



ORIGINAL RESEARCH ARTICLE

The EU as a Foreign Policy Actor: Shifting Between Hegemony and Dominance?¹

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Abstract: *This article demonstrates that in the case of the Economic Partnership Agreements (EPAs), the EU, as the more powerful actor, shifts between hegemony and dominance in its relations with the CARIFORUM (CF) states in particular, and the African Caribbean and Pacific (ACP) states in general. It also sheds light on the slow process of endogenous Caribbean regional integration, which, despite any best endeavours from the EU, is actually complicated by the EU's emphasis on the EPA as a tool for integration. It shows that despite the conclusion and subsequent definition of the EPA as the case par excellence of the success of the broader EPA policy, it is not a Pareto-optimal agreement. Reference is made to the cases of the EU Common Agricultural Policy, the Protocol on Culture and the recent decision by EU policy-makers to extend the Octroi de Mer until 2020, the same date as the Cotonou agreement binding EU-ACP relations is due to expire.*

Keywords: EU; CARIFORUM; CARICOM; ACP; Trade; Regional Integration; Economic Development; Hegemony

The challenge that faces developing countries is not merely the challenge of economic development, but the fact that in failure lies the danger of returning to a new dependency - a new kind of colonialism - deriving from economic weakness.²

Sir Shridath Ramphal, *Glimpses of a Global Life*, 2014.

INTRODUCTION: EPAs AS POLEMIC POLICY

The case of the Economic Partnership Agreement (EPA) between CARIFORUM (CF) and the European Union (EU) offers lessons, both in terms of negotiation and implementation, with regard to the EPAs as a broader policy tool and strategy towards the African, Caribbean and Pacific (ACP) regions as a whole. Since the signing of the CF-EU EPA on 15 October 2008, four years after the start of negotiations, and at the current stage of the preliminary five-year implementation review,³ no other African or Pacific region has signed a 'full' EPA. Indeed, the successful agreement of a 'full' EPA with Caribbean states, as compared to their African and Pacific partners within the ACP grouping, has rendered the CF-EU EPA by default the example *par excellence* of the success of this new foreign policy. Indeed, part of the rationale *for* the early completion of the EU-Caribbean accord was to generate an agreement that could be trumpeted from very early on, and thereby help to generate momentum in the later negotiations taking place in Africa and the Pacific.

Yet claiming success on the basis of either the early signing or the consequent provisional application of the CF-EU EPA in particular, or, indeed, its utility as a specific foreign policy tool in general, would generate a misleading cause-effect relationship. By contrast, two observations can be made at this stage. On the one hand, it does not seem likely that the African regions or the Pacific will ever agree to a 'full' EPA. On the other, this has set a precedent that a 'full' EPA cannot be achieved in the near future, in turn laying the path for the development of 'interim' EPAs (iEPA), or '*à minima*' EPAs,⁴ which are less ambitious in scope. This therefore inherently discredits any causal link that may be sought between successfully negotiating an EPA and the EPA as a successful foreign policy towards the ACP regions. Recognising this EPA history highlights the disparities in rhetoric and reality that gives weight to the increasingly sharp critique that the EPAs are, in essence, a deeply flawed policy tool.⁵ It therefore encourages a deeper interrogation of the specificity of the EPA as an evolution in the EU-ACP relationship and a redefinition of trade and development relations within and beyond the Cotonou framework due to expire in 2020.

While it is perfunctory to merely judge the conclusion of the agreement, negotiation ought to be contextualised in its organic

state as interaction between negotiators from different camps, each trying to achieve the Pareto-optimal outcome. But evidence shows that perhaps while the CF-EU EPA is the only 'full' EPA, it does not represent a Pareto-optimal outcome. Looking at the economic, political and legal parts of the agreement highlights the disparity in opinion which has rendered this agreement in particular, and EPAs in general, a hotly contested subject. Furthermore, seven years into its provisional application, along with very slow progress on the implementation front, brings into question whether the negotiators did, indeed, manage to conclude a Pareto-optimal agreement. It also calls into question the EU's role as an actor *vis-à-vis* the Caribbean, blurring the boundaries at times between hegemony and dominance.

The EPA was not conjured up in an economic or political vacuum; it is built on the premise that the previous economic relationship had failed. As former EU Trade Commissioner Karel de Gucht puts it:

...as regards the economic fundamentals, the truth is that the current system has failed; that ACP countries have become increasingly marginalised in world trade, even with the generous tariff preferences since the Cotonou and Lomé agreements.⁶

In addition to this, European Commissioners for Development and Trade at the time of the EPA's signing, Louis Michel and Peter Mandelson, argued that:

[t]he trade preferences of the Cotonou agreement, while well intentioned, have not succeeded in their objective of helping to integrate the ACP countries into the world economy, nor protected our trade relationship with the ACP from challenge by others in the WTO.⁷

In this light, DG Trade further explains that '[t]he EPAs set out to help ACP countries integrate into the world economy and share in the opportunities offered by globalisation'.⁸ Yet the current state of play in the implementation and aftermath of the CF-EU EPA in particular, and the tardy progress in the EPAs in general, demonstrates a reluctance on the part of many actors to share in the opportunities of globalisation that this model embodies: that is to say, integrating into the global capitalist economy by adapting to and adopting the ideals of neoliberal economics.

The EPA therefore builds on years of cooperation, both formally from the Treaty of Rome, where reciprocal relations were the norm, through to the non-reciprocal relations embodied in Lomé, and has now come back full circle to the original, post-colonial basis of relations in reciprocity.⁹ Such reciprocity will be phased-in as trade in goods is liberalized over a period of 25 years from signing: i.e. by 2033 the CF and EU should – in theory, at least – enjoy reciprocal trade with each other.¹⁰ Of course, the broader EU-ACP relationship, as understood today, predates these formal institutionalised affairs and harks much further back in history. Recalling this history, which was fundamentally built on highly asymmetric relations of power and colonialism is crucial if we are to fully understand the current economic and structural imbalances that exist between the EU and ACP countries.

This paper, then, sheds light on the CF-EU EPA, heralded as ‘the first genuinely comprehensive North-South trade and development agreement in the global economy’.¹¹ By looking into the political, economic and legal implications of the agreement, from the vantage point of seven years post-conclusion, the following sections make the case that the EPA is not Pareto-optimal. Additionally, it deploys the Neo-Gramscian notion of power – as hegemony when based on consent, and dominance when based on coercion – in order to analyse and elucidate the historic balance of power, which today is defined more through consent and the formal processes of diplomacy, than was previously the case through coercion.

THE NEO-GRAMSCIAN CONCEPTION OF POWER

This investigation utilises a Neo-Gramscian conception of power to explain how the CF-EU EPA was able to facilitate a much broader pro-EPA discourse. Such a view of power sheds light on how the inherent disparity in power relations between the North and the South in a non-trivial manner is normalised, emphasising how

the economic life of subordinate nations is penetrated by and intertwined with that of powerful nations. This is further complicated by the existence within countries of structurally diverse regions which have distinctive patterns of relationship to external forces.¹²

The Caribbean economy, *de tabula rasa*, has always been penetrated by and intertwined with the former colonial powers of Europe. Moreover, the export of key commodities during the colonial era formed the basis of a very distinct pattern of trade, which is today at the root of the distinctive nature of contemporary relations. The issues range from the direct trade implications arising from the soon-to-be 350 year-old *Octroi de Mer* (i.e. 'dock duties' enjoyed by the French Overseas Departments, which are at once Caribbean territories *within* the EU),¹³ to the indirect implications arising from the EU's internal Common Agricultural Policy. Using the neo-Gramscian concept of power, it is therefore clear that,

with respect to structural power, the direct and coercive face of colonial power gave way to an indirect, and perhaps more consensual face, in that market constraints, as well as a set of aspirations on the part of elite and mass in developing countries come together to both motivate their productive arrangement as well as to constrain their potential for economic, as well as cultural development [...] With time, the coercive use of power may become less necessary and also less obvious as consensus builds up on the basis of shared values, ideas and material interests on the part of both ruling and subordinated classes.¹⁴

The EPA may therefore be conceptualised as a continuation of this process, as the EU has clearly moved beyond its dominant position but attempts to maintain a hegemonic role *vis-à-vis* the Caribbean region. The EPA reinforces particular patterns of EU-CARIFORUM relations, and ensures continued market access for the EU, and mitigates against any potential loss from traditional (e.g. US) and emerging (e.g. Latin America) competitors. Therefore, the EU maintains structural influence and power in the Caribbean, but importantly, agreements are based on consent.

