

**The Economic Partnership Agreements and Market Power Europe: A Case
Study of the African, Caribbean and Pacific States**

by

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Abstract

There are many ways in which to define the relationship between the European Union (EU) and the African, Caribbean and Pacific (ACP) countries. Using Holsti's definitions of role theory, this study distinguishes between the ego (the EU) and the alter (the ACP countries), referring to the differing perceptions that each has regarding the same issue: the Economic Partnership Agreements (EPAs). It is argued that the EU carries out its external policies *vis-à-vis* the ACP countries, and in particular with the EPAs, in a manner that is perceived very differently by the two parties. The EU perceives its behaviour as that of Normative Power Europe (NPE) whereby actions are identified as altruistic and determined by a number of norms that form the core of the EU. Alternatively, it is suggested that in contrast to NPE, the ACP countries, with specific reference to southern Africa, experience and perceive quite a different version of the EU which is determined by Market Power Europe (MPE). MPE highlights a tangible and self-interested Europe not concerned entirely with altruistic intentions but rather the interests of its Single Market. The co-existence of these perceptions accounts for the difficulties faced in concluding the EPA negotiations.

Keywords:

African Caribbean and Pacific countries, Cotonou Agreement, Economic Partnership Agreements, Lomé Convention, Market Power Europe, neo-liberal trade, Normative Power Europe, regional integration, role conceptions, Single Market, southern Africa

Opsomming

Daar is verskeie maniere waarop die verhouding tussen die Europese Unie (EU) en die Afrika, Karibiese en Stille Oseaan-state (ACP) gedefinieer kan word. Deur gebruik te maak van Holsti se definisies van rolteorie, onderskei hierdie studie tussen die ego (die EU) en die alter (ACP), verwysend na die verskillende persepsies wat elk van dieselfde vraagstuk het: die Ekonomiese Vennootskapsooreenkomste (EPAs). Dit word geargumenteer dat die EU se eksterne beleid *vis-à-vis* die ACP-state, en in die besonder die EPAs, toegepas word op 'n manier wat baie verskillend beskou word deur die twee partye. Die EU beskou sy gedrag as dié van 'n normatiewe rolspeler – Normatiewe Mag Europa (NPE), waardeur sy optrede gedefinieer word as altruïsties en gedefinieer deur 'n aantal norme wat die kern vorm van die EU. Aan die ander kant word voorgestel dat in teenstelling met NPE, die ACP-state, met spesifieke verwysing na Suider-Afrika, 'n ander ervaring het wat drasties verskil van die EU-selfpersepsie, en dat hierdie ervaring en persepsie gedetermineer word deur Mark Mag Europa (MPE). MPE beklemtoon 'n Europa wat op tasbare wyse self-gesentreerd is en nie werklik belang het by altruïstiese bedoelings nie, maar eerder by die belange van die Europese eenheidsmark. Die gelyktydige bestaan van hierdie persepsies verklaar die probleme wat bestaan ten opsigte van die afhandeling van die EPA-onderhandelinge.

List of Abbreviations and Acronyms

ACP	African, Caribbean and Pacific
AfT	Aid for Trade
ANSA	Alternatives to Neo-Liberalism in Southern Africa
AU	African Union
BLNS	Botswana, Lesotho, Namibia and Swaziland
CAP	Common Agricultural Policy
CARICOM	Caribbean Community and Common Market
CFSP	Common Foreign and Security Policy
COMESA	Common Market for Eastern and Southern Africa
CPE	Civilian Power Europe
CSDP	Common Security and Defence Policy
DG	Directorate-General
DRC	Democratic Republic of the Congo
EAC	East African Community
EAMA	Associated African States and Madagascar
EBA	Everything But Arms
EC	European Commission
ECOWAS	Economic Community of West African States
ECSC	European Coal and Steel Community
EDF	European Development Fund

EEC	European Economic Community
EIB	European Investment Bank
ENP	European Neighbourhood Policy
EP	European Parliament
EPA	Economic Partnership Agreement
ESA	Eastern and Southern Africa
ESDP	European Security and Defence Policy
EU	European Union
FTA	Free Trade Agreement
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GNI	Gross National Income
GSP	Generalised System of Preferences
GSP+	Generalised System of Preference +
HDI	Human Development Index
IEPA	Interim Economic Partnership Agreement
IMF	International Monetary Fund
IPE	International Political Economy
LLDC	Least Developed Country
MDGs	Millennium Development Goals

MEP	Member of the European Parliament
MFN	Most Favoured Nation
MiPE	Military Power Europe
MPE	Market Power Europe
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
NICs	Newly Industrialising Countries
NPE	Normative Power Europe
NTB	Non-Tariff Barrier
OAU	Organisation of African Unity
ODA	Official Development Assistance
OPEC	Organisation of the Petroleum Exporting Countries
PIF	Pacific Island Forum
REC	Regional Economic Community
SACU	Southern African Development Community
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference
SAP	Structural Adjustment Programme
STABEX	System for the Stabilisation of Export Earnings
SYSMIN	System to Stabilise ACP countries' Earnings from Mining
TBR	Trade Barriers Regulation

TDCA	Trade Development and Cooperation Agreement
TEU	Treaty of the European Union
TFEU	Treaty of the Functioning of the European Union
ToL	Treaty of Lisbon
UK	United Kingdom
UN	United Nations
US	United States
WAEMU	West African Economic and Monetary Union
WEU	Western European Union
WTO	World Trade Organisation

1 Introduction and identification of the research theme

Trade between countries is an inescapable and core facet of international relations. The vast array of goods and their quantities that cross borders have been facilitated by the extent to which the world has become interdependent. It is with this in mind that this study focuses on the European Union (EU) and the African, Caribbean and Pacific (ACP) States with particular focus on southern Africa.

The EU is a unique entity in the international arena (Bretherton and Vogler, 1999: 29; Olympio, Robinson and Cocks, 2006: 3; Damro, 2010: 1; Peterson and Shackleton, 2006: 1; Sjursen, 2006: 169). With a population of just over half a billion people and a figure of around €1.553,9 billion worth of exports and €1.713,5 billion worth of imports for 2011 it stands higher than the United States (US), Japan and China in terms of international trade (EC, 2012, WTO, 2013). It is thus referred to as “the world’s largest trading power” (Sjursen, 2006: 161), “a leading global economic actor” (Dinan, 1999: 483) and as “the largest concentration of economic power in the global arena” (Smith, 2010: 220). Therefore, one cannot ignore the importance of the EU. An evaluation of the EU and its role and position in the international arena in the context of its external trade activities is a vital enquiry in the field of IPE and this study aims to understand the nature of the EU with regards to its current trade activities with the developing world and more specifically the ACP countries (particularly southern African countries).

The EU is a major trading partner of southern Africa and the ACP countries. EU-ACP trade is worth €80 billion annually according to the European Commission (EC) (2010) and when broken down it shows that the EU imports €40,2 billion from the ACP countries and exports €39,7 billion. They also share a long and deep historical link that emanates from colonial times. The EU has always sought to ensure some form of continued connection with its former colonies and also continued access to its resources while at the same time seemingly seeking to break the underdevelopment and poverty cycle in these regions. These seem like a welcome endeavour from the EU who has portrayed an image of itself as a significant benefactor to the ACP countries, beginning with the Yaoundé Convention of 1963-1974 that was initially spurred on by French and Belgian interests to maintain close ties with their former colonies on the African continent (Olivier, 2006: 46; Bache and

George: 2006: 501). It can, of course, even be said that this very image and argument of “benefactor” was used by Europe to sustain its post-colonial dominance over the ACP countries for such a long time. The Yaoundé Convention was followed by the Lomé Convention beginning in 1975. These Conventions were concomitant to the proclamations for a New International Economic Order and with the new EU member states’ desire to maintain links with their former colonies (Dinan, 1999: 505).

The Lomé Convention was replaced by the Cotonou Agreement in 2000 with a new trading relationship component called the Economic Partnership Agreements (EPAs). These aimed to address the alleged incompatibilities that existed between the Lomé Convention and the General Agreement on Tariffs and Trade (GATT)/World Trade Organisation (WTO)¹ non-discrimination rule. The Most Favoured Nation (MFN) Clause is a non-discrimination rule whereby preferences that have been given to one partner country have to be extended to all other partner countries in order to eliminate the possibility of discrimination amongst WTO member countries (WTO 2011). The EU initially defended its Lomé practices by claiming that non-reciprocity complied with the Special and Differential Treatment of Article XXXVI of the GATT/WTO that allows for non-reciprocity expected in negotiations between developed and less developed parties, provided a free trade area was established as per Article XXIV of the GATT/WTO (South Centre, 2008: 4). The EU’s justifications came under fire from those pointing out that not all developing countries were granted similar treatment by the EU and that Lomé could not be considered a FTA due to its lack of reciprocity. The new focus would therefore be on establishing reciprocal trade relations between the EU and the various regional economic groupings with the ACP region, bringing these relations in line with the GATT/WTO Article XXIV in terms of bilateral Free Trade Agreements (FTAs).

This is not the only example of EU involvement with the developing world. In 1968, the UN recommended the formation of a Generalised System of Tariff Preferences which would grant all developing countries with trade preferences by the developed world. The EU was the first to establish such a scheme in 1971 – the Generalised System of Preferences (GSP) (EC, 2010). Currently, it provides reduced tariffs to 176 developing countries. However, it was argued that Least Developing Countries

¹ GATT/WTO is used to refer to the period and rules that are encompassed by both. GATT, alone, is used to refer to the pre-1995 multilateral trade agreement while WTO, alone, is used to identify the organisation from 1995 onwards.

(LLDCs) should be accorded more favourable treatment. Therefore, the “Everything But Arms” (EBA) initiative was launched by the EU in 2001, granting duty-free access to all imports from LLDCs except arms and ammunitions. EBA also does not extend quantitative restrictions (quotas), with the exception of bananas, rice and sugar. It is currently extended to 49 UN-recognised LLDCs.

The EU is the largest donor of developmental assistance in the world (McCormick, 1999: 226), contributing half of worldwide Official Development Assistance (ODA) (EC, 2011). There are three different channels by which EU ODA reaches sub-Saharan Africa. The first is through the EC (the development and economic cooperation instrument and the instrument for stability and humanitarian aid); the second is through the European Development Fund (EDF) which is directed only to the ACP bloc² and lastly through bilateral channels (Oxford Analytica, 2012). In 2010, the EU spent €53,8 billion on ODA (Booth and Herbert, 2011: 5). In 2005 the EU undertook to increase its ODA to reach the target of 0.7% of Gross National Income (GNI) by 2015. For the most part it has been able to reach short and intermediate goals with aid levels increasing by more than 30% between 2004 and 2005 but the financial crisis in 2008 has led to a drop in its ODA.

According to the EU, its strategy on “Aid for Trade” (AFT) will assist with and support the achievement of the Millennium Development Goals (MDGs) (Council of the European Union, 2007: 2). The reason behind this is that it works towards creating employment, income and growth (EU, 2009). The objectives are to encourage LLDCs to trade in a more effective and efficient manner in order to reduce poverty and bring about employment and growth. Assistance is provided to address the supply side constraints that LLDCs might encounter in their move towards opening up to the world market. Regional integration is also stressed. In 2005, the EU undertook to increase all its trade related assistance to LLDCs to €2 billion per year until 2010³ (EU, 2009).

Walters and Blake (1992: 41) explain that the developing world tends to concern itself with protectionist measures it encounters when trying to penetrate the developed world’s markets. Therefore, despite the positive figures relating to trade related assistance, the developing world continues to encounter trade barriers within

² This is discussed in more detail in 3.6.3

³ This is discussed in more detail in 4.3.4

the developed world such as quotas, tariffs and stringent standards and regulations. Most often these are put in place by the developed world in order to protect its local inefficient producers. This places the developing world in a difficult position as it is forced, by the developed world, to liberalise its economic practices in order to integrate into the world market, thereby catching up with the developed world. This indicates double standards by the developed world as Balaam and Veseth (2005: 133), Chang (2005: 2) and Collier (2007: 187) note. Developing countries are therefore sceptical of the policies of the developed world with the mantra that they will bring the developing and the underdeveloped world out of their development and poverty traps. The question is whether the developed world is entitled to the moral high ground in the implementation of these policies when it is guilty of double standards. This conundrum also presents itself in the negotiations towards the EPAs.

Chang (2005: 4) arrives at the conclusion based on Friedrich List's phrase that the developed world is guilty of "kicking away the ladder". This expression refers to those who have attained a certain level of "greatness" by "kicking away the ladder" in order to prevent others reaching the same or higher levels of "greatness" (Friedrich List as quoted in Chang, 2005: 4). Therefore, the developed world did not rise to its current level of development by practicing the policies of liberalised economies. Instead, the developed world, according to Chang, is guilty of having practiced the very methods it is now depriving developing countries from using by insisting on ever-increasing trade liberalisation.

This study analyses critically the trade relationship the EU has with southern Africa in terms of the EPAs. However, it must be kept in mind that southern Africa is a region with an already highly complex regional economic system that makes the implementation of the EPAs all the more complicated. The conclusion of the EPAs has been hampered by accusations from the ACP countries of double standards, adversity instead of development, and selfish intentions on the part of the EU masked as norms to govern economic progress and accelerate development. This study assesses two perceptions of the EU that exist simultaneously on the international stage, but which originate from different actors. While the EU might perceive itself to behave in a particular manner, the ACP countries might perceive the same behaviour in quite a different manner.

In order to account for the possibility of more than one image existing of the EU, two perceptions are used. The first accounts for the EU's self-perception. Normative Power Europe (NPE), as elaborated by Manners (2001), is used to understand the EU's perceived task/ability to externalise various norms that it deems important and universal, such as human rights and rule of law and ensure that they are internationally recognised, adopted and encoded. Conversely, another image of the EU is identified. The premise that the EU is a Market Power, as elaborated by Damro (2011), posits that Market Power Europe (MPE) relates to the very tangible core of the EU which is its large Single Market with its regulatory capacity and competing interests from various groups. These characteristics allow it to externalise its market regulations and standards. The question that is posed is whether there is an external façade of the EU characterised by NPE that masks a more self-interested position, captured by the phrase "Market Power Europe".

1.1 Literature survey

The literature review that follows is divided into six sections. Firstly, literature surrounding the idea of roles and positions held by countries and the theoretical framework behind these is examined. The second deals with literature that revolves around the classical perceptions that have been used to understand world trade patterns. The third and fourth sections look at more recent and innovative means with which to analyse the EU's identity and subsequent actions, highlighting the literature on two important components that illustrate the nature of the EU's relationship with the ACP bloc: the Common Agricultural Policy (CAP) and the EPAs.

1.1.1 Role conceptions

Before examining literature surrounding the various conceptions that are held of the EU and its trade actions it is imperative that understanding be gained as to how it is that an entity conceives, either for itself or for a third party, of the role that it should play.

Holsti (1970: 233) explains that theorists have for some time been permeating foreign policy analysis with ideas about national roles. This is true in that there is some characterisation and categorisation in behaviour that might reveal patterns in foreign policy decisions. Therefore, in order to analyse foreign policy, Holsti (1970:

240) lays out four concepts: “role performance”, “self-defined national role conceptions”, “role prescriptions” and “position”. Role performance refers to the “attitudes, decisions and actions that are taken by government”. Self-defined national role conception is the “ego’s” (holder of the position) own conception of the position and functions that should be accorded to it (Holsti, 1970: 239). Role conceptions are, therefore, the ego’s own image of the appropriate role to undertake. Role prescriptions are expectations attached to certain positions by various entities (it is, therefore, external to the ego). Lastly, positions refer to the general system of role prescriptions. Thies (2009: 9) introduces “role expectations” which concerns the performance of an entity in terms of certain belief or value system. Therefore, it can be said that role expectations pertain to how well an entity has lived up to the prescriptions of the role. The extent to which these expectations are lived up to is determined by the national role conception adopted by the ego. Sekhri (2009: 427) introduces one more concept: “role conduct” which can be defined as the action undertaken, giving evidence to the behaviour of the entity.

There are numerous national role conceptions identified by Holsti (1970: 260-272) such as: “bastion of revolution-liberator”, “regional leader”, “liberation supporter”, “defender of the faith”, “developer”, “faithful ally” and “example”, to name a few. According to Thies (2009: 2), the existence of a wide array of descriptions as explained by Holsti give role theory the opportunity to categorise the various beliefs, images and identities that groups or individuals may hold of themselves. Sekhri (2009: 425) highlights that states may play several roles at the same time. This study identifies defender of the faith, developer and example as applicable in terms of the EU’s foreign policy towards the ACP countries.

Given the dated nature of Holsti’s framework, it has still maintained its fundamental use in the post-Cold War world as evidenced in the works of Aggestam (1999), Adigbuo (2007), Kaya (2009), Sekhri (2009) and Ovah (2013).

In Holsti’s (1970: 264) view, defender of the faith - governments determine their foreign policy on the basis of defending “...value systems...from attack.” Aggestam (1999) argues that norms and values form a belief system that in turn determines behaviour and perceptions. This belief system, independent of its era of origin

requires protection or propagation. Adigbuo (2007: 93)⁴ suggests that while the defender of the faith conceptualisation might resonate with religious undertones it has been adapted for use in politics to refer to the defence of values such as democracy. On the other hand, Sekhri (2009)⁵ and Ovah (2013: 9) use the role conception to identify religious (particularly Islamic) systems requiring protection⁶.

