52</sup> Délégation de L'Union européenne en Mauritanie (2018).

<sup>53</sup> EC (2016) p. 26. See also p 15.

<sup>54</sup> The EU-ACP partnership for implementing comprehensive (cross-border) policies are explained in Groof de, Djinnit and Medinilla (2018). p. 3.

Figure 1: Africa-EU relations: from Abidjan to Post-Cotonou



Source: EC 2018d.

Furthermore, although somewhat softened, the geographical division between North African states and sub-Saharan Africa is broadly replicated in the proposed NDICI. The draft regulation states that it “*should support the implementation of a modernised association agreement with countries of the Africa, Caribbean and Pacific (ACP) Group of States and allow the EU and its ACP partners to develop further strong alliances on key global challenges*”.<sup>55</sup> The proposed NDICI regulation also safeguards two prominent sub-Saharan Africa and EU Neighbourhood windows with ring-fenced minimum allocations for both regions (EUR 32 billion and EUR 22 billion, respectively). In this context too, the EU has consistently emphasised that the ENP will continue to provide the reference framework for cooperation with North African countries.

Lastly, the Juncker EU-Africa Alliance announced at the 2018 State of the Union address<sup>56</sup> at present, also merely scratches the surface. As the background document for that Alliance was long confidential, it is not certain that there was substantive coordination on the proposal. The proposal, in any event, is not one of structural change but rather brings together a number of existing initiatives to achieve ambitious deliverables (such as the creation of 10 million jobs).<sup>57</sup> If it materialises, and provided it is anchored in genuine consultations with African counterparts,<sup>58</sup> this Alliance is *de facto* likely to be based in existing frameworks such as the JAES, triannual summits, the annual EU-AU inter-summit ministerial meetings, and the EU-ACP framework.

## ii. Diverging policy priorities

EU interests in advancing a continent-to-continent approach do not always correspond with those pursued by African countries. The EU increasingly emphasises the trade and investment dimension of an EU-Africa Partnership where an *entente cordiale* can be found. However, “*the short-term interests of migration and security have in recent years increasingly dominated – some would say contaminated – EU foreign policy and to a certain extent its development policy agenda*”.<sup>59</sup> The EU’s focus on migration (and, more specifically, on readmission

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<sup>55</sup> EC (2018a).

<sup>56</sup> EC (2018b).

<sup>57</sup> Jones, Tadesse and Apiko (2019): “*The “Africa-Europe Alliance for Sustainable Investment and Jobs” announced by President Juncker has the merit of bringing together relevant initiatives recently launched by the EU, though many of these are not new. Under the new alliance, ‘jobs and growth compacts’ are to support structural transformation and creation of up to 10 million decent jobs by stimulating private sector investment and fostering a climate more conducive to investment. The EU External Investment Plan (EIP), with its European Fund for Sustainable Development (EFSD) and guarantee, is to be one of the main instruments for this. It is set to be enhanced under the next MFF, with the EFSD+ providing an open system of guarantees for up to EUR 60 billion. The challenge will be to implement the EIP and EFSD+ objectives in real partnership with Africa, which has been kept on the sidelines of the EIP process so far*”.

<sup>58</sup> The participation of Paul Kagame, President of Rwanda and the Chairman of the African Union for 2018, as a co-host of the High-Level Forum Africa-Europe in Vienna on 18 December 2018 is an encouraging sign in this regard.

<sup>59</sup> Herrero et al. (2018). This paper also notes: “*The draft NDICI Regulation adds a new criterion (compared with the criteria which applied to resource allocation in the 11th European Development Fund (EDF)) to the list: (e) capacity and commitment to promote shared interests and values. This has triggered concerns that some aid allocations will be dependent on migration deals. The Regulation is unclear as to whether the performance-based approach will apply to countries beyond the Neighbourhood, and Member States continue to be divided on this matter*”. In the same sense (i.e. that security and migration are now the prime concerns of the EU), see also Moran (2018) p. 25 and Colombo (2018) p. 28. Official EU documents also confirm this approach. See EC (2016), p. 4.

and disembarkation) is perceived to be one-sided.<sup>60</sup> In the area of security, the EU has even fewer reasons to insist on a continent-to-continent framework since the APF already provides for a continental approach.<sup>61</sup>

EU priorities also diverge depending on whether it is North African countries or sub-Saharan countries that are in the picture, as shown in the following table.

