Europe and the colonial legacy:
Continuity in a history to be told

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'The European empires have two distinct,
but interdependent histories. The first […] is the history
of the European discovery and colonization of America.
It begins with Columbus's first voyage in 1492 and ends,
somewhat less precisely in the 1830s with the final defeat
of the royalist armies in South America. The second is the
history of the European occupation of Asia, of Africa
and of the Pacific. It begins in the 1730s, but only takes hold
in the 1780s as European hegemony in the Atlantic
is coming to an end. These 'Second European Empires'
have only recently been dissolved, a process which for most
of their inhabitants has been a slow and murderous one.'[1]

1. *Introduction*

The considerations that follow refer to the age of the 'Second European Empires' and are intended to address the colonial legacy in the construction of Europe. This colonial legacy will be analysed on three levels: ideological, political, and economic.

The essay is divided into two parts. The first part analyzes the relationship between international law and colonial law in French colonialism, highlighting the ideology of assimilation contained in colonial law (sections 1-5).

[1] A Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain and France c. 1500–c. 1800* (Yale U Press 1995) 1-2.

The ideology of assimilation – through which the will to affirm the superiority of the colonizer is expressed – persists in the reality of contemporary France and represents the continuity of the ideology of colonial rule in the current reality of a previous colonial power.

Toward the close of the 19th century the vastness of the colonial empire dictated the need to introduce the political idea of association, which meant the relationship of cooperation, but between a 'superior' and an 'inferior'. We can find this doctrine of association in the 1957 Treaty of Rome, which provided for the association of the overseas countries and territories with the nascent European Economic Community.

Moreover from an economic point of view the theory of the 'stages of development' was at the origin of the representation of the backwardness of the 'savage' in relation to the condition of development of the 'advanced' European countries. On this basis, the complementarity relationship between the African colonies and the colonial powers was defined.

The second part of this essay analyses the doctrine of 'Eurafrica' which enunciated the complementary relationship between Africa and Europe and was the basis for the creation of the EEC (sections 6-10).

The essay also develops the analysis of the decolonization process by assuming a non-Eurocentric perspective and underlines the need for a multi-level analysis to examine the complexity of the issues that were at the origin of the reconstruction of Europe after the Second World War.

2. *Ambivalences of international law*

The first level—that of ideological reality—can be discussed by reflecting on the relationship between international law and colonial law.

Santi Romano defined colonial law as a 'heterogeneous law'[2] that included principles of international law governing the occupation or loss of territory. Bernard Durand,[3] a historian of colonial law, likewise construes colonial law as a 'hybrid' law that can be considered to be a branch of international law. Beyond the different interpretations, there is a specific connection between international law, which legitimizes occupation of a territory, and colonial law, which gives legal form to

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[2] S Romano, *Corso di diritto coloniale* (Athenaeum MCMXVIII) 21.
[3] B Durand, *Introduction historique au droit colonial* (Economica 2015).

dominion over that territory. Colonial law is a 'hybrid' law in that it is part of a paradigm that combines colonial law with other disciplines, such as sociology, cultural anthropology, and social psychology.

It is the ideological question that comes into strongest relief through an analysis of international law. Anthony Anghie, one of the most significant exponents of TWAIL (Third World Approaches to International Law) compellingly argues that colonial expansion was a chaotic and random process to which European states and trading companies contributed in their relations with African and Asian companies. Over the course of these processes of discovery, conquest, occupation, and treaty-making, the European states came to different interpretations of the personality of the natives, shaping these interpretations to suit their own interests. The 'native personality was fluid since it was created through the encounter with a European state that would inevitably 'recognize' the capacity of the non-European entity according to its own needs.[4]'

In this complex relationship lies all the ambiguity of 19th-century international law. It denied the sovereignty of states or of non-European sociopolitical entities on the basis of cultural differences – ie on the basis of representations of non-European societies derived from the system of sciences of the time – but was willing to recognize it when the peoples ceded their rights to the territories they occupied. In short, sovereignty was recognized only to confirm the condition of subjection and domination of those non-European populations. 'Simply put, granting sovereignty to the natives was precisely the means by which protecting states extended their authority and control over the natives.[5]'

This ambivalence of international law needs to be further analysed. The debate within international law over the course of the 19th century, in an attempt to legitimise the colonial conquests, faced in particular the problem of the 'occupation' of a territory and its relation to the concept of sovereignty. Grotius was early to declare that 'discovery' (*oculis usurpare*) was an imperfect and incomplete title, and that occupation needed to be effective to justify the assertion of sovereignty.