Holsti (1970: 266) identifies the developer role conception as “...a special duty or obligation to assist underdeveloped countries...” According to Adigbuo (2007: 93), a fundamental problem with this role conception revolves around the extent of involvement of governments in the economy. He takes an internal perspective with emphasis on economic policy within the territory of the government in question. Kaya (2009: 116), on the other hand, adopts a perspective more aligned to the original definition outlined by Holsti. He explains that in the EU’s case, the developer role conception is determined by the ability “...to help developing countries in their fight to eliminate extreme poverty, hunger...achieving universal primary education...in achieving sustainable development...” Furthermore, cognisance is made of the importance of aid contribution as a determinant of the developer role conception (Kaya, 2009: 117).

The example role conception is considered by Holsti (1970: 268) as a passive one where the desired result emanates from “...promoting prestige and gaining influence” based on the domestic policies undertaken. Being a passive role conception it can be understood that its applicability throughout differing political climates does not change. Nevertheless, other scholars have made use of the example role conception in the context of the developing world. Sekhri (2009: 430) incorporates the role conception to describe the foreign policy of certain developing countries such as Algeria, taking into consideration the rise of the developing world’s foreign policy. It is to this extent the manner in which Holsti’s example role conception has been adapted in the post-Cold War era.

An understanding of the debates surrounding the idea of roles is important in the study of the EU and its foreign policy. From within, the EU is espousing norms that

⁴ Adigbuo’s case study is that of Nigeria.

⁵ Sekhri (2009: 425) also acknowledges, however, that the defender of the faith role conception can be used to imply democratic systems as much as religious systems.

⁶ Sekhri’s case study revolves around Algeria and Pakistan while Ovah’s case study is that of Turkey.

form one classification of its behaviour; however those on the outside, particularly the developing world, perceive the EU's behaviour in quite a different manner.

1.1.2 Classical theories on the politics of trade

Stemming from its IR foundation, International Political Economy (IPE) broadly uses mercantilist, liberal or structural (Marxist) theories to explain the patterns of the politics of trade. These have attempted to account for the inequalities that are prominent in international trade between the developed and developing world.

Mercantilists claim that exposing the economy so extensively to the market, as liberal economic theorists prescribe, has undesirable effects and as such they accept the primacy of the state and believe its position is to protect a nation's interests, and economic interests are no exception to this (Gilpin, 1987: 31). Therefore protectionist tendencies such as quota restrictions, tariff barriers and subsidisation are put in place and economic dependence on others, as Jackson and Sørensen (2003: 181) explain, should be avoided.

Liberal economic theory stresses the importance of the free market and minimalist state intervention (Gilpin, 1987: 27). This minimalist state intervention is often referred to as a *laissez faire* approach and implies that the state does only what is minimally required of it to ensure that the free market functions adequately (Jackson and Sørensen, 2003: 183). Over the past several decades, liberalism has been espoused under the label of neo-liberalism (Jackson and Sørensen, 2003: 183). Neo-liberalism, while based on classical liberal assumptions, also combines with it the neo-conservative view of ensuring strong governments and stability (Hurt, 2003: 163). Neo-liberalism emphasises the need for regional economic groupings in order to ensure a safe environment that is conducive to the free market (Guraziu, 2008: 7). Liberal economic theorists claim that the primary cause of the vast developmental gap between the developed world and the developing world is a result of the lack of implementation of liberal economic principles. Their solution is the removal of trade barriers and exposing the developing economy to the competition of the world market in order to allow for its development (Walters and Blake, 1992: 44). It is with this rhetoric that the EU pushes forward with the EPAs and AfT in its economic relations with the ACP countries.

Structuralists base their arguments on the prevailing relationship between the developed and developing world that stems from colonial arrangements (Balaam and Veseth, 2005: 122). This is a view also held by neo-Marxist Immanuel Wallerstein who stressed that the world economy can be examined according to the structural differentiation between the developed and developing worlds in terms of the core and periphery respectively (Wallerstein, 1976: 231). This relationship is currently perpetuated by the vast asymmetries in trade. The consensus amongst a majority of the developing world, as investigated by Elgström (2007: 959), is that a deliberate neo-colonialist “divide and rule” strategy is in place, especially with the EPAs. Guraziu (2008: 7-8) quotes Johan Galtung when saying that the relationship between the EU and Africa is one that can be referred to as “collective colonialism”.

The “Prebisch explanation and prescription” according to Walters and Blake (1992: 45), provides for an understanding as to why there are inequalities in international trade. Prebisch did not believe that reciprocal liberalisation would solve fundamental inequalities and instead suggested that unilateral preferences be extended by the developed world in measure such as the Lomé Convention and the GSP. Furthermore, Prebisch echoed Wallerstein in his “structural bias” argument where developing world primary products and developed world manufactured products reinforced the neo-colonialist relationship between the North and the South.

The EU’s rhetoric and declaratory stance on its trade relations with external partners reflect the neo-liberalist strand. McCann (2003: 215) explains that the neo-liberalist principles of the EU are embedded in the Single European Act of 1986 and the Treaty of the European Union (TEU) of 1992. In its official documents the EU makes reference to the need for trade reform and liberalisation where there is none (Council of the European Union, 2007: 7). The EU has always been a supporter of “...the trend towards global free trade...” as the EC’s Directorate-General (DG) Internal Market and Services Working Document (2005: 3) states. Helleiner (2003: 689) provides more evidence of EU support and defence of neo-liberal principles by explaining that its preference for regional integration and cooperation is a means of defending liberal principles from attack.

Therefore, it can be deduced that the EU’s rhetoric is one of *advocating* liberal economic policies. However, the experience and perception held by outside players

and partners appear to differ from the self-perception held by the EU in terms of its economic and trade policies.

1.1.3 Normative Power Europe

Attempting to categorise the EU in terms of how it can be perceived and how it views itself in the international arena is something that first began in the 1970s with Francois Duchene's notion of a "civilian power Europe" (CPE) (Whitman, 2002: 3). This notion of Europe was largely based on "a-military" values due to the Cold War stalemate as Europe was caught in the middle of conflicting poles (Diez, 2005: 5). According to Whitman (2002: 3), this nuclear stalemate "devalue[d]" the need for means of war to be used as forms of influence and action. Therefore, CPE emphasised the importance of diplomacy, legally-binding institutions and economic power as means with which to achieve influence and action in the international arena as Twitchett and Maull have explained (Manners, 2001: 4)⁷.

Manners (2001: 6) posits that the EU has transcended "civilian power" roles and "military power" roles to become a normative power. "Normative Power" draws from Normative Theory that is summed up by Jackson and Sørensen (2003: 260) as "...the moral philosophy of international relations" whereby elements such as war, peace, justice, human rights, the environment and state sovereignty amongst others form a network of the various moral issues that are generated by human relations.

Normative Theory in IR allows one to explore literature dealing with the idea of the EU's power being based on the normative nature of its principles. Farrell (2006: 16) makes the point that there is extensive evidence that the EU has the likes of human rights and democracy as fundamental principles. This is, in practice, quite clear in the official documents, treaties and agreements that the EU is involved in. The Cotonou Agreement is no exception. The Agreement makes reference in its preamble to sustaining the principles and norms of various international agreements such as the Charter of the United Nations (UN), the Universal Declaration of Human Rights and the Geneva Conventions (EU, 2000: 5). Article 9 makes explicit reference to norms such as "sustainable development", "rule of law", "...respect for and promotion of all human rights" and "good governance" (EU, 2000: 8). Bertelsmann-

⁷ The conceptualisation of CPE is further discussed in chapter two.

Scott, Mills and Gibb (2000: 26) mention that norms such as “democratic principles”, “fundamental human rights” and “rule of law” are imperative to the EU before concluding any agreement.

Manners (2001: 10) lists the main norms that the EU holds. He begins with “peace” saying that it is fundamental to the EU and one of the cornerstone reasons for Europe’s integration. The rest are: “liberty”, “democracy”, “human rights” and “rule of law”. Manners (2001: 11) further explains that there are “minor norms” that are held by the EU. These are: “equality”, “social solidarity”, “sustainable development” and “good governance”. The EU’s identity is infused with all these norms and that makes it possible to analyse it as a global actor that seems to occupy the moral high ground with a preoccupation with ameliorating the problems of the world.

This status as a normative power stems from the fact that it has been observed that the EU has been exercising such power on the international stage in areas of interest in the hopes of shaping international norms in its own image (Manners, 2001: 14). Lucarelli and Manners (2006: 213) illustrate that the EU’s foreign policy cannot be understood independently of the whole EU integration process and public policies because of the phenomenon of “externalisation” of the values and principles from the domestic arena to the foreign one. This is possible through the various sources of normative power as identified by Manners (2001: 13). The first is “contagion” whereby the EU’s symbolic normative power comes from the spread of EU’s ideas to other actors unintentionally. The second is “informational” referring to strategic and declaratory statements made by the EU. The third is “procedural” where values and principles are externalised through official relationships extended from the EU to other actors. The fourth is “transference” which occurs when a relationship of exchange exists between the EU and another party such as through a trade or aid agreements. The fifth is “overt” which describes the extent of the EU’s physical presence in other states or international organisations. The last is “cultural filtering” which acts as the determinant of the impact that various norms and values will have on third parties.

Through the use of these means of externalising its normative ideals the EU has been able to gain a reputation as NPE. It is without a doubt that official EU texts and rhetoric are loaded with normative underpinnings. However, the EU and the

developed world might be the only ones who perceive the EU and its behaviour as NPE.

1.1.4 Market Power Europe

NPE appears to hold a morally superior position that leaves unanswered the major question regarding the EU and its trade activities, especially as trade is an imperative part of the EU's external relations. Sjursen (2006: 173) called for a new theory that could "...deal with the criticism" that NPE might encounter for being simply "apologetic and uncritical". Chad Damro developed the MPE approach to account for the more material bases that make the EU a power.

Damro (2011) argues that the EU's identity might stem from a different source as compared to NPE and that is the fact that "[t]he EU, may, at its core, be a market" thus allowing an image of MPE to flourish. MPE allows for various elements not accounted for by NPE and CPE. These include: a different identity for the EU, a focus on state and non-state actors and the fact that the EU may be open to use more coercive measures than acknowledged by the other two conceptualisations of power (Damro, 2011). In his formulation of MPE, Damro delineates three characteristics: "the single market", "regulatory capacity" and "interest contestation". It is through these characteristics that the EU is able to externalise its internal regulations. The MPE conceptualisation of the EU does not refute the idea of NPE. It offers an alternative to NPE in suggesting that a more appropriate fundamental identity of the EU can be found in "market norms" (Damro, 2011). Lucarelli (2006: 6) also does not discard the idea of a NPE but highlights the possibility of one viewing the EU as wielding influence through its economic model and/or through its normative model, reiterating what Therborn (2001) said in that the two (MPE and NPE) are not necessarily incompatible.

While Damro can be credited with formulating a theory to account for the EU and its market there have been other scholars who have tended towards favouring the EU market as a fundamental identity of the EU. In the case of the "single market" even the EU itself concedes the fact that its sheer market size has become a "powerful engine" in order to externalise EU "high quality rules and values around the world" (EC, 2007: 5). Furthermore, the EC (2007: 5) claims that the single market is Europe's best "asset" in order to meet the "challenges and opportunities of

globalisation” and that it allows the EU, as a “world trade leader”, to reinforce the international trade rule system. The EC (2007: 3) explains that the single market will bring many benefits in terms of free movement, wider variety of goods, lower prices and higher standards of health amongst others. Elgström (2007: 955) has interviewed a number of non-members of the EU stationed at the WTO permanent representations in Geneva on their perceptions of the EU and there was consensus that the “size” and “presence” of the EU in terms of its 27 state membership and the volume of its market make it a power to be reckoned with. Furthermore, Elgström (2007: 955) also argues that the EU acts as a role model and other actors may choose to adopt some of the EU’s policies and models due to their success rate. Therefore, there is recognition that the market size of the EU is an important factor in the EU’s identity and ability to externalise some of its regulations.

Damro identifies “regulatory capacity” as a characteristic of MPE and this is quite evident in Bach and Newman’s (2007: 827) work in which they claim that the large EU market is not the only characteristic that allows the EU to exercise global governance but that the ability of the EU to regulate through its institutions should not be ignored. Bach and Newman (2007: 828) explain that as a result of European integration and the existence of the “Single Market”, co-ordinated institutions have also been set up at the EU level to oversee the market and control access to it. The regulatory state, as a result of the liberalisation it has undergone has set up agencies and institutions to oversee and monitor market rules and this according to Bach and Newman (2007: 830) has implications such as it providing Europe with the “institutional capacity” to externalise its rules and thus have an “international regulatory influence”.

Interest groups in MPE also play a role according to Damro (2011). His view is that while there may be an unintentional externalisation through interest group contestation when it is observed by other actors there is also an intentional element in that interest groups within may explicitly push for the externalisation of a certain policy. It forms a fundamental construct of political theory that interest groups with sufficient means are able to influence decision-makers. Dür (2008: 1214) explains that these means include money, legitimacy and knowledge amongst others. Furthermore, he (2008: 1216) emphasises that the complex nature of the EU makes it difficult for interest groups to have much effect but, on the other hand that very

issue may also serve to provide the interest groups with more of a variety of access points on which to exert their influence. Dür (2008: 1218) says that it is the business and agricultural groups that seem to have the biggest influence on the EU and its trade negotiations.

These points make it easier for authors such as Farrell (2006: 18) to analyse EU-Africa relations in light of realist self-interest whereby the EU embarks on promoting a neo-liberal policy for the African continent in order to seek access for itself into their markets which is a more active policy area, on the part of the EU, than addressing problems such as poverty as it proclaims it does. This self-interest also translates itself in the double standards that are so often mentioned with regards to the EU's protectionist tendencies in order to safeguard and promote its single market (Elgström, 2007: 959). Galtung (as quoted in Bache and George, 2006: 503) saw these double standards and was critical of the EU's various Conventions with the ACP group, claiming that these did nothing more than focus on the purely economical elements and did not keep in mind the more fundamental aspects of "...the development of human beings rather than things..."; however he conceded that not much could be expected from such a "trading bloc".

1.1.5 The Common Agricultural Policy

Relating to the issue of double standards, an important aspect of the EU that deserves mention is the CAP. The CAP has been described as "expensive, wasteful, and environmentally unfriendly" by Dinan (1999: 333). As a result of the CAP, the EU is characterised by Borrell and Hubbard (2000: 25) as one of the biggest sources of "disruption and instability on global agricultural markets".

This policy has its roots in the post-Second World War period and sought to secure food for the continent by encouraging better agricultural practices (EC, n.d.: 3). However, this has proven to be a highly controversial and negative policy in its impact on the developing world. Primarily the aim of the CAP was to provide an incentive to European farmers to produce more by subsidising and offering them high prices (EC, n.d.: 3), yet it proved to be an important barrier to developing countries attempting to access European markets. The matter of price support has formed the main argument for critics against the CAP (Zobbe, 2001: 1). The reason for this argument against price support is that it leads to distortionary costs and has negative

repercussions for Members States and the world economy (Zobbe, 2001: 1). Despite the various reforms that the CAP has undergone, such as the MacSharry Reform of 1992 where prices were reduced and the means by which farmers were compensated was by direct payments, the policy has been quite resistant to reforms, as Spoerer (2010: 18) indicates. However, the EU (2012: 3) highlights that throughout the decades further reforms were introduced, such as in 2003 with issuing incomes to farmers, independent of how much they produced. Further reforms are scheduled to be introduced.

Spoerer (2010: 18) repudiates the claim that the CAP is a welfare policy suggesting that referring to it as such is simply a mask for agricultural interest groups instead of providing the “full story”. This “full story” might indicate how expensive the policy is. Similarly, Borrell and Hubbard (2005: 25) recognise that the CAP “...is responsible for widespread costs...” Regarding the economic functionality of the CAP, Kyed, Kaergard and Zobbe (2002: 8) argue that a sound economic argument has yet to be found.

1.1.6 The Economic Partnership Agreements

Literature on the EPAs generally tends to be more technical in nature, discussing and analysing issues such as tariff schedules, WTO conformity, deadlines, negotiation stalemates and the practical implementation of the agreements.

Examples of such technical studies can be found in: the UN Economic Commission for Africa study by Karingi et al (2006) on the economic and welfare effects that the EPAs might have; Keck and Piermartini's (2005) study for the WTO of the economic impact that the EPAs might have on the Southern African Development Community (SADC); Draper's (2007) study of the EPAs in an IPE context; Jones and Hormeku's (2007) paper for Oxfam examining alternatives to the EPAs; briefs by the African Union (AU) (2007) on the negotiation process of the EPAs; Sindzingre's (2008) study on the EPAs' impact on sub-Saharan Africa; Bilal and Ramdoo's (2010) study of what choices are available to manage the contentious points of the EPAs such as export taxes and quantitative restrictions and Vickers' (2011) analysis of diplomacy in the negotiations towards the EPAs.

Traditional theories on the politics of trade tend to be too broad to capture the specific details of North-South trade agreements and relations. Using the concepts of

“Normative Power Europe” and “Market Power Europe” might provide more insight into the nature of the EU’s trade relations with the ACP countries in line with the EPAs where the normative and market aspects will be emphasised over and above technical issues.

