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## BI-REGIONAL COOPERATION BETWEEN THE AFRICAN UNION AND THE EUROPEAN UNION: LEGAL-INSTITUTIONAL SETTINGS, CHALLENGES AND WAY AHEAD

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### 1. Introduction

On 17–18 February 2022 the 6<sup>th</sup> European Union (EU) - African Union (AU) Summit took place. The Heads of State and Government of the Member States of the two organizations met under the Co-Chairpersonship of the President of the European Council, Charles Michel, and of the President of the Republic of Senegal and Chairperson of the AU, Macky Sall. The summit represented the occasion to discuss a number of relevant and pressing issues, among which climate change, agriculture and migration stand out. As it emerges from the joint Declaration «6<sup>th</sup> EU - AU Summit: A Joint Vision for 2030», the Member States of the EU and the AU committed themselves to strengthen cooperation initiatives under the motto «two Unions, a joint vision»<sup>1</sup>.

Meanwhile, just a few days later, on 24<sup>th</sup> February, Russia invaded Ukraine, thereby triggering a ferocious conflict and provoking severe repercussions on the whole international, economic and geo-political order<sup>2</sup>. The conflict, nevertheless, seems especially impactful for the European and

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<sup>1</sup> Brussels Declaration, 6th European Union – African Union Summit: A Joint Vision for 2030, Brussels, 17-18 February 2022.

<sup>2</sup> For some considerations on the Russian military operations in Ukraine, among others, see M. ARCARI, *The conflict in Ukraine and the hurdles of collective action*, in *Questions of International Law*, Zoom-out 96, 2022, pp. 7-25; B. BONAFÉ, *The collective dimension of bilateral litigation: The Ukraine v Russia case before the ICJ*, in *Questions of International Law*, Zoom-out 96, 2022, pp. 27-47; F. FAVUZZA, *Is Russia Occupying Ukraine?*, in *Sidi Blog*, 4 marzo 2022; M. KELLY, *Russia's Illegal Invasion of Ukraine and the Role of International Law*, in *Articles of War*, 4 March 2022; M.

African regions: after a few months have passed since the Russian military aggression, major consequences are already being experienced in humanitarian-migratory terms, as well as in crucial sectors such as energy, trade, food and agriculture<sup>3</sup>. The repercussions on the latter areas appear as particularly worrying as they may potentially lead to further side effects for the Africa-Europe relationship, including, *inter alia*, shortage or disruption in the supply of raw materials, sudden price spikes, food crises, and subsequent migratory movements.

Russia's military aggression, indeed, has severely impacted the Ukrainian export of its agricultural produce<sup>4</sup>. The wheat shortage, in particular, may trigger potential dramatic effect on global food security, including in terms of exponential increase of serious risks of famine and destabilization in many parts of the world. African countries seem particularly vulnerable to food insecurity, some of them being acutely dependent on agricultural products coming from the conflict-affected areas<sup>5</sup>. Unsurprisingly, thus, at the extraordinary meeting of the European Council, urgently convened on 30-31 May 2022, the European leaders explicitly included food security in the EU's political agenda, exploring ways of international cooperation and reflecting on how to ensure a comprehensive approach to tackle the issue. The AU Chairperson, Macky Sall, joined the extraordinary meeting via videoconference, in order to discuss the topic, just a few months after the general EU-AU Summit held in February.

This scenario shows how urgent and crucial the Euro-African cooperation is. Against this background, this contribution intends to focus on whether and how the cooperation between the European and the African Unions may play a beneficial role in the elaboration of a common, timely and effective response to the current, critical challenges, such as food security, climate change and migration. To this end, the text is divided into three main parts. The first one is devoted to a general overview of the Africa-EU relations, which have taken different shapes and methodologies over the years. The following part focuses specifically on the bi-regional cooperation between the AU and the EU, retracing its origin and subsequent evolution, as well as examining its legal-institutional settings. Finally, the third part addresses the most recent initiatives put in place by the two international organizations with regard to issues as food security and climate change.

## 2. *Setting the Scene: An Overview of the Euro-African Relations and Multiple frameworks for cooperation*

### 2.1. *The long-lasting, "physiological" relationship between Africa and the European Union*

During the past decades the EU has progressively gained a leading role with regard to development policy and commitment to eradicate poverty worldwide. The ambition of the

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MILANOVIC, *What is Russia's Legal Justification for Using Force against Ukraine?*, in *EJIL Talk!*, 24 February 2022; MICHAEL N. SCHMITT, *Russia's "Special Military Operation" and the (Claimed) Right of Self-Defense*, in *Articles of War*, 28 February 2022; A. SPAGNOLO, *Prime considerazioni sul tentativo della Russia di giustificare l'intervento armato in Ucraina*, in *Sidi Blog*, 25 febbraio 2022.

<sup>3</sup> For an overview of the various impacts of the Russian-Ukrainian conflict on Europe's economy, see the study prepared by the European Central Bank, A. BOBASU, R.A. DE SANTIS, *The impact of the Russian invasion of Ukraine on euro area activity via the uncertainty channel*, European Central Bank, ECB Economic Bulletin, Issue 4/2022.

<sup>4</sup> On the repercussions of the Russian invasion on global food security, see D. DESIERTO, *The Human Right to Food, Freedom from Hunger, and SDG 2: Global Food Crisis and Starvation Tactics from the Russian Invasion of Ukraine*, in *EJIL Talk!*, 9 June 2022.

<sup>5</sup> See, in this respect, the risk analysis elaborated by the UN FOOD AND AGRICULTURE ORGANIZATION (FAO), *The Importance of Ukraine and the Russian Federation for Global Agricultural Markets and the Risks Associated with the War in Ukraine*, FAO Information Note, 10 June 2022.

EU, ideally, is that of achieving the role of protagonist on the international scene through the exercise of its “soft power”: as it is not a military power – at least in a unitary and monolithic sense – the EU can count on its diplomatic means, financial capacity and political influence in order to foster dialogue and cooperation with Third Countries and engage in multilateral initiatives of collaboration and partnership<sup>6</sup>. The EU, ultimately, would aim at spreading its leadership, mediation and assistance to other regions worldwide, thereby fostering positive economic and political relations, especially when it comes to fields of cooperation such as trade, development and humanitarian aid.

In so doing, the EU seems to respond, so to say, to a sort of “natural” vocation: a propensity to conceive and deploy a spectrum of diplomatic-financial instruments, a toolbox of different, flexible cooperation initiatives, aimed at fostering collaboration, mutual participation and assistance. This idea, in fact, was somehow already embodied in the original configuration of what today is the EU. Since the very beginning, indeed, it was clear that the European States would have not only needed to recover from the drama of the Second World War by peacefully cooperating between themselves, but would have also had to engage in a constructive dialogue with other partners outside the Euro-area, and most notably with the African countries. This goal was expressed in Robert Schuman’s vision of Europe: in his famous speech, delivered on 9 May 1950, the French Minister for Foreign Affairs and one of the “founding fathers” of the European integration process, in addition to the idea of pooling resources to avoid conflicts and foster prosperity and cooperation, affirmed that « This production will be offered to the world as a whole without distinction or exception, with the aim of contributing to raising living standards and to promoting peaceful achievements. With increased resources Europe will be able to pursue the achievement of one of its essential tasks, namely, the development of the African continent »<sup>7</sup>.

In his Declaration, Schuman thus considered cooperation and interaction with the African continent as one of the EU’s “essential tasks”, an indispensable, natural and inherent character of its mission. More than seventy years later, these considerations are somewhat mirrored in today’s EU primary law. More specifically, the Treaty on the Functioning of the European Union (TFEU) lays down the principles that should govern the EU’s action in the framework of its international relations. According to Article 21 TFEU, the EU shall act on the international scene in accordance with « the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world ». Paragraph 2 of the mentioned provision further states that the EU shall define and pursue common policies and shall work for a high degree of cooperation with third countries and other regions in order to achieve a number of significant and ambitious objectives. Among

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<sup>6</sup> On the topic of the EU’s external relations and multilateral initiatives, in general, see E. BARONCINI, S. CAFARO, C. NOVI, *Le relazioni esterne dell’Unione europea*, Torino, 2012; M. CREMONA (Ed.), *Developments in EU International Relations Law*, Oxford, 2008; P. EEKOUT, *EU External Relations Law*, Oxford, 2001; I. GOVAERE, E. LANNON, P. VAN ELSUWEGE, S. ADAMS (Eds.), *The European Union in the World. Essays in Honour of Marc Maresceau*, Leiden-Boston, 2014; S. KEUKELEIRE, J. MACNAUGHTAN, *The Foreign Policy of the European Union*, London, 2008; B. VAN VOOREN, R. WESSEL, *EU External Relations, Law, Text, Cases and Materials*, Cambridge, 2014.

<sup>7</sup> The full text of the so-called Schuman Declaration is available, in different linguist versions, on the website of the European Union, at < [https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950\\_en](https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en) >. The Declaration is traditionally regarded as the first, political-moral building stone of the European integration experience. To such an extent that, nowadays, every 9<sup>th</sup> of May, EU Member States celebrate “Europe Day” because of the recurrence of this declaration.

these, significantly, one can find those that are at the core of the Euro-African international partnership and cooperation, namely: «sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty»; «international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development»; assistance of «populations, countries and regions confronting natural or man-made disasters»<sup>8</sup>. As it will be now seen, these objectives have been the focus of a variety of different forms of cooperation between the African and the European continents.

