

ECONOMIC PARTNERSHIP AGREEMENTS BETWEEN THE EU AND THE AFRICAN, CARIBBEAN AND PACIFIC GROUP OF COUNTRIES: NEW GOVERNANCE OR NEW DEPENDENCY?

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For a long time, the cooperation between the European Union (EU) and the African, Caribbean and Pacific Countries (ACP) has been considered a “progressive” model of partnership. However, the Cotonou Agreement (2000) marked a deep change in the relationship between them, since it imposed the implementation of a free-trade-based commercial framework, requiring relationships to be based on a new form of governance. Many ACP countries dispute the use of the concept of governance by the EU, considering it an instrument of power aiming to establish a new center (EU) – periphery (ACP) dependence in the context of globalization. To analyze this process, this paper reviews the stakes involved in negotiations, the action of legitimizing the EU (the new governance), the building of critical discourse (the new dependence) and the effects of this confrontation on the implementation of agreements.

OS ACORDOS DE PARCERIA ECONÔMICA ENTRE A UNIÃO EUROPEIA E O GRUPO DE PAÍSES DA ÁFRICA – CARIBE – PACÍFICO: NOVA GOVERNANÇA OU NOVA DEPENDÊNCIA?

Durante muito tempo, a cooperação entre a União Europeia (UE) e os países da África – Caribe – Pacífico (ACP) foi considerada um modelo “progressivo” de parceria. No entanto, o Acordo de Cotonou (2000) marcou uma profunda mudança na relação entre estes parceiros, dado que impunha a implementação de um quadro com base no livre comércio e exigia que as relações entre as partes tivessem como base uma nova forma de governança. Muitos países da ACP questionam o uso do conceito de governança pela UE, considerando-o um instrumento de poder com o objetivo de estabelecer uma nova dependência centro (UE) – periferia (ACP) no contexto da globalização. Para examinar tal processo, o presente artigo analisa os interesses envolvidos nas negociações, a ação de legitimação da UE (a nova governança), a construção do discurso crítico (a nova dependência) e os efeitos deste confronto sobre a aplicação dos acordos.

1 INTRODUCTION

Major economic partner and primary donor of development aid, the EU has always had a particular position vis-à-vis ACP countries.

For a long time, the cooperation between the European Community and African, Caribbean and Pacific Countries (ACP group¹) has been considered a “progressive” model of partnership between North and South, through a permanent and paritarian institutional framework, as well as specific exchange mechanisms.

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1. ACP: African, Caribbean and Pacific Group. In 1975, only 46 ACP countries participated in the Convention. The number of participating countries went up to 57 in 1979, then 66 in 1984, and finally 70 in 1990. Many ACP countries are micro-states.

As of the Lomé agreements (1975, 1979, 1984, 1989), relationships between the EEC² and ACP countries received even greater focus. The Cotonou (Benin) Agreement, signed in 2000 between the EU and 77 ACP countries, marked a profound change in the relationship between partners.

The change in philosophy was radical. Cotonou imposed the gradual implementation of a free-trade-based commercial framework, requiring relationships to be based on a new form of governance that also affected aid modalities. In this new philosophy, governance is central. The EU defends the establishment of a new governance in the EU / ACP³ relationship, no longer characterized by the relationship between former colonial peoples / colonized peoples, or donor / beneficiaries, State to State, but by equality among parties, common interests, and integration of civil society and private sector in trade⁴. The EU intends to establish this new governance of international economic relations by means of Economic Partnership Agreements. In other words, it intends to focus on the logic of “Arguing” rather than in the logic of “Bargaining”⁵ (Risse, 2000). In addition, the EU calls upon ACP countries to adopt good governance (democratic governance) and create governance indicators according to which ACP countries will be judged.

However, many ACP countries dispute the use of the concept of governance by the EU, considering it pure rhetoric and an instrument of power and influence aiming to establish a new center(EU)-periphery(ACP) dependence in the new context of globalization.

The controversy came to light during the negotiations of Economic Partnership Agreements (EPAs), which started in 2002 and were supposed to end by December 2007, but actually continued in 2008 and 2009.

From the onset of negotiations, the European Commission affirms its commitment with the search for the truth, the common good, and consensus, but was unable to convince ACP countries, which benefited from the support of

2. European Economic Community.

3. According to Hérietier, governance refers exclusively to ‘types of political steering in which non-hierarchical modes of guidance, such as persuasion and negotiation, are employed, and / or public and private actors are engaged in policy formulation’ (Hérietier 2002: 185) .

4. “European and African Commissions shall take on their responsibilities, but they are not omnipotent and have no centralizing role in partnership building. Member States and sub-regional organizations also have their part to play. But we also heavily rely on parliaments, civil society and the private sector to actively take part with us in this implementation process. The central place taken on by democratic players and African and European civil societies, i.e., in the heart of the strategic partnership and its implementation, constitutes an innovation, which I hope will enable the emergence of a genuine “people-centered partnership”. Louis Michel, Europe-Afrique: l’indispensable alliance, Conference of European and Pan-African parliaments, Lisbon, 7th December, 2007.