1.2 Identification and demarcation of the research problem

This study explores the following: Can the EU’s self-perception be contrasted with the perception held of it by outsiders? The EPAs are used as a case study in order to determine the extent to which there are differing views of EU behaviour. It is investigated whether the EU’s self-perception can be described as normative following the NPE model. However, in order to depart from a Eurocentric perception of EU behaviour, this study investigates whether it is perceived by outsiders that the EU is in fact a “market power”. This is illustrated by making use of Damro’s MPE. This enables an understanding of the view of the EU as a self-interested entity that is concerned with externalising market norms and ensuring access for its Single Market above anything else. This approach provides a more unapologetic stance to the manner in which the EU is seen to behave.

Furthermore, in light of the possibility for the co-existence of the two perceptions, the following is investigated: Why is it possible to perceive the EU as behaving like a market power? Do the EU’s actions contradict its rhetoric and is it mindful of the fact? Understanding this latter point could provide insight into EU behaviour, especially with regard to the EPAs.

1.3 Methodology

The unit of analysis for this study is the EU and more specifically the body that carries out these trade decisions and practices on behalf of the EU and its member states, the EC. The EC is seen as the driving force behind the Lomé Convention and the Cotonou Agreement and subsequent EPAs.

The research design follows a case study format whereby the southern African region are analysed and evaluated in order to arrive at observations, conclusions and recommendations. Strong consideration is taken when approaching this region due its complicated and overlapping regional economic configuration.

Literature is analysed in a qualitative manner and in an economically-orientated quantitative empirically centred manner. A mixture of primary sources from the EU is analysed; such as official EC publications on trade statistics, progress and perspectives and general information relating to various agreements and general aims and objectives. Primary sources emanating from southern Africa are also included in the study. These range from points of views on the nature and benefits of the EPAs and EU-ACP relations in general for the southern African region, to southern African primary sources covering official publications and declarations. Furthermore, primary sources, relating to both the EU and southern Africa, can also be identified in the form of actual agreement documents and texts signed by, or co-authored by, both the EU and southern African countries. On the other hand, secondary sources range from academic articles, newspaper reports and books published either on the subject of EU-ACP relations and EPAs or more generally relating to North-South trade relations.

Research questions

A framework to break down and analyse certain trends of EU behaviour and activity with regards to the EPAs is introduced so as to highlight the key aspects sustaining a NPE or MPE argument. Four questions are laid out: Why enter into trade, cooperation and association agreements? What are the reasons for neo-liberal trade practices? What are the EU's concerns with the ACP countries, specifically southern Africa? What is the nature of the EU's concern with aid and assistance? Posing these questions allows for an analysis to develop explaining how the EU would respond to these issues when the perceptions of it as NPE or MPE are held (be it as an ego or an alter).

The reason for these particular questions is that they capture four essential and controversial topics with respect to the EU's trade practices. The proliferation of FTAs merits attention and especially so in terms of the EU's involvement in these with the ACP countries. These FTAs require an adherence to neo-liberal economic norms which have been met, in the developing and lesser developed regions, with resistance and accusations of ambiguity and not leaving space for development. The EU's preferential attention to former colonies in the form of the ACP countries has been a controversial topic and one of the reasons for the change to a relationship that does not disregard non-ACP countries in the international trading system.

Nevertheless, the EU continues to hold a strong presence in ACP countries and in non-ACP countries. The EU is the biggest donor of development aid and to this extent, it is important to include the issue in any analysis regarding EU interaction with the developing world.

Ultimately these questions serve to focus attention on the practical arguments that demonstrate the EU's actions as a result of it being either NPE or MPE, depending on whose perspective is adopted (the EU itself or the ACP states). The self-perceived normative intentions of the EU regarding the EPAs with the ACP states are identified by posing these questions in chapter four (see 4.3). Chapter five (see 5.3) poses these questions in order to explore an alternative perspective of EU-ACP country relations.

Chapter breakdown

This introductory chapter is concerned with presenting the backdrop against which an analysis of the EU's behaviour as either NPE or MPE will be determined. It outlines a broad understanding of EU-developing world relations and also includes a literature review whereby it can be discerned that a niche exists in the study of the EU's self-conception and the experiences held by others. Furthermore, within this context, the research questions explored are highlighted and the method and structure of the study outlined.

Chapter two introduces the theoretical background to the study by discussing Holsti's (1970) work on role conceptions before delving into the concepts behind popularly held perceptions of the EU such as CPE and NPE. In both cases, the shortcomings are analysed. However, it is argued that these perceptions (CPE and NPE) are insufficient to grasp the complexity of the relationship held between the EU and the ACP countries and that concentrating on just one of these does not offer a rounded analysis. Therefore, a niche is identified to capture the nature of the EU in a manner that contrasts with civilian and normative views and that focuses more on the single market as constituting the fundamental identity of the EU and the means by which it is perceived by third parties. A detailed discussion on Damro's new "Market Power Europe" concept allows a contrasting view of the EU's behaviour. This chapter introduces and elaborates on what the analytical questions seek to uncover.

Chapter three provides a backdrop to the trade relations between the EU and the African continent in the post-colonial era. The chapter begins with the Lomé Convention, starting in 1975, and includes the current Cotonou Agreement. The focus is on the southern African region.

The EU's behaviour as NPE is examined in chapter four. It is labelled with three role conceptions from Holsti's list based on its own perceived behaviour *vis-à-vis* the EPAs. Following this, the chapter proceeds with identifying the key NPE traits that justify the reasons as to why the EU can be self-labelled as defender of the faith, developer and example. This is done, by posing the analytical questions in order to draw out the NPE elements in the actions identified within the role conceptions. Manners also identifies numerous ways in which NPE externalises its internal policies. This chapter investigates these and sees how they translate in NPE messages being externalised to southern Africa.

Chapter five contrasts with chapter four and measures the extent to which the EU has lived up to its role conception of NPE by examining issues and hurdles towards concluding the EPAs, particularly in southern Africa. The chapter proceeds with illustrating the reasons behind these findings by posing the analytical questions that highlight MPE characteristics that determine the actions of the EU as perceived by the ACP countries.

Chapter six evaluates the interplay between NPE and MPE in the ACP region, particularly southern Africa. On the basis of what this study uncovers the reasons for trade agreements, neo-liberal trade practices, engagement with the ACP countries and the extension of aid are provided. This allows for the introduction of alternative role conceptions contrasting with the ones from Holsti's work. With this knowledge, some light is shed on what the future holds for the southern African EPA and for EPAs in general. The possibility of NPE being too Eurocentric and MPE being too critical is explored before an evaluation of the implications of the co-existence of these perceptions is presented.

2 Theoretical background and analytical framework

2.1 Introduction

In analyses a propos the EU many superficial and one-dimensional concepts and approaches⁸ have been used to describe the motives and actions undertaken by it *vis-à-vis* the rest of the world. Such analyses have failed to account for the multifaceted and far more complicated relationships that the EU holds with the rest of the world and also have become outdated in their representation of behaviour. Miccinilli (2010) notes that academics have knocked heads over an adequate concept with which to define the EU and its foreign policy behaviour. Nonetheless, there have been a number of contenders that have provided a fair argument in their analyses of EU motive, action, interaction and intention.

In this study, Holsti's (1970) work on role theory is used to evaluate whether the characterisation, or rather the role conception of the EU, is self-held or (also) shared by others. This will reveal that the manner in which the EU sees itself behaving is not necessarily compatible with what is observed as being EU behaviour by others outside of the EU. This approach might assist in accounting for the difficulties in concluding the EPAs.

In the first section of this chapter a discussion of Holsti's theory of national role conceptions is provided, setting out key aspects of his theory and the range of foreign policy role conceptions identified by him. In line with this, the second section is dedicated to explaining the nature of these newly incorporated role conceptions, namely: Civilian Power Europe (CPE), Bull's perspective of a Military Power Europe (MiPE), NPE and MPE. The final section motivates briefly the reasons for the preference of the study to focus on NPE and MPE rather than CPE and MiPE and introduces four questions which serve the purpose of extracting the core characteristics of the nature of the relations between the EU and the ACP countries. The characteristics identified assist in the classification of the relationship into role

⁸ Manners (2008: 65) holds that there is a general trend to evaluate the EU's behaviour empirically without delving deeper into questioning *why* the EU is acting as such and *how* should it act. The EU has all too often been classified merely as a "soft power" or "gentle power" based solely on observation (Olivier, 2006: 36; Chevallier, 2008; Farrell, 2006: 17; Lucarelli, 2006: 5). Manners (2001: 7) describes Civilian Power Europe and Military Power Europe as "one-dimensional debates".

conceptions. The introduction of the questions in chapters four and five is appropriate in that these examine the conceptualisations of NPE and MPE.

2.2 Role conception and prescription

Holsti (1970) introduced a body of work that aimed to categorise the foreign policy directions that a country could take. These categories operate within a system of role conceptions and prescriptions against which a country's foreign policy can be measured and its origins determined. Role theory will also identify where the conception emanates from. In other words, it will discern whether it is a self-held conception or whether it stems from experiences held by others of a given behaviour.

There are two entities that play a role in Holsti's (1970: 237) analysis: the "ego" and the "alter", making reference to the work of George Herbert Mead. The ego is the self while the alter is the other. Both have a perception of the way in which actions should follow. The question, however, is whether the views of both are congruent with one another. The ego and the alter operate within the system of national role conceptions and prescriptions. The former is the perception held by the ego of its actions and interests and the latter are expectations that are held by the alter based on standards that must be met to fulfil the role (Holsti, 1970: 240). Furthermore, role performance and position are also identified by Holsti (1970: 240). Role performance is defined as all the actions and decisions that are taken by a government while position refers to the locus wherein action occurs. This scheme is necessary if the perceptions of the two entities ("self" and "alter/other") are to be contrasted as is done in this study.

Holsti (1970: 241) explains that generally studies of foreign policy tend to examine only the self-conceptions of policymakers and thus neglect the extent to which role prescriptions are met and identified by the alter or other. While this study is essentially a study of EU foreign policy it is with the intention of examining two possibly different perceptions of its actions stemming from the ego (the EU) and from the alter (ACP countries, specifically southern Africa). This is in light of the role performance of the EU in terms of the EPAs. The relevance of role prescriptions is that they provide a yardstick against which the role conceptions are measured. In practical terms, the Cotonou Agreement and subsequent EPAs provide the role

prescriptions that map the way in which action is to be carried out. These documents present the legal basis or legal role prescriptions that determine EU-ACP relations. As a result, the ACP countries have the roles prescribed in the Cotonou Agreement as a yardstick to measure the EU's role conception. Evidence of this can be found immediately in Article One where the parties commit to promoting development, peace and security, amongst others (EU, 2000: 7). These form a body of prescriptions of behaviour that is expected of the signatories. The reason for the distinction between the role prescription and role conception is that it offers a perspective into the notion that the EU might not be behaving as it says it is or should be. Nonetheless, normative role prescriptions are also evident through a body of international norms, such as human rights, establishing the "correct" manner in which to conduct international relations.

Holsti (1970: 260-273) identifies numerous possible role conceptions that countries may have of themselves. These range from the most active and involved role conceptions such as "bastion of revolution-liberator", where governments believe it is their duty to organise revolutions and liberation movements abroad, to a more passive one such as "example" in which the government is seen as promoting, either intentionally or unintentionally, its values, principles and actions to the extent that it perceives itself to be a model to be followed. Other national role conceptions include: "regional leader", "regional protector", "active independent", "liberation supporter", "anti-imperialist agent", "defender of the faith", "mediator-integrator", "regional-subsystem collaborator", "developer", "bridge", "faithful ally", "independent", "internal development", "isolate" and "protectee".

Taking into consideration the role conceptions identified by Holsti, this chapter will introduce four additional, prominent and analytical role conceptions that have been held of the EU whether by the EU itself or by third parties: CPE, MiPE, NPE and MPE. These will serve as broader role conceptions encompassing Holsti's list.

2.3 Civilian Power Europe

François Duchêne, in the latter half of the 20th century, postulated that the EU was a "civilian power" (Manners, 2001: 4). This implied that it was an entity's intention to promote peace and cooperation through the use of "gentler" forms of power within the international arena. These gentler forms of power entailed the relative force of

law, the economy and supranational institutions legally binding members. This form of “civil power” would allow the EU to move in the direction of peaceful international cooperation and sustainable development (Prodi, 2000: 3 as quoted by Manners, 2001: 4).

This approach, of the EU as CPE, subscribed to a more “soft power” conception of the EU where economic might and rule of law are placed over and above the use of more aggressive means, such as military force. In this regard, Europeans are considered to be a-military and their integration project is further testament to its “peace orientation” and also provides a stabilisation effect in that economic integration and interdependence reduce the need for military power⁹. If military power is reduced, what, then, are the means of CPE? These would include the use of diplomacy, trade, environmental and development policy, enlargement and international conferences in order to exercise civilian power (Orbie, 2004: 9).

Mauil (1990: 92-93) advocated for an international arena where states would realise the need to become a “civilian power” of which Germany was already a model. He defined civilian power as recognition of the importance of cooperation with others in the international arena in order to achieve aims; the use of economic means to achieve goals, with military power left only to preserve other forms of international interaction, and lastly as a willingness to coordinate the creation and management of supranational structures that oversee the various aspects of the international arena. Furthermore, Mauil (1990: 106) explains the following:

Transfer of sovereignty allows the development of the rule of law in international relations and thus helps to push forward the process of ‘civilizing’ international politics. It also offers an important set of values. Solidarity with other societies, and a sense of responsibility for the future of the world — and particularly the global environment — are values that will have to be inculcated. Those values must be developed domestically to make effective international interdependence policies possible

The act of transferring sovereignty from the state to a supranational entity such as the EU is concomitant of the act of cooperating with other actors in the international

⁹ Jackson and Sørensen (2003: 121) refer to Immanuel Kant’s (1795) idea of “the spirit of commerce” to elucidate that entities involved in an economic exchange and interdependence have too much to lose in the absence of peace and cooperation.

arena. The EU can be said to have roots in CPE in that the original member states¹⁰ began the integration project with the European Coal and Steel Community (ECSC), which was founded in 1952. Member states have since had to relinquish at least part of their sovereignty to an overarching governance structure (EU) in areas such as economic and monetary affairs and climate change. The process of “civilising’ international politics’ is evident in the EU’s emphasis on civil norms and means of interaction, reducing the dependence on military forms of power. Various principles, values and morals embodied in treaties have gone towards constituting the identity of the EU (see 2.6.1). In addition to this, EU member states have, by and large been proponents of international organisations. The EU is a major contributor to the UN and the WTO where they have stressed the importance of multilateralism for the purpose of supranational oversight and implementation of norms¹¹. These structures have allowed the EU to disseminate its norms, which has contributed to the role conception of the CPE. Characteristics of CPE can also be drawn from some of Holsti’s role conceptions.

Traces of the “regional leader” role conception can be found in the EU’s “enlargement and neighbourhood policy”. The EU’s attempts at uniting the continent have allowed it to lead in the externalisation of civilian concepts and enlarge the scope of peace and cooperation, thus detracting from military power. As “regional subsystem collaborator”, CPE finds itself committed to, as Holsti (1970: 265) outlines, “...cooperative efforts with other states to build wider communities...” in order to promote an ever larger and integrated Union. Further to this, elements of defender of the faith can also be found within the conceptualisation of CPE. In this instance, defending the faith can be understood as protecting the civilian values of cooperation such as economic means to achieve goals and a belief in supranational structures as Maull identified (see above).

According to Orbie (2004: 1), CPE is a vague concept. Despite the militarily-orientated international political climate (Cold War) that characterised the

¹⁰ The original member states of the ECSC were France, Germany, Italy and the Benelux countries.

¹¹ In 2003, the EC released a Communication titled: “The European Union and the United Nations: The Choice of multilateralism”, whereby focus is on the means in which the EU can contribute, through the UN, towards advancing global governance (EC, 2003). Therefore, the EU supports the UN’s mission of providing solutions to global plights at the global level. As the world’s largest trading block, the EU is a major player and contributor to the WTO and its aim of creating multilateral rules, trade liberalisation and sustainable development (EC, 2011).

establishment of the CPE concept, it served to indicate the residual importance of military power. Nonetheless, this does not automatically entail that military instruments are relegated to an obsolete status. According to Orbie (2004: 10), Maull (1990), Stavridis (2001) and Keukeleire (2002) all share the notion that military means, albeit demoted from importance, are essential to bolster a civilian foreign policy. Duchêne even postulated that European integration in defence and security was necessary to encourage peace between the East and the West (Orbie, 2004: 10).

2.4 Hedley Bull's perspective: A criticism of CPE

The notion of CPE was heavily criticised by Hedley Bull¹² during the course of the Cold War. Bull (1982: 151) claimed that the increase in the importance of economic issues did not necessarily have to equate to a loss in the importance of the more strategic concerns such as military strength. This meant that any power that the EU hoped to exert would depend upon its military strategic conditions relative to that of the alters (others) they sought to exert power on. Those espousing MiPE argue that the EU never lost its defence capabilities as during the Cold War, the western European countries maintained their forces, albeit unused (Bailes, 2008: 116).