In a work that draws systematic conclusions by working from historical foundation, Charles Salomon, one of the major French jurists of the time,

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[4] A Anghie, 'Finding the Peripheries, Sovereignty and Colonialism in Nineteenth-Century International Law' (1999) 40 Harvard Intl L J 41.

[5] ibid at 63.

along with Gaston Jèze,[6] identified the historical phases that occupation went through according to the interpretation of sovereignty. Salomon ruled out that an occupied territory could be defined as a *territorium nullius*, a land inhabited by 'uncivilized' peoples. In fact, he argued that, 'despite the opinion of some publicists, [...] the colour of the skin or an underdeveloped civilization did not prevent barbarian and savage peoples from exercising rights to sovereignty: these may admittedly have been rudimentary [rudimentaires], to be sure, but were strong enough to make contrary to law any violent occupation of the country they were occupying.[7]' The concept of 'rudimentary' sovereignty rights means absolutely nothing. It only speaks to the complete inability of Western political and legal thought to understand the cultural, political, and legal reality of the populations over which colonial rule was exercised, whose reality was interpreted on the basis of Eurocentric categories.

The same ideological orientation emerges very clearly from an analysis of colonial law.

3. *Violence and colonial law*

It was the project of domination that guided colonial enterprises and determined the treatment of indigenous populations. The colonial enterprises accordingly involved the use of violence expressed and legitimized through colonial law. The law that grounded this violence, namely, the law that gave legal expression to domination, was the result of the work of three main actors: legislators, jurists, and judges.

Colonization took a variety of legal forms[8] – think, for example, of the Algerian departments – and this explains the difficulty that jurists have faced in classifying them according to the traditional distinction between domestic and international law. Moreover the purposes of domination – ie economic exploitation and the ambiguous purpose of 'civilising' the natives – steered the science of colonial law toward the appropriation of customs and local

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[6] See in particular G Jèze, *Étude Théorique et Pratique sur l'Occupation comme Mode d'Acquérir les Territoires en Droit International* (Giard & E Brière 1896).

[7] C Salomon, *L'occupation des territoires sans maître: Étude de droit international* (Giard Libraire-Éditeur 1889) 206 (my translation).

[8] In this essay I will mainly be referring to French colonialism and to its legacy owing to the significant role it has played in the construction of Europe.

law. Colonial law, according to Jean-Philippe Bras,[9] thus turned out to be tripartite. It contained (1) elements of metropolitan law, applied without differentiation in the metropole and in the colonies. It also contained (2) a special law for the colony, established both by the metropolitan authorities and by the colonial authorities, and it was in this special law that the violence of colonialism was expressed in the highest degree. Consider, for example, the Code de l'indigénat, adopted by the French National Assembly in 1881. Its repressive character came through clearly in the criminal penalties it contained. These were special measures applied to the native population in virtue of the very quality of their being indigenous people, and they essentially consisted in making more severe the punishments for the crimes set forth in the Criminal Code. In virtue of these tougher punishments, in combination with the criminalisation of acts deemed criminal simply on the basis of the ethnicity of the person doing the act, the Code de l'indigénat can be described as no less than 'state-instituted racism'[10].

Finally, colonial law contained (3) a local law, in which French law came into contact with Muslim law, clashing with it and ultimately replacing it.[11] In 1830, with the surrender of the dey, regent on behalf of the Ottoman Empire, public law was immediately Frenchified, while Muslim civil law underwent a different treatment, depending on whether it was classified as the law of persons or as the law of property. In fact, it was colonial policy to restrict the Muslim population within its own status, while governing its lands under French law. Legal scholarship enthusiastically gave itself over to the task of subjecting Muslim law to colonial rule. The Muslim lands of Algeria were made to fall into three classes: (1) lands of the bey, over which the bey exercised his own right of ownership while respecting the easement rights or other nonpossessory interest in land that could be granted to individuals or to tribes; (2) lands over which a collective right of property was exercised;

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[9] See J-P Bras, 'Introduction', in J-P Bras (ed), *Faire l'histoire du droit colonial: Cinquante ans après l'indépendance de l'Algérie* (Karthala 2015).