**Table 1: Priority areas in NDICI draft regulation and regional strategic frameworks<sup>62</sup>**

NDICI annex II	For North African countries	ACP (on the basis of the mandate)
<ol style="list-style-type: none"> <li>1. Good governance, democracy, the rule of law, and human rights.</li> <li>2. Poverty eradication, fight against inequalities and human development.</li> <li>3. Migration and mobility.</li> <li>4. Environment and climate change.</li> <li>5. Inclusive and sustainable economic growth and decent employment.</li> <li>6. Security, stability and peace.</li> </ol>	<ol style="list-style-type: none"> <li>1. Promoting enhanced political cooperation.</li> <li>2. Supporting the implementation of association agreements, partnership priorities or equivalent documents.</li> <li>3. Promoting a strengthened partnership with societies between the Union and the partner countries, including through people-to-people contacts.</li> <li>4. Enhancing regional cooperation, in particular in the framework of the Eastern Partnership, the Union for the Mediterranean, and European Neighbourhood-wide collaboration, as well as cross-border cooperation.</li> <li>5. Achieving progressive integration into the Union's internal market and enhanced sectoral and cross-sectoral cooperation.</li> </ol>	<p><b>Africa</b> - in line with EU-Africa partnership priorities, and notably the EU-Africa Alliance on sustainable investment for jobs and growth.</p> <ol style="list-style-type: none"> <li>1. Peace and security.</li> <li>2. Human rights, fundamental freedoms, democracy, rule of law and good governance.</li> <li>3. Human development and dignity.</li> <li>4. Inclusive sustainable economic development.</li> <li>5. Mobility and migration.</li> <li>6. Environmental sustainability, climate change and sustainable management of natural resources.</li> </ol>

<sup>60</sup> “EU migration policy towards Africa has centred largely on agreements with individual African countries. Nonetheless, the EU is directing increasing efforts towards the regional processes of Khartoum and Rabat and the Valletta Agreement, while pursuing a number of bilateral agreements, such as on return and readmission. A future overarching framework agreement with the ACP on migration is not likely to change this, but it would bring a risk of migration still being dealt with in a fragmented way in Africa”. Jones, Tadesse and Apiko (2019). See also Groof de et al. (2019).

<sup>61</sup> There is no formal reason for the EU to pursue a continent-to-continent approach. Security is eminently a cross-border matter, concerning both North Africa and sub-Saharan Africa. There is also no formal reason for the EU to pursue a continent-to-continent approach to enhance security cooperation. Although the African Peace Facility (APF) is funded under the EDF (and has its legal basis in the Cotonou Agreement), the JAES is very much the policy basis. In other words, the APF currently already takes a continental approach. While it has not been used in North African countries yet, nothing prevents the APF from being used in those countries as well.

<sup>62</sup> Herrero et al. (2018). Lightly adapted.

### iii. Divisions and coordination challenges

Divisions between member states on whether or not to facilitate a comprehensive and more coherent EU foreign policy manifest themselves at various levels. With respect to the individual member states: *“North Africa has been enveloped by a new scramble among the EU Member States for control and preferential relations”*.<sup>63</sup> In the European context, this division is also revealed in the MFF negotiations and more specifically, the NDICI negotiations.

Member states hold diverging views on the scope of the NDICI, notably on the question of whether to include the EDF and the ENI. Inclusion of the EDF is a sensitive topic for its founders (including some of the former colonial powers).<sup>64</sup> While inclusion of the ENI is a delicate issue for member states on the EU's eastern and southern borders. For these countries this question may also hinge on whether North African countries can observe a *‘primus inter pares’* role within a larger EU-Africa framework. This adds to the tension between those in Europe advocating an ‘all of Africa’ approach and those that seek to maintain the distinction between sub-Saharan Africa and North Africa.

