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**THE EU'S EXTERNAL GOVERNANCE IN THE CONTEXT OF
FUNDING THE PAN-AFRICAN PROGRAMME**

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ABSTRACT

Relations between the European Union (EU) and Africa have witnessed a huge transformation from the era of colonialism to a new era of a ‘partnership of equals’ in the institutionalized frameworks through which both stakeholders interact. This paper seeks to explore the concept of EU external governance in the context of funding the Pan-African Programme and how it shapes the dynamics between the EU and Africa. Based on two research questions, and using the theoretical framework of EU external governance, the paper seeks to find out whether through EU funding for the Pan-African Programme, the EU extends parts of its *acquis communautaire* to EU-Africa relations. The paper discusses the concept of EU external governance and describes what the Pan-African Programme is, its development, structure, financing, implementation and monitoring and its overall embedment in the institutionalized frameworks of the Joint Africa-EU Strategy and Africa-EU Partnership. The concept of EU external governance is then applied to show whether the funding of the PanAf makes the EU govern the African Union (AU) externally or it enhances a ‘partnership of equals’ in EU-Africa relations.

Keywords: EU external governance, Pan-African Programme, Funding, EU-Africa relations; Partnership of equals, European Union, African Union, Institutionalized frameworks, *Acquis Communautaire*

INTRODUCTION

Relevance of the problem

Relations between the European Union (EU) and Africa have witnessed a substantial transformation, from the end of the colonial era to a ‘partnership of equals’ today bringing about deeper cooperation between the two regions (Chané and Killander 2018). The cooperation takes place within a wide-ranging set of frameworks and agreements such as the Joint EU-Africa Strategy (JAES), the Africa-EU Partnership, and the Cotonou Agreement (Africa-EU Partnership 2019a). This has brought about successes in shared priority areas, such as peace, security, and development cooperation with the huge backing of EU funding (*Ibid.*). The Pan-African Programme (PanAf) is one of the EU’s main financial instruments in funding EU-Africa relations (Africa-EU Partnership 2019b). PanAf provides dedicated support to the Africa-EU Strategic Partnership and is the first ever EU plan for development and cooperation that covers Africa as a whole. It supports projects with a trans-regional, continental or global added-value in areas of shared interest and creates new possibilities for the EU and African Union (AU) to work together (*Ibid.*).

PanAf was established in 2014 as one of the main EU financial instruments for the implementation of the Joint Africa-EU strategy, and it is funded under the EU’s Development Cooperation Instrument (DCI) with an allocated budget of EUR 845 million for the period 2014-2020 (Sgueo and Parry 2017). In the period 2014-2017, the programme committed more than EUR 400 million to build projects that were of benefit to both the EU and AU (*Ibid.*). In 2018, the second phase of the PanAf was launched for the period 2018-2020 with funding of EUR 400 million to contribute to the implementation of the strategic priorities identified at the 5th AU-EU Abidjan Summit of November 2017 with a focus on three key areas of cooperation: Political dialogue and pan-African governance, Education and skills, research and technology, and Continental economic integration (European Commission 2018).

However, EU funding to third countries (non-member states) comes with certain rules and structures and this can have an effect on the dynamics of the relations between the EU and those

countries. This paper will set out to describe the Pan-African Programme, its development, structure, financing, implementation and monitoring and show its role in the overall embedment in the institutionalized frameworks of the Joint Africa-EU Strategy and the Africa-EU partnership. Furthermore, it will, through the theoretical framework of EU external governance (Lavenex 2004) seek to show whether EU funding for the Pan-African Programme, makes the EU govern the AU externally or it enhances a ‘partnership of equals’ in EU-Africa relations.

Concept of EU external governance regarding Africa

The concept of EU external governance seeks to capture the extension of EU rules, norms and policies beyond EU borders. External governance, according to Lavenex (2004, 683), “takes place when there is an extension of the *acquis communautaire* to non-member states.” Through this, the EU is able to extend its norms, rules and policies (legal boundary) to non-members whilst precluding the opening up of its membership (institutional boundary) to them (*Ibid*, 694.). The extension of EU rules towards non-member states may follow functional need in cases where it increases “the efficiency and problem-solving capacity of internal policies or serve foreign policy goals geared at stabilizing the neighbourhood of the enlarged union” (*Ibid*, 681.). External governance analyses the institutional forms and mechanisms through which the EU extends the prescriptive scope of EU rules to third countries which lack a membership perspective (Lavenex 2004; Lavenex and Schimmelfennig 2009, 791). The concept focuses on both the theoretical development of the modes of EU external governance and their application towards the EU’s neighbours in the EEA in fields like justice and home affairs, energy and environmental policies. (Lavenex 2004, 688-693). EU external governance as a concept was forged towards the background of EU enlargement and the European Neighbourhood Policy (ENP) (Lavenex and Schimmelfennig 2009, 792). It has been applied to explaining the relationship between the EU and countries that it has stronger and closer relationships with such as those in the European Economic Area (EEA) (*Ibid*.), and here the setting of external governance is based on a clear commitment to EU *acquis*, political monitoring and legal enforcement mechanisms (Lavenex 2016, 556). EU external governance may also happen through bilateral co-operation agreements such as the agreement between the EU and Switzerland or it may emerge in the context of less constraining co-operation frameworks, such as in the relations between the EU and the African, Caribbean and