[10] See O Le Cour Grandmaison, *De l'indigénat: Anatomie d'un 'monstre' juridique. Le droit colonial en Algérie et dans l'empire français* (La Découverte 2010) 252.

[11] On the relationship between Muslim law and French law see J-R Henry, F Balique (eds), *La doctrine coloniale du droit musulman algérien. Bibliographie systématique et Introduction critique* (CNRS Éditions 1979) 13, and F Renucci, 'La Revue algérienne, tunisienne et marocaine de législation et de jurisprudence entre 1885 et 1916. Une identité singulière?', in J-P Bras (ed), *Faire l'histoire du droit colonial: Cinquante ans après l'indépendance de l'Algérie* (Karthala 2015) 181.

and (3) endowed lands the institute of the *waqf* or *ḥubus*, ie endowments made to the poor or to religious establishments serving a public good. This land organization was abolished by the French colonizers and replaced by the French law of property. This is an example of assimilation, a refusal to recognise the cultural specificity of the 'other'.

As for the law of Muslim personal status, the colonial legislator considered it a foreign law, spiritual and religious in nature, thereby leaving no room for any intervention based on colonial political power. This was a statement of legal irreducibility, considered synonymous with natural inequality, and politically it was a way of denying citizenship to French Muslims. Consistently with the assimilationist model, the law of Muslim personal status was conceived as a transitional law destined to dissolve into French law, as had already happened with the land regime. The idea of a future assimilation would be brought to fruition once the work of 'civilising 'the local Muslim population was completed through the progressive denial of cultural identity to the 'other'. What comes to light here is the most disturbing and violent trait of the colonial legacy, which we still find to this day in French society, where the ideology of assimilation is kept alive under the idea that migrants are to adapt to French culture if they want to be accepted into French society, with the corollary to that idea, namely, that they are not to assert their own identity and culture.[12]

4. *From assimilation to association*

Toward the close of the 19th century the French colonial empire was stretched across lands so diverse that it increasingly became clear that the doctrine of assimilation was no longer sustainable, a realization helped along by the development of the emerging human sciences, especially sociology and social psychology. On the 'scientific' basis provided by social Darwinism and by the laws of social evolution, the opponents of

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[12] Consider in this regard the view expressed by Achille Mbembe, an author of African origin: 'As was the case in the era of colonialism, the model [...] in the Republic is that of assimilation. What this means, among other things, is that all are to adhere to a rule of undifferentiation, which in turn involves refusing to grant any "special status" to groups on the sole basis of their belonging to distinct communities.' A Mbembe, 'La République et l'impensé de la "race"', in P Blanchard, N Bancel, S Lemaire, *La fracture coloniale* (La Découverte 2006) 152 (my translation).

assimilation argued that all peoples evolve according to their own laws, in their own environment, and with their own characteristics. The vastness of the colonial empire dictated the need to consider the various institutional, environmental, ethnic, and cultural characteristics of the subjected peoples and led to the abandonment of the universalist idea of assimilation. It was replaced by the idea of association, which sprang from the idea of evolution and on that basis posited that the different populations under colonial rule had reached different levels of evolution. At the same time the idea of equality was abandoned and replaced with that of cooperation and trust, but between a 'superior' and a 'inferior'. Giving further confirmation of the 'colonial footprint' of the doctrine of association is the 1957 Treaty of Rome, which in Part Four provided for the association of the overseas countries and territories with the nascent European Economic Community.

5. *The enlightenment, liberalism, and colonialism: An insurmountable contradiction*

Let us now turn to the economic part of the colonial legacy.

No one who might look at the coloniser in comparison with the colonised could escape just how much Western civilisation, with its cherished values, stood in contradiction to the reality of colonialism. In fact, the question arose: why did the Western civilization of law and rights not extend to non-European populations?

Criticism of the reality of colonialism was also expressed by the population that was subjected to colonial rule. An example is a work published in Le Miroir d'Alger in 1833 under the by-line of Hamdan-Ben-Othman Khoja,[13] an Algerian intellectual who denounced the looting, despotism, and violence wrought by French colonization, and did so drawing on the principles of the Enlightenment and the civilization it had produced. Hamdan Khoja seemed to be of two minds in framing his critique, on the one hand observing the brutality of colonization, while at the same time upholding the liberal principles espoused by France, but he used this 'split screen 'as a powerful

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[13] Hamdan-Ben-Othman Khoja, *Aperçu Historique et statistique sur la Régence d'Alger, intitulé en Arabe. Le Miroir* (1833) (Hachette 2016) II.

rhetorical device, underscoring the contradiction in an appeal he made to France so that the country, true to its own ideals, might finally recognise the customs of non-French nations and peoples.