5. In the logic of “Arguing,” actors do not seek to impose their interests. They first seek to understand and reach a consensus on the definition of the situation in order to collectively consider how best to cope with problems and challenges, “relationships of power, force and coercion are assumed absent when argumentative consensus is sought” (Risse, 2000, 11).

cause coalitions. In trying to effect the signing of agreements, it ends up by tapping on insistently in the practice of pressure. The more the European Commission engages in “bargaining”, the more it undermines the exercise of “consensus building”, delegitimizing its speech and leading to accusations of practicing the balance of power rather than the new governance it alleges to promote. Finally, the agreements were only partially adopted, given the mistrust between partners and the absence of common stock.

To analyze this process, this paper concentrates on four stages: a review of the stakes involved in negotiations, the action of legitimizing the EC (the new governance), the building of critical discourse (the new dependence), and the effects of this confrontation on the implementation of agreements.

2 BACKGROUND

2.1 From Lomé (Togo) to Cotonou, a paradigm shift

2.1.1 Lomé: a model of north-south economic relationship?

From 1975 to 2000, relations between the European Economic Community and ACP countries were governed by the Lomé agreements, which combine selective support to the development of former ‘European’ colonies and the promotion of a new concept of international relations. Lomé’s international regime is based on some fundamental principles of affirmative action policies and preferential access to European market by means of the implementation of non reciprocal trade agreements. In the area of trade, Lomé takes on three instruments: a non-reciprocal preference system, a process of stabilization of export revenues, and the protocols produced. ACP⁶ countries can export their products to the EU at protective tariffs that are lower than those practiced by other non-ACP countries, while not being obliged to open their borders to imports from Europe. In addition, a system is established to stabilize export earnings in the segments of agricultural products (STABEX) and mineral products (SYSMIN). Finally, protocols are created concerning competing products of European production such as beef, sugar, banana and rum, guaranteeing importation quotas to Europe at European domestic prices⁶. At the political sphere, the Lomé agreements proclaim partners equality, respect for national sovereignty, search for mutual interests, interdependence, and the right of each State to adopt its own strategies. They establish joint management of the relationship between EU and ACP countries by creating joint institutions: ACP-EU Joint Assembly (composed of legislators from both parties), Council of Ministers, Committee of Ambassadors.

6. That is to say, prices higher than world prices because of EU subsidies.

Many believe that, by incorporating several southern ideas on the “new international economic order”, Lomé represents “a possible framework for the North to support the countries from the South” (Bitsch, Bossuat, 2005, 342).

2.1.2 The collapse of the protection model

The 90’s marked a profound change in paradigm within the EC in the understanding of North South relationships. The belief in the need to provide countries with protection against the destabilizing effects of markets gave place to the belief in the virtues of trade liberalization. The issues of human rights and good governance, as well as questions about the effectiveness of aid take a new place in discussions.

In mid 1990’s⁷, the Lomé agreements were considered a failure by Europe, now deeply rooted in the paradigm of free trade. In the trade area, ACP countries have not benefited from trade preferences offered to them, while the protections locked them in a vicious cycle of uncompetitive economies⁸. The prevailing view is that ACP countries lack the capacity for economic diversification and poor governance undermines economic and social development. These findings are contained in the conclusions of the Green Paper of the Commission (1997).

2.1.3 Cotonou: liberalization and new governance

At the expiration of the Lomé agreements, the EC proposed a new form of agreement on trade and development intended to reflect the “new European consensus on development”. The Cotonou Agreement⁹ (2000) radically broke away from Lomé. It affirms the priority of political issues relating to “good governance”¹⁰ and the need to establish an ongoing dialogue about these issues among partners. The “fight against poverty” became the central objective of development policies rather than the sectors of cooperation and development referred to in the Lomé agreements. Finally, the Cotonou Agreement provides for the establishment, after a preparatory phase of a few years, of free trade agreements (EPAs) between the EC and ACP countries.

As of 2000, trade issues have spiraled out of DG Development’s (DG DEV) control whose field of intervention became limited.

The transition to the Cotonou Agreement means the official end of automatic preferential benefits, but also the introduction of conditionalities.

7. Let us recall the overall context of these ideas: the fall of the Berlin Wall in 1989, creation of the single market in 1992, establishment of the World Trade Organization in 1995, implementation of the HIPC process in 1997...

8. European Commission Green Paper on relations between the European Union and ACP countries on the eve of the 21st Century, Challenges and options for a new partnership, Brussels, 1997.