Pacific (ACP) countries or with North America, or it may exist without contractual relations at all as a function of the prescriptive qualities of EU *acquis*, often limited to a specific area of public policy (Lavenex and Schimmelfennig 2009, 792). The concept of EU external governance deviates from traditional policy analysis by adopting a more institutionalist view of how the EU relates with third countries (*Ibid.*). This is illustrated through the three modes of governance; hierarchical, network and market which are applied differently across policies and third countries (*Ibid.*, 796.) The way in which the modes differ across the policies and third countries can be explored through three sets of factors which are: institutions, power and domestic structures (*Ibid.*, 801-805.). In regard to EU relations with Africa, the concept has been applied to the Northern African states that are clustered under the European Neighbourhood Policy as part of the Southern neighbourhood and has been used to show how the EU extends its norms through institutionalization in the ENP (Gänzle 2008). However, there has not been any research that has applied the concept to EU relations with Africa as a whole. Therefore, in this paper, **the concept of EU external governance will be adapted to EU-Africa relations to explore whether EU funding for the PanAf which covers the entire African continent, shapes the dynamics of the relations.** This will be used to show whether the funding of the Pan-African Programme makes the EU govern the AU externally or it enhances a ‘partnership of equals’ in the relations. In order to show this, the paper will seek to answer following two questions: Does EU funding for the Pan-Africa Programme make the EU govern externally in EU-Africa relations? And does EU funding for the Pan-African Programme enhance a ‘partnership of equals’ in EU-Africa relations?

State of the Art

The role of the Pan-African Programme in providing support to the Africa-EU Strategic Partnership through helping implement the Joint Africa-EU Strategy, the engine of the Africa-EU relations, has not received much attention from researchers. Scholars have focused on exploring the role EU funding plays in EU-Africa relations of other financial instruments like the African Peace Facility (APF) and how it can be sustained in the long run (De Conning 2017). Other scholars have focused on how the AU raises its finances, and how this poses a challenge when it comes to setting the agenda in the Africa-EU Summits (Apiko and Aggad 2017). However, not so much attention has been given to the EU’s financing of the PanAf, and how this shapes EU-Africa

relations, either through extension of parts of the *acquis communautaire* to EU-Africa relations or bringing about the enhancement of a ‘partnership of equals’ in the relations. Concerning the concept of EU external governance being applied to the EU-Africa relations, the main focus of most researchers has been on African states that are part of the Southern Neighbourhood in the European Neighbourhood Policy (Lavenex and Wichmann 2009). **This paper will set out to explore the concept of EU external governance in EU-Africa relations with a focus on whether the funding of the Pan-African Programme makes the EU govern the AU externally, or it enhances a ‘partnership of equals’ in EU-Africa relations.**

The paper will do so in three chapters. The first chapter will be dedicated to discussing the methodology and theoretical framework of the concept of EU external governance, its three modes of hierarchical, network and markets, and show the modes that will be applied to explore whether elements of EU external governance exist in the context of funding the Pan-African Programme. The second chapter will set out to discuss the Pan-African Programme, its development, structure, financing, implementation and monitoring, the Africa-EU partnership, the Joint Africa-EU Strategy and the overall embedment of the PanAf the JAES and partnership. Finally, third chapter will provide the analysis and conclusion by applying the concept of EU external governance to the development, structure, financing, implementation and monitoring of the PanAf, and its overall embedment in the institutionalized frameworks of the JAES and Africa-EU Partnership.

1. METHODOLOGY AND THEORETICAL FRAMEWORK

1.1. EU external governance

The theoretical analysis applied in this paper relies largely on the framework developed by scholars of EU external governance. There are many studies that have been dedicated to assessing the impact of the EU and its policies on its members at the national level (Di Lucia 2010, 7396). Studies using the concept of Europeanization have been applied to assess the impact of EU membership on member states, exploring the process of how EU directives, regulations and institutional structures are downloaded to the domestic level (Börzel and Risse 2003; Knill 2005; Knill and Lehmkuhl 2002; Radaelli 2000). The application of new comers into the EU prompted further research on the concept of Europeanization (Grabbe 2003; Schimmelfennig and Sedelmeier 2004) resulting into an expansion of its definition to include “the impact of EU norms and policies in countries applying for membership” (Di Lucia 2010, 7396). However, this was an insufficient tool in assessing the impact of EU directives, regulations, politics and policies on the domestic politics, policies, and administrative structures of countries that had no interest in joining the EU (*Ibid.*). This gave birth to the emergence of the EU external governance concept which sought “capture the extension of EU rules, norms and policies beyond EU borders” (Lavenex 2004, 694; Lavenex and Schimmelfennig 2009, 796; Lavenex and Uçarer 2004, 419-420).”