So there was no way to ignore the poignant contradiction between the reality of colonialism the principles of liberalism. How was the problem addressed and what kinds of responses were formulated? This had long been a problem that Western political and economic thought sought to answer within its own liberal framework, and it finally thought it had come to a solution. But let us first briefly examine the theses of one of the fathers of liberalism, John Locke, one of the most prominent theorists of the doctrine of the natural rights of man.

In his Second Treatise of Government of 1689 he gives an account of the reality of the New World, which he considered terra nullius, meaning that it was there for the taking, and legitimately so. He also enunciated a famous proposition: 'Thus in the beginning all the world was *America*'.[14] This was not a description of the New World, as we can appreciate from the very wording of the proposition, saying that the whole world had been America. Rather, he was laying out a grand historical narrative conceived as a study in contrast: just like the American Indians, the Europeans, too, initially lived as hunters, but while the former remained stuck in that primal condition, the latter developed beyond it. Here we have the first draft of the theory of 'stages of development 'that would be fully formulated in the following century.

This account suggests a couple of considerations. The first of these is that constitutionalism – with its accompanying ideas: democracy, the rule of law, the separation of powers, the theory of the natural rights of man – was a grand project carried forward in the shadow of colonialism. We should ponder that fact. And if we do, we will be led to the second consideration: it is not so much that colonialism was the 'heart of darkness' of constitutionalism and liberalism, as that these were a facade, the respectable face of the violence of colonialism.

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[14] J Locke, 'The Second Treatise of Government' in J Locke, *Two Treatises of Government* (CUP 1967) 319 para 49 (Locke's italics).

6. *Stages of development and the 'ignoble savage'*

In a masterful, deeply researched work, Ronald L Meek points out that there are plural depictions of the 'savage'.[15] But two of these stand out. The first one – found in Rousseau, Diderot, and Kant – gave us the image of the 'noble savage', acting as a backdrop against which to highlight, by contrast, the limits of Western society. The second depiction – found in authors such as John Locke, Anne Robert Jacques Turgot, and Adam Smith – on the contrary exalted the march of 'progress' that made it possible for Western society to advance from barbarism toward civilization: this gave us the image of the 'ignoble savage', representing a people in a condition of backwardness.

This idea of 'progress' came out of a theory of human development divided into stages, each corresponding to a mode of subsistence: hunting, herding, agriculture, commerce, and industry. According to Meek, the two major theorists of these stages of development were Turgot and Smith. In a 1751 letter – Lettre à M.me de Graffigny sur les Lettres d'une Péruvienne – Turgot stated that 'to prefer the condition of the savage is a ridiculous declamation',[16] adding that 'inequality [...] is not an evil [...] but a blessing for mankind', since 'the distribution of employments necessarily leads to the inequality of conditions'.' Thus inequality will arise, and will increase, even among the most capable and most moral peoples'.[17] On the contrary, the absence of inequality is a sign of the inferiority of the 'savages', not of their superiority.

Thus was formulated the paradigm of the 'ignoble' savage, ie the 'backward' savage, whose relation to the 'advanced' peoples of the Western world needed to be defined. This conception was finally to come into full form in the colonial economic literature between the 19th and 20th centuries. In a work published in the 1930s, Arthur Girault, doyen of the faculty of law at the University of Poitiers, reflected on the industrial stage of development, clearly outlining the metropole's

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[15] RL Meek, *Social Science and the Ignoble Savage* (CUP 1976).

[16] ARJ Turgot, 'On Some Social Questions, Including the Education of the Young', in D Gordon (ed), *The Turgot Collection: Writings, Speeches, and Letters of Anne Robert Jacques Turgot, Baron de Launeù* (Mises Institute 2011) ch 16, 421.

