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Equal partnership between unequal regions? Assessing deliberative parliamentary debate in ACP-EU relations

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ABSTRACT

This paper develops an analytical framework to assess the quality of deliberation in the ACP-EU Joint Parliamentary Assembly (JPA). Despite rhetoric on 'equal partnership' between ACP and EU countries, academic assessments of the Cotonou Agreement point to the lasting asymmetrical power relationship, most visible in the Economic Partnership Agreements (EPAs) negotiations. However, this paper assesses to what extent the JPA debate on EPAs can approach the ideal type of deliberation. The empirical investigation is based on participatory observation, semi-structured interviews and an analysis of primary documents, including the attendance lists of 29 JPA sessions, more than 40 resolutions and 120 parliamentary questions related to the trade-development nexus.

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Introduction

One of the main debates that is currently taking place in EU development circles deals with the future of the partnership between the EU and the African, Caribbean and Pacific (ACP) Countries. After almost 60 years of cooperation, including several revisions, the central question relates to what will happen after 2020, when the current Cotonou Partnership Agreement expires. On this occasion, several evaluations of the past cooperation have been published.¹ At the end of 2015, the Commission also held a public consultation on the partnership and the ACP-EU relations after 2020.

The debate raises key questions on the nature of the relationship and the 'extent to which it remains valid for the future and offers a platform to advance joint interests.'² A key point of interrogation in this regard is whether the Cotonou Agreement has been an expression of an equal partnership, as it proclaims to be, or whether it is just a continuation of an asymmetrical partnership and a relic of the colonial past. Most academic literature on ACP-EU relations makes a rather different evaluation than the normative discourse of the EU itself, pointing to lasting power imbalances.³ However, so far this literature has not paid attention to the expression of this relationship within the joint institutions that underpin the ACP-EU partnership, and certainly not to the specific institutional setting of the ACP-EU JPA. This is remarkable for several reasons. First, the JPA is the oldest and most institutionalised

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parliamentary assembly between the countries of the global North and South. Second, the parliamentary dimension has grown in importance both within and beyond the EU-ACP framework. Third, and most important in the context of this paper, arguably the ACP-EU JPA is the place in which real dialogue between the different parties is most likely to be approached, especially when compared to intergovernmental negotiations.

The results of the Commission's public consultation on the ACP-EU partnership after 2020 does not provide clear insights on the ACP-EU JPA as it appears that stakeholders are divided on the questions relating to the institutional set-up of the partnership. Although one part of the contributors see the joint institutions as relevant 'as they provide for genuine dialogue, strengthen the ACP-EU positions in the global arena and make ACP countries' political voice stronger',⁴ others consider other regional and sub-regional organisations as far more relevant than ACP-EU cooperation. Apart from this division over the general institutional set-up, it is not clear how the specific role of the ACP-EU JPA is perceived. Hence, by focusing on the ACP-EU JPA, this paper aims to provide new insights and add to the existing policy-oriented and academic evaluations of ACP-EU relations.

When analysing the ACP-EU JPA the paper takes a deliberative approach to parliamentary debate. It draws on the definition of deliberation by Steenbergen et al.,⁵ as a 'process in which political actors listen to each other, reasonably justify their positions, show mutual respect and are willing to re-evaluate and eventually revise their initial preferences through a process of discourse about competing validity claims'. The choice for this theoretical perspective to study the partnership follows from two main arguments. One argument is procedural, as the procedures of deliberation may allow for an equal debate in an asymmetrical relationship. The second argument is substantial as deliberation is considered to be a precondition for a critical and rational substantial debate between divergent views, interests and identities. This paper thus aims to assess the quality of deliberation in the ACP-EU JPA in order to evaluate the extent to which the JPA approaches the ideal type of an equal partnership.

Empirically, the paper focuses on the JPA debate on the trade-development nexus, and more specifically on the Economic Partnership Agreements (EPAs), one of the most exemplary issues for demonstrating the unequal partnership between the EU and the ACP countries. Hence the research question that this paper aims to answer can be narrowed down to the following: *to what extent does the JPA dialogue on EPAs approach the ideal type of deliberation?* In doing so, the paper also aims to offer new empirical insights into the substantive position of the JPA in recent years on the trade-development nexus, and more specifically on the EPAs.

The remainder of this paper is structured as follows. The next section provides the background on the role of the ACP-EU JPA and a brief review of the academic literature on ACP-EU relations. Subsequently, section three discusses the theoretical perspective of deliberation and develops an analytical framework to study deliberation in the ACP-EU JPA. Section four outlines the methodology used for the data generation and analysis. The analysis is based on participatory observation, 37 semi-structured interviews and an analysis of primary documents, including the attendance lists of 29 sessions, more than 40 resolutions, 120 publically available parliamentary questions to the Commission and the Council and responses by the Commission (hereafter referred to simply as parliamentary questions) related to the trade-development nexus over the past 15 years. Section five discusses the results of the analysis of deliberation in the ACP-EU JPA based on the five main criteria for

ideal deliberation. Finally, the paper concludes with some general reflections on the main findings of this study, linking them to some broader questions relating to ACP-EU relations.