Governance in this paper is understood as “institutionalized forms of coordinated action that aim at the production of collectively binding agreements” (Lavenex and Schimmelfennig 2009, 795) referenced in (Benz 2007). The concept of external governance helps to show how rules and policies designed by the EU can be applied to countries that are not members of the union through institutionalized relationships with those countries (Di Lucia 2010). In this paper, the concept of EU external governance will be applied to EU-Africa relations with a focus on the EU’s funding of the Pan-African Programme to show whether there are rules, norms, and policies of the EU that are extended to the relations either through the development, structures, financing, implementation and monitoring and in the PanAf’s overall embedment in the institutionalized frameworks of the Joint EU-Africa Strategy and Africa-EU Partnership. In this paper, the three institutional modes of EU external governance of hierarchy, network and market (Lavenex and Schimmelfennig 2009, 796) will be applied to the EU-Africa relations to show whether funding of the Pan-African Programme makes the EU govern the AU externally, or it enhances a ‘partnership of equals’ in

EU-Africa relations. The three institutional modes are often applied to the show whether the EU externally governs in relations between the EU and EEA countries or relations between the EU and ENP countries as “they act as opportunities and constraints on the actor’s modes of interaction and hence have repercussions on the mechanisms of rule expansion” (*Ibid.*).

1.1.1. Hierarchical governance

Hierarchical governance is where governance “takes place based in a formal relationship of domination and subordination and... is based on formal and precise rules that are non-negotiable and legally binding as well as enforceable upon actors” (Lavenex and Schimmelfennig 2009, 797). Under hierarchical governance, there is a vertical relationship between the ruler and the ruled which brings about influence being exerted in an asymmetrical way (*Ibid.*). When it comes to EU external relations, countries agree to comply with legal obligations defined in multilateral or bilateral agreements (Knill and Tosun 2009). According to Lavenex and Schimmelfennig (2009, 797), “there are certain types of external governance that come close to a hierarchical system and undermine important sections of third countries’ autonomy over their legislation and this can be a form of quasi-hierarchical system,” the clearest example of which is external governance in the EEA. They further discuss that although this degree of legal structure of relationship is lacking with ENP countries in comparison to the western neighbours of the EU like Norway and Switzerland, there still exist “precise rules, formal procedures, monitoring and sanctioning associated with hierarchy” which are an example of top-down policy transfer illustrating elements of a hierarchical mode (*Ibid.*).

1.1.2. Network Governance

Network governance is where “change comes about as a result of coordination efforts, voluntary negotiations and bargaining” (Bauer et al. 2007). Under this mode of governance, “the legitimacy of the rules is through a deliberative processes, co-ownership and dense interaction” (Schimmelfennig and Sedelmeier 2004). This means that both parties come together and have an equal say in how the rules of interaction are formed and how they are applied to the relationship. The legitimacy of the rules makes it easier for the actor to follow them because they are viewed as okay with the actor’s norms and values because they came about through a process of co-ownership and interaction (Hurd 1999). Schimmelfennig and Sedelmeier (2004) go on to argue that third countries might adopt and apply EU rules if they view them as okay in line with their values and norms. Network governance according to Knill and Tosun (2009) is where governance

takes place through “an institutionalized infrastructure for the exchange of information and policy learning.” The relationship that exists here is one in which the actors are equal, however, this “does not preclude the possibility of power asymmetries, but in institutional terms, actors have equal rights and that no other party can bind the other party to a measure without the latter’s consent” (Lavenex and Schimmelfennig 2009, 797-798) as referenced in (Börzel 2007, 64). Network governance is therefore more focused on cooperation whilst hierarchical governance is focused on production of binding laws (Lavenex and Schimmelfennig 2009, 797-798). In network governance, hence, the relationships are more about coordination, voluntary negotiations and bargaining, rather than one being forced to be a rule taker and “external governance can also take place on the basis of shared rules, such as international rules or new jointly negotiated rules” (*Ibid.*).

1.1.3. Market governance

Market governance is where “change is the result of competition between formally autonomous actors rather than hierarchical harmonization, or networked co-ordination” (Lavenex and Schimmelfennig 2009, 799). Under this mode of governance, they go on to say that the “outcomes of this mode are a result of competition between formally autonomous actors rather than the result of hierarchical harmonization or networks co-ordination” (*Ibid.*). The biggest example of the market governance lies in the principle of mutual recognition, in the application of the single market. Since, African countries are not part of the institutional boundary of the EU single market and do not seek to join the EU, this mode of governance will not be applied to EU-Africa relations in this paper.

1.1.4. Modes to be applied (Hierarchical and Network)

This paper will apply the hierarchical and network modes to show whether the EU through the funding the Pan-African Programme governs the AU externally or it brings about the enhancement of a ‘partnership of equals’ in the relations. This is because through the development, structure, financing, implementation and monitoring of the PanAf and its overall embedment in the institutional frameworks of the JAES and the Africa-EU Strategic Partnership, there are formal and precise rules that govern the relations. This paper will set out to show whether there is an expansion of the regulatory and organizational boundary of EU rules into the EU-Africa relations through the funding of the Pan-African Programme. It will also seek to show whether there are

formal or precise rules that are non-negotiable and legally binding as well as enforceable to the relationship through the funding of the Pan-African Programme. The next chapter sets out to discuss what the Pan-African Programme is, its development, structure, financing, implementation and monitoring, the Africa-EU Partnership, and Joint Africa-EU Strategy and the overall embedment of the PanAf in the institutionalized framework of the JAES and Africa-EU Partnership.