[17] ibid at 420, 421, and 420, respectively. The original: ARJ Turgot, 'Lettre à M.me de Graffigny sur les Lettres d'une Péruvienne' (1751), in G Schelle (ed), *Oeuvres de Turgot* vol I (Verlag Detlev Auvermann 1972) 243.

strategies for governing the colonies. Girault observed that there had been much debate on the opportunity to develop the industrial sector in the colonies. And this was a common view:

> 'We have founded colonies to secure markets for the products of the metropolitan industry. Does it not run counter to the aim pursued in the metropole to allow industries to be created in the colonies, whose products will feed the local market and will perhaps be able in the future to compete in Europe with the products of the metropolitan industry? Local industry cannot be developed in the colonies except at the expense of the metropolitan industry, and also to the detriment of the national merchant navy, which will see its shipping reduced.'[18]

Camille Guy, head of the geographic and mission service at the French Ministry of the Colonies, had explicitly set out the terms of the debate. 'In most of our colonies', he observed, 'industry is still at a developmental stage. This is regrettable, and we must seek practical means of changing this situation, or it is useless and even dangerous to foster flourishing industries in our colonies?' Having so framed the question, he concludes: 'So then, with the exception of a few special products, the metropole has no interest in making it so that the local industry should develop at the expense of metropolitan industry. We would obviously be going against our own interests if we sparked competition in these same regions.[19]'

Other authors, such as Joseph Chailley-Bert,[20] general secretary of the Union Coloniale Française, agreed with the assessment that the colonies were stuck in the 'age of agriculture'—an assessment almost certain to have been informed at its source by the theory of the development of societies in successive stages identified on the basis of their modes of subsistence. All civilizations, he noted, develop in stages: we have the age of husbandry (or agriculture, as conditions allow), followed by that of commerce, and then, finally, of industry. To get the most out of the colonies, therefore, it was necessary to start out by developing their

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[18] A Girault, *Principes de colonisation et de législation coloniale, vol III: Notions économiques* (Librairie du Recueil Sirey 1930) 60–61 (my translation).

[19] C Guy, *Les colonies françaises: La mise en valeur de notre domaine colonial* (Challamel 1900) 316 (my translation).

[20] J Chailley-Bert, *Où en est la politique coloniale de la France: L'âge de l'agriculture* (Colin 1896) 20 ff.

agriculture. At the same time, however, the colonies were not to be developed toward industry, as that would make for competition with European industrial products.

This line of thinking on the best way to extract value from the colonies is a central theme running through much of the colonial economic literature. In a work published in 1923, Albert Sarraut, minister of the colonies, stressed the need for a general roadmap for leveraging the colonies as an asset in the wake of World War I.[21] The colonies were to serve as sources of commodities intended to meet the needs of the colonial power on the basis of a complementary relationship under which the metropole would provide a market for colonial products and the colonies a market for metropolitan goods. This complementary relationship between France and the colonies would ensure their mutual prosperity.

In the 1920s, this idea began to be implemented as a project to grow the value of the colonies, but within the framework of a relationship of colonial dependence serving the needs of the metropole. In short, the African colonies had to be turned into a more valuable asset, under a complementary relationship with the metropole, but within the bounds of their agricultural stage of development, and so without developing their commerce or industry, so as to prevent their industrial products from becoming competitive with European products.

The colonies' 'backward' condition was therefore a specific policy strategy enacted by the colonial powers.

This model envisioning a complementary but uneven relationship between Europe and Africa would become the content of the 'Eurafrican' doctrine, forming a basis for the 1957 Treaty of Rome.

But it is also worth noting that this historical reconstruction gives us a different understanding of 'otherness'. When we see migrant people – fathers, mothers, children – landing on our shores with makeshift means, we see them as people in need of help, and they certainly are, but if we look at them against the backdrop of the historical legacy just outlined, we ought to be able to see them as people in need of justice: justice[22] to

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[21] A Sarraut, *La mise en valeur des colonies françaises* (Payot 1923) 24.

[22] The question of justice is part of the large debate on the so-called 'global justice'. See about it in particular T Pogge, *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms* (Polity Press 2002); J Grugle, J Nem Singh, LB Fontana, A

make right the evils of that legacy. And that appreciation – of an injustice suffered – is unduly absent from the broad analysis we have of the complex reality of migratory processes.