The conclusion and subsequent implementation of the CF-EU EPA, according to one European trade expert, marks a coming of age of the CF region and qualifies the process of negotiation of the EPA as one of equals.¹⁵ However, this does not override the interplay of hegemony and dominance throughout negotiation. Rather, two factors disturb this assertion, which in isolation reinforces unfounded notions that the CF is the example *par excellence* of the success of the EPAs, and reflective of positive EU-ACP relations more broadly: firstly, the current slow pace of Caribbean regional integration and secondly, the uneven pace of

EPA implementation. In terms of regional integration, the advent of the formal institution of the CARIFORUM with the EPA – as CARICOM plus the Dominican Republic (DR) - shows that the EU as an exogenous actor can influence the endogenous processes of integration in the Caribbean.¹⁶ This can prove to be a positive innovation for Caribbean regional integration, however at the regional level, and despite the EPA, the Dominican Republic's integration into the formal structures of CARICOM are consistently rejected by the wider membership.¹⁷ These institutional dynamics will have serious implications for the EPA and will impact not only the pace, but depth of liberalisation across all CF countries.

These dynamics are further complicated by the political status-quo, plainly summed-up by a high-level CARICOM official:

we've stopped planning, the only objective is staying in power [...] there is a preference for individual member states even though a common approach is stronger [...] CARICOM is a bad word.¹⁸

Against this backdrop, it is therefore no surprise that currently,

[m]ost of the public sector seems locked into a model that anticipates continuing grants and budgetary support, while much of the private sector has failed to look either at the region or beyond as a market opportunity. All of which suggests that the region is being outpaced by new thinking and seems unable or unwilling to react, garner support or mobilise public opinion in the time scales in which the rest of the world is operating.¹⁹

This highlights the disparity of the importance of the EPA, both as a tool and a long-term strategy, in both the Caribbean and European circles. It also critically reinforces the fact that the *volonté* to integrate and implement must be endogenous. Unfortunately, this does not bode well for the conceptualisation of the power the EU exerts *vis-à-vis* an internally fragmented CF, which may be conceptualised as dominant, hegemonic,²⁰ or even imperialistic²¹ merely because of the internal governance situation of the Caribbean.

The following sections of the paper look into the political, economic and legal aspects of the agreement. The last section makes reference to three case studies to further emphasise that by shifting between hegemony and dominance the EU achieved the first full EPA with CF countries, but this by no means is equivalent

to achieving a Pareto-optimal agreement. This is explicit today in several factors discussed in this paper - including the lack of implementation in CF, along with the continued critique of neo-liberalisation as a tool for development within both CF and ACP circles - which remain serious obstacles to future progress in EU-ACP relations.

ECONOMICS PERVAIDING POLITICS

A political analysis illustrates clearly that the neoliberal ideology of the EU shapes its long-term relationship with the ACP. In other words, economics pervades politics. This is evident in the rhetoric on the supposed partnership of equals, the influence of financing the ACP states in their negotiations with the EU, along with the resulting break-up and re-branding of the Caribbean Regional Negotiating Machinery (CRNM) that negotiated the CF-EU EPA. There are a number of dimensions to the issue.

Firstly, the rhetoric regarding a partnership of equals cannot hold true beyond the diplomatic sense of the term due to extreme economic differences between the EU and CF regions. While the rhetoric holds that 'sovereign states are equal, the principle of sovereignty is important in the international sphere and vital for integrity',²² the stark differences in economic power or share of world trade undermine *de facto* equality. That is, even with the Dominican Republic's economy, which is as big as all the CARICOM states combined, the CF share of world trade is a fraction of the EU equivalent. Consequently, although notional equality had been the defining feature of EU-ACP relations since its conception in Lomé, along with the advent of non-reciprocal terms of trade, this has been more of a strategic reference than reflecting any reality.

Moreover, it has been systematically used to reinforce and elide the reality of an unequal partnership, and, importantly, to progressively re-entrench the political foundations of the EU-ACP relationship.²³ As one commentator puts it, 'notwithstanding the achievements of Lomé I, the EU-ACP relationship soon became reflective of the power asymmetry between the two parties.'²⁴ Rather, the continued structural influence the EU bears on the Caribbean region is emblematic of its history in the region. Its influence is accurately summed up as, '*de nouveau, tabula rasa*, where history bears down as nowhere else'.²⁵ Therefore, the formal construction of the ACP grouping is thus merely reflective

of the EU's strategic response of organising its relations with its ex-colonies. Or, put differently, it is a redefinition of relations, from one between coloniser and the dominated, to what has become commonplace in rhetoric: a partnership of equals.

Secondly, while the 'modern practice of competition constructs actors as formerly equal',²⁶ this is more difficult to uphold in reality. Important quantitative and qualitative differences between the regions inevitably carry implications for balances of power.²⁷ For example, one ACP official has pointed to the difficulty of accepting the idea of a partnership of equals when there is financial support for development from one to the other. This intrinsically removes equality since the person providing has influence: 'he who pays the piper calls the tune'.²⁸ This saying is often repeated in ACP circles, and infers that financial independence is a necessary precursor to a veritable 'partnership of equals'.²⁹ It also raises questions with regard to the EU financing of the negotiators of the Caribbean Regional Negotiating Machinery (CRNM) in the CF-EU negotiations. Furthermore, it suggests the centrality of being a strong partner to partnership agreements. This is echoed in the particular case of the Caribbean where it is recognised that 'the CARICOM needs to come together for the CARICOM to go to the EU'.³⁰ As such, a strong regional grouping, standing on its own two feet, stands a better chance of living up to the rhetoric of 'partnership of equals'.