9. The agreement was signed in June 2000 between 15 European countries and 77 ACP countries for a period of 20 years.

10. Indeed, the term appears only later to refer to abovementioned ideas.

In the political sphere, “good governance” became the cornerstone of development and cooperation policies. Articles 96 and 97 of the Cotonou Agreement allow for cooperation to be suspended in cases of corruption or serious human rights violations. Moreover, as of 2006¹¹, the EC has been developing an ambitious strategy. With the “Governance Profiles” and the system of “Incentive Tranch”, the institution seeks to earmark a share of the tenth of the European Development Fund (EDF) to the results of reforms undertaken by ACP countries.

The EU adds to the traditional criteria of democratic governance (human rights, democratic principles of the rule of law, public efficiency) issues of market economy, migration, international security, the fight against terrorism, management of natural resources... Despite EC protests, the considerable extension of the governance concept can pose a Damocles sword on ACP countries¹².

In terms of economic relations, we pass “from a logic of development cooperation, sheltered from the turbulence of global competition, to a logic of ACP exposure to international competition” (Petiteville, 2001, 435). On trade, relying on the jurisprudence of the World Trade Organization on trade in bananas, the EC supports the need to do away with the privileged trade regime and to sign economic partnership agreements (EPAs) compatible with international trade rules.

However, Cotonou merely defines an agenda and negotiating objectives. The aim is to put in place before 2008 (deadline obtained from the WTO) Economic Partnership Agreements (EPAs) based on reciprocity between the EU and ACP regions. In addition, requirements will differ depending on whether or not countries belong to the group of Least Developed Countries (LDCs). In the first case, they may choose to sign these agreements – which is the option encouraged by the EU - or choose the privileged option, which is offered by the initiative “Everything but Arms”¹³. Non-LDC countries should choose between the EPA and a less advantageous regime of Generalized System of Preferences (GSP) which makes them lose their commercial advantage.

For the EC, the negotiation of trade agreements is included in the new governance of international relations based on the search for collective interest and not on the patronage of the North. However, very quickly, ACP countries consider to be put under pressure to sign agreements whose consequences can be disastrous for them.

11. COM (2006) 421 Final, Brussels.

12. This design has led to vigorous questioning of European Commissioner Louis Michel by the socialist group in the European Parliament: “What topics or criteria - such as “market-friendly policies” (“property regime”, “labor regulations” ..), “fight against terrorism”, against “the proliferation of mass destruction weapons”, or certain points on migration (“satisfactory cooperation on the implementation of the readmission obligation”) contained in Sections 5 (“Economic Governance”), 6 (“Internal and external security”) and 8 (“International and regional context”) of the “governance profile” - participate in the evaluation of “good governance” of a State?” (Letter of Glenys Kinnock and Marie-Arlette Carlotti to Commissioner Louis Michel, Brussels, 15th December 2006).

13. WTO-approved, they offer free access to EU markets. But the ranking of countries in both categories is based on WTO categorization and presented serious classification problems when compared to the UNDP’s Human Development criteria.

3 THE NEGOTIATIONS ON EPA: A REVELATION

3.1 The content of agreements

EPAs aim to implement an asymmetric free-trade area (full opening on EU's side and a little less on PCA's sides) between EU and ACP common markets. They include three components: regional integration of ACP, EU / ACP free trade area, and development aid. To strengthen regional integration, the six groups of ACP countries should establish sub-regional free trade areas or customs associations: Southern Africa (SADC), East Africa (ESA / COMESA), West Africa (ECOWAS), Central Africa (CEMAC and part of the ECCAS), the Caribbean (CARIFORUM) and the Pacific.

Negotiations started in 2002, but progress was very slow despite the deadline of 31st December 2007 for signing the agreements. The EC fails to overcome the reluctance of ACP countries.

In the area of trade, controversies arise mainly on the interpretation of Articles 37.5, 37.6 and 37.7 of the Cotonou Agreement (Alavi, Gibbon, Mortensen, 2007). *These sections provide that "negotiations of economic partnership agreements will be undertaken with ACP countries that consider themselves ready to do so, at the level they deem appropriate, and in accordance with procedures agreed by the ACP Group, taking into account the process of regional integration between ACP States (Article 5). The EU "shall examine the situation of non-LDC countries that, after consultation with the Community, decide they are not able to negotiate economic partnership agreements and will study all possible alternatives to provide these countries with a new trade framework equivalent to their existing situation and in compliance with WTO rules (Article 6). Furthermore, the EU shall take into account the "level of development, socio-economic impact of trade measures, and their ability to adapt and adjust their economies to the liberalization process. Therefore, negotiations will be as flexible as possible with regard to the establishment of a transition period of sufficient duration, the final product coverage, taking into account sensitive sectors, and the degree of asymmetry in terms of timetable for tariff dismantling, while remaining compliant with WTO rules in force on that date" (art. 7)¹⁴.*

In interpreting and applying these two objectives in the EPA negotiations, the positions of the EC and ACP countries differ substantially, especially as regards sensitive terms of the Cotonou Agreement "appropriate level", "taking into account the regional integration process," "equivalent to the existing situation", "flexible" ...