## 2.2. Multilateralism and different patterns of cooperation

Over the decades the EU and the African Continent have engaged in a number of cooperation initiatives, developing a bi-regional dialogue based on common, shared values and principles: peace, security, democracy, prosperity, solidarity and human dignity. The collaboration has mainly been focusing on trade and sustainable development, although other fields have also progressively gained momentum. Since the 1990's in particular, EU-Africa relations have become increasingly politicized and securitized, (re)directing the States' agenda towards additional issues other than commercial relations, such as labour mobility, migration governance and border controls<sup>9</sup>.

When it comes to the legal-institutional forms of such cooperation initiatives, in general, the Africa-EU partnership characterizes itself as a flexible, multi-actor and multi-level political process, driven by different players. For the sake of clarity, three layers of cooperation may be identified. First, and primarily, between the regional organizations, the AU and the EU, which sometimes also work in synergy with other, relevant international organizations and institutional bodies<sup>10</sup>. Second, at intergovernmental level, EU and AU Member States naturally represent crucial players in the process: on the one hand, being the driving force for building and orienting the overall consensus that is needed for the bi-regional dialogue, and, on the other, being capable of autonomously engaging in bilateral or multilateral initiatives among themselves. Third, and finally, besides institutional and governmental bodies acting at different level, a variety of several, other non-State socio-economic actors and stakeholders come into play, including civil society organizations, relevant representatives from the private sector, entities and associations in the field of business and industry, but also youth, education and culture.

It is actually not easy, therefore, to keep track of such a complex array of processes, which have been multiplying and evolving according to different patterns, objectives and

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<sup>8</sup> Article 21, paragraph 2, TFUE, respectively, letters d), f), g).

<sup>9</sup> For an overview of and a comparison between the European and African contexts with regard to migration governance, see D. ACOSTA, A. GEDDES, *Transnational Diffusion of Different Models? Regional Approaches to Migration Governance in the European Union and Mercosur*, in *European Journal of Migration and Law*, 16, 2014, p. 19 *et seq.*; A.I. ADENIRAN, *Migration and Regional Integration in West Africa: A Borderless ECOWAS*, New York, 2014; S.O. OLORUNTOBA, S.D. KAMGA, *Regional Integration and Migration in Africa: Lessons from Southern and West Africa*, Leiden, 2020; D. THYM, M. ZOETEWIJ-TURHAN (Eds.), *Right of Third-Country Nationals under EU Association Agreements: Degree of Free Movement and Citizenship*, Leiden-Boston, 2015.

<sup>10</sup> For an example of “triangular” cooperation involving the African Union, the European Union and the United Nations, see F.L. GATTA, *The Trilateral Cooperation between the African Union, the European Union and the United Nations on Migration and Libya: A Successful Example of Collaboration?*, in *federalismi.it*, Focus Africa, 3, 2019.

policy strategies, thereby all contributing to shape and guide Africa's relations with the EU<sup>11</sup>. Collaboration and dialogue, indeed, involve different players, acting at different levels, within different fora, and interacting with different counterparts and according to multiple-track processes. For the sake of space and clarity, and limiting the focus solely on the most recent historical period, at least the following categories of multi-level cooperation processes might be identified: i) bi-regional and inter-organizations dialogues, having a focus on continent-to-continent issues, and involving international organizations such as, the EU on the one hand, and the AU, or the Organization of African, Caribbean and Pacific States (OACPS) on the other; ii) dialogue and cooperation at a more local level, with initiatives directed at specific regions or group of countries, such as, for example, the Regional Protection Programs and the Regional Development and Protection Programs launched by the EU in some areas of Africa; iii) specific forms of collaboration agreed at national level, through particular and tailor-made bilateral or multilateral, international agreements.

This latter category includes quite a vast array of cooperation instruments, negotiated and concluded in the form of trade agreements, commercial arrangements and other schemes, which mainly govern the EU-Africa economic relations. Examples in this respect include Economic Partnership Agreements (EPAs), individual trade arrangements and so-called "Everything but arms" agreements for least developed countries, which establish different legal-procedural rules in terms of import-export and access to the market<sup>12</sup>.

As for Regional Protection Programs (RPPs) and Regional Development and Protection Programs (RDPPs), they are particular projects financed by the EU and destined

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<sup>11</sup> For an overview of the Euro-African relations and their development in various areas of cooperation, *inter alia*, see D. BACH, *The European Union and Africa: Trade Liberalisation, Constructive Disengagement, and the Securitisation of Europe's External Frontiers*, in *Africa Review*, 3/2011, pp. 33-46; C. CASTILLEJO, *The Influence of EU Migration Policy on Regional Free Movement in the IGAD and ECOWAS Regions*, Discussion Paper, Deutsches Institut fuer Entwicklungspolitik, Bonn, 2019; J. GOIZUETA VERTIZ, I. GOMEZ FERNANDEZ, M.I. PASCUAL (Eds.), *La libre circulacion de personas en los sistemas de integracion economica: modelos comparados Union Europea, Mercosur y Comunidad Andina*, Cizur Menor, 2012; T. HAASTRUP, L. MAH, N. DUGGAN (Eds.) *The Routledge Handbook of EU-Africa Relations*, London/New York, 2021; J. MANGALA (Ed.), *Africa and the European Union. A Strategic Partnership*, New York, 2013; M. MESSINA, *I modelli di integrazione economica in Europa e in Africa: l'esperienza dell'UE e dell'ECOWAS a confronto*, in P. PENNETTA (Ed.), *L'evoluzione dei sistemi giurisdizionali regionali ed influenze comunitarie*, Bari, 2010, p. 115 *et seq.*; B. NASCIBENE, *Nationality Law and the Law of Regional Integration Organisation*, Leiden-Boston, 2022, notably pp. 147-156; P. J. NEUVONEN, *Transforming Membership? Citizenship, Identity and the Problem of Belonging in Regional Integration Organizations*, in *European Journal of International Law*, 30, 2019, p. 229 *et seq.*; S. NITA, A. PÉCOUD, P. DE LOMBAERDE, K. NEYTS, J. GARTLAND (Eds.), *Migration, Free Movement and Regional Integration*, Paris, 2017; C. ZANGHÌ, *Diritto delle organizzazioni regionali*, Torino, 2013.

<sup>12</sup> The so-called "Everything but Arms" Agreements provide duty-free, quota free access to the EU market to all Least-Developed Countries, while African countries implementing Economic Partnership Agreements with the EU also benefit from such free access. With some North-African Countries the EU also has individual trade arrangements in place. For more detailed information about the EU-Africa trade relationships, among others, see O. MORRISSEY, C. MILNER, A. MCKAY, *A Critical Assessment of Proposed EU-ACP Economic Partnership Agreements*, in A. MOLD (Ed.) *EU Development Policy in a Changing World: Challenges for the 21st Century*, Amsterdam, 2007, pp. 199-219; C. PITSCHAS, *Economic Partnership Agreements and EU Trade Policy: Objectives, Competences and Implementation*, in J. DREXL, H. GROSSE RUSE-KHAN, S. NADDE-PHLIX (Eds.) *EU Bilateral Trade Agreements and Intellectual Property: For Better or Worse?*, Berlin-Heidelberg, 2014, pp. 209-239. On the EU external commercial policy, see R. BARATTA, *La politica commerciale comune dopo il Trattato di Lisbona*, in *Diritto del commercio internazionale*, 2012, p. 413 *et seq.*; E. CANNIZZARO (Ed.), *The European Union as an Actor in International Relations*, The Hague-London-New York, 2002; G.M. RUOTOLO, *Gli accordi commerciali di ultima generazione dell'Unione europea e i loro rapporti col sistema multilaterale degli scambi*, in *Studi sull'integrazione europea*, 2016, p. 329 *et seq.*; C. DI TURI, *La strategia commerciale dell'Unione europea fra "regionalismo economico" e multilateralismo*, in *Studi dell'integrazione europea*, 1, 2014, pp. 81-101.

to specific, targeted geographical areas in Third Countries, whose aim is that of enhancing socio-economic protection capacity by providing durable solutions for the local populations<sup>13</sup>. They are conceived as flexible “policy toolboxes”, whose characteristics and goals may vary in accordance with the peculiar context concerned, and that combine elements of different policies (e.g. humanitarian aid, refugees’ protection, migration and development), thereby aiming at enhancing the capacity of Third Countries to set up durable solutions in regions where many refugees originate from or are passing in transit<sup>14</sup>. The first RPPs were implemented in the African Great Lakes area (Tanzania)<sup>15</sup>, followed by other programs launched and operationalized in 2011, and involving various areas of the African continent, such as the Horn of Africa Region (Kenya, Djibouti and Yemen)<sup>16</sup> and the Northeast region (Egypt, Libya and Tunisia)<sup>17</sup>.