Thirdly, the CF-EU EPA may be considered as Pareto-optimal due to what a European trade expert claims is the difference in negotiating capacity that the CF exerted, as compared to the difference in asymmetrical power and size.³¹ Indeed, this point of view is shared by some CRNM negotiators, but others beg to differ. For one CRNM negotiator,

partnership of equals is multilayered; garnering respect is important. [...] The EU has a purported superior knowledge but we were well-prepared by something that failed - the FTAA'.³²

This reflects this CRNM negotiator's preference for the concept of 'parity of equals', highlighting the 'relationship as partnership but not of equals'.³³ However, for another CRNM negotiator, 'the decision of negotiation was a European decision [... as] imposition rather than negotiation',³⁴ as such reaffirming the perceived domineering or 'big-stick' tactic of the European Commission.³⁵ This illustrates the irony of critique within Caribbean circles that overwhelmingly underscores the paradoxically exogenous

perception of change. Additionally, the controversy of the CRNM has certainly marked CARICOM: pursuant to the signing of the EPA CARICOM changed its position on third party funding of international trade negotiations; the CRNM was consequentially re-branded the Office of Trade Negotiations (OTN) and thereafter subsumed within the CARICOM Secretariat in 2009. This is largely perceived as evidence - in the Caribbean, that is - that the CRNM acted semi-autonomously.³⁶ Indeed, it has been well summed up that,

some seem to feel that the CRNM exceeded its mandate and thereby killed itself, others seem to be of the view that the negotiators did a good thing but in a bad way and as such, they were a force for forced integration as opposed to a motor for integration.³⁷

This critique surrounding the EPA is intrinsically linked to the perception of the role the EU plays *vis-à-vis* third countries, namely that 'great powers have relative freedom to determine their foreign policies [...]; smaller powers have less autonomy'.³⁸

This is somewhat closer to the crude reality: negotiation is about creating a win-win outcome. Yet, the controversy that surrounds the CF-EU negotiations, with the retrospective view on slow implementation of the agreement, is rather reflective of the EU demonstrating hegemonic power to co-opt the elite of the CF.³⁹ Indeed, interviews have shown that synergies and dynamics from personal interaction were a driving force behind completing a long process of negotiation.⁴⁰ This brought a deeper cognitive appreciation of the contentious issues at hand, which in turn, allowed for adequate compromise to conclude the CF-EU EPA. It did not however, provide for deeper cognitive understanding between the CF region itself, and is emblematic in the current state of play of the EPA today.

A European Commission official admitted that the partnership is 'not a partnership of equals but still *bona fide*'.⁴¹ In other words, it has been well summed up as follows:

If this relationship can be understood as a partnership, it is a heavily unequal one. It is not the ACP countries that create or discontinue their relationship with the EU, nor that provide the terms of evolution of this relationship.⁴²

These terms of evolution, of which the EPA is the central strategic tool, forms part of the broader 'Global Europe' vision emanating from Brussels,⁴³ which, together with the Treaty of Lisbon, goes beyond any political affinity with the ACP states.

ECONOMIC SECTOR ANALYSIS

The fact that the CF-EU EPA was completed so quickly – when compared to the other agreements with the wider ACP – is often deemed to be reflective of the particular economic situation of the Caribbean region in general, and its relative homogeneity and level of development in particular.⁴⁴ Yet, despite the supposed advances of CARICOM/CARIFORUM in comparison to other ACP regions, both the CRNM and the Commission reaffirm that the 'more developed country' (MDC) status does not overcome structural problems in the region. Indeed, Hurt highlights how this categorisation merely divides the ACP states in LDC and other developing countries, and it does not overcome key capacity issues.⁴⁵ The EPA additionally entrenches a divide amongst the ACP regions, by splitting the group into seven distinct regions, often with quite marked heterogeneous characteristics. As Lodge explains:

- [i] A number of analyses highlight the structural challenges facing small economies that mute the impact of trade liberalisation. (...)
- [ii] However, their intrinsic economic openness also means that properly crafted trade policy can have a beneficial impact on their development.
- [iii] In order to harness such opportunities, modulated tariff liberalisation should be accompanied by EU-funded development support to reap the desired results.⁴⁶

This raises three pertinent and inter-related points, which are addressed in turn. Firstly, whilst structural challenges can hinder the process of trade liberalisation, it is not clear that more of the latter can overcome the former. Expanding the free trade agenda can, however, innovate beyond the existing regulatory structures and 'renovate' the existing framework in place. Yet the assumption that further liberalisation can act as a corrective remedy to existing constraints is predicated on a broader general assumption that neoliberal economics can be of benefit to what are quite distinctive Caribbean economies, particularly concerning the 'WTO+' and 'WTO-X' provisions.⁴⁷ However, there is a consistent critique emanating from ACP circles in regards to the

nature of investment liberalisation provisions in trade agreements such as these. This is emphasised in a radical point on investment that was noted over forty years ago: 'we have been posing the wrong questions regarding economic backwardness [...] For it is clear, foreign investment is the cause, and not a solution, to our economic backwardness'.⁴⁸ More recently, an ACP official echoed this statement by confirming that it is still true today: 'FDI is about "them" doing more business, more than "you" doing more business; similarly having the capacity and legal framework is also for "them"'.⁴⁹ This type of argument is still prevalent nowadays and underscores an unfortunate continuum in critique of the ACP-EU relationship. Walter Rodney asked this question in 1972, but it may be necessary to pose it again today:

by distorting our economies to fit in with the demands of the world market, the demands of which are not always compatible with the demands of our own development, are we not, in the process, depriving our economies of the capacity for a self-sustaining growth which is a precondition for development?⁵⁰

Secondly, this calls into question whether the EPA as a policy tool is the right means for this end: achieving the dual objective of improving trade and development. An EEAS official highlighted two crucial points that serve to render this analysis all the more meaningful. On the one hand, the EU has 'new ambitions and diminishing funds',⁵¹ that is, new ambitions vis-à-vis emerging countries, but it also has to deal with the structural shocks induced by the financial crisis. Indeed, the effects of the economic and financial crisis should not be underestimated for both regions and could be a critical factor in the rate and enthusiasm of implementation of the agreement. On the other hand, the EPA guarantees a share of the EU market and provides a long-term economic strategy, as, after all, there is today a limited menu of alternatives, including the Generalised System of Preferences (GSP) and GSP+ (but in either case the EU has the monopoly of decision-making in these schemes).⁵² Nonetheless, the transition to provisionally applying the EPA and progressively liberalising trade, along with decreasing funds occasioned by the principle of differentiation embodied in the so-called 'Agenda for Change',⁵³ brings into question the nature of the EPA as a properly crafted trade policy. Indeed, it may not be too far-fetched to ask to what extent the Caribbean is actually effectively now a laboratory in which this new type of trade agreement is being tested. A DG

Trade official has described this as evidence of 'poor timing' on the part of the EU and adds that 'MDCs have every right to be annoyed'.⁵⁴ This adds to the existing mistrust towards the EU - especially in terms of its selective use of protectionism - which seems inconsistent, to say the least, with its contemporary promotion of deep and comprehensive trade liberalisation. Echoing Rodney's development-underdevelopment dialectic, George explains that

Britain protected its industry and commerce from foreign competition until it was well on the way to achieving global dominance. [...] In consequence Britain's ownership of foreign assets expanded a hundred-thousand-fold between 1580 and 1930. Britain developed. The countries it invested in did not.⁵⁵

While this quotation refers to the UK, the EU's own modern development is not dissimilar. Put simply: the developed states of the EU are 'kicking away the ladder' that they themselves climbed in order to develop their own economies.⁵⁶

Thirdly, question marks still hang over the extent to which the opportunities represented by the EPAs may be harnessed in any case.⁵⁷ The Caribbean region - except for Haiti, as the only least-developed country (LDC) in the region - will no longer be eligible to receive development cooperation funding due to the aforementioned principle of differentiation,⁵⁸ which deliberately targets development funding to LDCs and, in turn, encourages other policies to spur development. Hence, in theory, the EPA is fundamentally a policy tool designed to *replace* traditional development cooperation in the region. The following question may therefore be posed: was the comprehensive 'full' EPA tailor-made for the Caribbean? If yes, and logically so, the Caribbean region had little to no choice in changing the nature of its development relationships by adopting the EPA. After all, unlike the African states, the Caribbean was not eligible for the EU's Everything But Arms (EBA) duty-free quota-free import initiative. But as the case of the East African Community (EAC) shows, the EPA can be a hegemonic tool to create deeper liberalization through the application of the exogenous power of the EU.⁵⁹ Critics contest that there is no EPA implementation fund for the Caribbean, despite additional obligatory spending on EPA implementation.⁶⁰ Indeed, implementation is a key indicator of the success of the EPA and will surely illustrate whether the dual

goals of improving trade and development can be achieved within these new structures.