2. THE PAN-AFRICAN PROGRAMME, AFRICA-EU PARTNESHIP, AND THE JOINT EU-AFRICA STRATEGY

2.1. Pan-African Programme

The Pan-African Programme was adopted in 2014 as a response to the call for the creation of a dedicated financial instrument to support the Africa-EU partnership by stakeholders from both the EU and Africa (Aggad-Clerx and Tissi 2012). It is one of the EU's main financial instruments for the implementing the Joint Africa-EU strategy and the first ever EU plan for development and cooperation that covers Africa as a whole (Africa-EU partnership 2019b). The Pan-African Programme is used to fund the Joint Africa-EU Strategy Mechanism III which is “a tool that aims to strengthen the implementation of the JAES as well as enhance the visibility of the Africa-EU Partnership” and it brings stakeholders from all of Africa (Northern Africa and South Africa included) unlike other programmes funded by the European Development Fund that have geographical limitations (European Commission 2018). In accordance with the European Union Functioning Treaty Article 9, the main objective is “to support the strategic partnership between the EU and Africa through projects with a trans-regional, continental or global added-value in areas of shared interest”, hence bringing about new possibilities for deepening cooperation between the EU and Africa.

2.1.1. Development

The European Union launched the first phase of the Pan-African Programme in July 2014, with a total allocation of EUR 414 million for the period 2014-2017, and a dedicated overall budget of EUR 845 million for the period 2014-2020 (European Commission 2018). In accordance with the European Union Functioning Treaty Article 209(1) and 212(2), the funding for the programme is under the EU's Development Cooperation Instrument (DCI). In the period 2014-2017, the programme provided support to build mutually beneficial projects for the EU and Africa especially in the operationalization of the AU Human Rights system (Sguelo and Parry 2017). The programme focused on five key areas of cooperation between the EU and Africa, namely: Peace and Security, Democracy, Good governance and human rights, Human development, Sustainable and inclusive development and growth and continental integration and Global and cross cutting issues and was aligned with the Roadmap 2014-2017 at the 4th EU-Africa summit in Brussels 2014 (*Ibid.*). In 2018, the second phase of the Pan-African Programme was launched for the period 2018-2020

with funding of EUR 400 million to contribute towards the implementation of the strategic priorities identified at the 5th AU-EU Abidjan Summit 2017 (European Commission 2018). The programme now focuses on three key areas of cooperation between the EU and Africa, namely: Political dialogue and pan-African governance, Education and skills, research and technology, and Continental economic integration (*Ibid.*). The added value of the Pan-African Programme builds on three main criteria which are: “it is cross-regional or continental in dimension; a joint interest in Africa and the EU and; complementation with other financial instruments like the EDF, European Neighbourhood Instrument (ENI) and the Development Cooperation Instrument (DCI) thematic programmes” (Africa-EU partnership 2019b).

2.1.2. Structure

The Pan-African Programme is carried out through the second Multi-annual Indicative Programme (MIP) of the EU's Pan-African Programme, which was adopted in May 2018, and outlines continental and cross-regional projects to boost the implementation of the Joint Africa-EU Strategy for the period 2018-2020, in line with the strategic priorities identified at the 5th AU-EU Abidjan Summit 2017 (European Commission 2018). The programme is based on Regulation (EU) No 233/2014 establishing a financing instrument for development cooperation (DCI) for the period 2014-2020 in accordance with the European Union Functioning Treaty Article 209 (1) and 212 (2). The policy priorities of the Pan-African Programme MIP are based on the political declaration adopted at the 5th AU-EU Abidjan Summit 2017 and they are consistent with other relevant EU policies, including the Global Strategy for the EU's Foreign and Security Policy, the European Neighbourhood Policy, the Valletta action plan, and existing agreements with North African countries and ACP countries (Africa-EU Partnership 2019b). As mentioned before, the Pan-African Programme MIP 2018-2020 is structured around the three areas of focus: Political dialogue and Pan-African governance, Investing in people – education, science, technology, skills and Continental economic integration (European Commission 2018). With regard to Political dialogue and Pan-African governance, the objective is to strengthen the Africa-EU Partnership through increasing political dialogue and engagement to contribute towards the development of an accountable, responsive and effective system of good governance at the pan-African level (Africa-EU Partnership 2019b). When it comes to Investing in people, the objective is to enhance young people's employability through education job-oriented education, and the also improving the mobility of students across Africa and with Europe (*Ibid.*). In respect to Continental economic

integration, the objective is to contribute to regional integration through the development of resilient infrastructure so as to facilitate intra-African trade and European investments (*Ibid.*).