The EC defends the benefits of signing a trade-liberalization agreement the fastest and widest possible ("New Trade Strategy"¹⁵), both in terms of sectors

14. Our underlining (FXM).

15. The essential elements of the new strategy elaborated in 2006 is to go "beyond what can be achieved at the global level by seeking deeper reductions in tariffs; by tackling non-tariff barriers to trade, and by covering issues which are not yet ready for multilateral discussion, such as rules on competition and investment», Speaking Points by Commissioner Peter Mandelson, 4th October 2006.

(goods, services, measures to facilitate trade development) and percentage of goods involved. The European Union promotes the rapid adoption of agreements covering competition policies, protection of property rights, standardization and certification, sanitary and phytosanitary measures, respect to the environment, standards in the fields of labor, foreign investment, opening of public markets, data protection. ACP countries defend longer deadlines and important exceptions. The EU says it is ready to accept the flexibility and relatively long implementation deadlines¹⁶, but under exceptional circumstances and provided agreements are signed. ACP countries respond that the EU is going beyond the agreements celebrated at WTO and want to exclude services from free trade agreements. They want to link their agreement to support by the EU to the follow-up measures required to enable their economies to endure competition, and first want to strengthen their regional unions before opening their borders.

With Cotonou and the wish to conclude the free trade agreements, the EC is faced with a major challenge.

As part of EPA negotiations, the continuation of two largely conflicting objectives, the signing of free trade agreements and the maintenance for non-LDC countries of “*a new trade framework equivalent to their existing situation and compliant with WTO rules* (Article 36.6), make persuasion particularly important as well as the ability to form a cognitive framework common to the EU and the two groups of ACP countries.

In the field of EPA negotiations, the EC has faced a broad coalition of NGOs from the North (Oxfam, Christian Aid), the South, northern parliamentarians, organizations of southern states¹⁷. They stress the ethical issue and criticize EC's forceful approach, the strategies to pressure adhesion of ACP countries, the lack of consideration to the interests of ACP countries, and highlight the disastrous effects of agreements for countries and their populations.

4 EPAS: NEW GOVERNANCE OR NEW DEPENDENCY?

4.1 The EC: building the legitimacy of agreements

Any change to an important policy, especially if it intends to avoid lasting antagonism, can not rely solely on the exercise of force. It necessarily requires an exercise of legitimation, especially if the change is not desired by the partners who will bear its primary effects and will question prior arrangements, national values and preferences traditionally expressed.

16. Between 10 and 12 years at the onset of negotiations, deadlines will be progressively extended under pressure from ACP countries.

17. Among which, South Africa /RSA has played a key role.

The exercise of legitimation requires a discourse capable of projecting a coherent vision of the future, of clearly demonstrating benefits for partners, and redefining core values in a manner favorable to the policies proposed (Merrien, 1993, 1998; Schmidt, 2000). The essential purpose of EC's discourse on EPAs is to perform a radical change in the beliefs and identities of ACP actors, going from a cognitive framework centered on unequal exchange (in other words, still within a structuralist view of development) to a free trade perspective focused on the opportunities offered by global trade¹⁸; and from an identity based on requested economic assistance to an identity of strategist economic actors able to take advantage of the opportunities available to them.

In its desire to impose its options, the EC tries to establish its legitimacy on three priority areas identified by Scharpf (1996): Legitimacy by "inputs", "outputs", and fairness in procedures (procedural fairness). It seeks to integrate problems and solutions within a framework that delegitimizes certain ideas and policies, and restricts the adoption of particular policies. However, it is primarily in the area of legitimacy by outputs that it attempts to reach consensus.

4.1.1 The benefits of Economic Partnership Agreements

In this perspective, EC's reports define "scenarios no so much about what should happen as about what will happen, according to their tellers, if the events or positions are carried out as described (Roe, 1991, 288). It develops, in the way of dramatization, what will happen in a positive way if the actions are carried out correctly and the serious consequences that will arise from non-compliant actions. EC's tale¹⁹ is based on a series of key elements, repeated indefinitely²⁰:

- the inability of previous solutions to boost development: despite 30 years of non-reciprocal trade benefits with the EU, the level of ACP exports to the EU declined to represent a negligible level of trade. The old policies have not led to competitiveness of ACP countries, or to economic growth, or to trade diversification. ACP countries remain exporters of primary commodities.
- the functional character of the solutions that respond to the context of globalization: the agreements will put a halt to the process of economic marginalization of ACP countries, and will contribute to growth, poverty reduction and regional integration.

18. "The Economic Partnership Agreements are a road out of dependency - out of a contracting share of export trade. They are designed to help build regional markets, build up productive capacity and diversify ACP economies. And ultimately they are designed to develop trade between the EU and the ACP regions - not because we want to force open ACP markets to our imports, but because a market that is open to imports is a healthy market. It means lower cost goods, downward pressure on inflation and a platform for a country's exports, Peter Mandelson, Address to the European Socialist Party Conference, Brussels, 19th October 2006.