On this note, Sir Ronald Sanders reminds us

that the fortunes of Europe's riches were made on the plantations and other resources of the Caribbean states. Those states owe a duty of development to the Caribbean that was not fulfilled by preferential access to their markets for the narrow range of products such as sugar and bananas upon which they made the Caribbean dependent.⁶¹

The failed economic history recognised by high-level EU-ACP officials, coupled with WTO imperatives, has provided ample impetus for changing EU-ACP relations. Yet there has been - and continues to be - much internal infighting about how this should be done.⁶² As the years of asymmetric liberalisation are being counted down, the CF, as the weaker economic partner to the agreement, should aim to harness the benefits of the agreement sooner rather than later. After all, it is the group of CARIFORUM states who would lose out in the long run, and not the considerably more powerful EU, which is already driving ahead a number of strategic trade agreements with other parts of the world.

LEGAL SECTOR ANALYSIS

The CF-EU EPA is reflective of the EU as a foreign policy actor in the international scene, adhering to - whilst contemporaneously bypassing - WTO law. This is evidenced in the 'WTO+' and 'WTO-X' elements of the agreement,⁶³ which in turn are indicative of the sheer ambition of the EPA as a foreign policy tool and the EU as a foreign policy actor. While the existing EU-ACP legal relationship is defined by the internationally legally binding commitment of the Cotonou Agreement that is due to expire in 2020, the EPA strategically overcomes the tension borne in this agreement. Specifically, it builds on the special exemption of the WTO's Most-Favoured Nation (MFN) principle, by adhering to Article XXIV of the General Agreement on Tariffs and Trade (GATT). Article XXIV provides for derogation from the MFN principle for integration purposes insofar as relations are based on either a customs union or a free trade area (FTA).⁶⁴

The EPA therefore departs from previous relations, as not only does it include liberalisation of 'substantially all trade in goods'

(Art. XXIV GATT) but even goes beyond WTO law to include reciprocal trade agreements on the contested 'Singapore issues'.⁶⁵ This clearly marks a substantive shift in the depth and width of its scope as it innovates beyond existing agreements and sets the bar as the most advanced international trade agreement between developed and developing groups of states. It also importantly created a 'spiral of precedents' for the ACP group in particular, and future world trade agreements in general.⁶⁶

Ex-CRNM negotiator, Junior Lodge, has succinctly described the Cotonou Agreement as *sui generis*,⁶⁷ underscoring the 'broad nature' of the agreement that the European Commission refers to.⁶⁸ While it is true that 'all EPAs have their origins in the trade chapter of the Cotonou Agreement', it was also important that all ACP EPA negotiators strongly took into consideration the end of the Cotonou Agreement in 2020.⁶⁹ Yet, to date, there has been little concrete debate on the post-Cotonou framework, or the future of EU-ACP relations as a holistic group beyond 2020. Nonetheless, between the two deadlines of the end of the Cotonou waiver and the EPAs written into the Cotonou agreement, there was ample legal rationale for negotiating the EPAs. This raises two interlinked points: the legal commitment of Cotonou has received much critique for binding the ACP countries into an agreement that does not bring about the purported development benefits, and the future of EU-ACP relations remains in a grey zone beyond 2020.

Whilst DG Trade recognises that the EPAs are rooted in the Cotonou Agreement, many officials contend that WTO law is the status quo and *de facto* reasoning behind the change in the nature of the partnership. Indeed, contentious issues lie at the heart of the depth of influence induced by adhering to Article XXIV of GATT and the MFN principle. For critics of the EU's approach, the 'WTO argument does not sell' due to the 'incoherences of Art. XXIV as an article that was designed for developed groups and not developed-developing groups'.⁷⁰ It is rather the case, as Tony Heron has argued, that:

Although the imperative of "WTO compatibility" was advanced as the principle justification for the trade dimension of Cotonou, most observers argue that this is a far less important motivation than the independent, political and commercial interests of the EU.⁷¹

This echoes the point that often arises as a third party critique of EU directionality: the EU uses a two-pronged approach to achieve what it wants, or in the words of Bhagwati, when it cannot take the multilateral highway, it opts for the bilateral country road.⁷²

This is certainly the case with the conceptual disparity between Article XXIV GATT and its relation to the Enabling Clause, as each side of the EPA debate uses it for its own purposes.⁷³ Yet since the EU exercises greater structural influence in this relationship, this may be an increasingly prevalent example of the EU adhering to, whilst contemporaneously bypassing, the WTO: i.e. exercising the power to influence and shape structures to foster commercial regulatory convergence insofar as is possible.

Whilst the CF-EU EPA was signed on the premise that it would bring about structural advances through dynamising the process of regional integration, it is important to highlight two points. Firstly, ACP officials remain highly critical of the EU's insistence on the legal framework and highlight the disparity in EU and third country priorities. It is often repeated that the EU 'should remind them, but not push'.⁷⁴ This may be exemplified in the continued structural and normative tensions that have previously hampered the development of positive CARICOM-DR relations. Therefore, even if the EPA cements and entrenches the existing FTA between CARICOM and the DR, this is not the equivalent of fully transcending those difficult issues that already exist. Lodge explains that it 'has effectively overhauled the CARICOM-Dominican Republic FTA and replaced it with a more dynamic and ambitious arrangement'.⁷⁵ At this stage, it certainly has been more ambitious, but it is yet to prove itself more dynamic.

Additionally, the legal framework in place has received much criticism from regional partners and fellow developing countries. The negative implications for further South-South FTAs have been a particular point of contention raised by Latin American countries, supported by China, India and South Africa.⁷⁶ These implications ought to be clarified. As it stands, the MFN clause contained within the CARIFORUM EPA goes well beyond that of Cotonou, thereby granting the EU superior preferential treatment than the wider developed world: 'the C-EPA MFN provision extends the scope of the MFN coverage to include advanced developing countries that fall within the 1 per cent and 1.5 per cent thresholds for countries and regions, respectively'.⁷⁷ To compound this, the MFN clause at the heart of the EPA specifically requires CARIFORUM countries to consult with the EU if they

consider entering into a free trade agreement with other major trading economies.⁷⁸

The practical implications are largely perceived as a hindrance to future regional trade agreements on an international scale, since these provisions are evidently not reciprocal. Furthermore, some scholars even recognise this as evidence of asymmetrical bargaining,⁷⁹ which in turn undermines the process of regional integration.⁸⁰ This underlines the continuum in the dominant behaviour of the EU *vis-à-vis* the Caribbean, despite any best endeavours.

Moreover, especially given that the EU continues to pursue other regional FTAs or Mega-regional FTAs (MRTAs), such as the Transatlantic Trade and Investment Partnership (TTIP) with the USA,⁸¹ but also a number of other agreements, as well as the plurilateral Trade in Services Agreement (TiSA) at the WTO, the CF countries should know where they stand.⁸² In that event that the EPA is a precursor for further multilateralisation, the consequent trade obligations borne by the CF states would blur the distinction between dominance and hegemony. Nonetheless, the CF-EU EPA sets a precedent for trade relations despite differences in development.⁸³

This is linked to the second point: The fundamentally slow process of regional integration in the Caribbean, evidenced by the slow advance of the Caribbean Court of Justice (CCJ)⁸⁴ and the Caribbean Single Market Economy (CSME) should be lessons from which the region must learn and upon which it must act. Yet, by entering into legally binding agreements and replicating models without veritable implementation force, the EPA repeats history in the Caribbean, and equally risks replicating the same implementation deficit, even if it is enshrined in law.