When it comes to the collaboration between the EU and the OACPS, different dialogues and cooperation processes have been implemented over the years. Most recently, the so-called Cotonou Partnership Agreement deserves a mention<sup>18</sup>. Signed in Cotonou, Benin, in 2000, it provided a 20-year overarching policy, laying down the legal and financial framework for cooperation between the EU and the then-African, Caribbean and Pacific Group of States (currently OACPS)<sup>19</sup>. The validity of the agreement, whose expiry was due in February 2020, has been prolonged to enable the negotiations for the “post-Cotonou” agreement. However, the negotiating process, started in 2018 and already complex *per se*, had been further complicated and slowed down by the COVID-19 pandemic<sup>20</sup>. The EU and

<sup>13</sup> On this topic, see M. GARLICK, *EU Regional Protection Programmes: Development and prospects*, in M. MAES, M.C. FOLETS, P. DE BRUYCKER (Eds.), *External dimension of EU migration and asylum law and policy*, Bruxelles, 2011, pp. 379-383; P. DE BRUYCKER, E.L. TSOURDI, *EU asylum policy: in search of solidarity and access to protection*, EUI Migration Policy Centre, Policy brief 2015/06, May 2015; G. MORGESE, *I programmi di (sviluppo e) protezione regionale dell’Unione europea: uno strumento efficace per i rifugiati africani?*, in *Federalismi.it*, Focus Africa, 1, 2017. On the European Regional and Protection programmes, see also ECRE, *Regional Protection Programmes: An effective policy tool?*, ECRE Discussion Paper, Brussels, January 2015; AMNESTY INTERNATIONAL, *EU regional protection programs: Enhancing protection in the region or barring access to the EU territory?*, September 2005.

<sup>14</sup> For more details, see EUROPEAN COMMISSION, *Communication on Regional Protection Programmes*, COM(2005)388 final, 1 September 2005. See also the analysis and the comments of the UNHCR on the European Commission’s Communication, UNHCR, *Observations on the Communication from the Commission to the Council and the European Parliament on Regional Protection Programmes COM (2005) 388 final, 1 September 2005*, UNHCR, September 2005, available at <https://www.unhcr.org/4360a5ab2.pdf>.

<sup>15</sup> On this subject, see J. MILNER, *Two steps forward, one step back: understanding the shifting politics of refugee policy in Tanzania*, in *UNHCR New Issues in Refugee Research*, Paper No. 255, 2013.

<sup>16</sup> See Communication from the Commission to the European Parliament and the Council, Annual report on immigration and asylum (2010), COM(2011)291 final, 24 May 2011.

<sup>17</sup> See Communication from the Commission to the European Parliament and the Council, third annual report on immigration and asylum (2011), COM(2012)250 final, 30 May 2012.

<sup>18</sup> Partnership agreement 2000/483/EC between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, Official Journal of the European Communities, L 317, 15 December 2000.

<sup>19</sup> In April 2020, the ACP Group of States became an international organisation: the Organisation of African, Caribbean and Pacific States (OACPS). Initially built on the principles of partners’ equality, global participation and dialogue, the group was later revised in 2005 and 2010 to adjust to new challenges and add focus on regional integration, security and political stability, as well as common challenges such as the growing problem of climate change, inclusiveness and sustainability, aid effectiveness.

<sup>20</sup> On the complex dynamics surrounding the post-Cotonou cooperation process, see M. CARBONE, *Africa in the Intricate Post-Cotonou Negotiation Process*, in *ISPI Commentary*, 2020, available online; M. CARBONE, *Caught between the ACP and the AU: Africa’s relations with the European Union in a post-Cotonou Agreement context*, in *South African*

OACPS concluded their negotiations on 15 April 2021 and, at the time of writing, the new agreement awaits the completion of the process for its entry into force<sup>21</sup>.

In addition to the above-mentioned dialogue with the OACPS, and in parallel, the intra-organization cooperation with the EU has also developed with regard to the AU. As a matter of fact, this appears to be the preferential channel of cooperation and partnership at the bi-regional level. As it emerges from a decision agreed upon in March 2018, indeed, the AU declared and acknowledged that Africa's relations with the EU should be governed by «a single framework for cooperation from Union to Union/continent to continent, independently of the ACP-EU framework»<sup>22</sup>. This leads us to the AU – EU partnership, whose origin, features and evolution will be examined in the following section.

### 3. *The EU-AU relations and partnership: Origin, Legal Basis and Scope of Cooperation*

The AU-EU Partnership was formally established in 2000 at the first Summit organized and held in Cairo, Egypt, by the European Union and the Organization of African Unity (the predecessor of the AU, officially launched in 2002)<sup>23</sup>. The “Africa-Europe Summit”, as it was called, represented the occasion to lay the foundations of the international cooperation between the two organizations, identify common goals and objectives, and establish actions and strategies to achieve them<sup>24</sup>.

The “legal basis” of such a partnership consists of two jointly-adopted acts, namely the so-called Cairo Declaration on the one hand, which is accompanied by the so-called Cairo Plan of Action, on the other. The former represents the founding, “constitutional” document of the partnership, in so far as it proclaims the basic principles and commitments of the newly-established cooperation experience. It, indeed, solemnly affirms the common objective «to give a new strategic dimension to the global partnership between Africa and Europe for the Twenty First Century»<sup>25</sup>. It further builds on a set of shared values, including democracy, respect for human rights and fundamental freedoms, rule of law, pluralism, peace and security, political stability and confidence among nations. The latter document, for its

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*Journal of International Affairs*, 4, 2018, pp. 481-496; G. SCHEFER, *Post-Cotonou and the EU-African Relationship. A Green Light for a Renewed Cooperation?*, in *Bruges Political Research Papers*, 77, 2019.

<sup>21</sup> See EUROPEAN COMMISSION, *Post-Cotonou: Negotiators reach a political deal on a new EU/ Africa-Caribbean-Pacific Partnership Agreement*, Press Release IP/20/2291, Brussels, 3 December 2020.

<sup>22</sup> EXECUTIVE COUNCIL, Eighteenth Extraordinary Session 19 March 2018, Kigali, Rwanda, Ext/Ex.CI/Dec.1 & 2(Xviii), Decision On The Draft Agreement Establishing The African Continental Free Trade Area (AFCFTA), at paragraph 4.2.

<sup>23</sup> The summit was held under the guidance of Egypt (host Country for the Summit) and under the Co-Presidency of Algeria (holder of the presidency of OAU, in the person of President of Algeria, Abdelaziz Bouteflika) and Portugal (holder of the presidency of the EU, in the person of the Prime Minister of Portugal, António Guterres, in his capacity as President of the European Council). A representative of the Secretary General of the United Nations also attended the Summit.

<sup>24</sup> For an overview of the AU-EU relations, among others, see B. M. EYINKA, *Beyond Cairo: Emerging Pattern of Euro-African Relationship*, in *Africa: Rivista trimestrale di studi e documentazione dell'Istituto italiano per l'Africa e l'Oriente*, 2, 2004, pp. 159-178; C. REIN, *The European Union and the African Union: A Strategic Partnership?*, in *European Foreign Affairs Review*, 4, 2015, pp. 553-571; J. RESTI, *AU-EU Institutional Relations. Towards a New Era?*, in FEPS – Foundation for European Progressive Studies Policy Brief, 2021, available online.

<sup>25</sup> Cairo Declaration, Africa-Europe Summit under the Aegis of the OAU and the EU, Cairo, 3-4 April 2000, Conseil/00/901, para. 1.

part, being conceived as “plan of action”, identifies and presents the main directives and lines of action to implement the objectives set by the two international organizations. The Action plan is indeed aimed at «emphasising the guiding priorities for action», the European and African leaders being «convinced that these actions will contribute to the achievement of the principles and commitments contained in the Cairo Declaration»<sup>26</sup>.

Building on such a basis, the Cairo declaration extends the scope of cooperation and regional integration by covering quite a vast array of sectors, which are organized into four main areas. Trade and economy represent a crucial focus, as highlighted by the fact that this is indeed the first area to be presented in the Declaration, under the titles «Regional economic cooperation» and «Integrating Africa into the world economy». The objective here is two-fold, as it may be deduced from the wording of the titles themselves: the ambition is that of fostering the economic growth at both regional and global level, especially in light of the changing economic, global dynamics. Such an area is then organized in more specific sub-categories of cooperation, such as private sector development, investment, industry-related issues, research and technology.

Besides economy and trade, which remain the main focus of the cooperation, other domains are covered. The additional areas of collaboration identified by the Cairo Declaration are: i) «Human rights, democratic principles and institutions, good governance and the rule of law» (which, as sub-sectors of cooperation, *inter alia* encompasses, for example, migration, xenophobia, refugees and internally displaced persons); ii) «Peace building, conflict prevention, management and resolution» (which, *inter alia*, covers terrorism, small arms and light weapons, landmines); «Development issues» (which, by way of examples, covers issues such as poverty eradication, education, health, food security, environment).

The same, primary areas of cooperation are mirrored in the Cairo Plan of Action, which, as said, goes more into details about practical strategies and guiding actions for the implementation of the objectives more generally identified by the Cairo Declaration. The Action Plan, moreover, lays down some more provisions regarding the institutional settings of the bi-regional cooperation.

### 3.1. Institutional framework

In terms of institutional setting, the AU-EU cooperation process initiated in 2000 in Cairo appears to be structured in a quite flexible way, rather than in a strictly and formally proceduralized manner. This seems coherent with the overall *rationale* of the partnership between the two international organizations, which intended to establish and develop a shared framework for open, political dialogue and multilateral collaboration, instead of a rigid, formal and legal architecture of rules and procedures. Such an approach is evident since the very beginning, being indeed reflected in the Cairo Declaration.