19. We based our analysis primarily on the documents published by the EC, the speeches by Peter Mandelson, Louis Michel and José Barroso (see Official Records in Bibliography).

20. And a high number of copy/paste and cut/copy of entire paragraphs, making the speeches interchangeable.

- The benefits of trade liberalization: liberalization will improve the lives of consumers, increase the quantity and quality of products and services, and helps make the region more competitive globally.
- Liberalization must include an ambitious agenda (WTO +): competition policy, intellectual property protection, environmental and labor standards, and public procurement are part of the agenda.
- The proposals are credible: Asian countries have built their economic growth this way, and those that have chosen economic protectionism and national planning have failed²¹.
- The EU defines reasonable deadlines for the implementation of agreements.
- It is quite possible to reduce the negative consequences in terms of tax revenues by changing the tax base.
- The EU will provide assistance to help countries cope with adjustment costs and to integrate into the global economy.
- There is no choice: WTO rules and the deadline should be complied with.
- There are no other credible alternatives: “There is no plan B”.

As regards the opponents, the EU classically sought to discredit their arguments both as regards “outcomes” and the process. However, in the interplay between science and policy forums (Jobert, 1994), the EC initially sought legitimation through the rhetoric about the benefits of trade and the legality and “fairness” of procedures, and finally, only in a final stage, by science (the predictable economic effects).

Paradoxically, the scientific struggle became instrumental for communities of cause (Advocacy Coalitions²²) associated to ACP countries more reluctant to turn against the EU, while its toughness in negotiations strengthened the cause of EPA opponents. The counter discourse attempted to demonstrate - successfully - that far from symbolizing a new form of north-south governance, EPAs would build a new dependence of ACP countries vis-à-vis Europe.

4.2 EPA: a new dependence?

From the very beginning, EC proposals on EPAs were object of debate. Evaluations of the legitimacy involved several networks defending their position through often specific key channels (magazines, clubs, networks), and competing

21. See, Mandelson, speech at LSE, 4th February 2005.

22. Sabatier, 1992.

to win the public opinion. The debate encompassed several fields: the field of science, the political field and the field of public opinion²³.

In the debate on EPA, opponents challenged the legitimacy of inputs, outputs, and finally the legitimacy of procedures. The anti-EPA community defended its points based on analyses by neoclassical experts, as well as on other conventional and “unorthodox” economic analyses. It highlights the asymmetries of power favoring the EC in the negotiations.

4.2.1 The weak legitimacy through the “outputs”: the results of economic modeling

When negotiations begin, serious studies on the effects of economic agreements were surprisingly few²⁴. In the early 2000s, the EC seemed convinced that the benefits of the agreements it wishes to sign would be recognized by all. Thus, the rhetoric work of persuasion was prioritized.

However, since the establishment of the WTO, increasing attention has been paid to the development of quantitative models²⁵ to measure the effects of trade liberalization on a country or group of countries. Economic analysis has become a preferred means of legitimation.

The rulers of the South, initially reluctant of these analyses or lacking the required human capacity to accomplish them, became increasingly aware of the results provided by the models²⁶. The WTO, UNCTAD, and other southern organizations, such as the South Center, worked towards developing their negotiators’ capacity, resulting in considerable improvements of negotiators in developing countries concerning trade negotiations (Page, 2003).

However, the models were far from conclusively confirming EC’s optimistic discourse. In terms of results, their conclusions only partially legitimize the positive aspects of the agreements (ODI, 2006). Most studies point out that EPAs have overall positive effects only under very restrictive assumptions: if one takes into account strictly the perspective of trade effects, if one admits behavior assumptions whose realism is questionable, and if the costs of the indispensable adjustments are not included in the calculations. Even under these

23. In the sense provided by Pierre Bourdieu’s work, that is to say, space for relationships organized according to a logic determined by specific interests and opportunities. This definition is similar to that of the concept of Forum used by Bruno Jobert (1994).

24. « So far, there are very few studies available that try to quantify the impact of EPAs on ACP countries. Most studies focus on policy options for ACP countries and/or discuss EPAs from a more general development perspective » (Bormann et alii, 2007, 2007, p 235).

25. GTAP, Mirage, Linkage, Michigan, G.Cubed...

26. « Before the 1999 WTO Ministerial conference in Seattle, African countries were passive participants; since then, they have played a more proactive role in the negotiations. This has led to an increase in the demand for technical tools to help them define their positions and also assess the impact of the different reform proposals put forward by other WTO members on Africa », Hammouda, Osakwe, 2008, p 152.

circumstances, EPA effects are negative for many countries. CEPII's MIRAGE model²⁷ shows the disastrous effects of the model advocated by the EU (Bouet et al, 2007): the implementation of EPAs would generate a strong growth of EU's exports, but would have very limited impact on the exports of ACP countries. In addition, all studies underline the methodological difficulties inherent to the exercise and the virtuous assumptions maintained. This last point is important. Indeed, "all models assume that tariffs cuts will automatically translate into a proportionate reduction of prices, while it is likely that some of the cuts will be appropriated by producers and / or importers."²⁸ This assumption, combined with the results obtained by the models, creates doubts about the good will and selflessness proclaimed by the EU.²⁹

