

BRIEFING NOTE No. 105

A crucial week for Africa and Europe beyond 2040

A CONTINENT-TO-CONTINENT APPROACH: THE AFRICAN MOMENTUM

AU-EU

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SUMMARY

In 2018, the African Union (AU) has on several occasions advocated for an all-Africa approach in its relations with the European Union. The current construction of the African, Caribbean and Pacific Group of states (ACP) does not include North African states, and the existing Joint Africa EU Strategy has not enough teeth.

The African Union Ministerial Council will meet on 14 September to discuss how to do justice to an all-Africa approach. The meeting may – or may not – result in a far-reaching African Union mandate and the precise role of Carlos Lopes, the recently appointed AU High Representative. Such a mandate would enable him to support AU member states in the negotiation of a new agreement with the European Union after 2020.

There are potential external and internal obstacles to a full-fledged continent-to-continent approach though. Putting external obstacles (notably from the EU and ACP Group) aside, this paper zeroes in on internal hurdles and pitfalls. How will a possible AU mandate be framed and how does it relate to the existing ACP and EU mandates? Will African ministers reach consensus on the mandate? Can they design an exit strategy from the ACP Group or, alternatively, perhaps breathe new life in this aging actor – but for what purpose? Will they be responsive to EU priorities so as to enhance the African mandate's resonance both with European interlocutors and possibly within Africa? The prospects for a more relevant and effective continent-to-continent approach beyond 2020 may well depend on how these four questions are addressed.

Introduction

On 14 September the AU will convene a Ministerial Council to discuss Africa's Common Position on its post-Cotonou relations with the EU. This may – or may not – be translated into an AU declaration or even a concrete negotiating mandate.

A mandate could allow the AU to negotiate directly with the EU. Both the ACP Group (largely consisting of AU member states) and the EU had agreed to postpone these talks until after this crucial meeting. Will this meeting be able to revive the spirit of the Joint Statement of the AU Executive Council expressed in Kigali on 19 March 2018 (AU Joint Position)?¹ The AU then criticised the geographic fragmentation of Africa, and advocated for a renewed and upgraded continent-to-continent partnership with the EU. In the same vein, the AU Summit of Heads of States in Nouakchott in July 2018, under the Chairmanship of Rwandan President Paul Kagame, reaffirmed the need for AU-EU relations to treat Africa as one. The ACP-framework, due to its post-Colonial history excludes North African states. The only existing framework for a continent-wide approach is the Joint Africa EU Strategy (JAES), which is a political declaration originating from 2007 with many good ideas, but little operational power.

This briefing note briefly recalls (1) the reasoning behind a continent-to-continent approach and (2) the potential external obstacles to further that approach. It then zooms in on (3) the potential internal hurdles to accomplish the AU's call for an all-Africa partnership with the EU. The note ends with (4) a couple of constructive considerations, which may or may not be taken into account at the 14 September meeting.

1. Why a continent-to-continent approach?

Commentators and institutions (including the AU and EU themselves)² have long argued for a more mature and continent-to-continent approach on political cooperation, development, aid and trade. The main argument is the one mentioned in the AU Joint Position: in times where migration, security threats and trade defy borders, geographic fragmentation is increasingly difficult to justify. The AU has, therefore, tried to consolidate its own coordinating role financially, through the Kaberuka report, economically, with the signing of the African Continental Free Trade Agreement (ACFTA), and politically. At its last summit in Nouakchott, the AU appointed former head of UNECA Carlos Lopes, to be the High Representative (and focal point for) supporting AU member states in the upcoming negotiations with the EU.

2. External obstacles to a continent-to-continent approach

African leaders will face external and internal pressure and pitfalls along the way. Externally, the EU could insist on keeping negotiations on political priorities in the ACP-basket. Why? The EU may hope to keep provisions alive which, on paper, give it some leverage over individual ACP countries in terms of political dialogue,³ consultations or measures to react to human rights violations,⁴ and readmission of migrants.⁵

¹ Reference to the AU Joint Position is made here. Copy of the original French version on file.

² See the Joint Africa EU Strategy and the annual EU Ambassadors Conference 2018. See also the Final Declaration of the AU-EU Summit of 29-30 November 2017, in which the EU and AU “emphasise[d] [their] common interest and opportunity for a paradigm shift to an even stronger, mutually beneficial partnership in the spirit of shared ownership, responsibility, reciprocity, respect and mutual accountability and transparency”.