7. *The colonial legacy and the building of Europe*

Let us now turn to the legacy of colonialism in the building of Europe. The process of European integration unfolded simultaneously with the collapse of the overseas empires.[23] However, whereas Great Britain through the Commonwealth managed to decolonise, all the while maintaining its ties to the colonies, France followed a different path, its course charted by the Union Française, set forth in the constitution of the French Fourth Republic of 1946, and later in the Communauté, set forth by the constitution of the French Fifth Republic of 1958, which meant that France would not succeed in halting the decolonization.[24]

In the birth of the European Economic Community, France saw the possibility of maintaining relations with its former colonies through a sharing of expenses. France's real problem was that it did not want to participate in the common European market by bearing the burden of public investment in the overseas territories on its own. The partners of France and Belgium – namely, Italy, West Germany, the Netherlands, and Luxembourg – did not hide their reticence in the face of this proposal, clarifying that they did not intend to take on any direct or indirect political responsibility in the overseas territories. But the French negotiators still had to present the French case to their partners, showing how they would stand to benefit from the French proposal: the association of the overseas territories would be the fulfilment of a common endeavour in Africa, and undoubtedly the grandest

Uhlin, *Demanding Justice in the Global South* (Palgrave 2016); S Maffettone, A Singh Rathore (eds), *Global Justice* (Routledge 2012).

[23] G Laschi, *L'Europa e gli altri: Le relazioni esterne della Comunità dalle origini al dialogo Nord-Sud* (Il Mulino 2015) 37.

[24] See WFS Miles, *Scars of Partition: Postcolonial Legacies in French and British Borderlands* (University of Nebraska Press 2014) 12. On France's relationship with the decolonisation process, see in particular D Papa, S Samir, 'Le projet d'Eurafrique en France (1946–1960): Quête de puissance ou atavisme colonial?' (2004) 216 Guerres mondiales et conflits contemporains 96, and F Cooper, *L'Afrique depuis 1940* (Payot 2008).

commitment that could be envisaged for a united Europe. France put forward the consideration that their proposal to associate the overseas territories with the Community was part of a general framework of aid to underdeveloped countries, and if Europe did not get behind that project, it would become difficult to keep those territories within the Western sphere of influence. In the end, this justification proved to resonate with the partners, who found it compelling.

The principle of association with the overseas territories was thus accepted during the negotiations for the creation of the European Economic Community (EEC) – establishing a common market for the free movement of goods, people, services, and capital across Europe – and took shape as Part Four of the 1957 Treaty of Rome (the EEC Treaty). Articles 131 to 136 define the objectives of this association, primarily to foster the economic, social, and cultural development of these territories, even if the language is at times mystifyingly lofty.

The association envisaged by the EEC Treaty could be of two types: association with the overseas countries and territories (OCTs) and association with other European countries. Association with the OCTs marked the beginning of the EEC's relations with Africa and was clearly of colonial origin, even if, as far as appearances went, these relations soon developed in ways that did not seem plainly driven by imperial interests. There was no longer a question of total control by the European powers, but of establishing economic and trade relations between the European states and some African states on the basis of formal equality.

As Giuliana Laschi comments, however, despite this innovation, the EEC Treaty recognised the legacy relationships that existed between these countries and the European member states of the EEC. These were termed 'special relations',[25] with OCTs that had previously been European colonies, and association was governed under that framing, even if it was established that association could outlast any newly gained status of OCT national independence and would not automatically expire with it.[26]

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[25] Art 131 EEC Treaty: 'The Member States agree to associate with the Community the non-European countries and territories which have *special relations* with Belgium, France, Italy, the Netherlands and the United Kingdom' (italics added).
[26] See Laschi (n 23) 138.

8. *Eurafrica and the birth of Europe*

In the 1930s, the Eurafrican vision was developed by the French political scientist Guernier on the basis of the theory of the complementarity between Europe and Africa, rich in raw materials and hydroelectric resources.[27] For Guernier, as for Coudenhove-Kalergi [...] and others, the unification of Europe and the colonization of Africa are projects that presuppose one another.[28]

In fact, after World War II, awareness emerged that, squeezed between the two superpowers, Europe might be able to act as a 'valid factor'[29] capable of playing the role of arbiter between the two superpowers, using its 'special' access to African resources as leverage in maintaining a balance between them. In this sense, the thrust of the Eurafrican project was to deny nationalist movements: it ran contrary to any idea of decolonisation, seeking to maintain a status quo ante that imparted to it the 'aura of a nostalgic return to the colonial era'.[30]

As suggested in the previous section, this kind of thinking is embedded into the 1957 EEC Treaty. Hence the need to draw out its colonial implications.[31]

When the EEC was created, it included not only Belgium, France, Italy, Luxembourg, the Netherlands, and West Germany, but also their colonial possessions. These 'overseas countries and territories '(OCTs) included the Belgian Congo and Ruanda-Urundi, under trusteeship of Belgium; Dutch New Guinea; Somalia, under trusteeship of Italy; and French West and Equatorial Africa, while Algeria, which at the time was part of the French metropole, was formally integrated into the EEC.