2.1.3. Financing

The Pan-African Programme has a budget of EUR 845 million for the period 2014-2020 and is funded under the Development Cooperation Instrument (DCI) through the Annual Action Programme 2018 of the DCI-Pan-African Programme which is financed from the general budget of the European Union (European Commission 2018). The main objective of the Development Cooperation Instrument (DCI) is poverty reduction in developing countries and other aims are to achieve the Sustainable Development Goals and to consolidate and to support democracy and human rights. (Sgueo and Parry 2017). The Pan-African Programme is a new and small part of the Development Cooperation Instrument and it is administered by the European Commission's Directorate-General of International Cooperation and Development (DG DEVCO) (*Ibid.*). Funding instruments within the EU provide the legal basis for the implementation of geographic and thematic programmes which cover the EU's external cooperation and external aid (European Commission 2019a). In regard to thematic instruments, the EU supports development through programmes with a specific thematic focus, and these are implemented using a horizontal approach, and they are coherent with and complementary to geographic instruments whose focus on development is defined for a specific country or region (*Ibid.*). Under the geographical instruments, the multiannual indicative programmes set out the priority areas and financial allocation and serve as the basis for the implementation of the aid (*Ibid.*). Based on these strategies, yearly action programmes are adopted defining more specific objectives and fields of intervention, and the expected results and specific amount available for funding (*Ibid.*). The Pan-African Programme is both a thematic and geographical instrument under the DCI and since the DCI is one of the EU's six budgetary instruments for financing external action, it is governed by Regulation (EU) No 233/2014 which lays down the common rules and procedures for the implementation of the financing instruments for external action in accordance with the European Union Functioning Treaty Article 209 (1) and Article 212 (2). In this aspect, regions and countries that seek EU funding from the DCI instrument have to abide by some of the EU's *acquis communautaire*.

2.1.4. Implementation and monitoring

The methods used to implement the Pan African Programme are direct and indirect management (Sgueo and Perry 2017). When it comes to direct management, the European Commission and the European External Action Service are the main players and they do this through managing the PanAf directly themselves or, where relevant hiring executive or regulatory agencies, through direct awards, tenders to manage the programme (European Commission 2018). Other actions of the programme are implemented by indirect management through the African Union, EU Member States agencies or, when duly justified, through international organizations (*Ibid.*).

When it comes to monitoring the Pan-African Programme, a mechanism is set down in the Abidjan Declaration for all joint priorities, initiatives, including the Pan-African Programme actions (European Commission 2018). The declaration proposed to discontinue the consultative committee established under the MIP 2014-2017 with the African Union Commission (AUC), the RECs, the United Nations Economic Commission for Africa (UNECA) and the African Development Bank (AfDB), which met on a yearly basis between 2014 and 2016 to avoid duplications (*Ibid.*). This is because the committee faced difficulties of its members being potential beneficiaries of funding from PanAf, and this brought about conflict of interest in monitoring the programme (*Ibid.*). The initiatives financed through the PanAf are systematically assessed against the criteria of shared interest and they reflect the key objectives, priorities and principles of the Africa-EU Strategic Partnership (*Ibid.*). The Commission ensures through direct and indirect management that the EU appropriate rules and procedures for providing financing to third parties are respected including review procedures, where appropriate, compliance of the action with EU restrictive measures affecting the respective countries of operation (*Ibid.*).

2.2. Africa-EU Partnership

The Africa-EU Strategic Partnership is the formal channel through which the European Union and the African continent work together. It is based on the Joint Africa-EU Strategy adopted by Heads of State and Government at the second EU-Africa Summit in 2007, which constitutes the overarching long-term framework for Africa-EU relations (Africa-EU Partnership 2019a). The Africa-EU partnership is a multilevel and multi-actor partnership guided by EU and AU Member States along with several non-state actors from, for example, civil society Organizations, youth

bodies, economic and social actors and the private sector (*Ibid.*). There are two main stake holders in the partnership:

The European Union through the EU council, Council of the EU and specialized working groups like the African working group (COAFR) via the committee of permanent representative (*Ibid.*). The European External Action Service (EEAS) in association with the European Commission coordinated by the Directorate for International cooperation and Development (DGDEVCO) provide the overall policy coordination and strategic directions on EU-Africa relations. Oversight of how the partnership is implemented is done by the European Parliament through dedicated committees (*Ibid.*).

The African Union is the other main stakeholder in the partnership, and it engages in the partnership through the Assembly which comprises of heads of government and sets the AU's main political agenda, the Executive Council made up of ministers of Foreign Affairs, The Peace and Security Council, the Permanent Representatives Committee and its specialized technical committees, the Commission, the Pan-African Parliament and finally the Economic, Social and Cultural Council (ECOSOCC) which represents the civil society (*Ibid.*). The AU Commission is the main executive arm of the Africa-EU Partnership, under the political guidance of AU Member States (*Ibid.*). The Regional Economic Communities (RECs) in Africa play an important role in the partnership as well as non-state actors like civil society organization, Private and business sectors, Youth Organizations and Economic and social actors and academic institutions (*Ibid.*). The Africa-EU Partnership aims at forging stronger links between the two continents and to provide a concrete plan for future cooperation in strategic areas of common interest under the framework of the Joint Africa-EU Strategy.