First of all, in general, the document affirms and highlights the desirability for multilateralism: the AU-EU cooperation does not characterize itself as a “closed” duo, indifferent to the cooperative dynamics unfolding on the wider international scene. The Declaration, in fact, under a paragraph titled «Co-operation in International Fora», states that the AU and the EU «are determined to work together for the improvement of international understanding and cooperation for development and human progress», thereby affirming their commitment to cooperate closely within other international organizations, such as the United Nations (UN), as

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<sup>26</sup> Cairo Plan of Actions, Africa-Europe Summit under the Aegis of the OAU and the EU, Cairo, 3-4 April 2000, Conseil/00/901, Preamble.



well as other, major global conferences and fora and contribute to the attainment of the goals established therein<sup>27</sup>.

Having declared that, some more precise indications regarding the institutional setting of the AU-EU partnership are contained in the Cairo Plan of Action, namely, in the closing part of the act, under the heading «Follow-up mechanism». The institutional framework envisaged therein is established in order «to give impetus to and to monitor the Implementation» of the strategic priorities identified in the Action Plan<sup>28</sup>. To this end, the bi-regional cooperative apparatus is organized according to a tripartite, multilevel and intergovernmental structure: a Summit of the Heads of State and Government at the top, meetings of Ministers at an intermediate level, and, finally, bi-regional groups at Senior Officials' level.

Regarding the first, highest institutional forum of cooperation and dialogue, the agreement between the AU and the EU is in the sense of organizing it in accordance with a principle of continuity, although there is not a clear indication of the chronological frequency of the summits. As a matter of fact, summits at this top level have so far been held without regularity, being convened within variable timeframes, ranging from a minimum of three to a maximum of seven years. More in detail, at the time of writing, the EU-AU Summit has so far taken place six times, the most recent one having occurred in Brussels on 17-18 February 2022<sup>29</sup>. As for the organizational and logistical aspects, the Summit between the two organizations' Heads of State and Government usually lasts a couple of days; as regards its seat, it follows a principle of alternance, being convened one year in Europe (usually at the beginning of April) and another year in Africa (usually at the end of November)<sup>30</sup>. Institutionally, the Summit is co-chaired, on the European side, by the President of the European Council, and on the African side, by the Chairperson of the African Union<sup>31</sup>.

Regarding the second institutional cooperative setting, according to the Cairo Declaration, meetings at ministerial level shall take place in between the major AU-EU Summits<sup>32</sup>. In this respect, naturally, ministerial conferences assume different configurations, according to the agenda and the topics under discussions in the specific case, thereby including, for example, agricultural or foreign affairs' ministerial meetings. Here as well, however, there seems to be a lack of regularity, as demonstrated by the mentioned configurations of ministerial meetings: while the latter has so far taken place only two times, the former has been convened for four times already<sup>33</sup>.

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<sup>27</sup> Cairo Declaration, *cit.*, §41. Similar considerations are expressed in the Cairo Plan of Action, namely at §§38-40.

<sup>28</sup> Cairo Plan of Action, *cit.*, §127.

<sup>29</sup> Previous AU-EU Summits, besides the initial one held in Cairo in 2000, have taken place in 2007, 2010, 2014, 2017 and, finally, in 2022.

<sup>30</sup> When it comes to the location of the Summit, while the AU seems to adopt a sort of rotating criterion (the seats of the Summit have so far included Cairo, Tripoli, Abidjan), for the EU the seat coincides with Brussels (with the only exception of the 2007 Summit, hosted in Lisbon by Portugal, which was the holder of the EU's rotating presidency, as well as the theatre of the EU's "constitutional" reform process linked with the Treaty of Lisbon).

<sup>31</sup> The Chairperson of the African Union is selected by the Assembly of the organization following consultations by Member States. The office of the Chair of the African Union is held for a period of one year by a Head of State or Government. The President of the European Council, on the contrary, is elected by the European Council for a term of two and half year, and cannot, while being President, hold a national office.

<sup>32</sup> Cairo Declaration, *cit.*, §127, letter b).

<sup>33</sup> Both ministerial meetings took place in 2021. However, while the AU-EU Foreign Affairs Ministers' conference held in October in Kigali, Rwanda, represented the second edition of the meeting in such an institutional configuration, the AU-EU agriculture ministerial conference held in June was already at its fourth

Finally, as regards the third institutional setting envisaged for the EU-AU relations – i.e. bi-regional group at Senior Officials’ level – the Cairo Declaration affirms that it should meet regularly, in order to «monitor and encourage the achievement of the priorities for action, from a political viewpoint»<sup>34</sup>. Meetings and conferences, in this case as well, are convened in a rather flexible way, according to the specific needs and the level of priority of the different points to be discussed on the political agenda of the EU-AU partnership.

What discussed so far represent the standard institutional framework, as it explicitly emerges from the founding documents adopted in Cairo. The cooperation and political dialogue between the AU and the EU, however, does not limit themselves only to such configurations and fora. Rather, the collaboration between the two organizations, over the years, has also developed through alternative and not specifically-mentioned platforms and means. A relevant example, in this respect, is represented by the meetings between the organizations’ respective Commissions.

So-called Commission-to-Commission (or “C2C”) meetings have been convened on a more and more frequent basis: African and European Commissioners meet annually, alternating between Brussels and Addis Ababa, the latter city being the seat of the 10<sup>th</sup> and most recent meeting, held in February 2020, at the AU Headquarters in Ethiopia<sup>35</sup>. The participants of the C2C meetings monitor the progress achieved between AU-EU major summits and discuss how to improve the cooperation between the two institutions.

Other fora for dialogue and cooperation, moreover, usually “follow” the major and more structured summits between the EU and the AU. Such an important occasion, indeed, mobilizes a considerable array of actors and stakeholders, and thus paves the way for the organization of a series of side events, which usually take the shape of pre- or post-summit conferences and gatherings. These include initiatives involving both the institutions of the two international organizations and the private sector.

From the first point of view, for example, joint parliamentary meetings are held occasionally (the most recent one took place in February 2022), where representatives of the Pan-African Parliament and of the European Parliament can debate and evaluate the strong points and the shortcomings of the existing partnership between the AU and the EU, and exchange views on certain crucial issues, in order to shape the upcoming discussions of the Heads of State and Government. To that end, in particular, both parliamentary institutions may prepare and propose recommendations for the AU-EU Summit, which may undergo a joint adoption.

As for the second kind of side events, a variety of initiatives and meetings take place in accordance with a “people-centred partnership approach”, the overarching logic being that non-

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edition, having been previously held in 2016 (in Noordwijk, the Netherlands), 2017 and 2019 (both in Rome, Italy).

<sup>34</sup> Cairo Declaration, *cit.*, §128.

<sup>35</sup> The C2C meeting was co-chaired by the Chairperson of the AU Commission, Moussa Faki Mahamat, and the President of the European Commission, Ursula von der Leyen and saw the participation of 22 EU Commissioners and 9 AU elected officials. The meeting is presented as a preparatory and instrumental stage for the work of the subsequent EU-AU Summit: according to the Joint Communique, indeed, the C2C meeting was «critical as a building block of an enhanced partnership, backed by the appropriate framework and instrument, to be solidified by mutual commitments at... the EU-AU Summit later in the year». For more details about this meeting, see the communication “10<sup>th</sup> African Union Commission – European Commission Meeting”, Joint Communique, Addis Ababa, 29 February 2020, available online. The following work of the AU and the EU, and of their respective Commissions, has been disrupted by the spread of Coronavirus in 2020, with the COVID-19 Pandemic having impacted on the two organizations’ agenda of meetings and summits.

State actors (such as civil society, local authorities, youth representatives and the private sector) can play an active role in the AU-EU Partnership and potentially influence its decision-making process. Therefore, in preparation of and in parallel to the major, official institutional meetings of the two international organizations, various stakeholder groups usually meet in order to bring their views and recommendations to the table. In this respect, by way of example, it is worth mentioning the EU-Africa Business Forum, which brings together CEOs and representatives from the private sector, multinational companies, large corporations, small and medium-scale enterprises and confederations, as well as multilateral and regional institutions, with a view to linking markets and facilitating business-related activities, thereby providing a significant occasion for high-level dialogue and networking. Additional examples include a variety of events (e.g. round tables, trainings, workshops, conferences, exhibitions, etc.) concerning different areas, such as youth and education (which leads to the organizations of so-called Africa-Europe Youth Summit<sup>36</sup>), art and culture, research and technology and so on and so forth<sup>37</sup>.

Finally, the multifaceted picture of meetings, side events and fora connected with the AU-EU Summits is completed by the organization of Expert dialogues. That is, specific thematic dialogues and expert meetings convened in order to engage in fruitful discussions on a given, problematic topic, with a view to collect and develop views and expertise on themes that are crucial for the wider bi-regional partnership. Examples in this respect include the AU-EU Human Rights Dialogue<sup>38</sup>; the High-Level Policy Dialogue on Science, Technology and Innovation; the Africa-EU Energy Partnership; and the Africa-EU Reference Group on Infrastructure (RGI).