The perception that the EU might not be relegating military strength to an unimportant role can be traced back to the second intergovernmental pillar of the TEU of 1991. The pillars of the EU were introduced with the latter Treaty and constituted the institutional structure of the Union (EU, 2012). More specifically, the second pillar was concerned with the intergovernmental nature of decision-making affecting common foreign and security policy. The TEU adapted the Western European Union (WEU) to be used as the “military arm” of the EU’s newly adopted Common Foreign and Security Policy (CFSP) (Smith, 2000: 11). This pillar was further reinforced with the signing of the Treaty of Amsterdam in 1997 (Trott, 2010:

¹² Bull ascribed to the International Society: English School theory whereby the premise rests on the recognition of the simultaneous existence of realist and liberal elements in the international arena (Jackson and Sørensen, 2003: 56). Therefore, proponents of this theory argue that power is important and that the international arena is not chaos but rather, as Bull (1995) calls it, an “anarchical society”, acknowledging the existence of international anarchy but also of power and law (Jackson and Sørensen, 2003: 53)

3) which incorporated the Petersburg Tasks¹³ (Trott, 2010: 3). These were declarations by the WEU, relaying their preparedness to make available military units from their conventional armed forces (EU, 2011).

Furthermore, at a Franco-British summit in St Malo in 1998, there was an expressed wish for the EU to carry out its tasks independently from others in terms of international crises (Trott, 2010: 4). This, ultimately, led to the formal adoption of the European Security and Defence Policy (ESDP) in 1999. In 2000-2002, the ESDP launched its police and military interventions in the western Balkans (Bailes, 2008: 116). Moreover, two of the initial operations of the EU, in the regions of the Former Yugoslav Republic of Macedonia and Bosnia and Herzegovina, were taken over from the North Atlantic Treaty Organisation (NATO) (Bailes, 2008: 116). The European Security Strategy (2003) document of the EU adds to actions and intentions regarding a military and defence element of its foreign policy¹⁴. The distinction in pillars would ultimately be removed with the ratification of the Treaty of Lisbon in 2009, resulting in a merge that allows the EU to have a “legal personality” (EU, 2010). The Treaty of Lisbon (ToL) also created the position of a High Representative of the Union for Foreign Affairs and Security Policy and renamed the ESDP to the Common Security and Defence Policy (CSDP) (Trott, 2010: 4). These developments include member states taking proactive steps to improve their military capabilities and also assisting in changing the attitudes of certain member states towards military operations (Trott, 2010: 10). This latter point finds resonance in the numerous institutional endeavours undertaken by EU member states in their attempts to strengthen their military capabilities. (Trott, 2010: 10). The European Defence Agency, EU Military Committee and EU Military Staff are examples of this endeavour, aiming to promote European defence cooperation in areas such as equipment, technology and personnel.

Whitman (2002: 200) argues that these developments and their consolidation in various treaties have been viewed by some as evidence of the EU moving beyond CPE to a more defence-orientated international identity. Whitman is not alone in arguing that many have found reason for their support of Bull’s scepticism of CPE.

¹³ These included: humanitarian and rescue assistance, peacekeeping, combat forces in crisis management tasks (Trott, 2010: 4).

¹⁴ This document outlines the challenges and policies that the EU confronts and suggests that the threats in the international arena could require a military and defence response (EU, 2003).

Trott (2010: 8) explains that the process of creating the ESDP has led to others viewing this as “militarisation” of the EU resulting in the irrelevance of the CPE perspective through the perceived importance that the EU has begun to attach to military power.

A leading role was taken by MiPE in the self-determination and state sovereignty process of Kosovo in 2007¹⁵ (Romaniuk, 2010: 2). This, together with other operations that the EU participated in, contributes to a perception of MiPE as being a “regional leader” which Holsti (1970: 261) explains as encompassing a sense of responsibility and duty. “Regional subsystem collaborator” contributes to an understanding of the processes the EU underwent in the formation of the ESDP where “...far-reaching commitments...”, as Holsti (1970: 265) put it, have been made in order to enhance cooperation with other states with the aim of building communities which in this sense is determined by the collaboration in the military field.

2.5 Challenges to Bull’s perspective

While Bull’s perspective served as a criticism of CPE it is not without its own challenges. These stem from empirical evidence and theoretical arguments.

One element that has been a major challenge to the notion of a MiPE as recommended by Bull is the military budget of member states. Military expenditure seems to point to the fact that member states are not committing large funds to their military sectors. Trott (2010: 11) questions the ability of the EU being able to afford to launch “fully-fledged autonomous military actions.” This is in contrast to the US’ military expenditure. In 2010 military expenditure made up just 1.6% of EU Gross Domestic Product (GDP) but 4.8% of US GDP (Pires, 2012).

Furthermore, the current economic downturn does not support the notion that in the near future military expenditure will rise. In addition to the latter, the recent Libyan campaign by NATO with the involvement and support of Europe has demonstrated the limitations that the continent has in respect of military power and especially so in the absence of US leadership (quoted by Fidler & MacDonald, 2011). NATO

¹⁵ In 2007, the EU decided to launch a special mission in Kosovo that emphasised that “international civilian and military presences” would continue to be necessary in Kosovo in order to achieve peace (Romaniuk, 2010: 10-11).

Secretary-General Anders Fogh Rasmussen has been quoted as saying: "The lack of defense investments in Europe will make it increasingly difficult for Europe to take on responsibility for international crisis management beyond Europe's borders" (Fidler & MacDonald, 2011). Furthermore, Rasmussen warned the EU that if it was unable to deploy troops outside of its borders then its ability to exert international influence might be diminished. This is in line with Bull's perspective.

A second element constraining the concept of MiPE is the general global trend that seems to mimic the global economic order and its current shifting. Thomet (2012) explains that the focus has moved towards the East and this is not only in the economic sense, but also in the strategic sense, as American troops withdraw from Europe in the scope of defence budget cuts with a view towards Asia. Nevertheless, the US has assured the EU that it still remains committed to its security (Aljazeera, 2012). This is evidence of an ever diminishing military force in the EU. It has been proposed that a way in which to overcome this military gap in the EU (the defence cuts and reduced presence of American military on the continent) is to carry out "smart defense" as Rasmussen explains (Fidler & MacDonald, 2011). This entails a pooling of resources, expertise and training amidst the global recession and the Euro zone economic crisis. This is a form of cutting down spending by looking to each other for assistance and sharing expenses to reduce budgets. This idea of coherence and collaboration, however, presents the third element challenging a concept of MiPE.

There are vast discrepancies between member states regarding priorities in terms of deploying troops and military spending. Despite the existence of a CSDP, the onus still rests on member states' foreign ministries regarding the course of action deemed appropriate. In order for a general label of MiPE to exist it needs to be substantiated by coherent and uniform priorities and this is not the case. Fidler and MacDonald (2011) demonstrate this by laying out the different approaches to military spending between some EU member states. Germany, for instance, did not participate in the Libyan campaign, claiming that doing so would lead to increased deployment and participation at a later stage which was a commitment it was not willing to make due to its declining military budget. The Netherlands only contributed marginally by providing a squadron to police the no-fly zone but did not contribute to the airstrikes as its projected defence budget is meant to reach the level of 1.15% of

GDP by 2015 in comparison with the 1.6% of GDP of 2006. Also, with the Second Gulf War (2003-2011), France and Germany lead the opposition against joint EU military action while the UK followed the US course of action (Trott, 2010: 12). This adds further impetus to the argument of the perceived lack of unity that exists amongst the foreign and defence ministries of the various member states. This lack of coherence translates into a loosely tied common security policy that challenges the MiPE concept.

The notion of the EU as MiPE leads to the EU having its capabilities “talked up” to such an extent that a gap forms between the capabilities of the EU and the expectations held of it by outsiders (Hill, 1993: 306). Therefore, a gap exists between the instruments, agencies and legalities on the one hand and how others perceive the role of the EU and thus the expectations that follow. It can be argued that the expectations are too high compared to the capabilities. The EU’s CSDP echoes what Bull meant should exist if the EU is to be taken seriously (if his argument is applied today).

As mentioned, Duchêne himself, was not opposed to military integration if need be in order to sustain civilian values and promote cooperation between opposite poles. The only place that Bull and Duchêne differ in this regard is the fact that MiPE ascribes a primary role for an integrated military power while CPE downgrades it to a purely “needs only” basis. To add to this, Trott (2010: 8) demonstrates that in addition to scholars arguing that militarisation of the EU detracts from a CPE role conception, there are others who postulate that militarisation is not necessarily equated with a weakened CPE argument as its purpose would be solely to promote and protect civilian forms of power.

Ultimately it can be said that there are many arguments increasing the difficulty of making a notion of MiPE viable. While it does present it merits in adding healthy criticism to the concept of CPE, it cannot be ignored that this might be the extent of its functions. Furthermore, the idea that the EU might adopt the course of becoming militarily powerful (as opposed to militarily resourceful) does not seem to be viable in the current international relations climate.

2.6 Normative Power Europe

Of all the approaches developed to understand the EU's actions and motives in the international arena it has been, perhaps, Normative Power Theory that has been most widespread. Literature on the EU either explicitly mentions this approach or implicitly describes the EU as a Normative Power. While NPE and CPE share the emphasis on soft means of power it has been NPE that has been able to account for the outward projection of the EU and its identity and ability to influence and manipulate the international system to accept what the EU deems to be acceptable conduct.

Ian Manners coined the term Normative Power Europe in 2001. He built his body of thought using the ideas of CPE and those of Hedley Bull. Manners (2001: 6) explains that the idea of a normative power preceded his thoughts and can actually be traced back to the first half of the 20th century when Bertrand Russell distinguished between economic power, military power and the power of opinions. Furthermore, Johan Galtung had also made mention of the power that is held by those able to have their ideas influence and shape the will of the recipients (Manners, 2001: 6). This is fundamentally what constitutes the approach of NPE. Manners (2001: 9) further explains that it is important to understand that the EU's international role should be viewed in terms of what the EU *is* as opposed to what it *does* or *says*. This illustrates the ontological element that Manners (2001: 9) identifies in the concept of NPE. Kurki and Wight (2007:15) define ontology as the "theory of being". Therefore, in the study of NPE, in a meta-theoretical sense, the focus rests on the essence of what the EU is. Moreover, this approach can be credited with moving beyond the focus on how much like a state or not the EU is in favour of an emphasis, rather, on its international presence, thereby distancing the conception from institutional state definitions (Manners, 2001: 6). This approach, thus, takes into account the anomalous position that the EU occupies *vis-à-vis* the idea of a state in the international arena.

It is NPE that encompasses CPE as the former uses "civilian power as an extension of "national interest". In other words, rule of law, trade and international cooperation are means by which EU national interests are projected externally such that they influence the standard.

2.6.1 Manners' characteristics of NPE

Manners (2008: 66-75) identifies nine characteristic norms that constitute NPE and that are promoted by NPE. These norms are extrapolated from the ToL signed in 2007 and entering into force on December 2009¹⁶.

The first norm, according to Manners (2008: 68), is the norm of “sustainable peace”. The Treaty states: “The Union’s aim is to promote peace, its values and the well-being of its peoples” (Council of the European Union, 2007: 11). The existence of this norm indicates the EU’s emphasis on development, aid, cooperation, dialogue and enlargement as necessary activities to ensure peace and welfare (Manners, 2008: 68). The second norm identified by Manners is “social freedom”. This norm is embodied in the Treaty through the EU offering “...its citizens an area of freedom, security and justice without internal frontiers...” (Council of the European Union, 2007: 11). A third norm forming the normative foundation of the EU as identified by Manners is “consensual democracy”. Under the ToL, the EU pursues “...common policies and actions...high degree of cooperation” as well as the consolidation of democracy, rule of law, human rights and international law (Council of the European Union, 2007: 23).

“Associative human rights” is the fourth norm Manners lists and is emphasised in the ToL as accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of the European Union, 2007: 13). The EU, according to Manners, espouses the norm of “supranational rule of law”. Concomitantly, in practice it is found that the EU seeks to “promote multilateral solutions to common problems” within the auspices of the UN and to establish relationships and partnerships with other countries or organisations (Council of the European Union, 2007: 23). The ToL also houses Manners’ norm of “inclusive equality” in advocating to combat “social exclusion and discrimination” (Council of the European Union, 2007: 11). Manners’ sixth norm constituting NPE is “social solidarity” and is embodied in the ToL as the need for the EU to create “an internal market” for the purpose of “sustainable development of Europe” based on a competitive market, employment and social progress (Council of the European

¹⁶ The full name of the ToL is: The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community.

Union, 2007: 11). A key characteristic Manners points out is “sustainable development. The ToL supports this in proclaiming that the EU pursues policies and actions that seek to maintain and better the manner in which natural resources are managed in order to ensure sustainability (Council of the European Union, 2007: 24). The final norm is “good governance”. The ToL ensures this by emphasising that the EU’s actions and policies will be based on practices that promote “good global governance” (Council of the European Union, 2007: 24). The latter two norms play a major role in the Cotonou Agreement (see chapter four).

Once the norms that substantiate a normative identity for the EU have been identified, it is important to analyse the manifestation of this identity. In other words, how are the norms, mentioned previously, transmitted from the EU’s identity to challenge, change and mould the very notion of what is deemed “normal” in the international arena? Manners (2001: 13) has identified six means by which the EU diffuses its norms in international relations in order to be able to shape it:

- Contagion is the unintentional diffusion by the EU of its ideas,
- Informational results from the strategic declarations made by the EU,
- Procedural manifests in the form of institutionalisation of relationships with the EU such as regional cooperation agreements,
- Transference refers to the exchange of benefits from the EU given to third parties which depends on the exportation and acceptance of various EU norms and standards whose ultimate level of diffusion will be met with rewards such as aid, trade and technical assistance or the reversal of these such as sanctions,
- Overt implies the actual presence of the EU in third states and organisations,
- Cultural filtering acts as the determinant of the impact that various norms and values will have on third parties.

In terms of Holsti’s role conceptions it can be argued that NPE ascribes to the idea of defending the faith. Again, this is taken to mean the protection of various principles and values by the EU as is evident in the values enshrined in the Treaty of Lisbon. Furthermore, the development rhetoric and policies attributed to the EU supports the

premise that its self-perceived intention is the altruistic amelioration of the conditions of developing countries. This is further explored in chapters four and five. Similarly, the self-conception of being an example supports the notion of an EU that is interested in externalising its ideas of what is moral and correct in the international arena to the extent that this is also perceived by others as desirable or necessary. This is another aspect that is explored in chapters four and five.

2.7 The shortcomings of NPE

NPE comes a long way from the limited and outdated descriptions of EU power such as CPE and MiPE respectively. CPE and MiPE are products of the era of the Cold War. However, the approach of NPE is not without its own shortcomings. Some have argued that a more unapologetic and critical view of the EU should be explored (Sjursen, 2006: 173).

Scheipers and Sicurelli (2008: 609) mention that analysing the EU's external projection under the banner of NPE is risky as it could lead towards simply reproducing official EU discourse which, can be argued, is exactly what EU officials want; namely the spread of the idea of their fundamental normative nature by simply replicating the norms the EU deems makes up its identity.

Manners (2006: 183), in a later publication from his initial proposal of NPE, said that some of the militarising processes moving beyond the European Security Strategy of 2003 were weakening the claims that the EU has of itself as a normative power. He further cautions that any military task such as crisis management, peace-making and post conflict stabilisation should only be done under a UN mandate and be conducted in a "critically reflexive context" or else the "treasure" that is the EU's normative basis will be lost (Manners, 2006: 195). Storey (2006: 333) also points out the shortcomings of NPE in the post 9/11 world. He claims that the EU's policy, particularly towards the Russian and the Chechen issue¹⁷, demonstrates how it swayed, in practice, from norms such as human rights and gave way to a more "realpolitik" agenda. It appears that the approach favoured by the EU regarding the

¹⁷ The Russo-Chechen conflict received international attention when, in November 1991, Chechnya was declared independent from Russia by Chechen President Dudayev (Ashour, 2004: 127). This resulted in a war and a subsequent peace agreement in 1996. However, hostilities were renewed in 1999 when Russian troops crossed the border and a second bout of the Russo-Chechen war resumed until 2009 (Ashour, 2004: 128).

conflict was largely determined by economic reasons and attempts at playing a larger role on the international stage. (Matthew Evangelista as quoted by Forsberg and Herd, 2005: 477). This reflects the possibility that the EU's power source and interests deviate from the largely normative argument held by NPE. Furthermore, he reiterates that the "minor" or supplementary norm of sustainable development (as Manners indicated) seems to run contrary to what the EU does in practice in terms of corporate and trade interests. It is necessary at this point to revert to Holsti's alter and ego dichotomy. The "self" (the EU) will find itself to be behaving in a particular manner while on another plane, the alter (ACP countries) will be observing or experiencing the same behaviour in a different manner. This in turn gives rise to the possibility of perceiving double standards on the part of the alter. The issue of double standards will be taken up further in chapter five. This is a possibility already identified by Storey (2006: 334): "the whole rhetoric of norm diffusion [is] simply a guise for the pursuit of European economic interests".

It becomes evident that NPE is not without criticism. It would appear that this approach only elaborates on the EU's rhetoric but does not necessarily account for what the EU practices in its relations with the rest of the world. The EU attempts to build an image of itself as a normative power with altruistic intentions. However, the image held by the rest of the world regarding the EU might not be consistent with the latter's self-perception. This niche of two different perspectives emanating from different actors is what necessitates the introduction of another manner in which to view the EU.

Therefore, is the EU playing double standards, proclaiming to be doing one thing while doing something else? Is the fundamental identity of the EU, then, really normative or is it perhaps a more tangible identity? Is the EU's conception of its fundamental identity congruent with that of outsiders' perceptions of the EU's identity? Miccinilli (2010) is adamant that the EU is not a normative power and that its power is drawn from the "Single Market":

The EU power roots are more tangible, visible and pragmatic. The EU is and will be for several decades a market-centred power. Its Single Market (with capitals) is the main driver and source of power in which several external EU policy instruments and initiatives are based on, to exert its influence abroad.