The JPA and ACP-EU relations

In the past decade one of the central debates on the EU's policies towards developing countries has focused on the character of the relationship between the EU and the ACP regions, and notably, the EU institutions' discourse centred on 'equal partnership'. This has been the case already since the 1970s with the entry into force of the Lomé Convention and it still dominates the EU discourse relating to the current Cotonou agreement. Indeed, Cotonou was designed to be a partnership between equals, to promote common interests and sustainable development, relying on an open dialogue amongst the parties.⁶ However, this discourse on equal partnership has been strongly and widely criticised as mere rhetoric, which overshadows the asymmetrical power relationship that continues to characterise the ACP-EU framework. One of the central targets of this criticism is the EPAs. On the one hand, the EPA negotiations and specifically the inflexible approach of the Commission has been heavily criticised. Despite the EU's rhetoric on the promotion of norms such as development, ownership and equal partnership, its attitude is marked by a neo-imperialist,⁷ or a hegemonic approach.⁸ On the other hand, much criticism has been directed towards the substance of the EPAs as they are designed to promote the EU model of economic liberalism and lock in neoliberalism across the ACP regions, while restricting the policy space of the ACP governments.⁹

The existing literature mainly focuses on the intergovernmental dimension of the relationship and on main actors such as the European Commission, the EU Member States, the Council and to a lesser extent on the ACP countries themselves. Much less attention has been paid to other actors of the partnership, despite their growing importance and increased presence in the partnership and its revisions over time. Some attention has been paid to the role of Non State Actors (NSAs) and specifically to Civil Society Organisations (CSOs),¹⁰ but hardly any attention has been paid to the parliamentary dimension. Notable exceptions are an historical and institutional analysis of the ACP-EU JPA,¹¹ a policy orientated study of the European Centre for Development Policy Management¹² and an analysis of the ACP-EU JPA based on members' perceptions.¹³ In the research on EPAs, which constitutes the empirical focus of this study, the JPA has not been considered either, except for an article on the perception of Eastern African policy-makers of the possible consequences of EPAs on regional integration,¹⁴ and a book chapter on the promotion of core labour standards through the Cotonou and EPA process.¹⁵ Finally, in the relatively new field of parliamentary diplomacy and interparliamentary cooperation, the ACP-EU JPA has largely been overseen also, apart from one chapter in an edited volume on inter-parliamentary institutions.¹⁶

This lack of attention to the parliamentary dimension of ACP-EU relations is remarkable for several reasons. First, the JPA is the oldest and most institutionalised parliamentary assembly between the countries of the global North and South. It was created to bring together an equal number of EU and the ACP parliamentarians for bi-annual meetings, rotating between the regions and to discuss issues of the three committees on political affairs; economic development, finance and trade and social affairs and environment, respectively. Indeed, it has served as a model for similar North-South parliamentary assemblies, such as the Euro-Mediterranean Parliamentary Assembly and the Euro-Latin American Parliamentary

Assembly. Second, the parliamentary dimension has grown in importance both within and beyond the EU-ACP framework. It has gained importance under the successive revisions of the Cotonou Agreement. For example, in the amendments of the political pillar after the 2005 review of Cotonou, the JPA was mentioned in Article 8 concerning the ‘essential elements’, implying the JPA should in the future be involved in the political dialogue. After the 2010 review, the role of ACP national parliaments as well as the oversight role of JPA was strengthened,¹⁷ in line with the increasing focus on political dialogue over the successive conventions. Third, and most important in the context of this paper, arguably the ACP-EU JPA is the place in which real dialogue between the different parties is most likely to be approached. Shielded from power politics and lacking authority in terms of decision-making capacity, leaving more room for ideas and norms to be exchanged, deliberation is more likely to take place in this forum than in any intergovernmental negotiations.

Deliberation

The concept of deliberation has become increasingly central in political science debates since Habermas’ discourse ethics.¹⁸ Indeed, this has sparked much debate in the literature on discourse theory of deliberative democracy.¹⁹ Today, it continues to be one of the most relevant concepts to assess the processes used to reach reasoned consensus by shedding light on blind spots in political analyses. Indeed, in contrast to rationalist approaches, a deliberative perspective recognises that parliamentary debates are more than ‘cheap talk’.²⁰ Under specific conditions, deliberation can generate better-reasoned and informed positions that are, therefore, more legitimate and effective. Importantly, this paper employs the ideal type of deliberation as a heuristic tool and starts from the assumption that a real political debate will never fully reach the ideal type of deliberation. More specifically, this paper adopts a deliberative perspective on parliamentary debate for two reasons.

The first argument is *procedural* and emanates from the idea that deliberation is important to allow for an equal debate in an asymmetrical relationship. More specifically, according to Stie, ‘procedures of deliberation can ensure that not only the strong and powerful but also weaker and less resourceful groups can influence outcomes’.²¹ The second argument is *substantial* as deliberation is considered a prerequisite for a critical and rational debate between divergent views, interests or identities.²² The differences in world views, interests and identities amongst ACP and EU countries are often large and in such a context deliberation is all the more necessary to be able to agree on a common and valid normative framework as it enables actors to change their own world views, interests, identities.²³ Based on the existing literature on deliberation, an analytical framework has been developed (see Table 1) based on five main criteria identified for ideal deliberation i.e. the criteria that is necessary in order to arrive at valid norms,²⁴ or legitimate outcomes.²⁵ The analytical table allows us to study the quality of deliberation in the JPA and to assess *to what extent does the JPA dialogue on EPAs approach the ideal type of deliberation?*

The first criterion, *participation*, concerns the inclusion of all relevant affected parties. This criterion includes both a procedural and a substantial dimension. *Procedurally*, ideal deliberation requires the continuous participation of elected representatives. *Substantially*, opinions of the actors should be representative and include the needs, interests, preferences and positions of all concerned parties. According to Stie, these factors come closest to assessing participation – as democratic deliberation or elite deliberation – in modern democracies



Table 1. Quality of deliberation: analytical framework.