2.3. Joint Africa-EU Strategy

The Joint Africa-EU Strategy was launched at the Africa-EU Summit in Lisbon 2007 and it constitutes the overarching long-term framework for Africa-EU relations (Africa-EU Partnership 2019a). The JAES is the guidance tool for the Africa-EU Partnership as it outlines the basic principles and general objectives and it also provides the political vision for the future cooperation in EU-Africa relations (*Ibid.*). Multiannual Roadmaps and Action Plans are used as implementation tools for JAES and they shape the priority areas of focus in the Africa-EU

Partnership (*Ibid.*). Three successive action plans have already been adopted and implemented since 2007.

During the 5th AU-EU Abidjan Summit 2017, leaders of the EU and AU adopted a joint declaration on 'Investing in Youth for Accelerated Inclusive Growth and Sustainable Development' outlining new joint priorities for the Africa-EU Partnership in four strategic areas from 2018 onwards and these are: Investing in people, education, science, technology and skills development; Strengthening Resilience, Peace, Security and Governance; Migration and mobility; Mobilising Investments for African structural sustainable transformation. One of the action plans is the Annual Action Plan 2018 for the Pan-African Programme which is financed from the general budget of the EU and has eight annexes of action (European Commission 2019b).

The JAES is based on principles of ownership, partnership and solidarity with the purpose of taking the Africa-EU Partnership to a new strategic level through strengthening political dialogue and enhanced cooperation at all levels between the EU and Africa (*Ibid.*). The JAES also strives to bring Africa and Europe together through strengthening economic cooperation and promoting sustainable development (*Ibid.*). Finally, the JAES complements the existing frameworks of cooperation with Sub-Saharan Africa and with the EU's neighbourhood as this level of Africa-EU cooperation overarches all other existing channels of cooperation at the local, national, and regional level (*Ibid.*).

2.4. Embedment in overall Africa-EU relations: The Pan-African Programme in JAES and the Africa-EU Partnership

When it comes to the to the Africa-EU Strategic Partnership, the Pan-African Programme provides dedicated support through providing funding for the implementation of the Joint Africa EU Strategy which is the engine of the partnership. The AU's Executive Council of July 2010 requested the African Union Commission (AUC) to engage with the EU in order to establish an 'African Integration Facility' modelled on the African Peace Facility (APF) with a view of "finding a solution to sustainable funding requirements" for the strategy (Aggad-Clerx and Tissi 2012). This enhanced further talks between the stakeholders in the relationship culminating into the adoption of the Pan-African Programme in 2014 as a dedicated financial instrument to support the partnership.

Following the 5th AU-EU Abidjan Summit declaration of November 2017, out of which the Abidjan Action Plan 2018-2020 emerged, the Heads of State and Government committed to build on strategic areas of cooperation in to build on the legacy of the cooperation for a sustainable future (European Commission 2019b). Within the Abidjan Action Plan is a commitment to dedicate funds from EU and AU institutions to “further boost real opportunities for real partnership” (*Ibid.*). These strategic areas of cooperation are to be achieved through the Annual Action Programme 2018 of the Pan-African Programme which is financed through the Multiannual Indicative Programme 2018-2020 for the Pan-African Programme under the Development Cooperation Instrument (European Commission 2018). The objectives pursued by the Annual Action Programme are to: contribute the African Union mission to become an efficient and value-adding institution contributing to the implementation of the AU vision; improve the governance of migration and mobility within Africa and between Africa and the EU; contribute to the implementation of the Africa-EU Partnership by facilitating the achievement of joint strategic priorities; enhance human capital development in Africa and; boost African economic integration and EU-Africa economic integration (*Ibid.*).

The financing decision for the implementation of the Annual Action Programme 2018 of the Pan-African Programme follows the following actions: Africa-EU Support measures; Support to the Africa-EU Dialogue on migration; African Union Support Programme IV; AU-EU Skills for Youth Employability Programme; Intra-Africa Academic Mobility Scheme III and IV; AU-EU Higher Education Programme; AfricaConnect and finally boost African continental integration, EU-Africa economic integration through enhanced evidence-based policy making on trade and investment (*Ibid.*). Through providing funds for these action plans, the Pan-African Programme helps in the implementation of the road maps set out in the JAES hence, helping to smoothen the operation of the Africa-EU strategic Partnership. The next chapter will provide the analysis and conclusion by applying the concept of EU external governance to the development, structure, financing, implementation and monitoring of the PanAf, and its overall embedment in the institutionalized frameworks of the JAES and Africa-EU Partnership.

3. ANALYSIS AND CONCLUSION

3.1. EU External Governance in the Pan-African Programme and JAES

In this section, the concept of EU external governance will be applied to Pan-African Programme, it's the development, structure, funding, and implementation, and the overall embedment in the institutionalized frameworks of the Joint Africa-EU Strategy and the Africa-EU Partnership through applying the hierarchical and network modes of governance. As discussed earlier in the paper, hierarchical governance is based on formal and precise rules that are non-negotiable and legally binding as well as enforceable upon actors and network governance on the change that comes about as a result of co-ordination efforts, voluntary negotiations and bargaining. This will be used to show whether EU funding for the Pan-African Programme makes the EU govern the AU externally or it enhances a 'partnership of equals' in EU-Africa relations.