2.8 Market Power Europe

While Miccinilli may have been on the right track in terms of exploring a new approach with which to look at the EU, he did not elaborate on it in such a fundamental way as Chad Damro has.

Damro (2011) posits that the EU is a market power and that there is evidence to support that the EU says things and carries out actions that support this perception. Fundamentally, the idea behind MPE is that the EU is primarily a market (Damro, 2011: 3). While this conceptualisation moves away from the CPE and NPE strands of thought, Damro stresses that MPE finds place in the current debates surrounding the perceptions already held by other actors of the EU (Damro, 2011: 3). Furthermore, by stressing that the EU “...has always been a prominent experiment at market integration” there is recognition of the importance of the market to the EU, indicating it to be the very identity of the EU (Damro, 2011: 6-7). This focus on the market offers a more tangible example of EU externalisation as opposed to NPE. Attention is placed on empirical evidence of the EU’s power in the international system. However, this empiricism of MPE does not mean that attention is focused only on figures and statistics relating to neo-liberal trade practices but also on other agendas of a more social nature. Damro (2011: 2-3) highlights this by explaining that MPE is helpful as it can account for both the “co-existent liberal market and social agendas of the EU”. In other words, MPE is concerned not only with the matter of liberalising markets in order to make them accessible to its large Single Market but can also be perceived as pushing through market-related norms that have a social impact. Aid is an example of such an amalgamation of the liberal market and the social agenda. The ambiguity between the market and social agenda obscures the real motives for aid in that while MPE might portray a concern for the social and development ills of third parties, it uses aid as a means to externalise its neo-liberal ideas and practices to make them the norm in third parties (see 4.3.4 and 5.3.4). This co-existence of agendas forms the crux of this study in the interplay between the NPE and MPE.

As MPE, its identity is drawn from what it *is* rather than what it *does* or *says* (much like NPE, see 2.6) (Damro, 2011: 25). Therefore, MPE’s identity determines its actions (and not vice versa). These actions are characterised as the process of

externalisation of internal policies. Externalisation is “[c]entral to MPE’s exercise of power” as Damro (2011: 14) posits. It is this ability to externalise its internal policies and have them adopted by other entities that reflects in the definition of it being a “power”.

Holsti’s role conceptions also resonate with the idea of MPE. Chapter five evaluates whether the role conceptions attributed to NPE are effective to describe what may be perceived by the ACP countries of EU behaviour.

2.8.1 Damro’s three characteristics of Market Power Europe

Damro (2011, 8) identifies three characteristics that form the basis of the identity of the EU as a market power and allow for the empirical testing of the phenomenon of externalisation of its internal policies. These three characteristics form part of the EU’s material existence. The three characteristics are: the EU as a Single Market, the EU as Regulatory Institution and finally the EU as Interest Contestation.

The EU as a Single Market

Damro (2011: 8) describes the EU as a Single Market as “the most salient aspect of its presence in the international system”. This is not surprising as the EU began as an effort at economic cooperation and eventual integration while political integration occupied a secondary role. The EU’s Single Market makes up approximately 30% of global GDP and 20% of global trade flows (EC, 2012).

Damro (2011: 9) explains that the Single Market of the EU is able to externalise its regulations and internal policies due to its sheer size. Furthermore, the material incentives, arising from links with the Single Market, are what drive third countries to coordinate their policies with those of the EU. Those material incentives are derived from the size of the EU market and the latter also affects the perceptions held by others regarding the outcomes and achievements that may be had. This is an unintentional display of power on the part of the EU in that outsiders will view these internal regulations of the EU market as a level to which to aspire to and will, therefore, change their regulations to meet the standards that their model, the EU, has (Damro, 2010: 9). Examples of such a phenomenon can be found in attempts to model regional integration efforts on the EU (see chapters four and five).

The EU's Single Market is an important compass for the EU itself and for outsiders. In its preoccupation with itself, the EU seeks to find external markets that will benefit its market's ever increasing demands and as such sees the importance of concluding trade and cooperation agreements with third countries. These agreements are based on the principles that the EU holds relating to its perception on international trade and how markets should perform. The EU stresses open markets for trade to function efficiently and effectively (EC, 2009: 6).

This growth has allowed the EU to externalise its regulations and standards through trade and cooperation agreements with third countries or by challenging third countries being found to have unreasonable barriers to trade according to the EU. The latter results in third parties being forced to adjust to EU perceptions of "correctness" as they might have too much to lose if they choose not to follow EU prescriptions.

In late 2006, the EU launched the Global Europe Strategy as part of its Lisbon Strategy for growth and jobs. A key feature is the Market Access Strategy which reports every year on the key sectors of certain countries where "unfair trade practices" exist that hamper EU businesses (EC, 2008: 7). This Strategy draws on the expertise of member states, Business and the Commission to achieve better access for European businesses (EC, 2009: 6). The Market Access Advisory Committee, Market Access Working Groups, Local Market Access Teams, the Council and the European Parliament (EP) investigate and carry out action in eradicating harmful trade barriers for the EU (EC, 2010: 6-10). Furthermore, the Trade Barriers Regulation (TBR) is a legal instrument that gives EU businesses the right to make a complaint with the EC if a violation exists in international trade that they feel has caused them injury in their business (EC, 2008: 4).

The EU's frustrations with multilateral trade shifted its attention to bilateral FTAs thus lifting the moratorium it held on it in the past. The moratorium was not an official policy but rather a consensus of member states and the EC to direct attention to the Millennium Round of the WTO from 1999¹⁸, thereby prioritising a comprehensive

¹⁸ Sarno (1999) explains that the EU, together with Canada, Japan and the United States, had the intention of pushing the Seattle Ministerial Conference of the WTO (December 1999) to launch a new round of trade negotiations. The Seattle Ministerial Conference was, however, unsuccessful and ended in failure. Raghavan (1999) highlighted that the end of the Conference left the "...trading system facing the worst failure in its 51-year history" as developing countries expressed discontent with being sidelined in decision-making processes and being unable to bridge vast differences amongst the parties.

multilateral round (Woolcock, 2007: 2). However, this emphasis on multilateral trade began to wane after the Cancun WTO Ministerial in 2003 where the EU agreed to do away with the Singapore Issues (see 4.4.4 and 5.2.1) from the Doha Development Round (Woolcock, 2007: 2). Nevertheless, Woolcock (2008: 5) identifies four factors that ultimately led to the lift in the moratorium on bilateral trade.

Firstly, the EU showed exasperation in the limited advancement of the WTO Doha Development Round¹⁹. In this Round, the EU had to resort to giving up the issue of liberalisation of “new generation issues” such as public procurement and investment due to the lack of multilateral consensus and as a result saw its interests wane due to what it perceived as a lack of ambition of the Round. Secondly, the EU has felt it needs to compete with other major markets in the world such as the US in the attainment of market space and resources. Thirdly, the market growth of Asian countries, such as China and India, motivated the EU to conclude cooperation agreements with them. Currently, bilateral trade relations with China exist in the form of the High Level Economic and Trade Dialogue launched in 2008 and the ongoing negotiations for the Partnership and Cooperation Agreement that began in 2007 (EC, 2012). With India, the EU has held 11 negotiation rounds since the 2007 launch of the negotiation towards an EU-India FTA (EC, 2011). Finally, there have been changes in the staff at the DG Trade with new appointees in favour of revisiting the benefits of FTAs at a bilateral level.

The need to take notice of the global changes in world trade such as the growth of Asia and the failure of the Doha Development Round has made the EU concentrate more on FTAs which are deeper agreements that require the lesser developed of the two parties to make amendments to policy in order to benefit from the agreement with the EU.

This renewed emphasis on FTAs shows the increased importance that had been attached to the EU Single Market as it has increased in size, and that FTAs reap more benefits for the Single Market than those concluded in the multilateral arena.

¹⁹ The WTO Doha Development Round is a round of trade negotiations amongst members of the WTO aiming to achieve an international trade regime that is acceptable to all members through trade liberalisation (WTO, 2012).

The EU as Regulatory Institution

Damro (2011: 9) speaks of the “institutional” aspects of the EU and refers to the actors involved in the EU that play a role in bringing forth the externalisation of internal policies, regulations and standards through their decision-making.

Bach and Newman (2007: 827) explain that a Single Market, the size and scope of the EU's, requires regulatory institutions to manage it. As a result, the policy- and decision-making processes that take place within the EU need to be examined. In doing so it is necessary to pay attention to the regulatory roles that are played by institutions such as the EC, EP and the Council of Ministers (Damro, 2011: 10). Furthermore, Damro (2011: 10) underlines the importance that the possible “unity/diversity” among member states might have on the regulatory procedures.

Various regulatory agencies dealing with specific and concentrated areas of expertise are also important. While the existence of many agencies and institutions is imperative to the characteristic of the EU as a regulatory institution, these institutions need to have the ability to externalise. The means by which this ability can be achieved is firstly through ensuring that the institution has “regulatory expertise” whereby the staff is competently trained to carry out their duties and functions (Bach and Newman as quoted by Damro, 2011: 11). Secondly, “regulatory coherence” is necessary to ensure the consistency of policies being issued particularly in the case where regulatory authority has been delegated to a specific regulatory body. Finally, there is the need for a “sanctioning authority”. This is the body that is capable of “imposing costs” on those parties that do not comply with certain regulations. These can be imposed on non-state actors like firms and could include punishments such as a ban from entering the EU market or imposing a fine.

It must be noted that between 1990 and 1994, the EU became active in establishing various new agencies ranging from those dealing with regulatory policies about the environment, pharmaceutical standards and even racism and xenophobia (Keleman, 2002: 93). The decision to establish agencies came about as a result of the inability of legislative processes to keep up with the vast array of different issues and their respective technicalities (Keleman, 2002: 94). Some of these agencies were given the autonomy to create policy in addition to providing technical expertise. It was the

EC and the EP that consented to the formation of these agencies as they believed that it would increase the EU's regulatory capacity (Keleman, 2002: 111).

The existence of the various institutions and agencies making up the EU and carrying out all the regulatory and standardisation aspects provides evidence of the EU being a regulatory institution. In addition to this, the extent of the regulatory bodies constituting the EU assists in externalising the rules, regulations and standards that dictate the functioning of the EU. This operates much like the Single Market incentive in that as the one (Single Market or regulatory capacity) increases so does the ability, and indeed, the necessity to externalise. In order to carry out functioning trade, cooperation or association relationships with the EU, third parties are forced to conform to the various regulations and standards kept in place by the EU as it holds bargaining power because of its vast regulatory capacity thereby, forcing them to adopt these in order to meet requirements. Therefore, not only is the EU a "generator of standards" as Damro (2011: 10) puts it, but also a regulatory institution that externalises its contents such that they may be adopted as regulations and standards by others.

The EU as Interest Contestation

Interest groups play a role in addition to the Single Market and the regulatory capacity. Damro (2011: 12) indicates that interest group influence will happen as the regulatory institutions are open and public.

Since the EU has many social and economic regulations there is likely to be a difference in the distribution of benefits and costs across EU society and as such there will be different motives and incentives for differently affected interest groups, determining the extent to which they pursue benefits for their particular areas of concern (Damro, 2011: 12). Evidence of this diversity can be found in the number of interest groups and their related activities that have increased substantially which coincides with the launch of the Single Market (Bache and George, 2006: 334). Interest groups bring about an externalisation of internal regulations and policies either by intentionally supporting externalisation of certain regulations or unintentionally doing so by having their contestation observed by outside parties (Damro, 2011: 13). This area of MPE incorporates the participation of non-state and

private actors which is something that other conceptions such as CPE, MiPE and NPE do not take into account.

The EU has classified different types of interest groups operating in Brussels. These include: various European associations and some national associations, various firms, lobby consultancy firms, and some ad hoc groups formed to target specific issues (Bache and George, 2006: 335). Trade is an area that has always been heavily contested by interest groups ranging from business to agricultural groups to development-friendly groups. This is facilitated by the accessible nature of the relationship that exists between the EC and interest groups (EC, 1992). Bache and George (2006: 340) explain that the EC is of vital importance to interest groups because of its agenda-setting role. Therefore, getting their issues placed on the agenda, be they trade or development amongst others, ensures a step towards externalisation. This is the platform that these groups can make use of in order to intentionally or unintentionally externalise various EU regulations. In other words, their activities within the EC can be viewed by outside actors in reports and lead the latter to consider or adopt certain regulations or standards that are being pushed forward by the interest groups within the EU. Alternatively, they can directly influence the creation of certain regulations in the EC, be they related to trade or other fields, for the purpose of having them externalised. Interest groups, and particularly those “special” ones, concentrating expertise on a particular technical matter, provide knowledge that constitutes standards and regulations (EC, 1992).

“Functional divisions” exist with the DGs of the EC in that the DG for Agriculture will be more protectionist than the DG for Development Cooperation – EuropeAid (Dür and Zimmerman, 2007: 774). Amongst member states, differences are rooted on a socio-economic level (Hankiss, 2003). Central issues on the EU agenda such as defence budget and development aid highlight the differences in opinions of member states. Furthermore divisions exist between Eastern and Western Europe which are rooted in history, particularly colonial history, and levels of development. There is, additionally, a division that exists between the prosperous northern member states such as Germany and the Netherlands and the less prosperous southern member states such as Spain and Italy (Pollack, 1997: 577). Cleavages that give rise to varying and competing interests are not only found at the Member State level but there is also evidence within the EU bureaucracy of competing interests. Beyers and

Kerremans (2004: 1147) identify that “...political cleavages considerably affect the day-to-day policy network among Euro-level bureaucrats...”

Being a Single Market with regulatory capacity, it is only natural that there would be many interests at stake. Interest groups thus play an important role in determining policy direction and regulations to be implemented. Furthermore, the idea that interest contestation within the EU leads to externalisation is further evident in that DGs, member states and bureaucrats tend to contribute to interest contestation in their own right by conveying their varying particular preferences and interests.

Subject and target

It is with these three identity traits of MPE that the actual process of exercising the related power is possible. Damro (2011: 14-15) identifies two points in the process. One is identifying the “subjects” of the externalisation. This entails policies or regulations intended for the market. These are generated from processes that occur internally and are the result of bargaining amongst the groups with interests at stake. The second point is the identification of “targets” which include those non-EU actors that will be at the receiving end of the externalisation.

Means and tools

There needs to be consideration of the “means” by which the EU externalises its market policies and regulations linking the subject and the target. Damro (2011: 16) points out that the manner in which the EU exercises its market power can be found in processes of coercion or persuasion. These denote a sense of force. However, Damro (2011: 16) clarifies that like other conceptualisations of EU identity and foreign policy, MPE sees physical force as absent from the EU’s power base. The reason for this lack of military force is a result of what the EU actually is (a Single Market with regulatory capacity and interest group contestation). Nevertheless, there is a need for more forceful forms of externalisation. Damro (2011: 16) identifies “tools” of MPE as a means to externalise and he simplifies these tools into positive and negative conditionality. Positive tools identified include trade, cooperation and association agreements that grant benefits of a market as a means to externalise. On the other hand, negative conditionality can be found in suspensions, delays and withdrawals in terms of agreements concluded as a show of dominance and bargaining power.

Damro (2011: 18-24) also distinguishes between what the EU says and does in terms of MPE by analysing official texts and speeches. Evidence of EU policies and behaviour in terms of MPE will be investigated in chapter five.

2.9 Analytical framework for the study

A merit common to CPE, MiPE, NPE and MPE is that they all seek to describe the EU's role in the international arena. EU external relations have been contrasted with that of states' external relations and this has allowed for images of the EU to be created in order to comprehend the direction, reasons and origin for its actions. This Chapter has discussed four different views regarding possible role conceptions of the EU: CPE, MiPE, NPE and MPE. Nevertheless it is NPE and MPE that are used in this study of EU external relations. This study does not discourage the use of CPE and MiPE in determining role conceptions for the EU but simply implies that these are not adequate in accounting for the EU's perception of itself regarding southern Africa and the EPAs nor do they account for the possible perceptions that southern Africa may have in return.

CPE was developed as a conceptualisation of the EU to account for its use of civil instruments of power such as international cooperation and justice. However, CPE appears to concentrate on its "means" of power rather than its "ends" (Orbie, 2006: 125). In other words, it is concerned with what means (rule of law, economy and international cooperation), as CPE, it has in order to exert its power as such rather than determine the effects of its power manifestation on others (ends). As a result, its elaboration on the externalisation process and how this externalisation manifests in developing countries is incomplete. It would appear that the CPE concept is part and parcel of something more encompassing than itself. The study of the relations between the EU and southern Africa in terms of the EPAs requires a role conceptualisation that is all encompassing and examines the process of means and the ends to those means. Therefore, not only, how does the EU exert its power base but also, how does this impact resonate with southern Africa? In addition to this, the study also evaluates the reaction and thus, perception held by southern Africa of the EU's behaviour. This study finds value in using the concepts of NPE and MPE as are

they better suited to account for the current international relations climate²⁰ and, together, appear to offer more rounded explanations. The combination of the two conceptualisations identifies norms and tangible elements constituting the identity of the EU. The means of externalising these norms and tangible elements are highlighted along with the incorporation of non-state actors in the externalisation process. Furthermore, the impact and effect that externalisation has on third parties is examined.