In the European political debate it was clear that Eurafrica was indispensable for Europe's economic and geopolitical survival. Africa was in fact seen as a solution to the problem of access to territories and resources, a solution under which the colonizing nations would form into

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[27] E Guernier, *L'Afrique, champ d'expansion de l'Europe* (Librairie Armand Colin 1933).

[28] P Hansen, S Jonsson, 'Bringing Africa as a "Dowry to Europe": European Integration and the Eurafrican Project, 1920–1960' (2011) 13 Interventions 450.

29 E Guernier, 'L'Eurafrique troisième force mondiale' (1957) 10 Eurafrique 22.

[30] See D Papa, S Samir (n 24)

[31] P Hansen, S Jonsson, *Eurafrica: The Untold History of European Integration and Colonialism* (Bloomsbury 2014) xiv.

a union enabling them to share their colonial possessions to common advantage.[32] As Hansen and Jonsson argue, the EU (at the time the EEC) 'would not have come into existence [...] had it not been conceived as a Eurafrican enterprise in which colonialism was Europeanised[33]. 'It follows, they also argue, that the Eurafrican history behind European integration 'ought to occupy a central place within postcolonial studies'.[34]

Furthermore, the study of European integration needs to also consider the North-South conflict, a conflict between the Christian and Islamic civilizations, considering that this conflict is integral to European integration and cannot be disentangled from it.[35]

By the time the convention implementing the EEC Treaty had expired on 31 December 1962, most of the OCTs had already become independent states. It took four ministerial conferences to draw up a new convention, which was signed on 20 July 1963 in Yaoundé (the capital of Cameroon) and entered into force on 1 June 1964. The Yaoundé Convention 'took France's pre-existing economic and political dependency relations with most of its associates and transposed and restructured these relations into the Community, frustrating the efforts which the Parliamentary Assembly, as well as the European Commission,[36] had made to build equal relationships and support for African development.[37]' So, too, 'some European policies, such as trade and EU agricultural policy, are so highly protectionist that they have made it difficult, if not impossible, for developing countries to grow their economies.[38]'

So there is much evidence here to suggest a European design to forge a union that might extend Europe's own position of dominance as a former

[32] MLJ Chiadjeu, *Comment comprendre la 'crise' de l'État postcolonial en Afrique?* (Peter Lang 2005).

[33] See Hansen, Jonsson (n 31) 13.

[34] See Hansen, Jonsson (n 28) 445.

[35] M Connelly, 'Taking Off the Cold War Lens: Visions of North-South Conflict during the Algerian War for Independence' (2000) 105 American Historical Rev 739 ff.

[36] See A Varsori, 'Introduction', in A Varsori (ed), *Inside the European Community: Actors and Policies in the European Integration 1957–1972* (Nomos 2006) 12.

[37] G Laschi, 'La nascita e lo sviluppo delle relazioni esterne della Comunità dalle colonie alla cooperazione allo sviluppo', in G Laschi, M Telò (eds), *Europa potenza civile o entità in declino?* (Il Mulino 2007) 71 (my translation).

[38] ibid 56 (my translation).

colonial power, in striking contrast to the image it projects as a 'civil power'.[39]

9. *A non-eurocentric view*

The Yaoundé Convention expired in 1969 and was renewed until 1975.[40] The associated African states then opted, once more, to extend their association with the EEC under the Lomé Conventions – Lomé I (1975–80), II (1980–85), III (1985–90), and IV (1990–2000) – and subsequently under the Cotonou Agreement (2000–2020), which in its own turn is being extended under the 'post-Cotonou' process.[41]

The African states' association with the EEC drew sharp criticism from Third World scholars. Among them is Samir Amin, who argued that Lomé made the periphery (the associated African states) even more dependent on the centre (on the EEC). In fact, it was from the centre 'that ultimately came everything that was thought to contribute to development: public aid, but also private investment, modern technology, the ability to earn more from the sale of basic goods, access to markets in industrialized countries'.[42] But this aid ended up aggravating an already existing condition of dependency.