Against the background of these divisions, a coherent EU external policy depends on how the NDICI will be governed.<sup>65</sup> Smoother cooperation between DG Near, DEVCO and the EEAS will determine whether ‘policy passerelles’ between the ENP, EU policies for sub-Saharan Africa and the few all-Africa policies will be effective in the NDICI. If a policy and institutional divide persists, then the EIP, one of the few instruments applicable throughout Africa on paper, cannot compensate for this: it is only in the starting blocks<sup>66</sup> and depends on two distinct geographic pillars for its financing under the EFSD.

Divisions between member states and EU internal coordination challenges explain why the EU has done little to encourage its African partners to pursue an all-Africa approach in the post-Cotonou negotiations. Formally speaking, the EU gave African ministers the opportunity to adopt a joint opinion when it suspended the opening of these negotiations, giving African ministers the time to reach consensus during their meeting of 14 September 2018. In practice, various EU stakeholders favourable to the ACP route described above,<sup>67</sup> have lobbied behind the scenes for the EU-ACP framework to continue.<sup>68</sup> Apart from high-level declarations, there was thus little enthusiasm, also on the part of the EU, to discontinue the familiar ACP-structure. So path-dependency prevailed.

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<sup>63</sup> Colombo (2018) p. 27.

<sup>64</sup> See Holland and Doidge (2012) p. 2.

<sup>65</sup> Jones, De Groof and Kahiluoto (2018).

<sup>66</sup> See EC (2018e). No disbursements at the time of writing although a first guarantee agreement has been signed with the Netherlands Development Finance Company (FMO) last December at the Vienna Summit, see (EC) – International Cooperation and Development (2018). Twenty-seven other programmes have been selected, see EU (2018).

<sup>67</sup> ISS (2018b).

<sup>68</sup> Africa Confidential (2018) Vol. 59, N. 21, p. 10.

## 4. Concluding observations

### 4.1. EU and AU external relations: no rupture with the past

Throughout 2018 several political initiatives, both in Europe and Africa, had conveyed an impression of urgency in moving towards a deeper political partnership between the two continents.

Despite all the grand declarations favouring an all-Africa approach, in practice the EU still sends mixed messages. At least three factors explain this Janus-like two-faced approach. First, the EU continues to apply several policy frameworks which make a distinction between North Africa and sub-Saharan Africa. The (oddly timed) Alliance - “*not a stand-alone initiative*”<sup>69</sup> as it is based on existing policy frameworks - will not remedy this. Second, the EU’s policy agenda, largely driven by member states’ individual concerns, is perceived to be focused on migration and security. Third, coordination between member states and between EU institutions remains challenging.

The AU, for its part, also a multi-faceted organisation but with about twice as many members, has not succeed in pushing for ‘all-Africa negotiations’ either, despite its declared policy goal. The Nouakchott Summit in July 2018 affirmed the need for AU-EU relations to treat Africa as one. During the summer of 2018 several African stakeholders contemplated the idea of joining forces to favour an all-Africa approach with the EU. On 14 September 2018 the AU Ministerial Council met to discuss how to do justice to this approach.<sup>70</sup> With no clear outcome of this meeting, the same old positions were trotted out: EU-Africa relations are now largely discussed in the ACP framework, i.e. without any representation of the North African states.

As with the EU, it is impossible to avoid the observation that there is a double-discourse at work on the African side (often depending on the diplomatic track or forum). In theory, the AU could have been at the helm of Africa-EU negotiations by getting its members to leave the ACP framework, *de facto* emptying it and overhauling it. Over the summer of 2018, some commentators (perhaps a bit naively), considered such a diplomatic *tour de force* plausible. In the absence of coordinated positions between the AU and ACP fora, this proved impossible.