In terms of regional integration, the implications are quite negative. EPAs format leads to a risk of increasing tariff dispersion among partners and among products (Stevens, 2006). Moreover, even if these agreements may result in positive effects for consumers, they result in some considerable loss of government revenues. This drop could reach 20% of public revenue for the group of West African countries, less than that for East African countries in general, but up 24.5% for Comoros (Bormann, 2007; ECDPM, 2007), i.e., more than the average spending of these countries in basic primary sectors. Indeed, most ACP countries derive their income from trade taxes. In Benin, Comoros, Ivory Coast, Gambia, Guinea, Madagascar, Mali, and Swaziland taxes on international trade represent between 35% and 50% of state revenues³⁰.

This decrease in revenue would seriously hamper States' ability to provide basic services, (ODI, 2006; Bormann, 2007³¹; Milner, 2005; Karingi, 2005).

For ACP countries, the loss of public revenues, the main tools of political legitimacy, has far greater importance than the gains from trade. We now understand their resistance. Ultimately, the options facing ACP countries are equally risky:

- To conduct a thorough tax reform and a significant increase in VAT³². However, as shown by the reforms attempted in West Africa for over 25 years, this type of reform has proved a task, if not impos-

27. Centre d'études prospectives et d'informations internationales de Paris.

28. ODI, The potential effects of EPAs : What quantitative models say , Briefing paper, June 2006, p 6.

29. The World Bank itself, suspects that the EU seeks to imprison African countries in agreements with them rather than promote radical liberalization measures needed by Africa (Brenton et al, 2007, 7).

30. Source : IMF, Government finance statistics Yearbook, 2004.

31. « We cannot reach any final conclusions about the welfare impact of the EPAs from the relative magnitude of trade effects alone. Even in a partial equilibrium framework, the negative impact from subsequent terms-of-trade effects or losses in tariff revenue from trade liberalisation might outweigh the increase in consumer surplus » (Bormann and alii, 2007, 247)

32. This solution has been advocated for over twenty years by IFIs and an epistemic community (Haas, 1990, 1992) of experts in finance and international financial organizations, see, Odd-Helge Fjeldstad, (2007), Taxation and state building : poor countries in a globalized world, ABCDE Conference, May.

sible, at least extremely difficult in ACP countries (Danielson, 2003; Bormann et al, 2007).³³

- To further reduce State's spending. Although it is possible to improve the efficiency of ACP States, this option is not risk-free if it leads to reduced provision of basic services or slows the creation of infrastructure. It is in clear contradiction with the Millennium Goals and PRSPs³⁴. Overall, it can cause serious internal conflicts³⁵ and increase the immigration flows the EU seeks to limit;
- To expect a considerable increase in international aid, which is subject to political risks³⁶, or rely on the capacity-building program, which is an essential component of EPA assistance. But this option is equivalent to linking a binding signature to a promise.

Finally, contrary to expectations, econometric models do not legitimize EU's proposals, much to the opposite, such models actually weaken them. The EC was obliged to shift the economic debate from quantitative models to the new trade theory so as to highlight the considerable effects that trade liberalization could have over productivity and growth. However, as pointed out by ODI, "the literature is not, however, clear cut on this" (2006, 3). With the end of the Washington Consensus (Gore, 2000; Maxwell, 2005), belief in the beneficial cascade effects of trade on growth and poverty has been questioned (Rodrick, 1998, 2001, Winters, McCulloch and McKay, 2004; UNCTAD, 2004, Cling, 2007).

The weak results of economic analysis opened space to external criticism, and limited the ability to forge the coalition hoped by the EU with some large regions or ACP countries.

4.2.2 NGOs and the initiatives of legitimization of EC's positions

In the discussion on EPA, critics deconstruct EC's discourse to highlight the balance of power that lies beneath the apparent procedural democracy. Legitimacy through the inputs was low because, despite the formal joint decision-making on a common path, the guidelines were formulated by the EU and ACP countries were not able to challenge the new guidelines. In the area of outputs, since the EC constantly legitimizes its guidelines by means of the outputs expected, it is logical that the

33. Bormann et al said that it is theoretically « straightforward to replace import tariffs with domestic taxes... Most ESA countries already started in the 1990's implementing tax reforms, including the introduction of value added tax system. However experience has shown that they often encounter severe difficulties in replacing import tariffs with other taxes or in collecting taxes domestically » (2007, 248). Also, Omran and Stiglitz (2005) make very strong reservations about the actual efficiency of a tax reform with emphasis on VAT.

34. Poverty reduction appears as the priority objective of the Cotonou Agreement (art. 1).

35. «The occurrence of civil conflict in Africa is intimately related to the failure of governments to deliver the type of public expenditure that the people want, i.e, with a strong redistributive component such as in health and education »... « a high wage policy is fairly effective for buying civil peace » (Azam, 2000, 42).