To this date, it is worth noting that the CF-EU EPA has not been ratified by all signatory states of the EU and CARIFORUM. Nonetheless, the CF-EU EPA is provisionally applied by both regions, although to little effect. Van Genderen-Naar explains that the 'national laws and constitutions of CARIFORUM States [...] do not provide for provisional application of international agreements, which means that they can not provisional apply the CF-EU EPA as long as the ratification procedures have not been completed'.⁸⁵ The fact that not all signatory countries have ratified the EPA, even after seven years into the process of provisional application, renders the signing of the EPA a superfluous - even hollow - act if it is not, at the very least, confirmed in law.⁸⁶

The Case of the CAP

The case of the Common Agricultural Policy (CAP) exemplifies the critique of the legal commitment of Cotonou. A CRNM negotiator explained the problem as follows:

Cotonou was inherently contradictory: duty-free and quota-free market access to spur export diversification has been muted by preferential agricultural arrangements, for instance, the Common Agricultural Policy: prices above world market prices [...] and in any case, it did not provide for services.⁸⁷

This critique addresses the crux of the incoherent impact of internal and external policies and underlines that neither can be assessed in isolation. Rather, it has been clear that the internal policy of CAP has negatively impacted EU external relations with the ACP, by having a distortionary effect on world markets. It has been well summed up that 'it has become commonplace for the removal of CAP to be seen as a panacea for the whole of the developing world'.⁸⁸

While there has been concern that the market openness of the EPAs does not sit comfortably with the inherent protectionism of the CAP,⁸⁹ a recent publication by DG Agriculture and Rural Development states that the CAP and development policy are compatible.⁹⁰ In light of the analysis of the export restrictions in the CF-EU EPA, and the negative implications this can have as an excessively restrictive policy for the CF,⁹¹ this document seems to underline policy coherence for development (PCD) with rhetoric rather than reality. The EU is already the world's top food exporter, and has been so for key commodities, including sugar, since the 1980s.⁹² Furthermore, there are veritable concerns about the dismantling of the CAP regime and implications for developing country farmers. For example, the removal of the CAP on beet sugar production in the EU risks jeopardising several developing country economies, already suffering from low sugar prices and increased competition.⁹³ The document rather seems to address what Silles-Brügge refers to as the remaining 'pockets of protectionism' that emanated from the Global Europe strategy.⁹⁴ In other words, the internal policies of the EU, such as the CAP, can have a huge impact externally. To some extent the EPA is an attempt to rectify this. Yet unless there is coherence in future EU policies in general, history risks repeating itself.

The Case of the Protocol on Culture

The CF-EU EPA legal text also includes the Protocol on Culture, making it the first EU trade agreement to include this domain. Research showed that although this was a 'sensitive' issue for the EU, it was included at the request of Caribbean negotiators,⁹⁵ and is therefore the result of a trade-off of interests.⁹⁶ The Cultural Protocol is premised on the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions: 'to support the development of the cultural industries and policies in developing countries through technology transfer, financial support and preferential treatment'.⁹⁷ Therefore, it can serve to facilitate the growth and export of cultural industries,⁹⁸ including the audio-visual sector, as well as help to develop dynamic creative industries and creative cities.⁹⁹

However, it has already been noted that 'the growth of the industry is largely determined mainly by market opportunity and government policy, and the effects of liberalisation are fairly small'.¹⁰⁰ This highlights the fact that the Caribbean must make the most of this type of agreement in order to draw any benefits. Admittedly, this infers reconciling the organic Caribbean integration at the cultural level with the formal structures of policy-making.¹⁰¹ This sits uncomfortably with the reality of the Cultural Protocol based on the UNESCO Convention, which recognises that

while the convention is a legal instrument that is binding it does not generate commitments to signatories as obtained under the WTO. In this sense the convention may encourage more diversity in production but it does not guarantee space in the market.¹⁰²

Furthermore, continued restrictions on services mode 4,¹⁰³ movement of peoples, practically hinders the transition of this Protocol from mere rhetoric to reality.

Here we are dealing with different phenomena, which do not necessarily converge: on the one hand, the Cultural Protocol provides for trade in cultural services, but on the other, the benefits seem neither particularly profitable, nor tangible.¹⁰⁴ Indeed, there is much scepticism and critique of social progression from above. This is not just limited to the Caribbean side of the debate. To quote Bourdieu:

If I say that politicians, who sign international agreements consigning cultural works to the common fate of interchangeable commodities subject to the same laws that apply to corn, bananas, or citrus fruit, are contributing (without always knowing it) to the abasement of culture and minds, it will be said that I am exaggerating.¹⁰⁵

This has much to do with the 'social consequences of 'commodification', [that is the] inclusion in the market sphere of relations previously left outside its boundaries'.¹⁰⁶ That is, despite being a sensitive issue for the EU, the novel inclusion of culture in this international trade agreement nevertheless does not tip the balance of power. At the time it appears Pareto-optimal, but with reflection and little use, it seems rather superfluous unless there is any tangible usage.

The case of the *Octroi de Mer*

The recent extension of the *Octroi de Mer* ('Dock Duties' which are imposed on all items entering the French Overseas Departments, even from *within* the European free market of which they are ostensibly a part) from 2015 to 2020, up to the very same date as the expiry of the Cotonou agreement, underscores the selective use of such concepts of PCD.

In fact, the extension of the *Octroi de Mer* is in direct conflict with the purported regional integration aims of the CF-EU EPA. Furthermore, it is rather ironic that this was a key issue raised amongst the CARIFORUM Consultative Committee during their first meeting at the European Economic and Social Committee,¹⁰⁷ yet by the following month this legislation was renewed in the European Parliament.

The case of how this renewal went through emergency procedure in the European Parliament to be extended for a further five years is emblematic of many unfortunate disparities and incoherencies in EU-ACP relations. At once, it points to the lack of awareness and engagement of Caribbean civil society in European institutional processes. This also acts as a stark reminder of the importance of bolstering words and rhetoric with concrete and concerted action. After all, had 10 per cent of the members of the European Parliament Regional Committee been fully aware of the dynamics and the detrimental implications of the extension of the *Octroi de Mer*, the extension could have delayed, perhaps even stopped. Indeed, post-extension the

European counterparts, including MEPs who would have been interested to act on this front were unaware of both the contention and the passing of the extension due to the fact that this is a competence of the 'Regional Development' Committee in the European Parliament. In other words, while it is an issue that is very important for ACP stakeholders, as the region's concerned are still EU territories, this act was passed in the Regional Committee of the Parliament as opposed to the ACP-EU Joint Parliamentary Assembly, in what retrospectively seems a rather *huis clos* manner.

It has been long noted that the *Octroi de Mer* creates trade distortions in the Caribbean, unfair competitive advantages, as well as contradicting not merely the logic of free trade but also sustainable development.¹⁰⁸ A recent publication highlights the legal inconsistencies between the *Octroi de Mer* and the CF-EU EPA, and, importantly, how the combined result is incoherent with regard to promoting regional integration.¹⁰⁹ Indeed, the same justifications used for maintaining the *Octroi de Mer* for the French overseas territories, such as reference to their small size and vulnerability to external shocks, can be applied equally to the Small Island Developing States (SIDS).¹¹⁰

Consequently, this episode not only undermines Article 12 of the Cotonou agreement, which states that the EU should consult with the ACP on issues of pertinence, but also the very *raison d'être* of the EPA, to promote further regional integration in the Caribbean. It also therefore runs inherently counter to the broader principle of policy coherence for development. Seven years into the provisional application of the EPA, all stakeholders should have been ready to act on this issue, as important as it is for the region. Failure to do so merely reinforces the lack of synergies from an agreement that lacks optimality. The upcoming review in 2017 does however offer ACP states in general, and SIDS in particular, a critical opportunity to respond.