Criteria	Participation/Inclusion	Openness	Common good	Constructive politics	Power neutralising mechanisms
Guiding questions	Are all relevant affected parties included in the deliberation?	Are the deliberations transparent and communicated to wider public?	Does the deliberation refer to narrow constituencies' interests or the common good?	Does the deliberation lead to a consensus or do positional politics prevail?	Is the deliberation guided by power neutralising procedures?
Empirical indicators	Procedural: <i>Continuous participation of elected representatives</i> Substantial: <i>Representativeness of opinions of actors (inclusion of needs, interests, preferences, positions)</i>	Procedural: <i>Accessibility of policy documents and background information</i> <i>Open sessions, minutes, voting results</i> Substantial: <i>Clear presentation of perspectives (main dilemmas, visions, alternatives)</i>	Substantial: <i>References to the common good (in terms of the least advantaged)</i>	Substantial: <i>Positional politics (participants sit on their positions) vs. consensus</i>	Procedural: <i>description of rules governing the deliberation (that contribute to induce argumentative behaviour: predictable, continuous, understandable, consistent)</i>
Data	Procedural: participants lists, interviews and participative observation Substantial: questions, minutes, resolutions, interviews and participative observation	Procedural: ACP-EU JPA website, interviews and participative observation Substantial: questions, minutes, resolutions, interviews and participative observation	Parliamentary questions, minutes, resolutions, interviews and participative observation	Parliamentary questions, minutes, resolutions, interviews and participative observation	Rules of procedures, interviews and participative observation

based on representative systems.²⁶ Second, ideal deliberation should be characterised by *openness* in order to allow for a free and transparent public debate and scrutiny. Existing literature already highlights that deliberative meeting places are identified by their openness and transparency.²⁷ Therefore, *procedurally*, the openness should be institutionalised through open sessions and the accessibility of the policy documents, background information, verbatim records and not merely minutes and voting results. *Substantially*, the public should be able to get a clear presentation of all the main dilemmas, visions and alternatives that circulate during deliberation. The third criterion is the '*common good*' and refers to whether there is a display of 'empathy, other-directedness, or solidarity that allows participants to consider the wellbeing of others and the community at large',²⁸ or purely narrow constituencies' interests in deliberation. In line with Rawls,²⁹ we understand the common good in terms of references to the least advantaged in society, as opposed to Mill's utilitarian definition based on the good of the greatest number of people.³⁰ Fourth, deliberation should involve *constructive politics*. Risse explains, 'the goal of discursive interaction is to achieve argumentative consensus with the other, not to push through one's own view of the world or moral values.'³¹ As such, constructive politics is linked to the ability to reach reasoned or argumentative consensus through empathising and sharing a *common lifeworld*,³² as opposed to sticking to uncompromising positional politics. The fifth and final criterion refers to the presence of *power neutralising mechanisms*, or put simply, the *rules of procedure*. Risse highlights that the more that rules prescribe non-hierarchical behaviour between actors, the more the rules should enable argumentation within the given framework.³³ This is an important criterion to assess whether not only the stronger more vociferous actors, but also the weaker and perhaps less powerful, can effectively contribute to argumentation to balance the tables in a partnership, which seeks to be equal.

In the table below these five main criteria are operationalised by means of sub-questions and corresponding empirical indicators. As explained in the introduction, the empirical focus is put on the JPA debate on the EPA negotiations. Additionally, it is indicated which data are used for each criterion. The next section outlines the methodology relating to the data generation and analysis in greater detail.

Methodology

The research presented in this paper is based on (1) document analysis, (2) semi-structured interviews and (3) participatory observation.

First, the document analysis is based on the attendance lists of 29 JPA sessions, more than 40 resolutions and 120 publically available parliamentary questions related to the trade-development nexus over the past 15 years. The choice for resolutions is motivated by the fact that these constitute the main outcome documents of the JPA and can thus be considered as the result of the deliberation. In contrast, parliamentary questions provide unique and exact insights into the concerns and preferences of the parliamentarians and offer a better understanding of the deliberation processes and the role and function of the JPA.³⁴ Especially for the criterion of the '*common good*', the analysis of parliamentary questions was useful to reveal whether the deliberation refers to narrow constituencies' interests (or '*local interests*') or to the common good (or '*broader policy concerns for the least advantaged in society*'). For example, references to '*vulnerable groups*', '*poor*', '*women*', '*ACP producers*' were coded to decipher the level of commitment to the common good. The analysis happened

through a systematic interpretation of these data, making use of codes. In doing so, we have employed an axial coding strategy³⁵ in order to relate the content of the resolutions and questions to the different criteria of the analytical framework.

For the 'participation' criterion we have also conducted an analysis of the attendance lists from the first JPA session in 2000 in Brussels until the 30th session in 2015 in Brussels. No data were available for the 7th session of 2004 and the 5th session in Brussels in 2002 was cancelled, so we have analysed the attendance lists of 29 sessions in between 2000 and 2015. A systematic comparison of these attendance lists enabled the calculation of the participation rates of ACP and EU members as well as their delegation continuity.

Second, the analysis is also based on semi-structured interviews conducted in 2010 and 2016 with 37 key ACP-EU JPA stakeholders, including JPA members and experts. The 2010 round of interviews included EP administration (3), civil society (2) and think tank (1) representatives as well as members of the European Parliament (MEPs) (8) and national ACP parliaments (10). The 2016 round of interviews included MEPs (2), EU officials (4) from the EEAS, DG DevCo, DG Trade and the EESC, EU NGOs (2), ACP Ambassadors (1) and ACP think tank representatives (1), as well as the JPA Secretariat on both the EU and ACP sides (3).³⁶

Third and final, the insights also build on the authors' participatory observation during the 15th session of the JPA in Ljubljana in March 2008, the 19th session in Spain in March-April 2010 and the 30th session in Brussels in December 2015, as well as the standing Committees on Economic Development, Finance and Trade in Brussels, in October 2014, March 2015 and September 2015.