36. Let us bear in mind that since the Millennium Declaration and the commitments made on that occasion, international aid has declined globally, and significantly.

questioning of potential adverse effects undermines its foundation. Transparency and fairness in the negotiation process were finally challenged globally.

Regressive economic effects

In the economy, the cause coalitions gathering NGOs of different origin, denounced EPAs as a policy of drastic opening of ACP countries to EU's exports of goods and services³⁷ that will not pay off EU's financial promises. They lead to a series of dramatic effects:

- a dramatic drop in State revenues,
- privatization of public services at the expense of the poor
- deindustrialization of a large part of Africa,
- blocking of the value added process of ACP products
- reduction of benefits of the process of regional economic integration
- the economic re-colonization of Africa
- limitation of economic policy instruments available to governments of ACP countries³⁸.

A power strategy

In the political sphere, Europe is accused of trying to impose its economic interests. Critical communities stress the ethical issue and criticize EC's forceful methods, the strategies employed to force ACP countries to join, the indifference to the interests of ACP countries:

- Waiting for the implementation of its own reform of the common agricultural policy before opening to liberalization;
- Offering an extremely short deadline for acp countries to program the essential adjustments,
- Creating new forms of subsidies for european farmers that distort prices in detriment of acp producers;
- Seeking to impose a liberalization agenda that goes far beyond the concessions negotiated in the wto (doha round)
- Being in a position to establish new standards to counteract the effects of lower tariffs (phytosanitary standards, standards on product origin ...)

37. The EU proposes to increase substantially its development aid, to create a compensation fund for tax losses, to support ACP countries to develop their economies, in particular through specific aid for trade (Aid for Trade) added to a tenth of DEF.

38. See especially Goodison, 2005, 2007.

- Imposing a liberalization that covers a very large percentage of trade and have limited exceptions,
- Imposing too short a deadline for implementation,
- Giving priority to trade liberalization rather than to regional strengthening
- Waiting for agreements to be signed before engaging in aid to support the adjustment costs.

Unfair procedures

Europe is accused of using unfair procedures:

- Making believe that there is no option other than that of greater bilateral liberalization
- Imposing too short a deadline for signing,
- Making pressure on individual countries and groups of countries to sign the agreements,
- Refusing to link trade reform and public support of the eu, but using the latter as a pressure tool.

The issue of instrumentalization of governance is also raised.

These criticisms were found in many NGOs³⁹ publications (eg. Christian Aid, Oxfam, ENDA Tiers Monde ...). They were listed by the press of countries of the South (and often of the North⁴⁰), European parliamentarians⁴¹, African Heads of State⁴², and are supported by artists⁴³ and prestigious universities⁴⁴. European States were obliged to take their distance rather than being in an uncomfortable position⁴⁵.

39. «Unequal partners : how EU-ACP Economic Partnership Agreements (EPAs) could harm the development of many parts of the world's poorest countries », (Oxfam international, 2006); « Poor countries threatened by EU push to sign free trade deals », (Oxfam international, 2006); « Accord de partenariat ou de paupérisation économique ? » (Coordination-sud,, 2006) ; « La coalition des ONG exige une autre coopération EU/ACP » (Enda, Dakar, 2007), etc.

40. L'intelligent, 11th November 2007, « African employers say no to Brussels » ; Le Monde, 11th December 2007, « In Lisbon, the offensive of African countries against EU » ; Le Figaro, 07/12/2007, « EU seeks new relationship with Africa » ; La Tribune 23/01/2008, « EU to review ACP agreements » ; L'Intelligent, 22/10/2007, « EPA negotiations come to a halt », etc.

41. Jean-Claude Lefort, Report on the negotiation of Economic Partnership Agreements with African, Caribbean and Pacific Countries, Information documents of the National Assembly, N. 3251, European Union Delegation, National Assembly, 2006.

42. Especially Abdoulaye Wade, President of Senegal.

43. Le Monde, 17th January 2008, " African rappers against free trade "

44. «In its economic partnership agreement (EPA) negotiations with the ACP, the European Union seems to have forgotten the development dimension and pursues an agenda that reflects primarily the interest of the EU alone ». Letter of prominent scholars in the Financial Times, 7th August 2007.

45. DFID's 2005 report was unanimously regarded as a move away from the EC, forcing DFID to defend EPAs a few years later (2007) in "Ten myths about Economic Partnership Agreements (EPAs)".

The EC complains that the campaign of criticisms “made the job of ACP negotiators harder, undermining them domestically and pushing some into a position of negotiating in private while criticizing the agreements in public.”⁴⁶ It pushed the EC into a major campaign in defense of its arguments and strategy. But from a strategic perspective, the EC no longer has the initiative, which weakens their position quite considerably.