The 2018 mid-November Extraordinary Summit on AU institutional reform did not fundamentally change these dynamics, although it is clear that the AU does not recognise the ACP-EU framework as a relevant framework for the negotiation of key continental issues (i.e. migration, trade and peace and security). As noted, the EU-AU Joint Communiqué of 21-22 January 2019 simply sidestepped the issue.<sup>71</sup>

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<sup>69</sup> European Union Newsroom (2018).

<sup>70</sup> Carbone (2018).

<sup>71</sup> EU & AU (2019) par. 27.

## 4.2. North African countries: no reason to step into the breach

North African countries could potentially play a pivotal role in a continent-to-continent partnership. Their geographic position means that they are well placed to 'oil' the wheels of cooperation between the EU and Africa on a wide range of dossiers, including trade, migration and security. The political impetus given at the highest levels, both in Africa and in Europe, in favour of a profound and overarching EU-Africa partnership therefore cannot be easily disregarded.

In the mid to long-term, the *relevance* of the question: are North African countries interested in a continent-to-continent approach? - is unlikely to diminish. This question is distinct from the question of continental integration *within* Africa. While south-south cooperation in Africa could also provide an enabling factor for a continent-to-continent partnership. This is why the position of North African countries in their own continent cannot be simply overlooked. Part 1 was dedicated to this issue.<sup>72</sup>

In light of the EU's and the AU's mixed messages, contradictory practices and tensions about the appropriate diplomatic framework, North African countries are unwilling and unable to be the 'missing link' in an intercontinental approach. The conflicting visions of actors on both continents are likely to corroborate the conclusions reached in Part 1,<sup>73</sup> i.e. that North African countries 'look north and move south' to pursue their own political and economic interests, without seeking a continent-to-continent partnership.

While, by and large, driven by similar objectives (i.e. strengthening ties with sub-Saharan Africa while safeguarding and bolstering existing relations with the EU), the context and incentives differ per North African country. As a result, there seems to be little internal coordination on whether or how to support the idea - advanced at the highest political levels in Africa and Europe - of an intercontinental partnership. North African countries have therefore adopted a wait-and-see approach. They are not keen to see a radical change in the status quo, especially in view of the practices of other actors described here in Part 2. In light of their 'double pursuit', it is therefore doubtful that a comprehensive EU-AU continental cooperation framework could provide an alternative to the existing dynamics anytime in the near future.

## 4.3. Considerations for the future

For the future, perhaps the most important question to be addressed is *under which framework, precisely, can a holistic continent-to-continent approach be shaped?* How would a new overarching continent-to-continent partnership beyond the ACP framework 'absorb' existing policies and frameworks? To date, this question remains largely unresolved - or simply ignored. It is perhaps the toughest nut to crack on both sides of the Mediterranean:

- The revision of the Africa-Europe partnership can only succeed with the support of, and coordination between, the continental structure (AU), regional bodies and states - while respecting existing bilateral relations. This will also require application of the principle of 'active subsidiarity' which is all about agreeing on the best possible formula for allocating tasks (who should do what) within a multi-level governance

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<sup>72</sup> Groof de et al (2019).

<sup>73</sup> Ibid.

framework.<sup>74</sup> Only when this is clarified will it be possible to see the AU being given an unequivocal mandate, including by North African states, to negotiate a continental deal in the fields of aid, trade and political cooperation.

- For a complete overhaul of relations between the twin continents, the EU too, will need to negotiate in the name of its member states. A renewed continent-to-continent partnership will touch on so-called ‘Community matters’ as well as member states’ competences, resulting in a mixed agreement requiring a green light from the Council, the Commission and the European Parliament.
- North African countries will not be proactive in seeking to engage in this process for any framework under the symbolically and historically charged ACP construction. Clearly, the remedy will not be found there (or even in its EU-Africa Partnership) unless it is thoroughly reformed, and probably renamed to remove its heavy post-colonial connotation, which is unlikely.

Until these bigger issues are addressed and while double practices continue at supranational (EU) and intergovernmental (AU) levels, North African countries will continue to pursue a two-fold strategy in their political and economic diplomacy: further integrating within Africa while maintaining or strengthening ties with Europe. This ‘double pursuit’ provides little opportunity to broker a broad *intercontinental* partnership in the fields of trade, aid or political cooperation and is unlikely to encourage reflection or initiatives on how to combine bilateral, regional and continental frameworks within a multi-layered governance framework.