Analysis

This section will discuss the results of the analysis of deliberation in the ACP-EU JPA based on the five main criteria for ideal deliberation.

Participation

On participation, research on *procedural* indicators – *continuity* of participation and *representation* of political groups – reveals that participation is problematic due to striking differences on the EU and ACP sides. On the EU side, there is more or less stable participation during each legislature, although there are turnovers when elections are held every five years. While this was not deemed to be an issue per se, there was unanimous agreement amongst all interviewees on the disparity in participation when the JPA is held outside of Brussels. Some interviewees highlighted that MEPs are more active outside of the EU,³⁷ and that there is higher attendance in exotic places.³⁸ This acknowledgement has previously led to criticism of the JPA as a forum for 'political tourism'.³⁹ An analysis of the attendance lists⁴⁰ partly confirms this perceived imbalance. While the JPA sessions have gathered an average of 64% of the EU members of the JPA per session, some meetings have indeed attracted more MEPs than others. On the one hand, there is no significant difference in the average participation when the sessions take place in Brussels or Strasbourg (62%), in Europe (65%) or in an ACP country (63%). On the other hand however, we found evidence that attendance is indeed higher when JPA sessions take place at tourist destinations. The sessions with the highest MEP attendance rates⁴¹ were the gatherings in Cape Town (2002, 89%), Barbados (2006, 84%), Rome (2003, 84%) and Tenerife (2010, 80%). In contrast, the lowest participation

recorded was for the meetings in Strasbourg (March 2014, 27%, and December 2014, 42%), Brazzaville (2003, 38%) and Lomé (2011, 42%), where less than half of the EP members met their ACP counterparts.

On the ACP side, permanent participation is problematic as there are no permanent individual members, only permanent *country* members. Indeed, the list of the JPA members consists of the names of individual EP representatives and of the names of ACP *countries*. In formal terms, the ACP countries can delegate different MPs for each JPA session. Consequently their formal average attendance is rather high and higher than the MEPs attendance, namely 70% per session. Unlike the MEPs, attendance seems to be rather stable over the different sessions, and we found no peaks when the JPA took place at tourist destinations. However, when the sessions take place in Brussels or Strasbourg on the one hand, or another European city on the other, ACP attendance is slightly higher on average (73 and 72%, respectively) than JPA gatherings in ACP countries (67%). The largest part of ACP *countries* are also loyal participators: over the past 15 years, 77% of the ACP members have attended more than half of all the JPA sessions, while 61% have even attended more than 75% of the sessions. ACP countries are not obliged to appoint permanent MPs to the JPA and although the degree of individual permanence within their delegations is lower than on the European side, most of the loyal participating countries maintain a rather high degree of continuity within their delegations, sending the same MP to the JPA for several years, contributing to an enabling context for deliberation.

Where the EU side may lack on continuity, it makes up for it in *representation* due to the cluster of active and loyal MEPs who represent a nearly perfect reflection of the political groups in the EP. On the ACP side, most participants represent their respective governments by being delegates of the majority parties, but there are a few exceptions – whereby the opposition is also represented⁴² – which are good signs for democracy, according to some interviewees. One interviewee expressed frustration with the ACP side because ‘there is always an issue of government officials attending in parliamentarians’ positions (...) [and] this loses focus on the objective.’⁴³ These issues impact deliberation precisely because of the nature of the Assembly to engage parliamentarians. However, Art.1 (2) JPA rules of procedure sets out the provisions whereby if a state may not be able to send parliamentarians due to ‘forces majeures’ – if parliament is suspended or doesn’t exist – a representative may be nominated via letter by the speaker of the given parliament. This touches on the crux of the issue in representative systems of whether parliamentarians engage in democratic or elite deliberations. In this case, there is a fine line of demarcation, and perhaps often an interplay of both since parliamentary representatives, or government officials as nominated representatives, are part of an elite.⁴⁴

Despite issues of procedural participation, on the *substantial* indicators, it seems rather straightforward to grasp the variety of different actors’ opinions on both the possible positive and negative implications of the EPAs, as well as the more critical positions in the debate from the sum of the empirical research. However, there is variation on what can be grasped from resolutions to the parliamentary questions individually. More specifically, the parliamentary questions reflect the variety of opinions more explicitly than the resolutions. For example, while, the resolutions include many references to the different risks of EPAs, they have the tendency to refer to these in a more cautious manner. In general, the resolutions tend to address the potential risks of the EPAs, as opposed to taking a position on the topic. For example, one resolution states that ‘many ACP countries fear that the current trend in

the EPA negotiations and the adoption of agreements by subregions may undermine regional integration efforts.⁴⁵ In the same vein, the resolution on 'EPA: problems and perspectives' also states the fact but does not take a position: 'negotiations conducted so far have revealed serious divergences between the ACP and the EU.'⁴⁶ Although the JPA refers to several marginalised groups – including NSA (10% of the resolutions), women's organisations (21%), civil society groups (19%) producer and consumer organisations (24 and 12%, respectively) – the JPA does not actively strive for their active participation in the majority of texts analysed.⁴⁷ Yet, EPA-specific resolutions had a much stronger correlation with being more participative by having significantly more references to these groups than the other resolutions on the trade-development nexus in general.