2.9.1 **Why enter into trade, cooperation and association agreements?**

The need to establish trade, cooperation and association with the ACP bloc might have different meanings for NPE and MPE. Therefore, in order to comprehend what the importance for each one is, it is imperative to look at how the EU might conduct itself with regards to these agreements, both in its view and in the view of the ACP countries.

Smith (2003: 53) explains that there are options in terms of types of agreements that the EU can offer third parties. A trade agreement can be defined as a timetable to reduce or eventually eliminate tariff and non-tariff restrictions on trade between parties. However, trade agreements alone are limited and generally coupled with cooperation commitments as Smith (2003: 53) highlights. Cooperation agreements delve deeper into the relationship by not only committing to trade liberalisation but also infusing cooperative measures between parties in areas of technical expertise, capacity-building and ameliorating supply-side constraints. In other words, these will provide for development assistance in order to facilitate and ease the liberalisation agenda. Beneficiaries of these tend to be, of course, the lesser developed of the two parties. Cooperation agreements aim to find congruency in goals, visions and views. Association agreements incorporate cooperation and assistance in a wide range of sectors beyond trade and Smith (2003: 55) adds that often they include packages pertaining to aid and loans from the EC and European Investment Bank (EIB) respectively.

²⁰ As opposed to CPE and MiPE because they are conceptualisation that were born during the Cold War era

In order for there to be a willingness to have a trade, cooperation or association agreement there must be a vested interest from both in formalising such a relationship. Does the EU view its involvement in this relationship as morally committed to development with selfless intentions determining the decisions of the agreement? The EU has a large Single Market that requires access to other markets in order to fuel its size and resources. Could it be considered that the purpose for these agreements is strategic and merely to enrich and ensure access to other markets for itself?

These agreements aim to open up markets through liberalisation. This is generally a contentious endeavour when vast asymmetries exist. Nevertheless, being the bargaining power, the EU is able to secure a dominant position in determining elements of the agreement. Does the EU consider the conditions in partner countries? According to the EU, will the aim of these agreements result in the alleviation of development problems? In terms of the application of liberalisation, does the EU consider this the best policy option for development? Alternatively, does the EU use this as a means to ensure that externalisation of its practices is applied outside of the Single Market? Is convergence to EU standards a prerequisite to enjoying benefits from the Single Market? The latter might result in the reluctant adoption of EU regulations to meet those standards. Are the prerequisites to the EPAs, expected by the EU, too ambitious for the current development condition of the ACP countries?

These questions are posed in the study and are used to demonstrate whether the EU enters into these agreements with the ACP countries for morally responsible reasons (NPE) or whether the purpose for these agreements is determined by something more economically strategic with selfish intentions (MPE).

2.9.2 What are the reasons for neo-liberal trade practices?

FTAs granting favourable conditions to some parties of the WTO and not to others must meet the regulations laid out in the WTO: Article XXIV of the GATT (see 1 and 5.2.1) and the Enabling Clause²¹ (WTO, 2012). The reduction and eventual elimination of obstructive tariffs and NTBs to trade is the prime reason for FTAs as

²¹ The Enabling Clause allows developed member countries to give differential and favourable treatment to developing countries (WTO, 2012).

the aim is to open up trade and allow for fair and competitive practices to prevail with minimal government interference. The WTO defines tariffs as simply those customs duties that are imposed on goods that are imported (WTO, 2010). NTBs are also, by and large, hindrances to free trade and the WTO defines them as those barriers such as quotas, licensing systems, sanitary standards and so on that form a barrier towards the flow of trade (WTO, 2010). What were the EU's reasons for the end of the Lomé Convention and what were the perceptions of those reasons held by the ACP bloc?

Trade liberalisation is a mainstay for EU trade practices and a condition that must be met if access to its market is to be permitted at reduced tariffs or no tariffs. The general system of trade also champions the liberal trade system enshrined in the GATT/WTO. How does the EU substantiate its practice of neo-liberal trade? This is a pertinent question in light of the practice being controversial for developing countries as embodied in the work of Chang (see chapter one) and as is seen in the deadlocked Doha Development Round. Does the EU claim that neo-liberal trade practices are ideal to increase the effectiveness, efficiency and growth of an economy and with this, claim that it has a moral responsibility to the development aims of developing and lesser developed countries?

Alternatively, the incorporation of trade liberalisation schedules in trade and cooperation agreements is an example of the externalisation of the EU Single Market on those signing with the EU by instilling practices that have proven successful for the EU and the developed world. By this manner the EU is able to dictate the extent to which others should liberalise in the interest of instilling in them the practice of the free market and in this way spread the supposed benefits of this system. NTBs such as health standards and licensing systems form conditions that require matching in order to be granted the benefits of trade with the EU. This creates a regulatory capable EU whereby standards and regulations are put forth in order to be adhered to if entry into the EU market is desired. This will result in the adoption and spread of such standards. Additionally, it can be found that agreeing on a timetable for liberalisation is often a contentious area to negotiate not only between the parties involved but within the parties involved. Therefore, interest groups will play a role in deciding the flow of the agreement in terms of liberalisation.

What is the difference between the morally responsible explanation for externalisation of neo-liberal practices and the externalisation of market norms in a display of Market Power? The former will deliver remarks on neo-liberal trade as an ethical and successful form of carrying out international trade where the benefits are akin to social, economic and political upliftment to the extent that these are deemed moral tasks by the EU in its rhetoric and behaviour. On the other hand, the latter alternative is more determined in its implementation of neo-liberal trade practices due to its practicality and benefits that are not held as morally based but rather as economically more beneficial and fair. Regional Integration is an integral component of the Cotonou Agreement and the EPAs and is in line with neo-liberal trade practices. What is the state of play of regional integration within the Southern African Development Community (SADC)? Is emphasis on regional integration premature based on the readiness (or not) of SADC? Therefore, what are the views of the EU and SADC on the latter's readiness to engage in EPAs?

2.9.3 What are the EU's concerns with the ACP countries, specifically with southern Africa?

Having once been colonies of various European countries, the ACP countries continue to have strong ties with Europe and what needs to be determined is the nature the relationship between the EU and the ACP countries.

Without delving into a historical analysis of the relationship between the ACP countries and the EU (see chapter three) it is important to note that the relationship has always been one of vast asymmetries. The European colonialists had power over the management of resources that subjected the colonies to a patriarchal core-periphery relationship. While this system, in strict terms, has ceased to exist, the remnants of this type of relationship are evident throughout the ACP countries, and especially in Africa. Therefore, what is the rhetoric and behaviour of the EU in light of the close ties that it continues to share with these countries? Many with a structuralist outlook will argue that the core-periphery relationship characterising colonial connections is still evident today and is further perpetuated by the EPAs with the latter attempting to leave limited room for the development of trade relations amongst developing countries of the South.

Does the EU see its opportunity to continue to ensure access and domination of resources for its large Single Market through the EPAs? On the other hand, the outlook could be less critical with the opinion that the EU undertakes the process of EPAs and maintaining relations with the ACP countries in order to develop a partnership of mutual trust with its former colonies. This partnership, according to the EU, is intended to allow the former colonies to develop their economies and thus benefit from open trade with the EU. As a result, the principle of neo-liberal trade is espoused as a moral and just endeavour that merits externalisation.

Could it be that the identity of the EU is tied with that of the ACP bloc? Alternatively, might the ACP countries be trying to detach themselves from such a historically dependent relationship in favour of exploring other trade and development options and opportunities?

2.9.4 What is the nature of the EU's concern with aid and how conditional it is?

Generally understood as a moral undertaking, aid is not without controversy. It has been argued that donors tend to have ulterior motives in their aid programmes. With the EU being the largest aid donor it is worthwhile to explore the views surrounding aid emanating from it in order to account for NPE or MPE behaviour.

The EU holds the position of “most generous donor of aid” amongst developed counterparts, and this includes the contested issue of budget support (EU, 2011). There are, however, those who argue that budget support is not an entirely good policy route to follow in providing aid. Collier (2007: 104-108) examines various traps that this kind of aid can perpetuate, such as the conflict trap and the bad governance trap. These are commonplace in the developing and underdeveloped world and the movement of foreign aid without a monitored and structured plan assists in further worsening the problem by making large sums of money readily available to corrupt officials. It has been widely recognised that this form of providing assistance does not provide a long-term solution. Rather, solutions that delve deep into problem areas and invest in the human capital of a region or country are better as they create the basis for sound growth and development that can be entirely managed by locals.

The other more viable option is the AfT policy. This is a policy that has been incorporated into the EU rhetoric since 2007 regarding assistance to the developing

and underdeveloped world. Its stated aim is “...to more effectively use trade in promoting the overarching objective of eradication of poverty in the context of sustainable development” (Council of the European Union, 2007: 3). AfT is assistance that can be given to the ACP countries in the move towards to EPAs. What is more, the EC (2009: 1) has explained that this is a broad policy that includes assisting in trade practices and policies as well as assistance that is given in wider but, nonetheless, trade related aspects such as infrastructure and productive capacity.

The EU has been involved in international aid-related endeavours with the intention of streamlining and increasing the efficacy of aid. Is the EU’s aid policy purely in an attempt to better the situation of the recipient? Furthermore, is aid a way for the EU to guide in questions of ethical norms and have its own norms implemented? If that is the case then those advocating a more MPE approach will react in a sceptical and critical manner by arguing that the EU’s aid actions are all laden with market-related reasons. Is aid, therefore, a means for the EU to lay down market-related norms in order to ensure externalisation of its market rules and regulations? In other words, does the EU attach conditions that are not necessarily in the interest of the recipient but rather are a means to spread its internal market norms for its own benefit? Furthermore, it should be noted that the conditions attached to aid tend to be of a neo-liberal nature, ensuring that market access is guaranteed. Therefore, is due consideration taken of the consequences that opening up markets to the extent expected to be done might have on the economy of the lesser developed?

2.10 Conclusion

This chapter has outlined the theoretical and analytical groundwork with which to evaluate the EU’s behaviour *vis-à-vis* the ACP countries in terms of the EPAs.

Holsti’s role conception theory accommodates the various conceptions of the EU within a system of self-ascribed roles and expectations or experiential conceptions held by others outside of the EU.

Attempts to account for the behaviour of the EU predate the thoughts on NPE and MPE. This chapter has detailed the debate surrounding CPE and Bull’s perspective.

However, it has been the idea that the EU is a normative power that has received much academic attention for its detail to externalisation of EU norms such as consensual democracy, sustainable development and good governance through their prominent and active participation in the international arena. While this perception of the EU might be held by some, it has been argued that it is insufficiently critical and idealistic. It is at this point that MPE is introduced to account for a more market-driven EU characterised by a Single Market, regulatory capabilities and interest contestation.

Ultimately, the structure of the study is based on four questions: Why enter into trade, cooperation and association agreements? What are the reasons for neo-liberal trade practices? What are the EU's concerns with the ACP, specifically with southern Africa? What is the nature of the EU's concern with aid? These questions are answered in light of NPE and MPE in order to illustrate the extent to which each of these roles impact EU-ACP country relations with specific reference to the EPAs in southern Africa.

Based on the framework that has been outlined in this chapter, the next chapter provides the background to EU-ACP relations.

3 An overview of EU-Africa trade relations

3.1 Introduction

This chapter presents an overview of EU-African trade relations from the first Lomé Agreement of 1975 up until the Cotonou Agreement of 2000. The purpose is to provide a background to understanding contemporary relations, with specific reference to the EPAs. When considering the background to the EPAs it is necessary to examine not only the preceding agreements but also the climate in which they were conceived. The era spanning from 1975 to 2000 was one of many fluctuations playing a crucial role in shaping the current trade relations between the EU²² and the ACP countries.

The first section of this chapter examines the four Lomé Agreements, the background to each Agreement, the principles encompassing them, features and innovations and the shortcomings of each. The second section evaluates the need for change and what the conditions and events were that merited a revision of Lomé in general. The third section revolves around considerations for change as embodied in the EC's (1996) *Green Paper on relations between the European Union and the ACP countries on the eve of the 21st century: Challenges and options for a new partnership*. This chapter also refers to the ACP countries' response to the EU's Green Paper: the Libreville Declaration of 1997. The fourth section looks at the aftermath of the release of the Green Paper and the opinions held and decisions made. The fifth section explains the main technicalities of the Cotonou Agreement such as the objectives and principles, political dialogue and conditionality, trade arrangements and financial support. Lastly, a conclusion highlights the differing perspectives that exist regarding EU-ACP relations.

3.2 Lomé Agreements (1975 to 1999)

In 1956, France made its inclusion into the newly proposed European Economic Community (EEC) conditional on its request for its former colonies to have an

²² This chapter will use the following terms: the European Community (referred to as "the Community") as the entity existing from the 1957 Treaty of Rome, the European Union (EU) as entering into force from 1992 (Treaty of European Union) and European Commission (EC) which refers to the institution managing the daily activities of the EU.

associated relationship with the EEC formalised in the Treaty of Rome (Bache and George, 2006: 501). This became known as the Implementing Convention which recognised the newly sovereign African states and established a preferential trade agreement with the Associated African States and Madagascar (EAMA). It would be replaced by the Yaoundé Convention in July 1963 through which Europe's perceived development policy gained momentum.

This contract was a pioneer for determining the relationship between the developed and developing worlds (Holland, 2002: 28). However, during the lifespan of the Convention and its subsequent revision in 1969, it became evident that it was doing little to ameliorate the economic and development condition of the EAMA countries. Holland (2002: 30) explains that in 1958, 5.6% of Community imports came from EAMA countries. However by 1967, after the signing of the first Yaoundé Convention, that share dropped to 4.2%. Similarly, on the export side, 1958 saw a 4.4% share of Community exports to EAMA countries, but a decade later this had decreased to 2.9%. Essentially, the trend showed a declining share of exports and imports in relation with other non-Yaoundé signing parties in the developing world (Holland, 2002: 30). Despite reciprocity, the Convention did not move away from colonial dependency, leaving little room for development and diversification.

As a result of the dominance of French interests, reciprocity and the colonial reminiscence of Yaoundé, a change was needed to avoid further criticism. A major factor determining the course of any new agreement was the inclusion of the United Kingdom (UK) into the Community in 1973 which resulted in an increase in the sphere of influence to the Commonwealth countries (Flint, 2008: 14). The conditions that the French and British attached to their membership of any European group highlighted the distinct and particular views amongst Community members in terms of the nature of economic relations with their former colonies.

Another major influence in the negotiations towards future agreements was determined by the economic climate of the early 1970s. Gibb (2000: 461) points out that the period saw an increase in Organisation of the Petroleum Exporting Countries' (OPEC) oil prices and also in the prices of many developing world commodities such as sugar, coffee and tea. Many of these are found abundantly in Europe's ex-colonies and thus the negotiations for the new agreement were also determined by the Community's strong desire to maintain the privileged access it

enjoyed to those commodities. Gibb (2000: 461) concludes that as a result of the leverage enjoyed by the developing world the Community was forced to make concessions on their demands.

Negotiations began in July 1973 and attempts were made to reconcile the differing views of the various member states on how to approach the economic relations with the ACP bloc. France stood strong against the notion of non-reciprocity²³ until, at the eleventh hour, it dropped its opposition, an “agricultural middle ground” was found and an aid ceiling was established at the insistence of Germany (Holland, 2002: 34).

3.2.1 Lomé I

Background

Lomé I was signed on the 28th of February 1975 in the capital of Togo, Lomé and brought together nine Community members and 46 developing countries. It surprised the EU that the ACP group decided to negotiate as a bloc instead of as regional groupings (Flint, 2008: 14; see chapters four and five). This move by the ACP countries increased their leverage during the negotiations and as a result Lomé I seemed to offer the ACP countries many favourable concessions (Flint, 2008: 2). The Georgetown Agreement of June 1975 saw the creation of the ACP formal bloc. This bloc came equipped with a “Council of Ministers” and a “Committee of Ambassadors” (ACP States, 1975). Institutionally, Lomé would comprise of the Council of Ministers, the Committee of Ambassadors and the joint consultative assembly (Holland, 2002: 490). These structures, in their basic form, were to last for the 25 years of the existence of the Convention. The signing of Lomé I brought with it a “spirit of partnership and equality” due to its progressive and radical formulation (Gibb, 2000: 462), and signified for the ACP bloc a much needed move away from the peripheral and underplayed position it occupied in the colonial structure as it indicated a shift in discourse and attitude on the part of the Community.

Principles

The fundamental principles of Lomé sought to increase North-South multilateral cooperation by:

²³ Non-reciprocity is used to refer to the instance when developed countries grant developing countries access to their markets while not expecting the latter to make a matching offer (WTO, 2012).

- establishing the right of each state to determine its own political, economic, social and cultural choices,
- recognising the need for the ACP bloc to define its development policies, increasing agricultural development so as to ensure ACP countries' food self-efficiency,
- pushing for industrialisation,
- diversifying production and developing cooperation and trade between the ACP bloc and the Community (Karinji et al, 2006: 3).

In the spirit of partnership, the EU set out these ambitious aims which motivated the ACP bloc and made them optimistic as to what progress the Convention would entail. What remained to be seen was whether the EU would live up to the expectations surrounding the Convention.

Features

Lomé I established a non-reciprocal relationship between the Community and the ACP bloc in that "...products originating in the ACP States shall be imported into the Community free of customs duties and charges having equivalent effect..." (EU, 1976). Olivier (2006: 47) explains that while 95% of ACP exports to the Community were primary products, the Convention's tariff free schedule covered less than one percent of ACP country agricultural products. The reason for this stems from the CAP (see 1.1.5).

