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Review Article

African Agency and EU–African Economic Partnership Agreements

Dirk Kohnert¹

EP (ed.)(2014), [*African, Caribbean and Pacific \(ACP\) countries' position on Economic Partnership Agreements \(EPAs\)*](#). Brussels: European Parliament, Directorate-General for External Policies, Policy Department, April 2014. ISBN: 978-92-823-5667-8, 84 pp.

Special Issue of Contemporary Politics (2014), [*Perspectives on the trade–development nexus in the European Union*](#) (beyond EPAs). *Contemporary Politics* (2014), Volume 20, Issue 1. London: Routledge, ISSN: 1356-9775 (Print), 1469-3631 (Online), 126 pp.

Trommer, Silke (2014), [*Transformations in Trade Politics: Participatory Trade Politics in West Africa*](#). London: Routledge, ISBN: 978-0-415-81973-2, 232 pp.

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Negotiations on Economic Partnership Agreements (EPAs) between the EU and African governments have dragged on since 2002. They were confined by the framework of the Cotonou Agreement, a cornerstone of ACP–EU development cooperation on the one hand and limiting WTO rules on the other. The EPAs were meant not just to liberalize trade but also to promote development in Africa. However, high-flying expectations of creating a win-win situation in a partnership of equals were apparently dashed. Agenda-setting by Brussels left it with grandiose declarations about partnerships between equals, development orientation, promotion of inclusive growth and regional integration with due attention to WTO-compatible regulations. According to the EU's *Roadmap 2014 to 2017* (EU 2014), all this should be realized by 2017 by way of exemplary EPAs. The major issues at stake have been especially pronounced in the ongoing negotiations on West African EPAs. Contentious issues were legion.² The EU became increasingly impatient with “intransigent” African partners. It finally threatened to cancel the unilateral trade preferences enjoyed by Europe's former African colonies if the deadline of 1 October 2014 for the ECOWAS

¹ author's version of review article in: *Africa Spectrum*, vol. 49, 3 (2014), forthcoming

² “Including in the areas of definition of substantially all trade (SAT), time frames for liberalization, rules of origin, most favoured nations (MFN) clause, export taxes, trade distorting domestic and export subsidies, additionality of resources, quantitative restrictions, relations with countries that are in a customs union with the European Union (including Turkey, St Martin and Andorra), development of benchmarks, indicators and targets for monitoring the implementation of the agreements and non-execution clause” (ACP 2014:1).

EPA was not honoured. Finally, on 10 July 2014 the Head of States of ECOWAS endorsed the negotiated compromise EPA after prolonged negotiations at its 45th ordinary session in Accra. Shortly afterwards (on 22 July) the Southern African region followed suit, signing the SADC EPA, the second African EPA within one month. Whether the treaties will also be ratified by lingering states like Nigeria, which is by far the largest economy in Africa, remains to be seen. Notably, West Africa still risks having its regional integration efforts jeopardized in view of both competing Anglophone and Francophone blocs within ECOWAS and conflicting interests between least developed countries (LDCs) and non-LDCs.

It is difficult to discern an impartial point of view where politics mingle with partisan views to this extent. There have been innumerable publications on EPAs over the past decade. Against this backdrop, it is advisable to look more closely at the drivers of change within EU–African trade politics, especially on the African side of the negotiation tables. Three recent publications stand out of the crowd, as I detail below³.

Interestingly enough, the first was edited by the European Parliament (EP 2014) in an endeavour to extend and adjust information on EPAs provided by the European Commission (EC 2014). Remarkably, the EP had urged the EC shortly before to extend its deadline for two years up to January 2016, which resulted in the actual compromise with the EC on 1 October 2014. The study was commissioned by the Policy Department of the Directorate-General for External Policies of the Union and executed by a team of authors from the South Centre, Geneva (Aileen Kwa, Peter Lunenborg, Wase Musonge). It covers all ACP countries. However, the problems of sub-Saharan African regional groupings are covered especially detailed. An introduction to and history of negotiations at the outset of the publication is followed in the next chapter by the presentation of the views of different African and ACP actors: governments, regional bodies such as the African Union, and African as well as global civil society organizations (CSO) (pp. 15-20). Regional analyses comprise the bulk of the study, including the two largest chapters, which focus on West African (pp. 21-33) and East African EPAs (pp. 39-51), which are followed by chapters on Southern and Central African EPAs. The study is rounded off by a conclusion, recommendations for possible alternatives to EPAs (for example, improving the EU's Generalized System of Preferences (GSP) and GSP+ schemes and extending the unilateral Everything But Arms (EBA) programme to all countries in "LDC customs unions"), suggestions for EPA negotiations, and specific requirements for different regions (pp. 76-81). The bibliography provides a non-exhaustive list of the most important publications. The rest of the study is "mostly based on grey literature" (p. 81).