In contrast, parliamentary questions overtly indicate opinions on the EPAs, even questioning the fundamentals of the EU's neoliberal agenda. For example, one MEP asked, 'In view of the protests that have taken place (...) in Africa against the EPAs, is the Commission not willing to listen to the people (...) Free trade agreements have been a failure (...) so is the Commission going to shift its policy stance?'⁴⁸ Indeed, the more critical perspectives – on shortcomings, contradictions or counter-movements – are more easily grasped from parliamentary questions than resolutions, and they have often been additionally substantiated through participatory observation and interviews.

Openness

On openness, four issues were identified, which underscore that the JPA's relatively good openness (publically available documents, a dedicated website, etc.) is severely impacted by certain *procedural* impediments (navigating the JPA maze), which tangibly impact the accessibility of the Assembly. First, on minutes and voting results, there are no detailed minutes and the explanation of the voting results is on the European Parliament website for MEP's votes (when available), as opposed to the JPA website. Second, stakeholders have noted that committees may be easily accessible and on the agenda of the JPA, however information and policy documents on 'workshops' (Art. 27 JPA rules of procedure) are not.⁴⁹ Third, JPA plenary and committee sessions are open to the general public, although accreditation is needed and this in itself can be problematic in practice. One CSO stakeholder noted that 'access to documents is good but access to the forum is not easy. We've always had to fight for it and logistically it was always a challenge but friends within the JPA helped us.'⁵⁰ Fourth, while policy documents and background information are publicly available on the JPA website, there is limited accessibility due to the current layout of the website, the lack of clear categorisation of documents and their accessibility in advance of the sessions.⁵¹ However, the JPA Secretariat has informed us that they do plan to revamp the website to make it more user-friendly. An additional element of accessibility is the possibility to web stream the plenary sessions live in the European Parliament, however this has proven to be too costly in ACP countries. The JPA Secretariat also mentioned plans to web stream committee meetings, although some stakeholders expressed preference that these remain off camera to allow for enhanced substantial openness.

Surprisingly, the aforementioned procedural issues did not significantly impact *substantial* openness as the documents reviewed displayed a full range of dilemmas, visions and alternatives, with the exception of the issue of ACP bloc voting. The ACP side of the JPA consistently vote as a bloc, which obscures the possibility to grasp the different substantial issues

amongst the ACP parliamentarians themselves. However, in the resolutions and parliamentary questions, it is relatively straightforward to grasp the substantial issues on openness. For example, typical *dilemmas* referenced include the capacity constraints in ACP countries, regulatory barriers to trade and the impact of EU's Common Agricultural Policy reform.⁵² Similarly, the resolutions include both global EU-ACP *visions* in the ACP context, which refer to achieving the objectives of the Cotonou Partnership Agreement (with reference to the relevant articles), and more JPA parliamentary-specific visions. For example, one innovative vision was the suggestion that national and regional parliaments set up functional stakeholder mechanisms.⁵³ Additionally, several JPA resolutions have made outright reference to *alternatives* with reference to Art. 37(6) Cotonou, which states that 'the Community (...) will examine all possible alternative possibilities' vis-à-vis the EPAs. Indeed, the overall perception from interviews is that openness is good.

Common good

On common good, the Assembly displayed continued concern on the social impacts of Cotonou. There are consistent and widespread references to vulnerable or marginalised groups across all data reviewed. For example in the parliamentary questions, some of the issues raised include: (i) the protection of the weakest economies in the SADC EPA and (ii) references to impact studies that predict a narrowing of social and economic policy spaces for ACP countries.⁵⁴ Interestingly, narrow interests appear more from interviews with JPA stakeholders than in official documents. For example, one interviewee explained, 'There is a near unanimous view on the EPA in the JPA and this is very surprising. The JPA has been consistent in emphasising the development dimension of EPA (...) [and] The JPA has tended to focus on social impact of Cotonou.'⁵⁵ The particular case referenced by this interviewee was the JPA deliberations on the EU Market Access Regulation (i.e. that countries would no longer benefit from preferential access to the EU market if they did not ratify the EPA by 1 October 2014), which was considered to be decisive in making the Commission extend the deadline for one year.⁵⁶ This is striking as it shows that the EP as an institution via the JPA, can agree on common good issues with its ACP parliamentary counterparts, in stark contrast to the Commission and its ACP governmental counterparts. This can be explained by the nature of the JPA setting where, in contrast to intergovernmental negotiations, stakes are lower, allowing participants to behave less strategically and update their opinions based on arguments and new information. Moreover, in contrast to national parliaments, the JPA debates are less oriented towards voting or mobilising constituencies, but more towards aggregating new information and arguments and weighing positions.⁵⁷ Hence, majority votes to pass resolutions, including block voting on the ACP side, means that the Assembly is more prone to achieving consensus and divergence is less evident, and certainly not publicly available information.⁵⁸

Participatory observation in JPA debates shows that there is a much more evident interplay of common good, expressed as empathy, solidarity and consideration of the other's well-being, than narrow interests. This was confirmed by interviewees, who conceded that this criterion ranges between good and satisfactory at the JPA. Also, the parliamentary questions paid a lot of attention to the least advantaged and the well-being of the ACP regions at large. For example, at several points in time, concerns have been raised about the conditions on which poor countries are eligible for debt relief.⁵⁹

