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For a Postcolonial reading of the EU

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Lionel Zevounou

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21 March 2024

The use of the terms “decolonial”, “postcolonial” and “race” has become fashionable, particularly in Anglo-American legal scholarship. However, outside the field of migration and labor studies, few legal scholars (e.g., [M.-B. Dembour](#), [J. Silga](#) or [S. Larsen](#)) in recent years have ventured into postcolonial approaches to European Union law. Although its definition is hotly debated by [F. Adé́bísí](#), postcolonial refers to all the traces left by the multiple experiences of colonial domination. I will argue that one cannot understand the history and law of the European Union if one fails to understand and acknowledge colonialism.

Why a postcolonial reading?

There are at least three reasons for this. The first reason is temporal. The birth of the European Union coincides with the decolonization movements observed in former European empires. The second reason comes from comparative law. It is hard to believe that imperial legal forms have not influenced contemporary European construction in some form. For example, the exclusion of Algerian workers from the free movement of labor during the Treaty of Rome negotiations is linked to the discriminatory treatment of indigenous labor. The third reason is sociological: the players behind the construction of Europe are the same ones who, for some of them, were involved at various levels in colonial policies, decolonization processes and development policies. As Foreign Minister, Robert Schuman opposed the independence aspirations that shook the whole of the Maghreb, and Morocco in particular, in 1952; during the Congolese crisis, Paul-Henri Spaak sided with the interests of the Belgian government, who championed military intervention to protect its nationals and economic interests. Considering this context, how can we fail to read the signing of the first ACP-EEC agreements (Yaoundé I Convention, 1964; Yaoundé II Convention, 1971; Lomé Convention, 1975) as the perpetuation of the colonial economic pact favouring access to raw materials?

It is equally difficult not to connect the birth of the European Union and the various processes of decolonization. Of the six founding states, at least three had to negotiate the end of colonization, or had just done so: the Netherlands was defeated by the Indonesian revolution (1945-1949); Belgium, faced a Congolese crisis in 1960 known for transforming international law and relations; France, which had already suppressed independence movements in 1945 (massacres of Sétif, Guelma and Kherrata), embarked on two wars of independence, first in

Indochina and then in Algeria (1946–1954). Although Germany and Italy were not confronted with the aspirations of decolonization movements, both countries share a relatively recent colonial past, as of the date of the signing of the Treaty of Rome in 1957.

The links between Europe and Africa are also rooted in the intellectual genealogy of Eurafica (as underlined by the articles of [A. Mazrui](#), [P. Hansen & S. Jonsson](#) or [G. Martin](#)). To put it briefly, the concept of Eurafica emerged in the 1920s and 1930s, thanks to the efforts of Richard Coudenhove-Kalergi, Albert Sarraut, Georges Valois, Eugène Guernier, and Eirik Labonne. The colonial zone represented a vast reservoir of raw materials and cheap labor. The notion persisted after the Second World War among those who believed that Europe could form a balanced third power between the USA and the USSR. The African continent was (depending on the sector) the source of industrial competitiveness and international influence for this new emerging power. Thus, during the negotiations leading up to the Treaty of Rome, France sought to join the common market while maintaining special ties with its colonies (France and Belgium agreed to propose a project for the association of overseas territories). A year after the Treaty of Rome was adopted in June 1956, the so-called Defferre framework law, ostensibly aimed at changing the voting rights of overseas territories, paradoxically led to a balkanization of French-speaking African territories. The creation of the association with the overseas territories brought forth the European Development Fund (EDF). Notably, the concept of Eurafica highlights the shift from colonialism to neocolonialism: as cited by R. Borrell, A. Boukari-Yabara, T. Deltombe, in *L'Empire qui ne veut pas mourir. Une histoire de la Françafrique*, p. 103 “a colonialism seeking less the direct management of politically dominated territories than the control of strategic resources through more discreet and economic devices”. A potential issue, therefore, lies in how these actors and the Euro-African ideology have influenced European policies towards the Third World (Global South) after the so-called Independences.

This side of things is generally overlooked when it comes to studying the European Union. By “this side of things” I mean the Third World, which is nowadays referred to as the Global South. In 1955, while preparations were underway for the signing of the Treaty of Rome, the Bandung Conference adopted a resolution calling for an end to imperialism and colonialism. The Suez crisis occurred the following year, in 1956. While it is commonly portrayed as putting an end to the aspirations of the old colonial powers, the numerous subsequent military interventions by Belgium in the Congo and France in its former colonies, which profoundly transformed the face of Pan-African aspirations on the African continent, are often neglected. Yet all these events evidence the impossibility of understanding the historical and legal construction of Europe, without connecting it to the struggles for emancipation of colonized peoples.