CONCLUSION

In the recent ACP-EU Joint Parliamentary Assembly in the European Parliament, one MEP provocatively compared ASEAN with the ACP: while the former lost contact with their ex-European colonisers, the latter did not; equally, while ASEAN developed to become one of the most dynamic regions in the world economy, the ACP did not. With five years until the end of

the Cotonou agreement that binds the EU and ACP ostensibly together, there will be much consulting and reflection from both sides.

It is clear that the ACP as a homogenous group is no longer of strategic importance for the EU. The ACP, under the vanguard of new leadership with Secretary General P.I. Gomes will have to decide what relevance the body sees for itself in a globalised world. Time will tell whether the EPA story may be emblematic of any future structural shifts: specifically whether it can correct trade imbalances which marginalize developing countries in their aims to achieve sustainable development.

Thus far, the EPA story is more emblematic of the EU's interest to pursue hegemonic relations with the Small Island Developing States (SIDS) of the Caribbean, and to emphasise the rhetoric of a partnership of equals based in consent, rather than recourse to coercion. But as the wider EPA saga with the seven ACP regions – themselves a contrived creation at the EU's behest – illustrates, even where the final agreement may seem to represent consent, the reality is one characterized by the inter-play of both consent and coercion. This in turn has soured EU-ACP relations on a whole. In the run up to 2020, one of the key issue is whether, as a result of EU policy pressure, the ACP regions split, into one of the numerous EPA conglomerations possible, or whether by the will of development solidarity the ACP states will stay united in a forged consent based on a history of coercion.

NOTES ON CONTRIBUTOR

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NOTES

- ¹ This article has been through the academic peer-review process. It is, however, a substantially updated and revised version of an article that was published in early 2014 as a BRIGG Paper by the College of Europe and UNU-CRIS: http://www.cris.unu.edu/fileadmin/workingpapers/BRIGG_papers/BRIGG_1_2014_Williams.pdf
- ² Shridath Ramphal, *Glimpses of a Global Life*, London: Hansib, 2014, p.66.
- ³ Monitoring the implementation and results of the CARIFORUM-EU EPA Agreement, Final Report, September 2014. Accessed 1 October 2014, http://trade.ec.europa.eu/doclib/docs/2014/october/tradoc_152824.pdf
- ⁴ Francophone sources have referred to these 'iEPAs' as 'à minima' agreements. See, Agence de Presse Sénégalais, 2014, 'L'UEMOA, la CEDEAO et l'UE trouvent un accord à minima sur les APE', accessed 8 February 2014. http://www.aps.sn/articles.php?id_article=124496
- ⁵ F. Erixon, 'The EC Communication on Trade, Growth and Development-Comment', in D. Willem te Velde (ed.), 'The Next Decade of EU Trade Policy: Confronting Global Challenges?', Overseas Development Institute, London, July 2012, p. 16.
- ⁶ Karel de Gucht, European Commissioner for Trade, A Partnership of Equals, 20th Session of the ACP-EU Joint Parliamentary Assembly, Kinshasa, 4 December 2010, p.3. Accessed 26 December 2012, http://trade.ec.europa.eu/doclib/docs/2010/december/tradoc_147082.pdf
- ⁷ Economic Partnership Agreements: drivers of development, European Communities, 2008, p. 2, accessed 26 December 2012, http://ec.europa.eu/development/icenter/repository/EPA_louis_michel_en.pdf
- ⁸ European Commission, 'Economic Partnerships', 2011, accessed 26 December 2012, http://ec.europa.eu/trade/policy/countries-and-regions/development/economic-partnerships/index_en.htm.
- ⁹ For a detailed account see, Lorand Bartels, *The Trade and Development Policy of the EU*, *European Journal of International Law*, Vol. 18, no. 4, 715-756, 2007. Accessed 16 April 2012. <http://ejil.oxfordjournals.org/content/18/4/715.full.pdf+html>
- ¹⁰ Liberalisation of trade in goods will be (i) asymmetrical: CARIFORUM goods enter the EU duty-free and quota-free (DFQF) while CARIFORUM maintains customs duties on sensitive products; and (ii) progressive: CARIFORUM tariff reduction of 87 per cent is spread over a 25 year transition period with the first reductions in 2011. Thus, by 2033, we should expect the free movement of 'substantially all trade' between the signatory regions of the EU-CF EPA. See, CARIFORUM-EC EPA: Trade in Goods, October 2008. See also, fact sheet for asymmetric and progressive liberalisation of other trade. www.trade.ec.europa.eu/doclib/html/140975.htm
- ¹¹ 'EU and the Caribbean seal economic partnership with ground-breaking trade deal', Europa Press Release, Brussels, 2008, accessed 26 December 2012, http://europa.eu/rapid/press-release_IP-08-1510_en.htm.
- ¹² Gramsci quoted in S. Gill (ed.), *Gramsci, Historical Materialism and International Relations*, Cambridge, Cambridge University Press, 1993, p. 59.
- ¹³ See French customs website, <http://www.douane.gouv.fr/articles/a11711-fiscalite-douaniere-dans-les-departements-d-outre-mer?print>
- ¹⁴ L.S. Talani, *Globalisation, Hegemony and the Future of the City of London*, Basingstoke, Palgrave Macmillan, 2012, p. 78.
- ¹⁵ Trade Expert, Interview, Bruges, 2 April 2013.

- ¹⁶ ‘...there is only limited sympathy for the region in Brussels, in part because no Caribbean government in recent years other than the Dominican Republic has consistently cultivated the support of those who shape policy in the key institutions or spent much time getting to know Europe’
- ¹⁷ CARICOM official, Interview, Port-of-Spain, 3 January 2013.
- ¹⁸ *Ibid.*
- ¹⁹ ‘Silence Of The Caribbean Lambs’, Jamaica Gleaner, 2012, accessed 22 March 2013, <http://jamaica-gleaner.com/gleaner/20120930/business/business10.html>.
- ²⁰ For a more in-depth analysis of using the neo-Gramscian theory in the case of the CF-EU EPA, see Williams, Y., ‘The EU as a Structural Foreign Policy Actor Shifting between Hegemony and Dominance? The Singular case fo the CARIFORUM-EU Economic Partnershi Agreement’, BRIGG, 2014.
- ²¹ See Dennis Canterbury, *European Bloc Imperialism*, BRILL, 2010
- ²² Trinidad and Tobago Ministry of Foreign Affairs official, Interview, Port-of-Spain, 2 August 2011.
- ²³ See ‘Towards a Stronger Political Partnership’, European Centre for Development Policy Management, 2002, accessed 26 December 2012, http://www.ecdpm.org/Web_ECDPM/Web/Content/Navigation.nsf/index2?readform&http://www.ecdpm.org/Web_ECDPM/Web/Content/Content.nsf/0/FA90272ACC55B0FAC1256C76003D3D16?Opendocument.
- ²⁴ Hurt, Lee and Lorenz: http://www.bisa-ipeg.org/wp-content/uploads/2013/06/ipeg2012_hurt_lee_lorenz.pdf, p. 7
- ²⁵ Lecturer at the University of the West Indies (UWI), Interview, St. Augustine (T&T), 2 August 2011.
- ²⁶ N. Inayatullah & D L. Blaney, *International Relations and the Problem of Difference*, London, Routledge, 2004, p. 130.
- ²⁷ S. Keukeleire & J. MacNaughtan, *The Foreign Policy of the European Union*, Basingstoke, Palgrave Macmillan, 2008, p. 200.
- ²⁸ ACP official, Interview, Brussels, 27 March 2013.
- ²⁹ Two separate interviewees representing ACP countries recited this saying.
- ³⁰ This interviewer makes reference to the CARICOM as it is the formal regional grouping in the Caribbean. The CARIFORUM is a singular entity for the EU EPA only. Caribbean Ambassador, Interview, Port-of-Spain, 27 December 2012.
- ³¹ Trade Expert, Interview, Bruges, 2 April 2013.
- ³² *Ibid.*
- ³³ CRNM negotiator, Interview, Brussels, 25 March 2013.
- ³⁴ Anonymous, Interview, T&T, 2011.
- ³⁵ ‘OP-ED: Tenth Anniversary of EPA Negotiations: Not a Time for Celebration’, Huntington News, 2012, accessed 22 March 2013, <http://www.huntingtonnews.net/45124>.
- ³⁶ CRNM negotiator, Interview, Port-of-Spain, 8 August 2011. See also T. Heron, ‘Asymmetric bargaining and development trade-offs in the CARIFORUM-European Union Economic Partnership Agreement’, *Review of International Political Economy*, 2010, pp. 82-110.
- ³⁷ Caribbean Ambassador, Interview, op.cit., 5 August 2011.
- ³⁸ Gramsci quoted in R. Cox in Gill (ed.), op.cit., p. 59.
- ³⁹ *Ibid.*, p. 63. Five steps to becoming a hegemonic actor. Criteria no.4 is co-opting elite.