However, the analysis of the resolutions indicates more textual emphasis on 'products' and 'production', as opposed to vulnerable ACP producers. This undermines the claim that the JPA focuses on the social aspects of Cotonou. Indeed, remarkably, groups such as LDCs (in 48% of the resolutions), vulnerable states (36%), the poor (29%), indigenous persons (7%) and ACP farmers (17%) are not consistently referred to throughout the resolutions. Moreover, where references were made to the common good, there was evidence that this could be linked to local interests. For example, one interviewee pointed out to a perversion of the common good by linking narrow fisheries interests with the wider debate on sustainable development.⁶⁰ This raises the question, the common good from whose perspective? Can the solidarity at the JPA bridge EU and ACP interests or is it a euro-centric, or even euro-selfish construction of common issues?⁶¹

Constructive politics

On constructive politics, it is evident that the JPA is able to reach a consensus on EPAs. There is also clearly consensus both within the resolution texts and also across the texts over the years, especially on the 'development dimension' of EPAs and possible risks for sustainable development. Yet, despite an overwhelming consensus on the EPAs at the JPA, there were deeper more problematic concerns that consensus happened at the expense of content, and 'ACP self-censorship'.⁶² This raises non-negligible issues relating to the qualitative elements of reaching argumentative consensus. Firstly, the quality of debates has been deemed to be weak based, in part, on the fact that only like-minded EU and ACP political parties meet each other and there is less of a constructive interaction with the entirety of political representatives. Indeed, side-meetings of informal groups of friends amongst EU and ACP parliamentarians – the 'Windhoek Dialogue' for the Conservatives, the 'International Socialists' and the 'ALDE-PAK' for the Liberals – mean that divergences are limited and based on ideology as opposed to EU vs. ACP lines. For example, EU and ACP parliamentarians may agree on hunting as a benefit (or not) for sustainable development within their informal groups of friends, but this cannot be gaged from the ACP block voting or the resolutions based on consensus. This is an example of deliberation within the remit of the JPA, but outside the formal context of debate, which is only evident from interviews and participatory observation. One MEP put it crudely that 'participants are generally optimistic and dreamers, therefore dreaming about a *common lifeworld*'.⁶³ Secondly, one interviewee recalled witnessing self-censorship on the side of ACP parliamentarians,⁶⁴ wherein they could not push their views too far because the EU side can call for a split vote i.e. the EU and the ACP sides can vote separately, as opposed to voting together as one house, and both must have a majority on both sides of the house in order for a resolution to pass. For this reason, it is no surprise that country oriented resolutions are harder to get consensus on, and that although LDCs are usually very nationalistic and less focused on the EU-ACP dimension, consensus is still reached. Linked to this latter critique, one interviewee described the JPA as 'a structure for giving pretense of democratic legitimacy and ACP endorsement of the EU position'.⁶⁵ From this perspective therefore, arriving at a rationally motivated consensus at the JPA is nevertheless based on EU preferences, world view and moral values. However, there is a finer line of demarcation due to the limited display of 'personal politics', wherein the majority of speakers make 'mediating proposals' that are appropriate for the JPA agenda.⁶⁶ This implies that in general,⁶⁷ members come to the Assembly with the *common lifeworld* spirit, less inclined

to sit on their positions and less inclined to pursue openly argumentative deliberation since consensus is the given outcome.

Power neutralising mechanisms

On power neutralising mechanisms, it was interesting to note that institutional actors considered this criterion to be very good, in contrast to non-institutional EU and ACP experts who were more critical and expressly linked the rules of procedure to determining the outcomes and impact of the JPA deliberation. The JPA *rules of procedure* include 35 articles – stipulating the Public nature of proceedings, the Adoption of the Agenda, Seating arrangements, Official languages, Right to speak, Right to vote and methods of voting, Assembly resolutions and Amendments, Questions for written answer, Consultation with civil society, financial regulation amongst others – and 4 Annexes, which have been revised eight times since adoption on 3 April 2003. Overall, it can be considered to be clear and transparent. Indeed, interviewees largely considered the rules of procedure to be between satisfactory on the low end to very good on the high end. Even a more critical viewpoint explains, 'It is difficult with the EU and the ACP because there is mistrust and agenda setting. (...) Yet, there is nothing that obstructs expressing opinion.'⁶⁸ Even more critical JPA MEPs recognised, 'There is no hierarchy and no asymmetry',⁶⁹ and 'therefore no problem.'⁷⁰

A closer look at the JPA rules of procedure *de jure* shows that the power neutralising mechanisms, nevertheless preserves asymmetries between the Parties. For example, Art. 10 JPA rules of procedure on seating arrangements was identified by one interviewee as perpetuating asymmetries between EU and ACP parliamentarians, whereby the former is referred to by their name and the latter by their country.⁷¹ Similarly, Art. 19 on amendments also states that 'An ACP representative with the right to vote, a political group or ten members may table amendments' also underlines this difference between ACP on the one hand and MEPs who represent their political groups. In addition, Art. 20 and 21 on 'Questions for written answer' and 'Question time', respectively, there is a burden on the European Commission (and the ACP-EU Council of Ministers) to respond, but no equivalent burden on the ACP side to respond to issues raised at the JPA. However, in practice, the ACP Secretariat is not an equal vis-à-vis the Commission, and indeed there is no equivalent follow-up on the ACP side. This additional obligation to follow-up on the EU side, and lack of it on the ACP side in practice, gives concessions to the ACP and underscores the inequality of partnership as opposed to equality.