The potential long-term cost (and missed opportunities) resulting from inaction on both sides of the Mediterranean are well-known,<sup>75</sup> “*the two options, Fortress Europe versus Eurafrica, may one day end up as a choice between denial and reality*”.<sup>76</sup> Considering the economic and demographic developments taking place on both continents, these dynamics are unlikely to change any time soon, and the role of North African countries in Afro-European relations will inevitably return to the table - and more forcefully - in one or two generations’ time, or perhaps even sooner.

In light of the weaknesses of the current, fragmented institutional architecture linking the ‘twin continents’, commentators call for ‘recalibrating’ EU-North Africa cooperation.<sup>77</sup> This will be an uphill battle from any perspective, be that from the perspective of the AU, North Africa or the EU. A holistic approach to EU-Africa relations will therefore be lacking for some time, despite the declarations made with much fanfare in 2018.

In the meantime, the available diplomatic tracks are being used and ordinary path-dependency prevails. In the African context, “*a two-track process would be followed where the AU would remain informed and involved in the negotiations with the EU*”.<sup>78</sup> In his speech<sup>79</sup> of 14 September 2018, Moussa Faki remarked that it should be possible to combine an all-Africa agreement with Europe with the ACP construction.<sup>80</sup> Various non-papers

<sup>74</sup> From 2019, mid-year summits will be entirely devoted to intra-REC coordination. The next Coordination Meeting in summer 2019 (Niamey) however is unlikely to take up the thread of the Common Position and the Nouakchott Summit.

<sup>75</sup> Vangelder (2018).

<sup>76</sup> The Economist (2018).

<sup>77</sup> See, for example, Ghafar (2017).

<sup>78</sup> ISS (2018b).

<sup>79</sup> Mahamat (2018).

<sup>80</sup> Ibid. “*Je crois qu’il est parfaitement possible de trouver une formule qui permette de concilier l’impératif d’un instrument propre à l’Afrique négocié par une équipe purement africaine et le maintien d’un chapeau commun à l’Afrique et aux pays*

furthermore suggest that the AU's involvement in the post-Cotonou negotiations will be based on 'technical input' provided to the African negotiators taking part in those negotiations which, in any event, will not bind North African states.<sup>81</sup>

Areas of continental importance, notably trade, migration and peace and security, would (also) be negotiated outside the ACP framework.<sup>82</sup> The AU thus seems to consider that the ACP route will be short-lived, as it intends to keep hold of the reins on these continental issues, which indeed defy the artificial distinction between North Africa and sub-Saharan Africa. By "*gradually taking its seat at the table and re-negotiating its place in the global system*",<sup>83</sup> such dynamics may contribute to a further hollowing out of the quasi-empty ACP shell but which, as a framework for negotiations, cannot simply be disregarded.

This double approach with limited communication (notably 'technical input' from the AU to the ACP Group) between both tracks may not be the ideal solution in the short term, especially as some of the discussions on content will overlap. It may be only a matter of time before the ACP Group and the EU come to the realisation that the AU should be the 'voice of Africa'. Meanwhile, the double-track diplomacy stands in the way of a comprehensive approach to tackling the cross-border challenges and exploiting the opportunities offered by the 'twin continents' that are almost destined to become conjoined. Irrespective of all the advantages and disadvantages that this fate may bring, North Africa will inevitably be the connecting link.

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*des Caraïbes et du Pacifique. Ce chapeau devrait rester au niveau de principes généraux, cependant que les aspects liés aux modalités, au financement et à d'autres détails pratiques seraient traités dans l'instrument relatif à l'Afrique".*

<sup>81</sup> On file.

<sup>82</sup> See also Lala, (2018) p. 13: "*through a strategic partnership with EU, such as aligned agendas on peace and security, migration and terrorism, the AU is clearly gaining international power*".

<sup>83</sup> Ibid, p. 6.

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