### 3.2. *Cooperation through Ad Hoc Bodies and Thematic Initiatives*

In addition to the above-mentioned institutional framework, through which the AU-EU partnership is carried out, the bi-regional cooperation can also count on the work of other bodies and organisms, specialized in a given, specific sector: the so-called Task Forces. These are organs with mainly advisory functions, created on an *ad hoc* basis and with a peculiar, thematic mandate. Conceived in this fashion, their mission essentially consists in

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<sup>36</sup> Young people are key drivers for change and are advocating to have a more active role in global issues. Decision-making bodies on both continents are reflecting on this call, and on ways for moving towards meaningful engagement and empowerment of their young population. The Africa-Europe Youth Summit is a forum that seeks to give voice to young, active stakeholders. In particular, ahead of the 2017 AU-EU Summit, the 4<sup>th</sup> Africa-Europe Youth Summit took place and resulted in the adoption of the so-called Abidjan Youth Declaration and Youth Agenda, which contains significant and forward-looking principles for cooperation, new ideas and proposals for concrete actions and pilot projects. For more information on this point, see the text of the declaration, “4<sup>th</sup> Africa - Europe Youth Summit Abidjan Youth Declaration, AU-EU Youth Plug-In Initiative Youth Agenda”, Abidjan, 11 October 2017.

<sup>37</sup> For a better idea of the variety of initiatives surrounding the AU-EU Summits, see, for example, the side events organized on the occasion of the 3<sup>rd</sup> AU-EU Summit, held in Tripoli in 2010. A description of these events may be found in the press release of the European Commission, “3<sup>rd</sup> Africa EU-Summit 29/30 November, Tripoli”, MEMO/10/604, Brussels, 24 November 2010.

<sup>38</sup> Even if not strictly linked with the AU – EU partnership, when it comes to human rights, it is worth recalling that, since 2019, the African Court on Human and People’s Rights has engaged in periodic meeting with its counterparts, the European Court of Human Rights, as well as the Inter-American Court of Human Rights. The trilateral “judicial dialogues” are based on the Kampala Declaration, which lays down the principles and the objectives of the institutional collaboration between the three regional judicial bodies. See Kampala Declaration, The African Court on Human and Peoples’ Rights, the European Court of Human Rights and the Inter-American Court of Human Rights, at the First International Human Rights Forum, 28 to 29 October 2019.

providing expertise and technical support to the political bodies of the two international organizations, by conducting research and studies, collecting data, realizing reports and carrying out the preparatory work in view of upcoming AU-EU Summits and/or ministerial meetings.

To this end, these bodies have been endowed with a broad and flexible mandate, thus being able to perform a range of different activities, which result, in particular, in the adoption of acts having a predominantly technical and non-binding legal value. Overall, Task Forces created within the AU-EU partnership are relatively small organs, in terms of configuration and composition, as well as in terms of scope of action. Their members are selected and appointed in a personal capacity, on the basis of their areas of expertise, being thus affiliated to a variety of different entities, such as universities, think-tanks or centers of study and research specialized in a given sector, CEOs and/or board members of business-related companies and societies, directors of associations and so on.

When it comes to the internal organization of work, activities and acts, Task Forces appear to enjoy a certain degree of flexibility, being able to convene meetings on a more frequent and regular basis, by comparison to the broader summits of the AU-EU political bodies. The practice shows, indeed, that Task Forces have met more times, with conferences and meetings being organized (also remotely, online and via video-conference) in order to regularly conduct the tasks they have been entrusted with. In terms of acts and documentation, such bodies, having an inherent advisory function, typically produce reports, studies and contributions that serve as food for thought, and as preparatory materials for future AU-EU Summits and/or ministerial meetings. These documents are primarily technical in nature, but they may also entail a political-propositional character, as they lay down policy recommendations and directives for strategies and actions, which European and African leaders are encouraged to follow in the short- or medium-long term.

Let us now focus on some examples. A first case that can be mentioned is the Task Force on Migration and Libya. This *ad hoc* organism relates itself with the unfolding of the humanitarian-migratory Libyan crisis and, in particular, with the issue of migrants trapped in terribly inhuman conditions in the detention centres scattered along the Libyan coast, which attracted growing attention within the international community. The matter was first addressed by the AU and the EU at their 2017 Summit held in Abidjan, where they both acknowledged the need «to address the root causes of irregular migration and forced displacement» and «to promote a... multidimensional approach to migration that takes place in a safe, orderly and regular manner»<sup>39</sup>. Building on such commitments, in the margins of the Abidjan Summit, a tripartite meeting took place between the representatives of the two regional organisations, together with those of the UN, to face the dramatic conditions of migrants and refugees stuck in Libyan detention centres. As a result, the three international organisations agreed to establish a joint AU-EU-UN Task Force specifically focused on the Libyan migratory and human rights crisis<sup>40</sup>.

The Task Force, in particular, was endowed with the mandate to coordinate both long-term strategies and immediate and urgent interventions, covering a broad variety of

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<sup>39</sup> AU, Final Declaration: Investing in Youth for Accelerated Inclusive Growth and Sustainable Development, Abidjan, 29 November 2017.

<sup>40</sup> See European Commission, Joint press release of the United Nations, the African Union and the European Union, Statement/17/5029, Abidjan, 29 November 2017. For more details on this trilateral cooperation, see F.L. GATTA, *The Trilateral Cooperation between the African Union, the European Union and the United Nations on Migration and Libya*, *cit.*

migration-related issues, including both regular and irregular migration, human rights protection, humanitarian assistance and support to local authorities. As for the immediate actions, the focus was put on the humanitarian evacuation of migrants and asylum seekers trapped in the Libyan detention centres, with interventions in this sense being based on the work of specialised actors, such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). Regarding the long-term objectives, these were identified, on the one hand, in the improvement of conditions of migrants and asylum seekers present in Libya, and, on the other, in fighting smuggling and human-trafficking activities and dismantling the related criminal networks.

After the Abidjan Summit, the formal launch of the AU-EU-UN Trilateral Task Force took place on 4<sup>th</sup> December 2017 in Addis Ababa, and was followed, a few days later, by an official meeting in Brussels between the representatives of the three organisations to discuss the action of the Task Force, and most notably the urgent evacuation of migrants inside Libya<sup>41</sup>. For this purpose, in particular, two different mechanisms were agreed: an emergency Voluntary Humanitarian Return operation, managed by the IOM and aimed at safely returning migrants from Libya to their home countries; and an emergency Transit Evacuation Mechanism, conducted under the UNHCR's guidance, and targeting those individuals present in Libya and unable to be returned to their countries of origin and needing international protection<sup>42</sup>. Further developments were discussed and agreed in 2018, on the occasion of the AU-EU-UN Trilateral Meeting held at the UN headquarters in New York, in the margins of the 73<sup>rd</sup> meeting of the UN General Assembly<sup>43</sup>; and later on, in an *ad hoc* meeting held in Addis Ababa in April 2019<sup>44</sup>.

Another example of specialized organism activated within the broader collaboration between the EU and the AU is represented by the Task Force Rural Africa (TFRA). Such an *ad hoc* organ was created in May 2018 to advise the EU-AU Commissions on how to best contribute to sustainable development and job creation in Africa's and Europe's agricultural and food sectors (so-called agri-food sector) and rural economy. The TFRA, more specifically, has its origin in the increased cooperation between the AU and the EU on the agri-food agenda, which gained momentum especially in the recent years, thereby giving impetus for the establishment of this advisory body<sup>45</sup>.

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<sup>41</sup> See the communication, "Meeting of the Joint AU-EU-UN Task Force to address the migration situation in Libya", Joint press release, Brussels, 14 December 2017; see also European External Action Service (EEAS), Remarks by Federica Mogherini following the meeting at political level of the European Union – African Union – United Nations – Task Force, Brussels, 14 December 2017. The initiative was welcomed as a positive, promising experiment of multilateral collaboration, representing «an unprecedented mechanism for cooperation»: see European External Action Service (EEAS), Remarks by HR/VP Federica Mogherini at the high-level panel event on migration and structural transformation in Africa during the 2018 UN General Assembly, New York, 25 September 2018.

<sup>42</sup> For more details on these initiatives of the Task Force Migration and Libya, see F.L. GATTA, *The European and International Response to the Human Rights Situation of Migrants in Libya: The Humanitarian Evacuation Programmes Run by the African Union, the European Union and the United Nations*, in M. KOTZUR, D. MOYA, U. SÖZEN, A. ROMANO (Eds.), *The External Dimension of EU Migration and Asylum Policies: Human Rights, Development and Neighbourhood Policies in the Mediterranean Area*, Baden-Baden, 2020, pp. 163-194.

<sup>43</sup> Third African Union – European Union – United Nations Trilateral Meeting, Joint Communiqué, New York, 23 September 2018, paragraph 2.

<sup>44</sup> See the communication, "The AU-EU-UN Task Force Meeting Calls to Rescue Stranded Migrants and Refugees in Libya", Press release 060/2019, Addis Ababa, 18 April 2019.