³ Art. 8 of the current Cotonou Agreement.

⁴ Art. 96 and 97 of the Cotonou Agreement.

⁵ Art. 13 of the Cotonou Agreement. While they provide a degree of security in terms of process, the application of these provisions stands out for its inconsistency and the increasingly limited results over the past few decades. See [‘The future of ACP-EU relations: A political economy analysis’](#), January 2016.

The latter topic is now even higher on the EU agenda: the Italian and Hungarian governments will not shy away from using this dossier as a chess piece in another set of negotiations, those concerning the next EU budget, the Multiannual Financial Framework 2021-2027.⁶ Whether African governments would re-confirm these provisions in a post-Cotonou arrangement remains to be seen. The ACP institutions, for their part, are working hard to hold on to their privileged role and existence. Beyond a narrative of unity and solidarity across regions worldwide, they invoke their experience and management capacity of the European Development Fund and intra-ACP cooperation.

3. Challenges within Africa

Politically speaking, African ministers could use the 14 September meeting as an opportunity to get one step ahead. The EU and the ACP Group have agreed to postpone negotiations until the outcome of this meeting is clear. Whether African ministers will do justice to the repeated call for African unity depends on four variables: **(3.1)** How will they frame the High Representative's mandate? **(3.2)** Will they (still) unanimously back a continent-to-continent approach? **(3.3)** Can they, if no exit strategy can be agreed on, envisage an alternative role for the ACP institutions? And **(3.4)** can the mandate reflect some of the EU's priorities?

3.1. Framing the AU mandate

The 14 September meeting should carefully consider how a common African mandate will be termed. If the Ministerial Council agrees on shifting the centre of gravity to an all-Africa approach with the EU, the AU mandate could clarify this in two regards. First, how does the AU mandate relate to two other existing mandates, namely the ACP and EU mandates on post-Cotonou negotiations, adopted in May and June 2018, respectively?⁷ Considering these two mandates, which framework does the Ministerial Council consider as the overarching framework and point of reference for Africa-EU relations?⁸ The challenge perhaps lies in avoiding to frame the AU mandate exclusively in 'post-Cotonou language' while the goal is precisely to re-envision the relationship with the EU on a continent-to-continent basis. Second, how comprehensive will the mandate be? Africa-EU relations touch upon various fields (including political cooperation, trade, development, peace and security, energy, climate change, technology and migration). The text could mention how it intends to integrate the political priorities of the previous partnership in future Africa-EU negotiations. While the EU has shown its intention to integrate the Joint Africa EU Strategy (JAES) in a new EU-ACP construction, there is a clear opportunity now for the AU to express where it wants to go with the JAES. This is especially relevant in light of the ongoing AU reform and the recently signed African Continental Free Trade Agreement (ACFTA). Do African member states want a partnership that is a subsection of a future ACP-EU agreement, or do they want to take the AU-EU relationship as the starting point. The depth and strength of the AU mandate will depend on where it positions itself.

3.2. Brokering unanimity

In principle, all states must reach an agreement on a potentially wide-ranging mandate for the AU. Once consensus is found, every African state will be responsible for aligning their ministers and ambassadors behind this position, both in Addis Ababa and Brussels. This will not be an easy ride. First, North African

⁶ The ECDPM work on the multiannual financial framework can be consulted [online](#).

⁷ In May 2018, the ACP Council of Ministers adopted a [mandate](#) on future ACP-EU relations. The EU followed suit and adopted its [mandate](#) in June 2018.

⁸ The EU mandate envisions a post-Cotonou framework that integrates and strengthens the JAES, but also maintains an important ACP-EU component. While this may seem like an ultimate compromise, in practice this can prove difficult, especially considering that JAES from the very start in 2007 called to go beyond development aid in the partnership with the AU, and beyond the ACP-EU partnership.

countries have an interest in preserving their existing bilateral ties with the EU and ensuring that these are not compromised or undermined. They will be adamant that this is reflected in the terms of any mandate they agree to. The rest of the continent appears to be far from united on the topic. Countries well-acquainted with the continuity provided by the ACP-EU framework in the past must be convinced of the reasons for empowering continental institutions in foreign relations. [The AU will in particular have to do more to convince the Southern African Development Community](#) (SADC) and some West African Countries. SADC reportedly opposed (procedural) aspects of AU reforms driven by Kagame's chairmanship, and on how to institutionalise future Africa-EU relations. The wording of the mandate might ease these tensions.