- ⁴⁰ It is noteworthy to underline that Zampetti, a EU negotiator and Lodge, a CRNM negotiator co-edited *The CARIFORUM-EU EPA, A Practitioners' Perspective*. Trade Expert, Interview, op.cit.
- ⁴¹ DG Trade Official, Interview, Brussels, 7 November 2011.
- ⁴² Keukeleire & MacNaughtan, op.cit., p. 216.
- ⁴³ Indeed, both the Treaty of Lisbon and the Global Europe communication make no reference to the ACP whatsoever. See *Global Europe, Competing in the World*, European Commission, 2007, http://trade.ec.europa.eu/doclib/docs/2006/october/tradoc_130376.pdf
- ⁴⁴ See Matthew Louis Bishop, Tony Heron and Anthony Payne, 'Caribbean Development Alternatives and the CARIFORUM-European Union Economic Partnership Agreement', *Journal of International Relations and Development*, 16, 1, 2013, 82-110.
- ⁴⁵ Hurt, Stephen. R., *Co-operation and coercion? The Cotonou Agreement between the European Union and ACP states and the end of the Lomé Convention*, *Third World Quarterly*, Vol 24, No 1, pp 161-176, 2003., p. 166.
- ⁴⁶ Enumeration is authors own. J. Lodge, in Zampetti & Lodge (eds.), op.cit., p. 22.
- ⁴⁷ CARIFORUM has 14 'WTO-X' categories; competition and innovation are only found in the CARIFORUM EPA. See H. Horn, P.C. Mavroidis & A. Sapir, op.cit., pp. 30-39.
- ⁴⁸ A.M. Babu, *Postscript in Rodney*, op.cit., p. 284.
- ⁴⁹ ACP Official, Interview, op.cit.
- ⁵⁰ Rodney, op.cit., p. 286.
- ⁵¹ Official of the Delegation to the CARIFORUM Committee in the European Parliament, Interview, Brussels, 26 March 2013.
- ⁵² DG Trade Official, Interview, op.cit., 25 March 2013.
- ⁵³ See European Commission, *Communication to the Council and EP, Increasing the impact of EU development policy, An Agenda for Change, COM(2011) 637 final, 13.10.2011*. See also, 'Agenda for Change in the Interest of the EU alone', Eurostep, 2012, accessed 22 March 2013, <http://www.eurostep.org/wcm/archive-eurostep-weekly/1764-agenda-for-change-in-the-interest-of-the-eu-alone-says-concord-director.html>.
- ⁵⁴ DG Trade Official, Interview, op.cit., 25 March 2013.
- ⁵⁵ George, op.cit., p. 46 & p. 69.
- ⁵⁶ See Ha Joon Chang, *Kicking Away the Ladder: Development Strategy in Historical Perspective* Anthem, 2002.
- ⁵⁷ There is increasing literature on how the EPAs are not being used.
- ⁵⁸ Agenda for Change communication: http://eacea.ec.europa.eu/intra_acp_mobility/funding/2012/documents/agenda_for_change_en.pdf
- ⁵⁹ In EAC, Kenya is the only MDC. Yet, in order to safeguard the endogenous regional integration, the other LDC regions were pressured into concluding an EPA. See Mwanza, *tralac* tex.
- ⁶⁰ There has been funding for manufacturers. see article...
- ⁶¹ R. Sanders, 'Last chance for a Better Agreement between Europe and the Caribbean', in R. Bernal, 'The Challenge of Sustainable Implementation', in Zampetti & Lodge (eds.), op.cit., pp. 242-243.
- ⁶² See Council letter
- ⁶³ Horn, Mavroidis and Sapir explain, 'WTO plus' (WTO+) are 'commitments binding on those already agreed to at the multilateral level, eg a further reduction in tariffs' and 'WTO extra' (WTO-X) are 'commitments dealing with issues going beyond the current WTO mandate altogether eg on labour

standards' See H. Horn, P.C. Mavroidis & A. Sapir, *Beyond the WTO? An anatomy of the EU and the US preferential trade agreements*, Bruegel Blueprint series, Brussels, 2009, p. 10.

⁶⁴ P. Eeckhout, *External Relations of the European Union: Legal and Constitutional Foundations*, Oxford, Oxford University Press, 2004.

⁶⁵ These include investment, competition, procurement and trade facilitation.

⁶⁶ VanGrasstek's (1998:169-70) in Tony Heron (2011): *Assymmetric bargaining and development trade-offs in the CARIFORUM- European Union Economic Partnership Agreement*, *Review of International Political Economy*, 18:3, 328-357, p. 349.

⁶⁷ J. Lodge, 'A Trade Partnership for Sustainable Development', in A. Zampetti & J. Lodge (eds.), *The CARIFORUM-EU Economic Partnership Agreement, A Practitioners' Analysis*, The Netherlands, Kluwer Law International BV, 2011, p. 24.

⁶⁸ See African, Caribbean and Pacific, Countries and Regions, accessed 26 March 2013, <http://ec.europa.eu/trade/policy/countries-and-regions/regions/africa-caribbean-pacific>, accessed 26 March 2013

⁶⁹ Van Genderen-Naar, *The CARIFORUM-EU EPA*, op.cit.

⁷⁰ ACP official, Interview, op.cit.

⁷¹ Tony Heron (2011): *Assymmetric bargaining and development trade-offs in the CARIFORUM- European Union Economic Partnership Agreement*, *Review of International Political Economy*, 18:3, 328-357, p. 329.

⁷² Bhagwati uses this anecdote for the USA, here I apply it to the EU. J. Bhagwati, *Free Trade Today*, Princeton, Princeton University Press, 2002, p. 118.

⁷³ For those who advocate that 'the Enabling Clause instead 'enables' what has become a basic tenet of the international economic legal order, namely special and differential treatment of developing countries'. See 'Time is up to stop the EU-ACP EPAs negotiations', accessed 26 March 2013, www.solidarite.asso.fr.