³ When this article went to press, a fourth highly informative source of reference was published, a special issue of *Great Insights* (vol. 3, issue 9, Oct.-Nov. 2014), edited by ecdpm, on 'EPAs and beyond ...' which highlighted a. o. the strategic impact of mega-regional trade negotiations like TTIP and the involvement of new global players like China on EU-African trade negotiations.

The authors are remarkably critical. In general, they urge the EU to make the EPAs in their current forms less damaging to African developing economies. The study cautions that EPAs will counteract sustainable development in Africa if the progressive liberalization of tariffs is not carefully adjusted according to the development level and manufacturing production capacity of individual states and regions. Many African stakeholders are afraid of restricted policy space and threats to local nascent industries, notably in non-LDCs, as well as of growing unemployment and the endangerment of existing or planned custom unions (for instance, those to be introduced in West Africa in 2015).

Therefore, the authors recommend limiting EPAs basically to goods and to refrain from overregulating related issues, notably services and non-tariff barriers to trade such as environmental, investment and intellectual property protection, stipulations on export taxes, sanitary and phytosanitary standards, etc. For the same reason they advise against the inclusion of the highly controversial Most Favoured Nation (MFN) clause, introduced by the EU to safeguard its privileged position in Africa against competing new global players like China and India, as well as all other issues which are not necessarily required by the WTO agenda and could possibly restrict development of African countries. Further on, the study accentuates the need to balance the assumed negative impact of EPAs on both regional integration and tariff revenues, which – in view of the large informal sector in African countries (Meagher 2007) – would not be compensated for by the supposed positive impact of EPAs on income and value-added taxes.

All in all, the EU parliament thus presented a study highly welcomed by African and non-state international actors. Analyses and recommendations were probably also meant to correct fundamental flaws in the EPA negotiation process, the lack of rights of co-determination and of democratic agency of all stakeholders involved. Whether the new EU parliament, which experienced an unprecedented move to the far right and growing nationalism during the EU parliamentary elections of 25 May 2014, will uphold its development orientation vis-à-vis its African partners remains to be seen (Songwe 2014).

The second publication concerning recent, stimulating scholarly discussions on EPAs and beyond was printed in a special issue of the journal *Contemporary Politics* (vol. 20, issue 1 of 2014). Altogether, ten contributions offer thought-provoking perspectives on the evolution of the problematic trade–development nexus of the EU with respect to the growing impact of globalization – notably, the global run on African resources is emphasized by the (informal) editors of this special issue, Maurizio Carbonea (University of Glasgow) and Jan Orbie (Ghent University) in their introductory remarks (pp. 1-9). Seven out of ten articles deal with EPAs, notably the contributions of Heron, Langan, Siles-Brügge and Woolcock. The others focus on closely related issues like the EU and tied aid, GSP and the ongoing Doha Development Round of the WTO. The contributing authors do not all share the same

approaches and they even arrive at some different conclusions regarding the three general topics of this special issue – namely, differentiation, coherence and norms. However, they share the same dedication to painstaking empirical analyses combined with a critical stance vis-à-vis declared and hidden interests of all parties involved. Their scholarly analyses concerning EPAs reveal remarkable congruence in the following points:

(1) EU assistance for regional integration in Africa displays a startling dissonance between, on one side, its declared development orientation vis-à-vis African partners and, on the other, the selfish, export-related interests of EU member states. There are discrepancies not only between pretence and practice of EU aid (including the “Aid for Trade” agenda) but also between divergent discourses of opposing EU directorates (namely, the Directorates-General for Trade vs. for Development), as well as underlying conflicting interest of EU member states (Holden 2014; Langan 2014).