3.3. ACP Group and the choice between an exit strategy or finding a new purpose

The ACP Group is not the right entity for pursuing a continent-to-continent approach. It lacks the political clout and legitimacy of the African Union. It is not in a position to design and implement *comprehensive* African policies in the field of aid, trade, development and political cooperation or hot topic issues like migration, for two reasons. First, it's no secret that the ACP Group has lost political weight and legitimacy over the past decades. Two out of three pillars of the Cotonou Agreement (political dialogue and trade) are *de facto* regionalised. The role of the ACP Group has been reduced to managing and channelling development aid from the European Development Fund to individual ACP countries or intra-ACP cooperation.⁹ Second, the absence of North Africa is another weakness of the ACP construct. Although some challenges in Africa can only be solved by cross-border cooperation with sub-Saharan states, it is unlikely that North African countries see an interest in joining the ACP in a possible new Cotonou Agreement unless they can have appropriate assurances that it will not undermine their bilateral Association Agreements with the EU.¹⁰

On 14 September, African ministers may have to choose between an exit strategy or a completely revised (yet meaningful?) role for the ACP institutions. But institutions often outlive the relevance of their mandate. The ACP might well survive for some time or slowly fade away. It is quite likely that strong (individual) vested interests and fears to upset longstanding ACP-EU institutions in some African countries and in the Brussels scene will continue to undertake major efforts to keep the construction alive. This, in turn, triggers the question: which role could the group play if African countries decide to not abandon it *en bloc* entirely?

In other words, how might the ACP spark an interest in African capitals beyond 2020 without duplicating existing AU institutions and procedures? Some political actors are convinced that the role of the ACP, as a technical or political coordinator, could be reinvented. Some emphasise that the ACP group has a technical understanding of the EU and is familiar with aid delivery procedures. The ACP has hinted itself at a more knowledge-centred or technical support role.

Others suggest that the ACP could become a forum to exchange on big dossiers such as the sustainable development goals. They underline that the ACP Group forms the biggest coalition of countries worldwide. In the EU, notably, some believe this factor constitutes a major political capital to be used in global governance and multilateral fora for South-South cooperation. However, a basic reality check shows that in the last two or three decades, the ACP Group has not been a political force in global governance, nor has it

⁹ However, European Commission proposals for the EU budget 2021-2027 propose to house the majority of the funding for Africa under one new instrument, the Neighbourhood, Development & International Cooperation Instrument (NDICI) that would replace the EDF and the EU's current Neighbourhood Instrument amongst others.

¹⁰ The cross-regional narrative of "unity and solidarity" has lost its appeal over the years as well as any significance in concrete terms. Cooperation and exchange with the other regions is of limited value to Africa and does not justify outsourcing one's foreign relations to an unequal post-colonial coalition.

been a driving force behind any significant political dossier. This is primarily linked to the heterogeneity of the Group, which makes it difficult to articulate collective interests in the first place.¹¹ This structural limitation may not be easily remedied.

In any event, without a common exit strategy, alternatives as to a (new) technical, cultural or political role for the ACP may need to be considered at the 14 September gathering. Whilst avoiding the duplication of roles and responsibilities, African ministers may ponder whether a constructive compromise on a meaningful role for the ACP Group could be found. This would require both realism and creativity – a difficult combination. Difficult, but perhaps not impossible, though the risk of duplication and competition between ACP and AU institutions might be high.

3.4. Reassuring the EU

With the agreement to postpone negotiations until after 14 September, the AU can lead the dance. But it takes two to tango. In this case, actually 55 + 28. Africa is aware of the EU's top priorities. On the European side, a common *internal* approach to the 'migration question' seems further than ever (Italy's Matteo Salvini and Hungary's Viktor Orban have declared they are ready to break European solidarity over it). Migration played a relatively minor role at the end of the 1990s, when the Cotonou Agreement, still in force, was negotiated. But it will play a considerable role in the current post-Cotonou or AU-EU negotiations.