The effects of European construction on decolonization movements

At the time of the Rome Treaty, discussions regarding African unity were taking place on the African continent. While Nkrumah, following the example of Altiero Spinelli in Europe, immediately proposed an integral federalism, Senghor, Houphouët-Boigny and others, driven by their privileged ties with France, advocated an “Africa of States”. The birth of the Organization of African Unity (created in 1963) represented a compromise between these two visions. The OAU itself was divided between the so-called Casablanca bloc and the so-called Monrovia and Brazzaville blocs. We cannot understand the division between these two groups without saying a few words about the so-called Congo crisis, which spanned from 1960 to 1965. When the Congo gained independence in 1960, two provinces seceded (Katanga and South Kasai). In an effort to safeguard its white inhabitants in Congolese territory, Belgium took unilateral military action. In light of the hesitation demonstrated by the Secretary General at the time, Dag Hammarskjöld, to assist the government of the Congo, Patrice Lumumba sought help from the Soviets. He was overthrown by a military coup and brutally murdered. This crisis had a lasting effect on aspirations to African unity, with a new split between two superpowers. The ex-colonial European nations aligned themselves with the United States.

The Casablanca bloc constituted an African revolutionary movement with, at its core, the Ghana-Guinea Union created in 1958 by Kwame Nkrumah and Ahmed Sékou Touré. (Mali joined later. The group was supported by Mohammed V of Morocco and Gamal A. Nasser in Egypt). The Casablanca Charter, a text adopted during the Congolese crisis, outlines support for the Congolese revolution, condemnation of French nuclear tests in the Sahara (Bizerte, Tunisia), support for the Lumumba-Gizenga government, the need for Algerian independence, and inter-African military cooperation. This led to the creation of the so-called Monrovia bloc, a pro-Western coalition initiated by the leaders of Côte d’Ivoire, Ethiopia, and Nigeria. The signing of the Evian Accords in 1962 (which ended the Algerian war with a formal cease-fire) put an end to tensions between the two sides. The Organization of African Unity (OAU) was created a year later, in 1963 (Nkrumah was overthrown three years later). However, the establishment of the OAU marked the growing hegemony of the moderate pro-Western camp over the Casablanca bloc. The most striking symbol of this hegemony is the principle of the inviolability of the borders drawn by the former colonial powers. This apparent political victory was constantly criticized by intellectuals such as Cheikh Anta Diop, who from the 1950s campaigned for an African political unity with a federal vocation, capable of opposing Western imperialism. But these political alternatives, which favored political federalism over the creation of regional free-trade areas, were systematically silenced or ignored by African political francophone’s elites.

In the face of global socialism, the EEC embodied a political and economic model of market-based governance that was exported to several African sub-regional organizations (notably ECOWAS created in 1975) and, from the 1980s onwards, to the OAU. This political model of market-driven prosperity was championed by many of the players in the Monrovia group, including Houphouët and Senghor. Europe now shines through market-driven pacification

and the export of a human rights model. As Hans Kundnani points out in *Eurowhiteness Culture, Empire and Race in the European Project*, the model of apolitical governance through the market and human rights has become the new civilizational credo for the discreet export of European identity.

Taking the postcolonial approach to EU Law seriously

In many respects, the postcolonial approach is revitalizing the way we think about the construction of Europe, both in terms of external and internal policies. In more ways than one, it sheds light on contemporary dynamics linked to migration policies. It also illuminates the internal policies of the European Union, from the asymmetrical relationship long maintained between the countries of Western and Eastern Europe (H. Kundnani *Eurowhiteness* p103-124), to the more recent treatment of Greece in the wake of the 2008 financial crisis. A postcolonial reading is also fruitful in the analysis of freedom of movement, and the legacies of free movement of workers. In fact, it puts into perspective the idea that the European Union is devoid of a desire for power and expansion.

Based on these elements, I believe it is important to outline at least two avenues for research on the European Union from a postcolonial perspective. The first concerns the colonial legacy of EEC and then EU development policies, as well as the soft power used by European actors to convince African elites of the merits of exporting a new market paradigm. The second line of research would focus on the negotiating mechanisms that led to the ACP-EEC and then EPA agreements, showing, as Y. Tandon proposed, the modes of pressure and the radical asymmetry of expertise between Europe and the countries of the South. In his words, trade is war by other means.

References

↑1 In Germany's case, the colonial model was also the basis for the war in the Eastern part of Europe. The argument (made by Hitler already in the 1920s) was that Germans needed more space, resources and Poles/Ukrainians/Russians as, 'racially inferior' people, should be nothing but cheap workforce.

↑2 C. A. Diop, *Les fondements économiques et culturels d'un État fédéral d'Afrique Noire*, Paris, Présence Africaine, 1974 ; C. A. Diop, « L'Afrique, la Chine et les USA », *Jeune Afrique*, n°240, 11 juil. 1965, p. 22-23.

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