A closer look at rules of procedure *de facto*, that is mastery of these rules, shows that in practice it is a double-edged sword. For example, in committees, all members are equal vis-à-vis speaking time, but in the plenary session the *d'Hondt* method is applied therefore larger groups on the EP side have more speaking time. However, the ACP side is larger overall and has the decisive vote. As such, the power at the JPA is equivalent to the ACP voting as a bloc – which is consistently the case – regardless of the difference in speaking time. Indeed, stakeholders on both the EU and ACP side have recognised the JPA *rules of procedure* as a benefit to the ACP, and as an extension, some believe this guarantees a 'debate between equals.'⁷² From this perspective, the rules of procedure means that the ACP side does not merely rubber-stamp the resolution on the table because working methods mean that both sides must work towards compromise. The only way around this, whereby a resolution does not pass, is when a majority vote occurs through a vote by separate EU and ACP houses, the

so-called split vote. One interviewee perfectly summed up, 'rules of procedure are important in political process and they can advantage or disadvantage parties but it is the mastery of these rules that matter'.⁷³

Conclusions

By studying the EU-ACP JPA, this paper aimed to provide new insights and add to the existing policy-oriented and academic evaluations of ACP-EU relations. Fleshing out the deliberative framework allowed us to respond to the key question: *to what extent does the JPA dialogue on EPAs approach the ideal type of deliberation?* By focusing on five key criteria for deliberation – participation, openness, common good, constructive politics and power neutralising mechanism – this analysis shed light on the fact that real dialogue between different parties is not always guaranteed. Or, the JPA dialogue on EPAs struggles to approach the ideal type of deliberation, even if there is overwhelming consensus on EPAs at the JPA.

This is largely due to a number of recurrent critical issues across the different criteria. On the criteria of *participation*, there is *procedural* continuity which creates an enabling environment for deliberation, however there remains a fundamental distinction between representing their political parties and ACP parliamentarians representing their country. *Substantially*, the parliamentary questions are more inclusive of the variety of all actors' opinions, compared to the resolutions. On *openness*, given the high-level nature of the Assembly, the *procedural* openness of the JPA means that it is relatively accessible, despite the fact that the results of the votes are not publicly available digitally. Additionally, ACP bloc voting limits the *substantial* openness to the individual parliamentary positions during the debate. In relation to the *common good*, there is a tension between the interviewees' perceived solidarity in the JPA and the parliamentary questions about broader policy concerns for the least advantaged on the one hand, and the actual prevalence of narrow interests linked to the trade-development nexus evidence from the resolutions on the other hand. Regarding *constructive politics*, despite an overwhelming consensus on the EPAs at the JPA, there were deeper more problematic concerns that consensus happened at the expense of content, and 'ACP self-censorship'. Finally, despite several amendments to the *rules of procedure* over the years, the asymmetry between the EU and ACP parliamentarians has never been overcome.

This was the first attempt at a more holistic and systematic analysis of deliberation at the JPA, which led us to develop the 'Quality of deliberation analytical framework'. Applying the criteria in the framework to the extensive empirical data of the JPA enabled us to come to a deep and thorough understanding of the nature of the debate. However, we have also identified a number of areas that merit further research, which are largely linked to further investigating divergence at the JPA. For example, *procedurally*, the use of ACP bloc voting or 'self-censorship', the presence of representatives of ACP opposition parties and the JPA split vote can fundamentally impact the outcome on deliberation.

Additionally, *substantially*, deliberations on non-resolutions, failed resolutions and debates without resolutions are another layer of untapped empirical data, which could provide an even deeper understanding of the complex nature of deliberation at the JPA. Currently, our analysis demonstrates the complementarity of the variety of parliamentary instruments/arenas for deliberation, including questions, resolutions, plenary debates and workshops to

name a few. However, a key pitfall remains follow-up debates at the national parliamentary level.

Finally, these new findings have raised some deeper and unanswered issues on the power, impact and relevance of the JPA, which ought to be developed in further research, especially leading up to the expiry of Cotonou in 2020. Deliberation in the JPA has shown that ideas do not always travel in reciprocal directions, which brings into question the fundamentals of equal partnership between unequal regions. In other words, this questions the foundations of the Cotonou Agreement, namely the ability to 'discuss issues' and 'facilitate greater understanding between the peoples of the European Union and those of the ACP' (Art. 17 Cotonou).

Disclosure statement

No potential conflict of interest was reported by the authors.

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Notes

1. See Gomes, "Reshaping an Asymmetrical Partnership"; Carbone, "Rethinking ACP-EU Relations"; Keijzer and Negre, "Outsourcing a Partnership?" and Pape, "An Old Partnership."
2. European Commission, "Towards a New Partnership."
3. Goodison, "The European Union"; "EU Trade Policy"; Flint, "The End of a Special Relationship?"; Storey, "Normative Power Europe?"; Hurt, "Co-operation and Coercion?"; Farrell, "A Triumph of Realism"; and Langan, "A Moral Economy Approach."
4. European Commission, "Towards a New Partnership," 13.
5. Steenbergen et al., "Measuring Political Deliberation," 21.
6. Carbone, "Rethinking ACP-EU Relations."
7. Steven, "The EU, Africa and Economic Partnership Agreements," 441–58; and Goodison, "The European Union."
8. Williams, "Shifting Between Hegemony and Dominance?"; "The EU as a Foreign Policy Actor."
9. Flint, "The End of a Special Relationship?" 79–92; and Hurt, "Co-operation and Coercion?"
10. Carbone, "Theory and Practice of Participation," 241–55; and Hurt, "Civil Society and European Union Development Policy."
11. Delputte, "Talking Shop or Relevant Actor."
12. Corre, *Parliaments and Development*.