This highlights the need to consider a plurality of interpretive views. Indeed, it was a complex system that historically, over the course of decolonization, came to govern relations between the former European powers and their former colonial holdings, and there is no reason why that

[39] The concept of 'civil power' is owed to François Duchêne, a political analyst of European integration, who introduced it in 1972. See in particular F Duchêne, 'Europe's Role in World Peace', in R Mayne (ed), *Europe Tomorrow: Sixteen Europeans Look Ahead* (Fontana 1972).

[40] Britain's entry into the EEC, in 1973, required that its trading partners in Africa, the Caribbean, and the Pacific (the ACP states) be brought into a new, broader cooperation agreement with the EC states (nine EC states and the forty-six ACP states). See G Martin, *Africa in World Politics: A Pan-African Perspective* (Africa World Press 2002) 25 ff.

[41] Leading to the Post-Cotonou Agreement. See Council of the EU and the European Council: <www.consilium.europa.eu/en/policies/cotonou-agreement/>.

[42] See J-M Palayret, 'Mondialisme contre régionalisme: CEE et ACP dans les négociations de la convention de Lomé 1970–75', in A Varsori (ed), *Inside the European Community: Actors and Policies in the European Integration 1957–1972* (Nomos 2006) 396, and Amin's critical analyses in his signal contribution S Amin, *Le développement inégal: Essai sur les formations sociales du capitalisme périphérique* (Minuit 1973).

system should only be analysed and understood from a Eurocentric perspective. On the contrary, there is every reason to bring that perspective into comparison with that of the African countries that managed to wrest themselves from colonial domination. Thus according to Kwame Nkrumah, the first president of independent Ghana, the Treaty of Rome can be seen as akin to the General Act of Berlin that came out of the Berlin Conference of 1884–85: just as colonial Africa was formally partitioned in Berlin, so a neocolonial Africa was forged in Rome. Similarly, in a book published in 1994, Tibazarwa draws a line of continuity between the Berlin Congress of 1884–85 and the Lomé Convention of 1975, commenting 'that the Berlin meeting of 1885, which lasted only about three months, resulted in the events which have survived to date and whose impact on Africa is likely to be felt for many generations to come.And according to [43]' Immanuel Wallerstein,[44] the African colonies' association with the EEC was a major obstacle to the achievement of African integration and unity. Nor did the association regime do anything to promote industrial development in the African territories, which therefore remained 'agricultural appendages to Europe'.[45] There is here an echo of the theory of stages of development (section 5).

10. *A multilevel analysis and some conclusions*

Although it cannot reasonably be claimed that European integration was a process primarily aimed at maintaining colonial relations, there is no doubt that the Community's six founding countries did want to maintain control over the colonial territories.

At the origin of the European construction lay 'Jean Monnet's great pacifist insight – at its core a political rather than an economic insight – designed to place under a single supranational authority the heavy coal and steel industry of two age-old rivals, namely, France and Germany. The goal was to root out the wars 'structural causes, to this end proceeding from an

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[43] CM Tibazarwa, *From Berlin to Brussels: 100 years of Afro-European Cooperation* (The Pentland Press 1994) 53.

[44] I Wallerstein, *Africa: The Politics of Independence* (Vintage Books 1961).

[45] S Coryell, 'French Africa and the Common Market' (1962) 9 Africa Today 13, quoted in Hansen, Jonsson (n 31) 274.

economic basis to lay the foundations for a process of political unification governed by supranational bodies.[46]'

It is that very idea of building political cohesion on an economic foundation that suggests the need for a multilevel analysis, not least because the reconstruction of Europe in the wake of World War II was so intertwined with the continuity of colonial relations as to frustrate that unitary and coherent project.

Thus we can draw a couple of interconnected conclusions. 'We all know', write Hansen and Jonsson, 'that the inequality that still obtains today between Europe and Africa has a history, but few have explored the role that the EU – and European integration more generally – had played in it.[47]' Indeed, if we reflect on Europe's colonial legacy, we can illustrate with sufficient precision the weight that neocolonial thinking still carries today in giving a specific nationalistic bent to broad swaths of EU external policy, especially migration policy, policies for the 'development' of Africa, and the Euro-Mediterranean policies.

And something along these lines can be observed from a constitutional standpoint as well. For this central role accorded to the national claims asserted by the EEC and then the EU countries – this Europe of interests – corresponds to a constitutional arrangement which has resulted in the impossibility of securing a political union.

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[46] Laschi (n 37) 55 (my translation).
[47] Hansen, Jonsson (n 28) 461.