Another special feature of the Convention was the creation of the System for the Stabilisation of Export Earnings from Products (STABEX). The aim of this feature was "... [to remedy] the harmful effects of the instability of export earnings and of thereby enabling the ACP states to achieve the stability, profitability and sustained growth of their economies..." (EU, 1976). In essence, STABEX was a system for guaranteeing that the earnings from exports be stabilised for the products that ACP economies were dependent on and which were often affected by price fluctuations. Therefore, under Lomé I, 29 products were guaranteed a minimum earning and were insured against any negative fluctuations in their prices (Holland, 2002: 36). Nevertheless, the benefits of STABEX were not evenly spread out with Senegal receiving 17.2% of all transfers under Lomé I and 13.2% under Lomé II (Holland, 2002: 38). Additionally, under Lomé I, 36.9% was allocated to groundnuts, placing it

at the top. Lomé II's scheme benefited coffee and cocoa the most with 27.4% and 22.6% of transfers going to these products respectively, while groundnuts took 20.2% (Holland, 2002: 37). STABEX can be seen as an altruistic attempt by the EU to alleviate the stress on the economies of the ACP countries. It fed into the partnership element of the Convention and thus contributed to a certain extent to the EU's perception of itself within this new "spirit" of relations and also to the ACP bloc's view of the EU's intentions as altruistic and benevolent. STABEX also illustrated the need to treat various ACP countries differently. However, this element of differentiation was missing and would eventually be a cause for the need to re-evaluate the Lomé arrangement (see 3.2.3).

STABEX had an "Achilles heel" that was revealed during the early years of its inception (Holland, 2002: 37). During Lomé I, the global recession led to a decline in the prices of commodities which made it difficult for loans to be paid back which, in turn, resulted in a depletion of the system's fund (Bartels, 2007: 738). STABEX was, thus, stretched beyond its budgetary limit. As a contested commodity and in addition to the global recession, sugar also featured prominently in the Convention, specifically in Chapter II Article 25 and Protocol Number Three, in which the Community undertook for an indefinite period of time to buy and import specified quantities of sugar at guaranteed prices (EU, 1976).

A developmental feature of the Convention was the financial and technical cooperative element that was supported by the EDF and the EIB (Olivier, 2006: 47). The Convention states that financing and loans were to be directed at covering projects or programmes that stimulated spheres of general interest and that would lead to the economic and social development of the ACP country in question (EU, 1976). Moreover, technical cooperation was also emphasised in the form of executing studies and research related to development and like projects, various forms of aid, scholarly grants and training opportunities and the supply of information.

Shortcomings

Despite being heralded as a new "partnership" and meeting the calls of the ACP bloc for a New International Economic Order, Lomé I did not elude criticism. It has been argued that it did nothing but perpetuate the flow of primary commodities from the

ACP bloc to the Community and the flow of manufactured products to the ACP bloc, much like the core-periphery asymmetrical trade relations that characterised the colonial era and the preceding agreements between the developing world and the Community. This element of the Convention brought into question the much lauded “partnership” status. This trend was concomitant with the general trend in theoretical debates in IPE. Liberal economic underpinnings of the conventions were being brought into question by neo-Marxist theorists arguing that the former perpetuated a dependency status (Jackson and Sørensen, 2003: 205).

3.2.2 Lomé II

Features

Overall Lomé II, which came into effect in 1980 and expired in 1985, varied little from the initial Lomé and it has even been described as a disappointing successor (Bache and George, 2006: 504). However, there were three important developments. Firstly, the number of ACP signing states had increased (Bache and George, 2006: 503). Secondly, a mechanism, called System to Stabilise ACP countries’ Earnings from Mining (SYSMIN), was established only for those countries that were dependent on the export of specific minerals that made up 15% of export earnings over a four year period (Olivier, 2006: 47). Overall, SYSMIN provided 282 million ecus²⁴ under this mechanism. This was injected into the mineral sector of various ACP countries and included minerals such as copper and cobalt (Holland, 2002: 38). Lastly, the issue of human rights abuses became a minor norm taken into consideration in the negotiations, particularly supported by Britain and the Netherlands (Bache and George, 2006: 504). This already begins to demonstrate the EU’s normative intentions with respect to the ACP bloc. The norm of human rights, a fundamental tenet, along with democracy, making up the EU’s normative framework, is actively pursued outside of the realm of the EU through its incorporation into the new Lomé Convention. It remains to be seen, though, whether the incorporation of such a norm is evidence of an altruistic and moral EU or whether it is evidence of a conditional agenda put in place by the EU in order to favour ulterior economic interests.

²⁴ The EC (2011) explains that ecu stands for “European currency unit” and was the European Communities’ monetary unit of measurement. It was adopted in 1979 with the European Monetary System and was made up of a basket of currencies of the Community in order to calculate the value of goods, services and assets.

3.2.3 Lomé III

Background

The subsequent Lomé (III) (signed in 1984 and coming into effect in 1985 until 1990) was negotiated during a time of economic downturn for the ACP bloc and particularly for Africa. During the 1980s, African per capita GDP declined by 2.6% annually, while investment from the developed North, suffering from recession, dropped and debt shot up (Holland, 2002: 40). However, the economies of South East Asia were rising and more attention was being diverted to the International Monetary Fund (IMF) and World Bank structural adjustment programmes (SAPs). These programmes were aimed at increasing the productive capacity of an economy, bringing forth development. The programmes entailed supposedly necessary reforms of an economy through means such as: liberalisation of trade in goods and services and investment; reducing or eliminating anti-competitive agricultural policies; removal of the control of prices and exchange rates and reform of tax policies (IMF, 2012). These programmes found common ground in Europe's development policies *vis-à-vis* the developing and underdeveloped world. The EU believed that these were addressing the root problems of the development gap (Holland, 2002: 41), illustrating Europe's *own* perception of remedies to the development problem as these programmes were heavily criticised and questioned in terms of their efficacy and suitability in addressing economic development problems (Sahn et al, 1997: 1). New parties were included into Lomé III with the expansion of the Community to include Greece, Spain and Portugal

Principles

New issues of international concern that were beginning to gain focus in negotiations between the ACP bloc and the Community were included in Lomé III, such as climate and health (Holland, 2002: 42). The introduction of the reference to human rights in Lomé III was a catalyst towards the eventual official EU policy to incorporate this conditionality in all its agreements (Bartels, 2007: 738). The gradual introduction of this element to the "partnership" was not favourable to the ACP bloc and considering their steady loss of importance on the European pyramid of privilege with regards to trade preferences, it further increased the loss of bargaining power that it might once have held within the relationship with the Community. Up until

1990, the Lomé Convention was meant to be politically neutral in that the intention, according to Dieter Frisch was not to enter into any consultative dialogues with partner countries about their external relations and ideological, political and economic choices (Frisch, 2008: 17).

Other accounts suggest that the Community was indeed preoccupied from the late 1970s with the internal human rights conditions of some African countries such as Uganda and Liberia (Nwobike, 2005: 1383). Nwobike (2005: 1383) argues that the Community, responding to the violations of human rights in a few African countries, undertook to suspend partially its development aid to said countries which subsequently led to heavy criticism from the ACP countries. He explains that four arguments against this move by the Community were made.

Firstly, the ACP bloc expressed its desire to maintain the status quo of the Lomé framework as one focusing on economic and trade aspects of the relationship and leaving human rights and political concerns to the UN. Secondly, human rights concerns could easily be used to manipulate others especially within the political climate of the Cold War. Thirdly, it argued that ACP countries were not the only ones committing human rights violations and Community countries were also guilty and that too much emphasis was placed on civil and political rights, eschewing economic, social and cultural rights. Fourthly, they felt that such references to human rights were a contravention of their sovereignty. The question in this regard is whether this issue of human rights was an indication of the Community's motivation to externalise a norm that was quickly gaining mainstay within its integration foundation, thus justifying its actions perhaps to itself. However, the arguments expressed above demonstrate the differing perception that the ACP bloc holds of the very same actions. This is particularly the case in the last argument made on the sensitive issue of sovereignty. With the memory of colonialism, the ACP bloc was hesitant to allow European influence in its internal affairs (Nwobike, 2005: 1384). This notwithstanding, in line with the human rights emphasis, Lomé III included an agreement (Joint Declaration on Article Four) by all the signatories to eradicate apartheid in South Africa (EU, 1986).

Shortcomings

The funds allocated to each Lomé Convention came from the EDF and were steadily increased from one Agreement to the next (Frisch, 2008: 18). Lomé I was granted three billion ecus, Lomé II counted on 4.5 billion ecus and Lomé III had 7.4 billion ecus. However, these increases leading to 7.4 billion ecus for Lomé III were misleading as while the amount of aid increased it was overshadowed by the increase in population and inflation in the ACP bloc (Bache and George, 2006: 504). This, in turn, led to Community real per capita transfers to ACP countries to drop by 40% (Bache and George, 2006: 504). Already it can be seen that the EU attempts to portray an image of itself as an altruistic and conscious donor of aid through aid increases without considering the impact (or lack thereof) these have on third parties when other factors are taken into consideration. This illustrates two aspects: firstly, whether this disregard for broader economic considerations of aid increases is a conscious or unconscious endeavour, it portrays an EU that is concerned with maintaining an image of itself as altruistic; secondly, it demonstrates the marginal importance that the ACP bloc began to occupy for the EU.

3.2.4 Lomé IV

Background

Lomé IV did more than Lomé II and III to change some important elements of the relationship between the Community and the ACP bloc. The previous three Agreements saw Africa's per capita GDP drop by an annual average of 2.6% and returns on investment decrease (George and Bache, 2006: 504). Also, the ACP bloc was struggling to keep up with its increasing debts. The World Bank and IMF were implementing SAPs and, as has been mentioned, the Community saw a need to align itself with the Bretton Woods institutions in their endeavours to alleviate global underdevelopment and stagnation. Therefore, while it was advocated that the Community should not involve itself in the political, economic and ideological practices of the ACP countries within the context of the Lomé Convention, it did have the SAPs with which to dictate the conditions for development which were aligned to developed North conceptions of economic improvement. It can be argued that this situation could have contributed to perceptions within the ACP bloc of Community double standards. The international economic climate was also a major player in

determining the nature of the fourth Lomé Agreement as the Cold War was coming to an end, influencing the Community's shift in the focus of aid to their more immediate eastern neighbours. Within the Community, however, plans were underway to finalise the Single European Market which would result in greater cohesion of economic policies and therefore the necessity for greater deliberation and consensus amongst member states before executing any policy. At the same time, the move towards a single market pointed to the development of MPE.

Principles

Lomé IV strove to incorporate a number of normative elements into the agreement addressing fundamental human moral constructs and also norms that were pertinent to trends increasingly evident internationally. Article Five, speaks of cooperation amongst signatory states and “deep attachment[s]” to the norms of human dignity and human rights which are elaborated further as “non-discriminatory treatment”, “fundamental human rights”, “civil and political rights” and “economic, social and cultural rights” (EU, 1989). The introduction of these norms was a significant move by the Community who, internally, was concerned with moving towards ever deeper integration.

In 1984, the draft treaty on the establishment of the EU, known as the Spinelli Draft, was approved by the European Parliament (EC, 2010). The emphasis on human rights is not exclusive to Lomé IV and can, indeed, be found referenced in the Spinelli draft as a Fundamental Right under Article Four (European Parliament, 1984). This is an indication of the Community concerning itself with externalising norms that formed part of its fundamental identity. Human rights would, subsequently, also find place in the TEU in 1992 (EU, 1992). More specifically, respect for human rights is also addressed within the ambit of “Development Cooperation” under Title XVII by explaining that policy in terms of development would serve the purpose of ensuring democracy, rule of law and respect for human rights. These proclamations of respect for human rights are all in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 that aimed to secure and concretise commitments to respect for human rights by the Council of Europe. These texts formed the backdrop against which the Community introduced the norm of human rights into the Lomé Convention

which was the first agreement to incorporate human rights as a fundamental tenet of cooperation (EC, 2012).

Further innovations in the agreement included the emphasis on equal opportunity rights in terms of the sexes (Holland, 2002: 46). The new emphases on the environment and protection measures related to sustainable development, with the UN release of the Brundtland Report in 1987, were also taken into consideration, unlike before (EU, 1989). Notwithstanding all these policy innovations, the practice of non-reciprocity was maintained. As the SAPs were criticised for being too demanding, it was no wonder that a contentious issue of Lomé IV was the explicit reference to structural adjustment as conditionality. Article 243 of the agreement justified the need for the programmes by explaining that they might be necessary, depending on the circumstance of each individual case; implementing these reforms as such would be concomitant to a favourable economic climate, growth of GDP and social and industrial productivity. This opened the path towards instilling and institutionalising norms in the ACP bloc that the developed North, and especially the EU, deemed necessary and immutable. Nevertheless, Article 244 did offer some “flexibility” in terms of the structural adjustment support. It guaranteed that the onus rested with the ACP countries to analyse and prepare the reform programmes needed and also it recognised their right to determine the direction of the programmes implemented. With the midterm review of Lomé IV the structural reform process was amended slightly in order to extend it to the regional level (Holland, 2002: 44).

Features

The Community pledged 12 billion ecus in the first half and then increased it to 14.6 billion ecus in the second half. This was an increase of 40% from Lomé III (Holland, 2002: 42). STABEX and SYSMIN received a 62% increase in funding with Lomé IV (Bache and George, 2006: 505). Lomé IV was signed in December 1989 and covered a 10 year period as opposed to the earlier agreements that ran for five years each.

3.2.5 Midterm review of Lomé IV

Background

By the time the midterm review of 1995 came about, the political and economic climate that had prevailed during the initial stages of the agreement had shifted and led to a further decreased advantage for the ACP countries. One of the shifts came in the form of donor fatigue (Holland, 2002: 46). With each review more money was being pumped into trying to reform the economies of the ACP bloc but to no avail. Nonetheless, the funds to STABEX were increased to 1.8 billion ecus. The focus was on ensuring that there was development and diversification of ACP country products in order to increase their competitiveness (Holland, 2002: 47). Preferential access was not removed and a relaxation of quantitative barriers was allowed.

Lomé IV must be evaluated within the bigger context of the European integration process. The TEU was signed in February 1992 and parallels can be drawn with it and the Lomé IV midterm review. Normative principles, particularly respect for human rights, democratic principles and rule of law, were affirmed. One pertinent aspect of the midterm review was the introduction of human rights as an “essential element” (EC, 2012). The implication of this was that any contravention of the norm would entail partial or complete suspension of development aid after consultations (EC, 2012). Lomé IV was the first development agreement to introduce this, according to the EC (2012). Therefore, in terms of Lomé IV, before passing on 30% of the funds, the EU expected that structural programmes for development (based on those normative principles) be implemented in the ACP countries in question (Holland, 2002: 48-49). Alternatively, sanctions could be imposed on those that the EU had deemed as not meeting the conditional requirements.

Principles

Recalling the issue of human rights and its incorporation as an element entailing conditionality, it should be mentioned that the ACP bloc, in terms of the Lomé IV midterm review, accepted the inclusion of the norm. A reason for this change in perspective by the ACP bloc, as Nwobike (2005: 1384) underlines, was the adoption of the African Charter on Human and Peoples’ Rights of June 1981. The adoption of this Charter was significant from two perspectives. The first sees this move by African countries as a means to assert their independence and attempt to distance

themselves from Europe by proclaiming a body of norms as their own in order not to have to adopt “European” norms. The other perspective sees this move as a successful externalisation of EC actions in that Africa followed in Europe’s footsteps in formalising a body of norms.

Structurally, Lomé IV can be characterised as a more innovative agreement than the previous three. Flaesch-Mougin and Raux (1991: 344-348) add firstly, that the two new members into the EC, Spain and Portugal, played a crucial role in the “intra-EC split” in terms of the financial distribution to the ACP bloc in comparison with the more developed Community countries such as the UK and Germany. On the other hand the ACP bloc also saw itself increase to 69 at the beginning of the 1990s. Secondly, the reason for the extension of the agreement into a 10 year period is that with a five year validity period more time was given to dealing with delays and modifications.

3.2.6 Shortcomings of the Convention

Despite, the optimistic spirit surrounding the initial Agreement, the share of imports and exports of the ACP countries *vis-à-vis* the EU was on a downward trend during the period 1970 to 1994. Holland (2002: 154) shows that in terms of a total of EU exports, the ACP bloc held 7.6% in 1970 and 2.8% in 1994, while the Newly Industrialising Countries (NICs) such as Hong Kong, Singapore, South Korea and Taiwan showed an escalating trend with 2.1% in 1970 and 7.6% in 1994. On the other hand, as a total of EU imports, the ACP bloc also showed a declining share with 8.9% in 1970 to just 3.4% in 1994 (Holland, 2002: 154). The NICs, on the other hand, had 1.5% share of EU imports in 1970 and 6.2% in 1994 (Holland, 2002: 154).

The figures relating to trade statistics were testament to the creeping idea that perhaps the “innovative” Lomé was not suited to help integrate the ACP economies into the world market in order to stimulate their development. Once again, dependency theorists claimed that the Convention was nothing more than attempts to maintain the status quo of a North-South core-periphery relationship between the Community and the ACP bloc.