4.2.3 The consequences of controversy on the agreements

Paradoxically, without having succeeded in creating a global consensus and unable to change negative perceptions of its ACP partners, the EU finds itself in the position of having to increase the pressure, alternating threats and promises to pressure countries into signing up, further intensifying criticism by opponents. However, since countries classified as LDCs (which represent a majority of ACP countries) chose the favorable trade regime “Everything but Arms”, trade was a threat somewhat fragile.

At the end of 2007, presented as the deadline, only nine countries out of forty-one in the LDC category had chosen the option proposed by the EC. As for non-LDC ACPs, they were torn between the risk of losing trade benefits with the EU if they do not sign and the fear of restructuring, adjustment costs and social costs entailed by their signature.

Most ACP countries are now seeking an alternative: an extension of Cotonou, EPAs+, GSP+⁴⁷, ect.

Although tirelessly stated since the beginning of negotiations that “there was no plan B”, the Commission was obliged to accept a two-step approach in order to achieve “interim agreement” related exclusively to trade in goods. Agreements on services and investment rules are referred for further discussion. Negotiations with individual countries continue, while the EC has opted for separate discussions with various regional groupings, leading to variable agreements⁴⁸. In the field of agreements, the EC accepted a relatively large list of sensitive products for which tariff protection is maintained, and allowed longer implementation periods. By mid-2009, EPAs were implemented only in a very limited and incomplete fashion.

The inability to produce a global consensus with ACP countries and civil society had the effect of breaking European consensus itself.

46. CE, DG Trade, Note on the state of play in the EPAs negotiations, Brussels, 20th December 2007.

47. See Bouet, 2007 ; Messerlin, 2007, Bilal et alii, 2007.

48. Europa, Update : EPAs, 11th January 2008, memo/08/15.

5 CONCLUSION

As we have seen, EC's discourse has constantly evoked the model of new governance of North-South relations. Europe made use of all available forums to remind about the profoundly altruistic nature of its action. The European Commission explained that it did not seek to uphold its own interests, but rather the best interests of its partners, and that it is ready to discuss the validity of its assumptions, but under reasonable timeframe, given the constraints of the WTO.

However, negotiations have revealed a gap between rhetoric and practice. On the one hand, the EC called for dialogue and seemed willing to seek for the common good. It developed arguments that make sense. On the other hand, it was inflexible towards the roadmap, the framing, the contents and timing of agreements. It used persuasion as well as power (threats, promises, risk of isolation⁴⁹).

The gap between the rhetoric of truth and the practice of "bargaining" reinforced the doubts about EU's real intentions. The intransigent position of European negotiators⁵⁰ reinforced the view that the EC has embarked on a strategy to preserve its own interests, particularly in the context of economic competition with China.

Thus, throughout the years of negotiations, the EC was constantly defensive, unable to build a global consensus around its positions. In contrast, external criticism grew steadily and was able to mobilize significant discursive resources.

Somehow, the EU was in a situation similar to the one named by Christopher Hill (1993, 2004) and Toje (2008) as the "capability-expectations gap". Even though, in recent years, the cooperation between the two directions (DG DEV and DG TRADE) and the two commissioners has been particularly close. However, one can assume that the EC has been the victim of poor assessment on the part of resistances in ACP countries. Convinced of the strength of the free trade premise, it did not quite take into account the "political" fears of rulers of the South. It did not assess the strength of social networks correctly.

In terms of the conquest of ideas, it has not proved capable of effectively mobilizing scientific networks⁵¹, nor networks that may be won over by its message.

In the practice of "bargaining", it has underestimated ACP actors and the support they could receive from experts and NGOs involved. Its all or nothing strategy, which presupposed the ability to implement the threat of rupture, was

49. José M Barroso wrote to the Presidents of Cameroon and Gabon, Paul Biya and Omar Bongo, to alert them to the urgency of signing the EPAs, *L'intelligent*, 9th December 2007.

50. On several occasions ACP representatives highlighted this point, complaining about the gap between the open discourse of Peter Mandelson and the closed positions of EC negotiators.

51. One hypothesis is that the EC, unlike the World Bank or IMF, has no sufficient human resources to fight properly in the field of ideas.

completely unrealistic. ACP countries are aware that the EU needs them in many arenas. This strategy proved a failure.

The EC was unable to make indispensable concessions in a timely manner. It concentrated on preparing speeches about misunderstandings, missed opportunities, scapegoats and conventional policies of threats, rewards, power relations and unstable commitments. This result has had medium- and long-term consequences over the social capital shared by the partners involved.

Ultimately, even if the EC manages to convince ACP countries to review their positions, the consequences of this scenario are very negative. By not taking a realistic view of trade and by being too closed to the concessions requested, the EC has wasted considerable common social capital and raised new resentments.

The destruction of strong social capital may therefore have strong effects on Europe's ability to build an alliance with ACP countries (especially Africa) in other areas, especially that of international trade negotiations, of collective security, not to mention the benefits accruing to commercial and political opponents, such as China and the USA.

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