13. Delputte, "The ACP-EU Joint Parliamentary Assembly."
14. Delputte, "EPA's: Welkome stimulans."
15. Kerremans and Martins-Gistelinck, "Labour Rights in EPAs."
16. Delputte, "Talking Shop or Relevant Actor."
17. Delputte, "The ACP-EU Joint Parliamentary Assembly"; "Talking Shop or Relevant Actor."
18. Steenbergen et al., "Measuring Political Deliberation," 21.
19. Stie, "Assessing Democratic Legitimacy," 1.
20. Bächtiger, "Debate and Deliberation in Legislatures."
21. *Ibid.*, 3–4.
22. Habermas, "Between the Facts and Norms"; and Risse, "Let's Argue!" 1–39.
23. Risse, "Let's Argue!" 2.
24. Habermas, "Between the Facts and Norms".
25. Stie, "Assessing Democratic Legitimacy."
26. *Ibid.*, 4–6.
27. *Ibid.*, 13.
28. Steenbergen et al., "Measuring Political Deliberation," 26.
29. Rawls, *A Theory of Justice*.
30. Mill, *Utilitarianism*. See also Steenbergen et al., "Measuring Political Deliberation," 26.
31. Risse, "Let's Argue!" 10.
32. *Ibid.*
33. *Ibid.*, 19.
34. See Martin, "Parliamentary Questions, the Behaviour of Legislators, and the Function of Legislatures" on the merits of analysing parliamentary questions.
35. 'The process of relating categories to their subcategories is termed 'axial' because coding occurs around the axis of the category, linking categories at the level of properties and dimensions', see Strauss and Corbin, "Basics of Qualitative Research."
36. In the 2016 round of interviews, it was not possible to conduct semi-structured interviews with ACP parliamentarians due to time constrictions. However, the authors' participatory observation at the 2016 sessions, complimented by the interviews with ACP officials and experts, provided ample information.
37. Expert interview with EU institution and EU NGO, 13 July 2016.
38. Expert interview with EU institution (DG Trade), 14 July 2016.
39. See Delputte, "The ACP-EU Joint Parliamentary Assembly," 241–60.
40. For this analysis, we have considered data from the first JPA session in 2000 in Brussels until the 30th session in 2015 in Brussels. No data were available for the 7th session of 2004 and the 5th session in Brussels in 2002 was cancelled, so we have analysed the attendance lists of 29 sessions in between 2000 and 2015.
41. The inauguration session in Brussels in 2000 also recorded a high attendance rate (84%).
42. Namibia and Zambia were both noted as countries that send representatives of the ruling and opposition party. However, as there is only one Head of Delegation, this does not guarantee that the opposition can take the floor.
43. Expert interview with EU NGO, 19 July 2016.
44. In interviews with an expert and MEP, both recognised JPA members as being part of the elite, although the MEP did not want to be recognised as such and called for more pluralism through broader participation of different interest groups, including young people, farmers and civil society amongst others. Expert interview with EU institution, 13 July 2016 and expert interview with MEP, 13 July 2016.
45. Resolution on 'experiences from the European regional integration process relevant to ACP countries' (2008), point 21.
46. Resolution on 'EPA: problems and perspectives' (2004), point B.
47. Just over half the texts reviewed had 0–3 references to these groups, 10% of the texts had between 6 and 9 references, while the bulk of ten or more references were in a quarter of the texts.
48. MEP Joao Ferreira, 31st session of the JPA, Windhoek, Namibia, 13–15 June 2016.

49. Expert interview with EU institution, 12 July 2016.
50. Expert interview with EU NGO, 13 July 2016.
51. Note that this can also impact participation.
52. See in particular, the resolution on 'EPA: problems and perspectives' (2004), point 18 and Resolution on 'EPAs and their impacts on ACP states' (2009), point N.
53. Resolution on 'EPAs' (2002) point 6 and Resolution on the 'review of negotiations on EPAs' (2006) point 21.
54. See the parliamentary session from the JPA plenary session in Windhoek, Namibia, 13–15 June 2016, http://www.europarl.europa.eu/intcoop/acp/2016_namibia/pdf/1096273en.pdf and the Committee session questions, Brussels, Belgium, 7–9 December, http://www.europarl.europa.eu/intcoop/acp/2015_acp2/pdf/1080041en.pdf.
55. Expert interview with JPA Secretariat, 22 July 2016.
56. Ibid.
57. See also Bächtiger, "Debate and Deliberation in Legislatures" for a thorough discussion on the question why parliamentary contexts can enable genuine deliberation.
58. For example, in the 32nd session of the JPA in Nairobi, Kenya there were divergences over a resolution on Gabon, which was not passed. However, without participatory evidence or 'openness' via local media, the issues that led to this divergence may not necessarily come to the fore. Moreover, they certainly won't be available from merely analysing resolutions.
59. Question by MEP Mikel Amezaga and response by the Commission, 17th session, Prague, Czech Republic, 6–9 April 2009.
60. Expert interview with EU NGO, 13 July 2016.
61. Ibid.
62. Ibid.
63. Expert interview with MEP, 12 July 2016.
64. Expert interview with EU NGO, 13 July 2016.
65. Expert interview with ACP think-tank, 8 July 2016.
66. Steenbergen et al., "Measuring Political Deliberation," 30.
67. Indeed, the aforementioned example on the failure to have a resolution on Gabon is an exception, 32nd JPA in Nairobi, Kenya 19–21 December 2016.
68. Expert interview with EU NGO, 19 July 2016.
69. Expert interview with MEP, 12 July 2016.
70. Expert interview with MEP, 13 July 2016.
71. Expert interview with EU institution, 19 July 2016.
72. Ibid.
73. Expert interview with ACP Ambassador, 13 July 2016.

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