<sup>45</sup> The 2017 Abidjan Summit was especially relevant for the agri-food and rural agenda, leading to the commitment of the AU and the EU to work together to enhance agricultural production, sustainability and

The TFRA was operationalized with the appointment of nine members, who held the first, official meeting on 24 May 2018<sup>46</sup>. Less than a year later, in March 2019, the TFRA had already produced its first report, titled «An Africa-Europe Agenda for Rural Transformation», which identified the main policy options for a bi-regional agricultural and rural agenda, by laying down specific recommendations on the way forward and addressed to the EU and AU Commissions<sup>47</sup>. The report was later reviewed and complemented by a following contribution, released in August 2020, which updated the policy recommendations in light of the crucial developments that had occurred in the meantime (COVID-19 above all)<sup>48</sup>. These thematic reports appear as particularly relevant insofar as they connect different areas of intervention, such as migration, food security and climate change, and highlight the crucial importance of effectively and coherently tackling the challenges stemming therefrom.

Finally, another example is represented by the EU-AU Digital Economy Task Force (DETF). This body situates itself within the joint bi-regional agenda for a digital transformation, agreed and developed by the AU and the EU according to the shared understanding of the importance of the fast-evolving digital technologies, and their impact on the digital market, innovation and inclusive job creation and sustainable development. Launched in December 2018, the DETF is aimed at identifying concrete policy recommendations and actions to address the principal barriers to the cooperation in the digital field<sup>49</sup>.

The organism, composed of 23 members with an expertise in the digital field, has produced a number of recommendations and policy documents, which are mirrored in the broader «Digital Transformation Strategy for Africa 2020 – 2030»<sup>50</sup>. The first report of the Task Force, in particular, was released in June 2019 and provided guidelines and policy options with the goal of advancing the AU's and EU's strategic engagement in their international digital partnerships<sup>51</sup>. The Task Force, moreover, provides a platform of “digital partnership” for the private sector, with networking opportunities for stakeholders such as donors, financial institutions and civil society organizations. From this point of view, the work of the DETF has guided the design of cooperation projects funded by the EU and its Member States. An example in this respect is represented by the creation of the «African

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productivity. Such a bi-regional objective was later reiterated and detailed in the AU-EU Agricultural Ministers conference held in June 2017, thereby providing a more specific political framework for the initiative to establish the TFRA. The Task Force was then initiated following the presentation of «new Africa-Europe Alliance for Sustainable Investment and job», a strategy launched and implemented by the European Commission guided by President Juncker in September 2018. See, State of the Union 2018, «The Hour of European Sovereignty», Annual State of the EU address by President Juncker at the European Parliament, Strasbourg, 12 September 2018.

<sup>46</sup> The launch of the Task Force saw the participation of, for the AU, Josefa Leonel Correia Sacko, Commissioner for Rural Economy and Agriculture of the AU Commission, and, for the EU, Neven Mimica and Phil Hogan, Commissioners, respectively, for International cooperation and development, and agriculture and rural development.

<sup>47</sup> «An Africa-Europe Agenda for Rural Transformation», Report by the Task Force Rural Africa, March 2019.

<sup>48</sup> «Priorities for Africa's Food and Nutrition Security Post-Covid-19», A Contribution from the Task Force Rural Africa (TFRA) to the AU-EU Summit, October 2020, August 2020.

<sup>49</sup> For more information, see the press release, AFRICAN UNION, *African Union and European Union Step up Digital Cooperation for Sustainable Development in Africa following EU-AU Summit*, Press release, 23 March 2022.

<sup>50</sup> «Digital Transformation Strategy for Africa 2020 – 2030», 18 May 2020, available online, in multiple languages, on the AU's official website.

<sup>51</sup> See EUROPEAN COMMISSION, *New Africa-Europe Digital Economy Partnership - report of the EU-AU Digital Economy Task Force*, Report/Study, 13 June 2019, available online, in English or French.

Union - European Union D4D Hub», which offers a platform for gathering key actors from EU and AU Member States, including representatives of private sector, industry, civil society and financial institutions, thereby boosting the objective of the so-called Digital Transformation of the African and European economies<sup>52</sup>. This Task Force, thus, appears as particularly promising, with potential margins for developing even closer cooperation between the AU and the EU in the area of digitalization.

### 3.3. *Sources, Acts and Instruments of the AU-EU bi-regional cooperation*

As mentioned above, institutionally speaking, the AU-EU partnership is governed by a rather flexible system of dialogue and collaboration. This happens through a number of different platforms, meetings and processes that have taken place and shape over the years. The same logic is applied to the types of acts produced and used within the bi-regional cooperation, which relies on a variety of interchangeable documents, rather than a rigid and pre-defined set of specific legal sources.

In this respect, the most relevant and authoritative source is represented by the declarations that are jointly agreed and adopted within the major AU-EU Summits. Starting from the first one – the 2000 Cairo Declaration – to the most recent one, these documents reflect the vision and the mission of the two organizations when acting together, by (re)affirming their commitment and the core principles of their cooperation, based on common, shared values. Furthermore, these declarations serve as agendas for future strategies and actions: typically, after recalling and re-invoking the achievements of past summits, new goals and priorities are presented, by taking into considerations current challenges and new developments unfolding on the international scene<sup>53</sup>. To this end, indeed, usually Declarations are coupled with accompanying documents, such as Plans of Actions or Roadmaps, which provide more details regarding the priorities identified in a more general manner. Ultimately, the Declarations elaborated with the major EU-AU Summits are classically political and programmatic documents, characterized by a general approach, broad views and, not infrequently, also a good degree of rhetoric, which is why they have sometimes been criticized<sup>54</sup>.

Besides the six Summit declarations realized so far, the EU-AU cooperation has also developed through a plethora of other acts and documents. Ministerial meetings, in particular, normally produce joint statements, or other types of acts, such as political declarations and action agendas<sup>55</sup>. Similarly, the Commission-to-Commission or “C2C” meetings lead to statements and

<sup>52</sup> See EUROPEAN COMMISSION, *Team Europe: Digital4Development Hub Launched to Help Shape a Fair Digital Future across the Globe*, Press release, IP/20/2321, Brussels, 8 December 2020.

<sup>53</sup> Frequently, declarations adopt a sort of motto, or a thematic title, or sentence, serving as “slogan” to mark and identify the main focus under discussion. For example, the 5<sup>th</sup> AU-EU Summit, held in Abidjan in 2017, was devoted to «Investing in the youth for a sustainable future», while the 6<sup>th</sup> AU-EU Summit was aimed at «a Joint Vision for 2030».

<sup>54</sup> See, for example, T. HAASTRUP, *How the EU-AU Summit Failed Africa Again*, in *IPS – International Politics and Society*, 2022, available online; A. H. KAMMEL, *The EU-Africa Partnership: Another Lost Year?*, in *AIES – Austria Institut fuer Europa und Sicherheitspolitik*, Fokus 8/2018, 2018; F. SIAL, H. BENSLAMA, A. CHIKOWORE, *The 6th EU-Africa Summit: Plenty of Rhetoric, very Little Substance*, in *EURODAD – European Network on Debt and Development*, 2022, available online.

<sup>55</sup> See, for example, the outcomes of the EU-AU agricultural ministerial conference, held on 21 June 2019, where the organizations’ representatives for the first time endorsed a Political declaration, accompanied by an Action agenda. While the former document is referred to as «a strong signal reflecting the shift in Africa-Europe relations», the latter is presented as including «concrete actions involving cooperation between the two

“joint communiques”<sup>56</sup>, which are usually released and made known through dissemination channels of both international organizations (usually within the two, respective Commissions).

Finally, within the toolbox of acts stemming from the AU-EU dialogue and cooperation processes, documents produced by the above-described *ad hoc* bodies also deserve a mention. The work of the Task Forces, indeed, is reflected into a variety of thematic texts, such as reports, studies, recommendations, and contributions of different scope and content. These vary according to the occasion on which they are prepared, the specific circumstances surrounding their adoption and the particular objective they aim to. Reports, for example, may take the form of rather considerable, wide-ranging and structured texts. Being the product of organisms composed of well-known personalities with specific expertise and experience in a given field, the reports realized by the AU-EU Task Forces are informative in their nature, as they take stock of existing, past and present issues and challenges. At the same time, they are also argumentative and demonstrative, in pointing out the main implications and the pros and cons of a certain situation or question.

The reports of the Task Forces, however, do not limit themselves to portraying the state of the art of a given sector. They are also propositional and innovative, as they usually contain policy recommendations addressed to the “higher” institutional configurations of the bi-regional cooperation structure. In this vein, the recommendations are regularly updated and complemented, especially with a view of offering new, relevant materials with regard to upcoming ministerial meetings and/or general summits of the two international organizations<sup>57</sup>.

Ultimately, the overall variety of acts that govern the EU-AU cooperation process characterizes itself for a flexible, not rigidly predefined, soft law nature. Formally and legally speaking, thus, they do not present a binding force. They do not constitute international agreements, and, as such, they are unable to impose legal obligations on States. Rather, they appear as cooperation tools having more a legal-political connotation, given their programmatic purpose of directing the strategies and actions of the AU and EU. This implies two, main consequences. On the one hand, recommendations, reports and the variety of other acts issued by the organizations’ representatives are flexible, have an adaptation capacity which enables changes, updates and revisions that can be relatively easily done, without the burden of a strict legal-procedural framework. On the other hand, their essentially political nature and the lack of binding value may have repercussions in terms of effective and proper follow-up mechanisms, with the potential risk of recommendations being left without an implementation.