⁷⁴ ACP official, Interview, op.cit.

⁷⁵ J. Lodge, in Zampetti & Lodge (eds.), op.cit., pp. 32-34.

⁷⁶ *Ibid.*

⁷⁷ See A. P. Gonzales, 'EPA WTO Compatibility: A View from a WTO Perspective', in Zampetti & Lodge (eds.), op.cit., pp. 230-231. See also, a very critical response, 'Time is up to stop the EU-ACP EPAs negotiations', op.cit.

⁷⁸ 'Major trading economies are Brazil, China, India, Canada, USA, South Korea, Russia and other Latin American and Asian countries', see Van Genderen-Naar, *The CARIFORUM-EU EPA*, op.cit.

⁷⁹ Competitive liberalization and the 'Global Europe' Services and Investment Agenda: Locating the Commercial Drivers of the EU-ACP Economic Partnership Agreements, *Journal of Common Market Studies* 2011, pp.1-17, p. 12-13

⁸⁰ Hurt, Stephen. R., *Co-operation and coercion? The Cotonou Agreement between the European Union and ACP states and the end of the Lomé Convention*, *Third World Quarterly*, Vol 24, No 1, pp 161-176, 2003., p. 170

⁸¹ See author's own work: Yentyl Williams, TTIP: What implications for Africa?, ACTS magazine, Jan. 2015, p. 32 http://www.acts-net.org/images/Pubs/Magazine/The_African_Technopolitan_Jan_2015_Issue.pdf

⁸² Hegemonic foreign policy actorness may be extrapolated or multilateralised. Indeed, had the EPAs been ratified by all ACP countries, the EU would have managed to secure a substantial part of the world economy in the most advanced type of FTA to-date, penetrating existing EU-ACP relations and deeply embedding neoliberal consensus.

- ⁸³ According to Heron, 'the precedents set in the EPA with respect to market access and regulatory harmonisation would make it extremely difficult for the Caribbean to resist the pressure to grant similar concessions to the US and Canada' see Tony Heron (2011): Asymmetric bargaining and development trade-offs in the CARIFORUM- European Union Economic Partnership Agreement, *Review of International Political Economy*, 18:3, 328-357, p. 347
- ⁸⁴ Jamaica to vote on CCJ article.
- ⁸⁵ The CARIFORUM-EU EPA Five Years After, *op.cit.* See also, the CARIFORUM-EC, Economic Partnership Agreement, *Official Journal of the European Union*, 31.12.2008, L 352/62.
- ⁸⁶ Two officials emphasised that this is the current state of play of Suriname and Haiti: ACP Legal official, Interview, Brussels, 26 March 2013; and DG Trade Official, Interview, *op.cit.*, 25 March 2013. See also Giovanni Gruni work.
- ⁸⁷ CRNM negotiator, Interview, *op.cit.*
- ⁸⁸ Hurt, Stephen R.(2010) 'Understanding EU Development Policy: history, global context and self interest?', *Third World Quarterly*, 31: 1, 159-168, p. 165
- ⁸⁹ Hurt, Lee and Lorenz: http://www.bisa-ipeg.org/wp-content/uploads/2013/06/ipeg2012_hurt_lee_lorenz.pdf, p.22
- ⁹⁰ Ensuring Agriculture and Development: http://ec.europa.eu/agriculture/developing-countries/cap/coherence-brochure-2015_en.pdf See also 1986 publication which underscores the historicity of the debate: <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/6708.pdf>
- ⁹¹ Giovanni Gruni, 'Going from one extreme to the other: food security and export restrictions in the EU-CARIFORUM Economic Partnership Agreement' (2013) 19 *European Law Journal* (forthcoming)
- ⁹² ODI *op cit.*
- ⁹³ <http://www.acp.int/content/acp-sugar-suppliers-alarmed-collapse-sugar-prices>. See also Fair Trade International: [http://www.fairtrade.net/single-view.0.html?&tx_ttnews\[tt_news\]=471&cHash=b54f45846922602792101faaf5f130e2](http://www.fairtrade.net/single-view.0.html?&tx_ttnews[tt_news]=471&cHash=b54f45846922602792101faaf5f130e2) See also <http://www.libdemvoice.org/lib-dem-mep-supports-lib-dem-fairtrade-group-in-campaign-to-help-sugar-farmers-after-eu-rule-change-45409.html>
- ⁹⁴ See Gabriel Siles-Brugge (2011), *Resisting Protectionism after the Crisis: Strategic Economic Discourses and the EU-Korea Free Trade Agreement*, *New Political Economy*, DOI:10.1080/13563467.2011.602187
- ⁹⁵ Here, there is a disparity between the views of two sets of Caribbean contributors to this debate – the negotiators and prominent academics – both of whom supposedly take an 'outside-in' view of the EPA.
- ⁹⁶ The author of SFP explains that the dominant actor can reap benefits from not only pursuing their own, 'self-regarding' interests, but also from the 'other-regarding' interests of other actors. In other words, improving the situation of the other actors can be indirectly, or directly, beneficial to the collective pursuit of interests of the main actor. See S. Keukeleire & J. MacNaughtan, *op.cit.*, pp. 21-23.
- ⁹⁷ K. Nurse, 'The Economic Partnership Agreement and the Creative Sector: Implications and Prospects for CARIFORUM', in Zampetti & Lodge (eds.), *op.cit.*, p. 151.
- ⁹⁸ *Ibid.*, p. 152.
- ⁹⁹ DCAR Committee official, Interview, *op.cit.*
- ¹⁰⁰ George, *op.cit.*, p. 73.

- ¹⁰¹ Yet, it has long been noted that ‘the domain of culture and of popular intercourse among Caribbean people converges, while it diverges from the world of politics and government’. See ‘Caribbean integration: can cultural production succeed where politics and economics have failed?’, Text of the keynote address delivered at the St Martin Book Fair on May 31, 2012, p. 1; the original (and less interesting) title being ‘Challenges and Opportunities in Forwarding the Caribbean Family’, Norman Girvan, 2012, accessed 26 March 2013, <http://www.normangirvan.info/wp-content/uploads/2012/06/keynote-st-martin.pdf>.
- ¹⁰² K. Nurse, in Zampetti & Lodge (eds.), op.cit., p. 153.
- ¹⁰³ Movement of peoples, especially pertaining to visa waivers remains a key obstacle to progress for the Cultural Protocol. Furthermore, this is an EU member state competence as opposed to an all-EU issue, therefore EU member states have to take individual commitments on this issue before there is any progressive development in this area.
- ¹⁰⁴ *Ibid.* p. 161.
- ¹⁰⁵ P. Bourdieu, *Firing Back: Against the Tyranny of the Market 2*, New York, The New Press, 2003, p. 64.
- ¹⁰⁶ L.S. Talani, *European Political Economy: Political Science Perspectives*, Aldershot, Ashgate, 2004, p. 216.
- ¹⁰⁷ For more information on the Consultative Committee, see http://trade.ec.europa.eu/doclib/docs/2011/april/tradoc_147830.pdf
- ¹⁰⁸ Matthew Louis Bishop, ‘Lost in Translation? EU Development Policy in the Anglophone and Francophone Eastern Caribbean’, *European Journal of Development Research*, Vol. 23, No. 3, pp.337-353.
- ¹⁰⁹ J.D. Renfurm, *Suriname’s Interest in Deepening Trade Relations with French Guiana*, CTA Brussels weblog, 11 February 2015. http://brussels.cta.int/images/Surinames_Interests_in_deepening_trade_relations_with_French_Guiana.pdf
- ¹¹⁰ See Bishop (2011).