(2) African states are increasingly challenging the EU in prolonged discourses using normative negotiation strategies, a method that has proved successful for them. Empowered by a globalized world and international social networking, African governments take Brussels at its word, that is, the former believe that the latter will deliver on its promises concerning development orientation and a partnership of equals (Heron 2014; Langan 2014; Siles-Brügge 2014a).

(3) Whereas EU trade policy towards Africa originally stressed the need for differentiation between trading partners depending on their level of development, recent preferential trade agreements (PTAs) exhibit a general tendency towards reciprocity vis-à-vis African partner countries (Woolcock 2014). The reform of the GSP – a cornerstone of the EU’s trade and development strategy – which officially aims to refocus assistance to the “neediest” countries, serves in practice foremost to facilitate free-trade negotiations on a global scale (Draper 2014). The developmental trade agenda of the EU and major members states is increasingly subordinated to commercial imperatives (Siles-Brügge, 2014).

Finally, there is the insightful book by Silke Trommer, a political economist and postdoctoral researcher at Murdoch University, Perth (Australia), on participatory trade politics in West Africa. It combines prize-winning⁴ cutting-edge scholarship, solid fieldwork and a remarkable clarity of presentation. The book, which was published as part of the Routledge Global Institutions Series, is divided into two overarching sections: “West African participatory trade politics” (pp. 1-84) and “Transformations in trade politics” (pp. 85-193). Always based on meticulous empirical evidence, Trommer’s convincing arguments challenge – most refreshingly –

⁴ Her thesis, on which the book was based, received the International Studies Association International Political Economy Section 2013 Best Dissertation Award. Parts of the book were pre-published in learned journals and readers.

the beaten paths of economic reasoning that, according to her, are still prevalent in theories of trade-policy formation (pp. 176-77). She applies a similar critique to the prevailing Eurocentric nature of concepts in the international discussion – for example, structuralist concepts of African civil society (Introduction, pp. 24-28). Reverting up to the Seattle protests of 1999, which became a global symbol of civic agency by questioning the legitimacy of WTO order, Trommer's study focuses on a platform of West African CSOs as symbols and innovative drivers of transparency and democratization in ECOWAS EPA negotiations. Originating in the late 1990s, "national platforms of civil society organizations" dealing with ACP–EU relations have, since 2006, become officially recognized by and deeply involved in ECOWAS–EU talks. Fluctuating over time, these CSOs comprised 15 organizations from 11 West African countries (in 2009) composed of a vast variety of groups, such as farmers' associations, local and transnational NGOs, trade unions, women's rights associations, etc. Each national member was responsible for lobbying at its respective national level. Although the degree of legitimacy and representativeness varies considerably among members (pp. 32-33), together they wield a remarkable political, social and economic influence, including access to core trade policymaking institutions like ECOWAS and the official EPA negotiation table.

Beyond the obvious practical political, economic and social importance this also has far-reaching theoretical implications for the evolution of participatory trade politics that Trommer elaborates in detail in the second part of her book, which is based on her impressive knowledge of international trade law and the current state of the international political economy. As she justly remarks, the two key questions for assessing the relationship between trade and democracy are for *whom* is a specific trade policy efficient (and for whom not) and "on the basis of *which economic theory*" economists provide their answers (p. 189). In conclusion, using the West African example, the author argues first that "trade politics shows that elements such as material conditions, existing norms and rules, differing normative preferences, and monopolies over interpretations of language structure the policy field and provide the framework for power struggles within it". She goes on to contend that "the [conventional] efficiency argument is in essence a normative argument disguised as technical reality [...]. The question then remains how competition between different normative preferences should play out in trade politics" (p.190).

Last, but not least, the study shows that growing involvement of CSOs in trade policymaking is no panacea that leads automatically to improved democracy and justice. This becomes clear beyond doubt when Trommer poses the question of legitimacy and representativeness of specific CSOs and their agency in West African trade policies (p. 183). However, compared with the "legitimacy bias in favour of corporate actors that undergird most trade theories today" (p. 189), Trommer's rigorous analyses will provide stimulating scholarly food for thought for years to come. Like other promising younger scholars in this field – for example, Erin N. Hannah (2014) – she has made a significant contribution to the avant-garde of new trade policy economics.

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