3.1.1. Development

When hierarchical governance is applied to the development of the PanAf, elements of external governance can be seen through the way the institutionalization of the funding of the programme through the Development Cooperation Instrument (DCI) which is financed from the EU budget under Regulation (EU) No 233/2014 in accordance with the European Union Functioning Treaty Article 209(1) and 212(2). This implies that for the African Union to request for funds of the PanAf to support the smooth running of the Africa-EU Partnership, it must comply with EU *acquis communautaire* that governs the procedures of releasing funds to external aid. In this case, elements of EU's legal boundary are extended to EU-Africa relations through the funding of the PanAf. This is through the formal and precise rules that are non-negotiable that are directly transferred to the relations through the funding of the PanAf as the African Union has no say in the formulation of procedures on how funds are released from the EU since it's not part of the EU's organization boundary. This shows that there are elements of hierarchical governance in the development of the PanAf, and the AU ends up having to follow parts of EU *acquis* so as to receive funds from the EU.

Applying network governance to the development of the PanAf, elements of external governance can be seen through the way the AU and EU come together to through Africa-EU summits in a

deliberative process to forge a way forward on their future relationship, and set priorities that areas of strategic cooperation through joint declarations, for example, the political declaration at the end the conclusion of the 5th AU-EU Abidjan Summit which put down the foundation for the priorities and direction of the Africa-EU Strategic Partnership funded for by the PanAf. In this case, the legitimacy of rules that govern the relations is due to the fact that both parties come together and agree on the direction that they want to take with each stakeholder having an equal say in the matter. However, in the case of the EU-Africa relations, power asymmetries do exist in the relationship as the AU seeks funds from the EU, and that gives the EU an upper hand, though the interaction is often deemed as a ‘partnership of equals’. This shows that during the development of the PanAf, the AU engaged in with the EU through interactions at the Africa-EU Summits. And since this was voluntary, this means that the external governance in the relationship is a result of network governance. It has to be noted however that, there exists co-ownership of the PanAf when funds are released because both parties are beneficiaries as, the PanAf provides support to areas that are of importance to both the AU and EU.

3.1.2. Structure

When hierarchical governance is applied to the structure of the PanAf, elements of external governance can be shown through the way the way it is carried out through the second Multi-annual Indicative Programme (MIP) of the EU’s Pan-African Programme and is too based on Regulation (EU) No 233/2014 of the EU. This means that precise and formal rules that are non-negotiable are enforceable upon the AU through formal producers (Lavenex and Schimmelfennig 2009), hence meaning that the AU has to adhere to EU *acquis communautaire* extended through the formal procedures that the AU has to go through to acquire funds through the PanAf. It has to be noted also, that these rules are set to ensure that funds are used appropriately for the purpose that they are designed to, and there are accountability structures to monitor where they are achieving the set goals for the strategic partnership.

Applying network governance to the structure of the PanAf, elements of EU external governance are shown to exist through the institutionalized infrastructure for the exchange of policies and learning from each other (Knill and Tosun 2009) which is the 5th AU-EU Abidjan Summit 2017 Summit. Under this the AU has an equal say in setting the policy priorities that are to be funded by the PanAf. In this regard, there exists a ‘partnership of equals’ in the EU-Africa relations,

though this does not preclude power asymmetries due to the fact that the EU is the one that provides the funds.

3.1.3. Financing

When hierarchical governance is applied to the financing of the PanAf, elements of EU external governance can be seen in the formal and precise rules that are non-negotiable and legally binding that are enforced upon the AU through (Lavenex and Schimmelfennig 2009) through the funding of the PanAf procedures stipulated in Regulation (EU) No 233/2014. PanAf is funded under the Development Cooperation Instrument (DCI) through the Annual Action Programme 2018 of the DCI-Pan-African Programme which is financed from the general budget of the European Union. In this regard, the regulations that govern the use of funds for external action from the EU budget are extended into the EU-Africa relations through the top down transfer of EU *acquis communautaire* through the common rules and procedures for the implementation of finances for external aid. In addition to that, the funding is administered by the Directorate for International Cooperation and Development who has to follow EU *acquis communautaire* in the procedures that deal with the disbursement of funds to the AU through the PanAf. Furthermore, since the PanAf is a geographic programme, its priorities and financial allocation basis are set by the Multi-annual Indicative Programme, under which the Yearly Actions adopted define the expected results and specific amounts of finances available for funding. In this regard, the EU Commission has a bigger say in setting the agenda of what is to be funded, and since the process also follows formal procedures as required by EU *acquis communautaire*, elements of hierarchical governance can be shown to exist in the EU-Africa relations in the context of the funding of the PanAf.