#### 4. *The Specific Focus of the AU-EU Cooperation on Climate Change, Environment and Food Security*

The last EU-AU Summit, held in February 2022, focused on a number of relevant and pressing issues, including, in particular, climate change, agriculture, migration and mobility.

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continents in different areas». See AFRICAN UNION, EUROPEAN COMMISSION, *Africa-Europe Alliance: A Political Declaration for a Stronger Partnership in Agriculture, Food and Farming*, Press Release, 21 June 2019.

<sup>56</sup> By way of example, see «10<sup>th</sup> African Union Commission – European Commission Meeting», Joint Communiqué, *cit.*

<sup>57</sup> An example in this respect is represented by the contribution of the Task Force Rural Africa realized in August 2020, which updated the previous report of March 2019 and was specifically aimed at providing revised views and recommendations for the future AU-EU Summit. On this point, see «Priorities for Africa’s Food and Nutrition Security Post-Covid-19. A Contribution from the Task Force Rural African (TFRA) to the AU-EU Summit», October 2020, available online.



Critical international events, such as the Russian invasion of Ukraine and the escalation of repercussions that followed, have then catalyzed the discussion on how to intervene and tackle the already serious situations in certain fields of cooperation, such as energy, food security and subsequent risks of phenomena like famine and destabilization in rural areas, accompanied by possible, significant migratory movements.

In truth, these fields of cooperation are not new on the two international organizations' common agenda. Rather, they have been among the priorities of the bi-regional collaboration since the very beginning of its launch. The founding act of the AU-EU partnership, the Cairo Declaration, contained interesting considerations concerning food security, migration and climate change, thereby showing the awareness of how crucial these sectors were, already more than two decades ago. At a closer look, indeed, while migration is specifically addressed in the part of the Declaration devoted to human rights, democratic principles and rule of law, food security and environmental protection are dealt with in the part titled «Development issues», together with a number of other, inter-linked key issues<sup>58</sup>.

More specifically, the Cairo Declaration acknowledges how the issue of food security is directly intertwined with additional, complex problems, such as agricultural development, availability and nutritional quality of food, as well as the promotion of environmentally sound food production<sup>59</sup>. The section devoted to environment affirms emblematically – and it is worth recalling that these words were written in 2000 – that «the rate of degradation of the natural resource base poses a grave problem in various regions for current and longer-term development»<sup>60</sup>. Already more than two decades ago, thus, the AU and the EU demonstrated their «commitment to co-operate in combating environmental problems», highlighting, moreover, the importance of participating in wider environment-related international actions and initiatives, particularly within the UN<sup>61</sup>.

The Cairo Declaration, finally, addresses climate change, highlighting two aspects. On the one hand, the intersection of climate-related policies with those relating to agriculture and rural development. On the other, the need to tackle critical, violent and sudden events, such as natural disasters, as well as phenomena that, although slow and gradual, are not less impactful in socio-economic and environmental terms (e.g. unsustainable forestry, bad preservation of fishing resources, soil erosion and water degradation). This shows an attentive and forward-looking approach, which the European and African leaders chose to explicitly include in the founding act of their bi-regional partnership.

These commitments were later reaffirmed and advanced with the 2007 Lisbon Summit and the adoption of the Joint Africa-EU Strategy<sup>62</sup>. Here again, it is worth stressing how the

<sup>58</sup> Cairo Declaration, *cit.*, respectively §97 *et seq.*

<sup>59</sup> Cairo Declaration, *cit.*, §100. The Cairo Plan of Action, furthermore, when detailing the actions and priorities in the food security sector, highlights the importance of ensuring and implementing food security policies along the whole process, from production and processing, to storage, marketing and distribution, thereby monitoring adequate nutritional quality since the very beginning. Additionally, among other measures, the Action Plan also envisages the operationalization of early warning systems to monitor drought and crop production. See Cairo Plan of Action, *cit.*, §119.

<sup>60</sup> Cairo Declaration, *cit.*, §101.

<sup>61</sup> *Ibid.*, §102.

<sup>62</sup> AFRICAN UNION, EUROPEAN UNION, *The Africa-EU Strategic Partnership. A Joint Africa-EU- Strategy*, Lisbon, 9 December 2007. For comments and analyses on the Joint strategy and its implementation, see C. ELOWSON, P. NORDLUND, *Paradigm Lost? The Joint Africa-EU Strategy: A Study of the Peace and Security Partnership*, Stockholm, 2013; M. ÖLUND, *Critical Reflections on the Joint Africa-EU Strategy*, in *Africa Development*, 15, 2012, pp. 15-23; A. SHERRIFF, J. KOTSPOULOS, *Africa and the European Union. An Assessment of the Joint Africa-EU Strategy*, in T. MURITHI (Ed.) *Handbook of Africa's International Relations*, London, 2015, pp. 305-315; V. TYWUSCHIK, A.

African and European leaders expressly identified the most pressing «key political challenges of our time» in the sectors of «energy and climate change, migration»<sup>63</sup>. The latter two topics were explicitly included among the eight main areas for strategic partnership identified in the Joint Africa-EU Strategy<sup>64</sup>. To confirm and stress the importance of the issue, moreover, an *ad hoc* Africa-EU Declaration on Climate Change was adopted within the 11<sup>th</sup> AU-EU ministerial meeting, held in Addis Ababa on 20 and 21 November 2008<sup>65</sup>.

Commitments to tackle the trio climate change-food security-migration emerged even more clearly during the 3<sup>rd</sup> EU-AU Summit, held in Tripoli<sup>66</sup>. As regards climate change, in particular, the EU and AU recognized that «the African continent is particularly vulnerable when it comes to climate change. Food security, sustainable water supply and extreme weather phenomena... are major issues that require an African-EU joint effort»<sup>67</sup>. Special attention to climate change was equally devoted by the 4<sup>th</sup> EU-AU Summit, held in 2014, when the two organizations included it among the «non-traditional challenges to peace and security»<sup>68</sup>. This consideration is mirrored in the «Brussels Roadmap 2014-2017», a programmatic document adopted within the summit to shape future steps of the bi-regional cooperation<sup>69</sup>. Here, the focus is put on the climate change-agrifood security nexus, envisaging various interventions on, *inter alia*, natural resource management and energy, protection of biodiversity and animal wildlife, pollution, waste and disaster risk reduction<sup>70</sup>.

Finally, the 2017 Abidjan AU-EU Summit marked another important point of evolution for the cooperation on climate change, food security and migration<sup>71</sup>. The latter topic, in particular, was at the very core of the discussions, being addressed in an *ad hoc* Joint

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SHERRIFF, *Beyond Structures? Reflections on the Implementation of the Joint Africa-EU Strategy*, ECDPM Discussion Paper, 87, 2009.

<sup>63</sup> See Lisbon Declaration, 2<sup>nd</sup> EU Africa Summit, Lisbon, 8-9 December 2007, p. 1.

<sup>64</sup> The 2007 Lisbon Summit agreed on the following eight strategic partnerships: 1) Peace and security; 2) Democratic governance and human rights; 3) Trade, regional integration and infrastructure; 4) Millennium Development Goals; 5) Energy; 6) Climate change; 7) Migration, mobility and employment; 8) Science, information society and space. It can be highlighted, however, that the Joint Africa-EU Strategy, contrary to the previous Cairo Declaration and Action Plan, does not mention the issue of food security.

<sup>65</sup> «Africa-EU Declaration on Climate Change», Addis Ababa, 21 November 2008. With regard to the context leading to the adoption of the joint declaration on climate change, see also the press prelude, EUROPEAN COMMISSION, *Africa and the European Union Join Forces to Work together against Climate Change*, Press release IP/08/1853, Doha, 2 December 2008.

<sup>66</sup> See Tripoli Declaration, 3<sup>rd</sup> Africa-EU Summit, Tripoli, 29-30 November 2010.

<sup>67</sup> See EUROPEAN COMMISSION, *3<sup>rd</sup> Africa EU-Summit 29/30 November, Tripoli, The Joint Africa EU Strategy*, MEMO/10/604, Brussels, 24 November 2010.

<sup>68</sup> Brussels Declaration, Fourth EU-Africa Summit, 2-3 April 2014, Brussels, §21. For an analysis of the EU-AU relations after the 4<sup>th</sup> Summit, see V. SUUTARINEN, A. BENLLOCH MIRANDA, *EU-Africa Relations following the 4th EU-Africa Summit*, in *Cuadernos Manuel Giménez Abad*, 7, 2014.

<sup>69</sup> «Brussels Roadmap 2014-2017», Fourth EU-Africa Summit, Brussels, 2-3 April 2014.

<sup>70</sup> *Ibid.*, §§60-68. Ahead of the general AU-EU Summit, moreover, on 1 April 2014 in Brussels, European and African leaders held a specific Ministerial climate seminar, with the participation, among others, of the EU Climate Action Commissioner, Connie Hedegaard, the President of the African Ministerial Conference on Environment, Binilith Mahenge, and the African Union Commissioner for Rural Economy and Agriculture, Rhoda Tumusiime. For more details, see the press release, COUNCIL OF THE EU, *International Summit, EU-Africa Summit*, Brussels, 2-3 April 2014.