In spite of today's internal divisions in Europe, there is agreement on the necessity to prioritise one issue. The EU mandate for the post-Cotonou negotiations clearly illustrates this: member states could find an agreement on that mandate only after corroborating and repeating provisions on readmission of migrants throughout the text. Migration will be high on the EU agenda, no matter in which framework (ACP or continent-to-continent) it is dealt with. For the AU, too, this is increasingly becoming a priority, as the recent creation of the African Observatory for Migration and Development (OAMD) in Rabat testifies.¹² Whichever the format, negotiations will be difficult, not least because collective interest articulation has been complex on either side of the table. Disagreement on migration has shaken the EU to its core in the past few years, and considering also there is no continent-wide freedom of movement in Africa, African countries have thus far mostly dealt with migration on a reactive and bilateral level.

An AU mandate for continent-to-continent negotiations should not blindly follow EU priorities on this dossier – far from it, it should strongly and ambiguously defend African interests. But the prospects of success for a continent-to-continent approach may also depend on strong reassurances, from both sides, that migration will feature high on the agenda. With the demographic explosion in Africa, this potato will only grow hotter by 2040. The mandate could thus make clear that the AU will take this dossier to heart, and pursuantly become the EU's main interlocutor on migration. *De facto* this is already the case for example in the area of peace and security despite the fact that collaboration in this area is primarily funded under the EDF. If, on 14 September, the AU Ministerial Council takes a first, bold step also with regard to migration, the all-Africa mandate could resonate much stronger with the EU.

A second reassurance to the EU is of a more practical nature. The EU commits to regionalisation in principle, yet remains reluctant to do so in practice. To a large extent this relates to the procedural and diplomatic comfort of dealing with the ACP, which in Brussels is often seen as an "easier" partner to deal with than the AU on political and technical issues, albeit a significantly less meaningful one. The ACP

¹¹ For a political economy assessment of the interests at play see ECDPM's past publications available at: <http://ecdpm.org/dossiers/dossier-future-acp-eu-relations-post-2020/>

¹² See AFP article 'African Union creates migration body', 2 July 2018.

secretariat and joint institutions have evolved in the shadow of the EU's development cooperation systems and are able to oversee and administer development budgets and organise structured dialogue relatively painlessly. Moving towards a broad continent-to-continent partnership, the AU will need to invest more in its Brussels-based representation in order to become a stronger and more credible counterpart of the EU politically as much as administratively. Further, when moving from dialogue to cooperation, an investment in the technical and administrative capacity of the AUC, the Committee of Permanent Representatives and joint AU-EU programmes will be needed in order to work with EU funding.

Incidentally, a strong Europe - Africa format would also be a more attractive proposition for ensuring the UK's continued engagement, albeit if Africa, Europe and the UK could all come to an arrangement on what form this would take¹³.

4. Concluding observations

If African leaders take the bull by the horns by reaching unanimity on a carefully drafted mandate which positions itself also vis-à-vis the ACP and the EU, then the 14 September meeting will do more than sending a strong signal towards the EU and the ACP. A new European Commission in 2019 will have to take its outcome into account, as should the ACP Group, which depends on its biggest block.

Although both the EU and the ACP Group have adopted negotiating mandates on a future post-Cotonou framework, they have agreed to postpone discussions until after the crucial 14 September meeting. This is not insignificant. It implies that the AU can take a first stance in relation to the four elements discussed above, which will also inform the depth and strength of the AU mandate.

This week may well prove crucial for Africa and Europe for decades to come. A long-term and more comprehensive Africa-EU partnership on political cooperation, trade, and development (not to mention many issues beyond it) hinges on Africa transcending the ACP Group or, alternatively, on a thorough transformation of the ACP Group's function and purpose. This transformation would have to unambiguously clarify the primary role for African institutions as lead interlocutors and managers of Europe-Africa relations.

The ball to lay the foundation for what may become a more mature EU-AU partnership is in the African camp now. But perhaps not for long. African ministers may wish to consider how the AU mandate for such a partnership will be designed (and how it relates to other texts and mandates), whether to reflect dossiers of concern for the EU, and how to choose between an exit strategy or a completely revised yet meaningful role for the ACP group. Without considering these issues, a full-fledged continent-to-continent approach may remain *lettre morte*, until or even beyond 2040. The momentum need not be created: it is already there.

¹³ For further analysis, see Great Insights Magazine *Beyond Brexit*, Volume 7, Issue 3. Summer 2018, available at: http://ecdpm.org/great-insights/beyond_brexit/

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