When network governance is applied the financing of the PanAf, elements of EU external governance can be shown to exist mainly through the voluntary negotiations and bargaining for the funding of the PanAf. Here, the AU voluntarily went in to a deliberative process with to negotiate with the EU to ask for funds to facilitate, the implementation of the JAES, and hence when it's made to take the rules that govern the funding of the PanAf, it enters the processes willingly and also through a process of co-ownership as the PanAf funds projects that are of mutual benefit to both the AU and EU. However, it has to be noted, that the AU has no say when it comes to formulating the rules that govern the financing of the PanAf as it is not an EU member. Hence in the case of financing, there is more of a hierarchical governance, than the networks governance.

3.1.4. Implementation and Monitoring

When hierarchical governance is applied to the implementation of the PanAf, elements of EU external governance can be seen through the direct and indirect management of the PanAf by the European Commission. Here, the Commission ensures through direct and indirect management that appropriate EU rules and procedures for providing financing to third parties are respected including review procedures, and where appropriate, compliance of the PanAf with restrictive measures affecting the respective countries of operation. Through this, the EU is able to extend its boundary of organizational regulation (Lavenex and Schimmelfennig 2009) into the EU-Africa relations, hence governing the AU externally.

In regard to monitoring the PanAf, the formal rules and procedures that guide the monitoring mechanism are set down in the Abidjan Declaration, and in the renewed MIP 2018-2020, the main responsibility of monitoring the PanAf falls with the European Commission as the consultative committee established under the MIP 2014-2017 which included the African Union Commission, and the RECs was discontinued. This shows existence of elements of hierarchical governance in the monitoring of the PanAf by the European Commission, and hence it makes the EU to govern AU externally in the relationship and resulting in power asymmetries in EU-Africa relations.

Applying network governance to the implementation and monitoring of the PanAf shows elements of external governance do exist through the AU voluntarily accepting to become a rule taker because it agrees to comply with EU rules so as to meet the procedures set by the EU for the financing of third parties, hence the EU governs the AU externally in this area bringing about power asymmetries. In this regard, this can be seen as not enhancing the ‘partnership of equals’ because the EU has an upper hand as the funds come from its budget.

3.1.5. Embedment of the PanAf in JAES and the Africa-EU Partnership

When the hierarchical governance is applied to the overall embedment of the PanAf in the JAES and the Africa-EU Partnership, elements of EU external governance can be shown through the institutionalized frameworks of coordinated action between the EU and AU through which the priorities and action plans that guide the PanAf come about. These frameworks are designed with *acquis communautaire* backing them, and they are exerted into the EU-Africa relations in asymmetrical way as the AU seeks to obtain funds from the EU through the PanAf. This results in the undermining of the AU’s authority sometimes, because the AU may wish to go in a different

direction in a policy area funded by the PanAf, but because it is required to comply with certain elements of *acquis communautaire* in regard to the funding of the PanAf, it's not able to. Hence this results in the AU agreeing to comply with the legal obligations in regard to the PanAf as set out by the EU resulting in acceptance of parts of the EU *acquis communautaire*, hence elements of EU external governance can be seen here.

Applying network governance to the overall embedment of PanAf in the JAES and Africa-EU Partnership, elements of EU external governance exist through the institutionalized frameworks of JAES and the Africa-EU Partnership. The legitimacy of the rules in the relations here comes about voluntarily as the AU agrees to the rules set by the EU in order to receive the PanAf funds. Hence, the EU governs the AU externally. The relationship in the institutionalized framework of the Africa-EU Partnership is in set up in a way where both stakeholders have an equal say in the Summits, however, because the EU is the one that funds the PanAf and the AU the receiver, power asymmetries do exist, hence this does not enhance the 'partnership of equals.'

CONCLUSION

In conclusion, this paper shows that in the context of the funding of the Pan-African Programme by the EU, there exists elements external governance in EU-Africa relations through the development, structure, financing, implementation and monitoring and the overall embedment of the PanAf in the institutionalized frameworks of the Joint Africa-EU Strategy and the Africa-EU Partnership. This is seen through the EU extending parts of its *acquis communautaire* to the relationship through the hierarchical and network modes of EU external governance. In certain areas this governance brings about the enhancement of a ‘partnership of equals’ in EU-Africa relations as seen in the cooperation in the institutionalized frameworks in which the PanAf is implemented. In other areas like the structure, financing and implementation of the PanAf, the governance creates power asymmetries as the EU rules have to be followed by the AU in order for it to access PanAf funds, and through this, the ‘partnership of equals’ is not enhanced. The elements of EU external governance come about because of the precise rules, formal procedures in the form of hierarchical governance, and through the existing power asymmetry during the voluntary negotiations, coordination efforts, co-ownership and interactions in the network governance.

This paper took the concept of EU external governance often applied to relations between the EU and third countries and extended it to EU-Africa relations in the context of funding the Pan-African Programme. It showed that there are elements of EU external governance in the relations through the extension of parts of the *acquis communautaire* in the formal procedures of funding the PanAf. It also showed how this brings about the enhancement of a ‘partnership of equals’ in the relations in some areas and weakens it in others. Further research in this area can be done to assess the effectiveness of EU external governance in achieving the goals set out by both the EU and AU through their cooperation in the institutionalized frameworks of the Joint-Africa EU strategy and the Africa-EU Partnership.

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