<sup>71</sup> See Abidjan Declaration, «Investing in Youth for Accelerated Inclusive Growth and Sustainable Development», 5<sup>th</sup> EU-Africa Summit, 29-30 November 2017, Abidjan, AU-EU/Decl.1(V). It has to be noted, however, that not all the participating States fully subscribed and endorsed the Declaration. Egypt, indeed, reserved its position on the document.

AU-EU Statement on the Migrant Situation in Libya<sup>72</sup>. The Abidjan Summit was equally important for the agri-food sector, rural development and food security, with commitments being undertaken and detailed in the following 2018 AU-EU Agricultural Ministerial conference, which led to the setting up of the Task Force Rural Africa, discussed above<sup>73</sup>.

All these initiatives, negotiations and dialogues, as briefly summarized here, have paved the way for the next, and most recent meeting of the AU and the EU, where the two international organizations, in addition to pre-existing, crucial challenges, had to confront themselves with new problems, such as the COVID-19 pandemic, the worsening of climate change, the outbreak of the war between Russia and Ukraine and its consequent repercussions.

#### 4.1. *The 2022 AU-EU Summit, between Pre-existing Challenges and New Crises*

The commitments, priorities and actions envisaged and agreed during the 5<sup>th</sup> AU-EU Summit had to be revised and reoriented due to changing scenarios and events occurred on the international scene. Moreover, within the EU, there had been a change in the leadership and composition of the European Commission: the “von der Leyen” agenda pushed even harder on areas such as environment, “green economy” and reform of the legal-procedural framework of migration governance, which were translated into a new «comprehensive strategy with Africa»<sup>74</sup>.

The redesign of the Euro-African policies was also prompted by the work of the Task Force Rural Africa (TFRA), which dissected the complexity of the “triangle” agri-food-climate-migration, showing the mutual and interlinked implications and synergies that influence these areas of cooperation. It pointed out that between 40% and 80% of Africans live in rural areas (with some exceptions, in North and South Africa) and, in average, the majority of the population will remain rural until the 2040s<sup>75</sup>. At the same time, the population in Africa grows at a considerable pace (actually, the fastest-growing population in the world), leading to an increase of the labour force, which, in turn, trigger additional socio-economic phenomena, like rural migration, high urbanization, demographic dynamics and transformation of the economy and the employment.

Despite its centrality, however, the agri-food business is not always perceived as profitable and promising sector to invest in. Farming and agri-business encounter a number of obstacles, including social ones, as the perception of it as an unattractive career path, marked by poor economic return when compared with the hard work, and limited social recognition. These factors, observes the TFRA, might influence the decisions of the young

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<sup>72</sup> Joint Statement on the Migrant Situation in Libya, AU-EU Summit 2017, 29-30 November 2017, Abidjan. In the Joint Declaration, the African and European leaders stress «the imperative need to improve the conditions of migrants and refugees in Libya and to undertake all necessary action to provide them with the appropriate assistance and to facilitate their voluntary repatriation to their countries of origin as well as durable solutions for refugees». This paved the way for the establishment of the UN-AU-EU trilateral Task Force on Migration and Libya.

<sup>73</sup> *Ibid.*

<sup>74</sup> See European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Join Communication to the European Parliament and the Council, «Towards a Comprehensive Strategy for Africa», JOIN(2020) 4 final, Brussels, 9 March 2020. The agenda focuses on five, main areas of priority, which intersect with the issues of climate change, food security and migration, by setting objectives that are directly interlinked with those of the AU, which are equally interdependent with one another.

<sup>75</sup> «An Africa-Europe Agenda for Rural Transformation», Report by the Task Force Rural Africa, *cit.*

population as to whether remain or leave a rural area. Additional barriers include possible difficulties in the access to land, finance, markets, technologies, as well as expertise or practical skills: all requirements that have an impact on the profitability and productivity of the agri-food business and industry. The agri-food sector, nonetheless, will remain a crucial and yet suffering component in the economy of the African continent and in its trade and commercial relations with the EU.

When it comes to climate change, the TFRA underlined the potential shocks of environmental events on the highly climate-dependent agricultural sectors. Adverse phenomena (e.g. droughts, floods, storms, as well as desertification and global warming) may trigger severe repercussions such as food crises, income losses in the farming industry, fluctuation in the food prices, problems in terms of energy supply and disruption in the production and distribution chain. At the same time, if it is true that African States may be more exposed to such adverse natural events, Europe, for its part, is not immune to environmental shocks and disasters. Extremely warm temperatures, prolonged periods of scarce rain, extreme drought, even in the central-Northern parts of the continent, as well as floods, storms and overflowing of rivers, have already showed the severe repercussions of climate change on the EU Member States' economies.

Against this background, the 6<sup>th</sup> AU-EU Summit has tried to address these problematic challenges, recognizing the importance of food security and the need to «preserve the climate, environment and biodiversity»<sup>76</sup>. Migration as well is addressed, with commitments being made in the sense of fighting irregular migration and opening up legal pathways for a safe mobility. The Summit also stresses the need to «revitalize the work of the joint AU-EU-UN Tripartite Task Force», with the view to strengthening protection and assistance to refugees and asylum seekers<sup>77</sup>.

At a closer look however, despite reaffirming the importance of issues like climate change, food security and migration, the focus of the 2022 Summit clearly appears to be the COVID-19-related economic impact. The two organizations put the attention on post-pandemic economic recovery measures: significant investment packages are aimed at boosting public and private investment in a number of key areas, such as green transition, digital transformation, sustainable growth and job creation. A specific target is the health sector, especially with regard to pandemic preparedness, health security and equitable access to essential health services and vaccination: all sectors that may attract considerable investments.

Overall, these measures may surely be welcomed, as a way to foster cooperation for a common response to the repercussions of the pandemic. At the same time, however, there seems to be a loss of focus on serious and long-lasting challenges, such as the climate-food security nexus, which would have deserved more attention.

##### 5. Concluding Remarks: The Way Ahead

The AU-EU cooperation was formalized and launched in 2000. More than two decades later, it has evolved in the production of outcomes in the areas of peace and security,

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<sup>76</sup> Brussels Declaration, 6th European Union – African Union Summit: A Joint Vision for 2030, Brussels, 17-18 February 2022, §2.

<sup>77</sup> *Ibid.*, §6.

democratic governance, trade, migration, mobility and employment, climate change, as well as regional integration and infrastructure. The partnership appears as particularly needed in those fields that directly affects both regions, such as migration and agriculture. In areas of common interest cooperation at the bi-regional level may (and should) lead to forward-looking strategies and actions, to be coherently planned and implemented, instead of occasional, less effective *ad hoc* solutions. The joint work of mixed institutional bodies and summits represents the necessary forum for discussion and operationalization of common measures.

The gradual proliferation of Task Forces and *ad hoc* specialized bodies shows the intention of the AU and the EU to study specific issues and elaborate tailor-made and effective solutions thereto. Despite some difficulties – in terms of coordination and resources – the work of these institutional bodies may be seen as a progressive evolution of the bi-regional cooperation into more steady and structured forms. The preparatory and advisory functions of Task Forces seem essential for the support of the high-level political dialogue between the two international organizations, which, otherwise, would purely result in vague and rather meaningless, recurring and rhetorical declarations. Knowledge-exchange is crucial in this respect. What emerges from the acts and documents of the most recent bi-regional summits, indeed, is the need to strengthen the tasks, powers and capacities of the Task Forces and other specialized bodies, in order to improve their work and role.

Another beneficial aspect relating to the AU-EU cooperation is the willingness and the capacity to involve the private sector and foster a multi-level and multi-actor dialogue. In addition to the “big” political Summits, interaction between other actors is crucial, as strategies and actions in fields such as climate change and the agri-food sector necessarily need to be confronted with the stakeholders that are directly concerned. A non-institutional and “people-to-people” approach appears as particularly relevant in this respect, connecting the different realities of business, youth and employment.

At the same time, the AU-EU cooperation still suffers from a number of shortcomings. What seems to be lacking, in particular, is a proper mechanism of follow-up and monitoring of the political commitments undertaken by the two counterparts. The policy choices discussed and agreed at the bi-regional level should be subjected to a mechanism of oversight, periodic review and monitoring. Follow-up actions must be in place in order to check and measure the status of implementation of the various dossiers on the common agenda. This kind of tasks could be attributed to specific institutional bodies, composed of a high-level group of African and European leaders and stakeholders. Additional and external observers could also be invited to join the monitoring mechanisms, including, for example, UNHCR, FAO and other actors, depending on the specific field under discussion.

The Commissions of the two organizations, moreover, should ensure a political oversight of the various agendas and action plans. Soft law and programmatic tools need to be regularly checked, monitored, and assisted by mechanisms aimed at fostering transparency, follow-up and awareness-raising among the public opinion and the various stakeholders involved. Annual meetings of the African-European institutions such as Commissions and Parliaments, which have started to be held by way of praxis, are a step in the right direction. Even though there should be efforts to ensure more continuity: there cannot be a window of time of seven years between two general summits of the AU and the EU.

Ultimately, the AU-EU partnership may be considered as a still relatively “young” cooperation experience, with room for improvement. After two decades of relationship, the

two international organizations need to reflect on what worked so far, identify flaws and shortcomings, and find out how to fix them. The “common vision” they invoke may take shape only if it is sustained by commitments assisted by effective monitoring and accountability mechanisms.