The eventual introduction of norms and the subsequent concretisation of human rights as an essential norm illustrates the EU’s ability to externalise its own fundamental base, bearing in mind the immense importance that human rights

occupies within the normative framework of the EU identity. Nevertheless, this section has also begun to unveil the possible reasons for the ACP bloc's opposition to EU policy choices, culminating in the current complicated EPA negotiating process. The EU, perhaps unknowingly, demonstrated that it acted in a contradictory manner on numerous occasions, espousing a set of principles but acting on the basis of others. Furthermore, these double standards have contributed to the ACP bloc harbouring a different view of the EU as the one maintained by the EU itself and this "contradiction" forms the crux of this study. The next section will uncover the reasons that were given for the need to change the relationship dynamic of the EU and the ACP bloc.

3.3 The need for change

The economic and political climate of the 1990s showed that there seemed to be little room for a Convention such as Lomé. It appeared to be an agreement of a bygone era that was quickly unravelling to display a more regionally fragmented, EU-enlarged and multi-polar world. This section will look at the various events and issues that contributed to the rationale for reform of the EU-ACP bloc relationship.

3.3.1 International trade regulations and norms

Perhaps the most noteworthy event that led to the demise of the Lomé Convention was the changing international trade regime.

The GATT aimed to establish an international multilateral system whereby no one signatory party was discriminated against from the next. Based on this, the EU-ACP trade relationship in respect of preferential arrangements contravened this core GATT principle. The non-discriminatory clause is embodied in MFN clause of the GATT/WTO and is defined as "...the principle of not discriminating between one's trading partners" (WTO, 2011).

The Uruguay round of negotiations (1986-1994) of the GATT brought with it the most reforms and innovations of the global trading system since the inception of the GATT after the Second World War (WTO, 2012). Thereafter, the momentum created by this round (which established the WTO as successor of the GATT in 1995), from 1996 to 2005, was concomitant with an increased emphasis on liberalisation of the global

economy with agenda items ranging from negotiations of government procurement of services to negotiations on textiles and clothing. This emphasis formed the backdrop to the waning of the Lomé Convention's preferential relationship in the mid to late 1990s. This preferential relationship ran against the principle of trade liberalisation, adding further fuel to the GATT/WTO's criticism thereof.

The Banana Regime

In order to continue with the preferential relationship, Lomé IV had to seek a waiver from the MFN clause after the findings by a GATT panel in 1994 confirmed it was in contravention of the clause (Flint, 2008: 17-18). This panel was a result of the so-called "Banana Regime". The banana regime had a major role in bringing to an end the Lomé Convention. Before 1993 the EU banana regime was uncoordinated and uneven with member states having different preferential import regimes in place for "dollar zone bananas" and ACP bloc bananas (Dickson, 2003: 1). The implementation of the Single Market in 1992 meant that matters would have to be harmonised. What had to be kept in mind was the preferential access that had to be maintained for the ACP group as per Lomé IV. As a result, the 1993 Banana Regime preserved duty free access for the ACP group bananas with an over-quota tariff.

However, the dollar bananas were subjected to a tariff quota. This resulted in a manipulated and interventionist system in that the EU had control over who had better importing rights in terms of fruit depending on where it was coming from. The situation with the Banana Regime serves to illustrate a side of the EU that was concerned with manipulating the market in order to serve its domestic needs and interests while sustaining a trade relationship that was beginning to be questioned by outsiders.

Ultimately this Banana Regime did not culminate in many benefits for the ACP bloc. On numerous occasions it was found to be out of line with GATT but it was, in particular, the second GATT banana panel in 1994 that affirmed that Lomé itself was not in compliance with the GATT's MFN rule for the primary reason that it treated those of similar development levels in a discriminatory fashion. Furthermore, as Lomé did not constitute a reciprocal regional FTA covering "substantially all trade" it could not be exempt from the MFN principle. To curb temporarily any further

immediate issues, the EU applied for a waiver which was granted for five years from December 1994.

Trade as aid

The growing aid fatigue among EU member states led to the notion that trade and not aid was the path to development (Farrell, 2006: 20). Their concern was the fact that aid was being dispersed among the ACP countries without yielding much progress in terms of development. As a result the emphasis shifted to increasing the trading capabilities of the ACP countries in the world economy in the belief that this would promote development. This view of trade and not aid was controversial to the ACP bloc who saw it as a direct challenge to the sense of partnership in the relationship (Hurt, 2003: 171). Nevertheless, the EU was quick to defend the move on the basis of the lobbying of EU taxpayers who were concerned that their money was not being used effectively.

The incorporation of the idea of trade as a form of aid by the EU provides insight into the EU's intentions. Superficially, there appears to be an image of the EU as an altruistic entity concerned with how best to implement policies and deal with development challenges of the ACP bloc. Indeed, this might be an image that the EU believes it is portraying. However, deeper analysis (see chapter five) will demonstrate an alternative view. The origin of this alternative, emanating from the ACP bloc itself, draws from a practical perspective in terms of the new emphasis on trade instead of aid for development. In line with this, trade refers to the move towards reciprocal relations which was something the ACP countries felt ill-prepared to do, arousing suspicions of neo-colonialist tendencies on the part of the EU. Furthermore, the EU's justification for the argument of trade versus aid adds further fuel to the more tangible and calculating perception held of the EU where it externalises its internal functions, having a spill-over effect into its foreign policy (its externalisation effect of internal functions).

3.3.2 Reasons for change related to the EU

These following reasons are not brought about as a result of self-perceived EU considerations but are rather as a result of external objective observations of the events taking place on the international stage, affecting the EU. This delineation of perceptions paves the way for a study of differing views of the EU and its actions.

End of the Cold War and European expansion into the East

The end of the Cold War brought with it substantial change in the ideological, economic and geo-strategic environment of the world. The collapse of the communist regimes of the east and the fall of the Berlin Wall resulted in a massive shift in priorities for the world.

The opening up of eastern European markets gave the EU an opportunity to form trade relations within its European neighbourhood, allowing the EU to broaden its external economic relations and rekindle the relationship with the East, leading to short-term and long-term consequences for the ACP bloc. In the short-term the EU had to provide immediate assistance to the formerly communist governments as they started the process to reform (Barbarinde and Faber, 2003: 5). In the long term, according to Barbarinde and Faber (2003: 5), these newly accessible eastern markets allowed the EU to concentrate significant time and financial resources to prepare them for their eventual integration into the EU.

In a more geo-strategic sense, it is argued that one of the interests in maintaining a preferential relationship with the ACP bloc was the need to control a considerable sphere where capitalist and democratic principles could be championed as a buffer against the spread of communist principles. However, the end of the Cold War removed the last “geopolitical considerations in Europe’s relations with members of the ACP group, especially its African component...” (Ravenhill, 2002: 10). This observation reveals that the EU’s interests in Africa are based on calculating strategic considerations above anything else.

European Union spheres of interest

The EU is constantly in motion towards greater integration and enlargement. As a result, the EU’s spheres of interest increase or wane depending on the constitution of its membership. This provides evidence for the argument that the EU’s interests serve self-centred reasons rather than altruistic endeavours that it portrays. This also demonstrates an externalisation process of EU actions in that whatever is seen as occurring within the EU either has intentional or unintentional effects on processes within other countries.

Originally, French, Belgian and British inclusion into the Community had an influence in determining spheres of influence (see 3.2). The inclusion of Spain and Portugal

increased contacts with Latin America and played a significant role in lobbying within Community institutions in favour of the Spanish and Portuguese ex-colonies (Ravenhill, 2002: 10). The accession of European countries without colonial legacies in the Third World such as Austria, Finland and Sweden in the 1990s also signified a watered down interest in maintaining the ACP bloc at the top of the pyramid. Other areas of influence were distinguished, such as the Mediterranean for its geographic proximity to the European continent, commercial opportunities and threats to Europe such as drugs, illegal immigration and terrorism; the lucrative South East Asian markets and of course central and eastern Europe (Ravenhill, 2002: 10).

Nevertheless, Africa has become, once again, a hub as resource-rich countries find themselves pulled in all directions by resource dependent countries and regions such as the EU which finds itself having to compete with major emerging economies such as China and India. As a result, the EU's interests in the ACP bloc, and particularly Africa, have been reignited. This renewed and increasingly competitive drive for Africa's natural resources indicates that there is a more tangible (as opposed to normative) and self-centred dynamic of EU-ACP relations which is further discussed in chapter five. Nonetheless, these fluctuations in interest directed at the ACP bloc, and especially Africa, question the idea of altruistic intentions on the part of the EU and question the credibility of the argument to substantiate the need to transform Lomé.

Institutional changes and integration

Structurally, there were changes within the EU that were contributing to the climate for change in terms of the EU's external relations and external image. Two aspects are looked at: the reforms that took place within the Commission and the increasing integration that the EU was undergoing in the 1990s.

With the gradual inclusion of new members and the various lessons learnt with regards to bureaucratic functions, the nature of the EU-ACP relations was being affected (Barbarinde and Faber, 2003: 7). The introduction of new DGs and the movement of ideas and priorities of the various new members all played a significant role in influencing the policy outputs emanating from the decision-making centre, the Commission. The DG for Development was initiated for the purpose of overseeing ACP development. Then again, in 1999 all matters pertaining to ACP trade were

shifted to the DG for Trade (Farrell, 2006: 20). The ACP bloc and the DG for Development in the 1990s could no longer be seen as the *raison d'être* of EU external policy. For lobbyists, the 1990s saw the popularity of the DG for Enlargement increase (Barbarinde and Faber, 2003: 7). This was concomitant with the wave of prospective new members formally applying for membership (EC, 2010). Furthermore, this new focus also indicated a shift in priorities ultimately detracting attention from the ACP bloc.

The signing of the TEU in 1992 and the Treaty of Amsterdam in 1997 deepened Europe's integration and paved the way towards common action in terms of foreign policy. Not only was the Single European Market being set in motion but so was the Common Foreign and Security pillar of the Maastricht Treaty. The establishing treaties of the EU have all served to lay the groundwork for external economic initiatives such as the Lomé Convention (Barbarinde, 2001: 13). The TEU made even more conditional the cooperation with third parties through the emphasis on principles such as democracy, human rights, rule of law, international cooperation and fundamental freedoms (Barbarinde, 2001: 14). As a result, all the institutional changes occurring within the EU during 1992 and 1997 had a significant impact on the EU's relations with third parties. The ACP bloc, being heavily dependent on the EU in terms of trade and development, experienced the changes along with the EU. As a result, the EU inevitably advocated its normative principles by pushing for democracy, respect for human rights, rule of law and good governance in the ACP countries (Barbarinde, 2001: 14). These normative principles were also being put to the fore by the EU in determining future relations with the ACP bloc (Barbarinde, 2001: 14). Consequently, goals such as poverty alleviation and eradication were made primary objectives.

The conclusion of the TEU set the wheels in motion for the crucial Single Market; an entity that would go on to have an important influence on future relations between the EU and the ACP bloc. This Single Market initiative, however, could not work with the Banana Protocol of the Lomé Convention (see 3.3.1) as it did not comply with the principle of the free movement of goods (Barbarinde, 2001: 14). Corresponding to the Single Market, another aspect that necessitated a revision of the Lomé Convention was the introduction of the Euro as a single currency in 1999.

The EU's desire for transformation of its relations with the ACP bloc is mirrored by its internal processes. Therefore, externalisation of EU actions and principles, either intentionally or unintentionally, affect processes within the ACP countries. This is a process that will receive more attention in chapters four and five.

3.3.3 Reasons for change related to the ACP bloc

There are three main reasons related to the ACP bloc that played a role in further strengthening the cause of the EU and other international actors to call for a change in the EU-ACP bloc relations.

Economic conditions in the ACP bloc

There is little dispute that Lomé had failed overall in securing the development and economic growth of the ACP countries despite the 25 years of the Convention's preferential access for ACP products and the political and economic conditionality that the WTO, IMF and the Convention eventually imposed on the ACP bloc (Flint, 2008: 16).

Overall, the share of EU imports that the ACP bloc held, dropped from approximately 8% in 1975 at the initiation of the Lomé Conventions to under 4% by the late 1990s (Barbarinde, 2001: 15; Holland, 2002: 154). To put the matter into perspective that this was not something endemic to developing countries, it should be noted that countries in Asia and Latin America were doubling their share of EU imports from developing countries (Barbarinde, 2001: 15). Furthermore, there was little room for diversification, and commodity dependence continued into the 1990s (Barbarinde, 2001: 16).

According to Babarinde and Faber (2003: 12) some ACP countries, such as Mauritius, Seychelles and some Caribbean countries, did not fare too badly in terms of the EU-ACP concessions. Nevertheless, during Lomé the ACP economies regressed. In sub-Saharan Africa the average growth rate of GDP was 1.7 per cent in the 1980s and 2.4 per cent in the 1990s. Superficially this indicated growth, but when annual population growth is taken into consideration (2.9 and 2.6 respectively) this actually demonstrates a fall in per capita income.

Furthermore, Barbarinde and Faber (2003: 12-13) point out that towards the end of the 1990s, there were 292 million people in sub-Saharan Africa living on less than

one US dollar a day which was an increase of 75 million during the period 1987 to 1998. In addition to this, the Human Development Index (HDI)²⁵ situation of the ACP bloc explaining that approximately half of the African countries constituting the bloc had a ranking of less than 0.5. This was also aggravated by the 5% dependence on development aid that sub-Saharan Africa had in comparison with 0.2% for both Latin America and South Asia.

The ACP share of EU exports and imports was on a downward trend and the significance of this trend is made evident when contrasted with the growth trends of other developing countries such as the NICs (see 3.2.6).

The aim of ameliorating development challenges and diversifying and integrating economies into the global economy were the aims of the Lomé Convention. However, from the above it is evident that these were not the outcomes.

Lack of differentiation

In 1975, with the signing of Lomé I, there were 46 countries constituting the ACP bloc; by 1995 the bloc comprised of 70 members (ACP, 2012). Consequently, the concern that emanated from the EU and outside observers regarding the status of the Lomé Convention was that the uniform arrangement was not adequate to address the varying conditions of the ACP bloc. It had been mistakenly assumed that the perceived panacea for the development plight of the ACP bloc could be applied uniformly to all the ACP countries (Barbarinde, 2001: 16). The Lomé Convention was criticised for lack of differentiation and its disregard of other developing countries such as Cambodia, Dominica or Vietnam (Holland, 2003: 163). As a result, the lack of differentiation and justification for condition of membership were beginning to surface.

Part of the EU's argument for change was substantiated by this lack of differentiation in that one of the causes for the economic failure of the Convention was because it was perceived that all ACP countries suffered from the same hindrances to development (Barbarinde, 2001: 16). To address this situation, the EU envisaged a trading arrangement with different groups of ACP countries within the ambit of WTO

²⁵ The HDI began in 1990 and presented a formula to measure both social and economic development with a single statistic that combines: life expectancy, education and income (UN, 2012). It is measured on a scale represented by the values on each extreme as zero and one.

regulations and in accordance with the differing development levels of the countries concerned (EC, 1996: 35).

The idea of grouping various regions of the ACP bloc to trade with the EU was agreed to by both sides as a stepping stone towards the promotion of “South-South interaction”, moving away from the North-South bias (Barbarinde, 2001: 17). It remains to be seen whether the EU is really a proponent of South-South interaction or whether its actual intention is to “trap” the ACP bloc into North-South agreements (see chapters four and five). It has become evident to the ACP region that the EPAs have, in actual fact, disrupted South-South interaction (see chapter five).

With the increase in membership and possible eventual differentiation in their treatment, the ACP bloc also had to prepare for institutional reforms. Barbarinde (2001: 17) argues that the Lomé Convention did not “reward performance” and as a result the ACP bloc did not show any developmental initiative. He also argues that this was aggravated by the bureaucratic difficulties in accessing the EDF and as a result both the EU and the ACP bloc wanted processes to be streamlined and made more effective so as to incentivise the ACP countries to adopt development-friendly policies.

3.4 The Green Paper and the ACP bloc’s vision

Responding to the changes in the international arena the EU took an official stance and produced a discussion document related to its position *vis-à-vis* all the criticisms it was facing because of Lomé and how it would proceed to introduce a regime more suited to the international climate. However, the ACP bloc also had a vision of what form of trade agreement should replace the Lomé Convention that seemed at times inconsistent with the EU’s position.

The Green Paper

The Green Paper was released in 1996 and expressed that the EU was “...gearing up for major changes” (EC, 1996: i). Furthermore, it reiterated that the changes occurring were not only exogenous to the EU but that there were also many internal changes taking place that necessitated a re-evaluation of the EU’s relationship with the ACP bloc.

The Green Paper identified three “core areas” around which the EU’s cooperation policy with regards to the ACP bloc should be considered:

- “the social and economic dimension” whereby focus was on poverty alleviation of the ACP countries,
- “the institutional dimension and the public sector” whereby emphasis was placed on the technical aspects of development such as ensuring capabilities of the state and government instruments in order to perform and provide effectively and efficiently always in line with the norms of good governance and sound economic practices,
- “trade and investment” called for a renewed outlook in the sense that unilateral trade preferences could no longer be considered as an effective policy and renewed emphasis be placed on the supply-side constraints that exist in the ACP bloc, adhering to the WTO trade rules (EC, 1996: 48-49).

There were various options to consider in the process towards determining what would replace Lomé. The first option as laid out by the EU’s Green Paper was that of maintaining the “status quo” with minimal adjustments. Fundamentally, the basis for the relationship would be maintained with some difference in schedules and priorities. Secondly, the option could be to replace the current arrangement with a more global and undifferentiated agreement that would be further reinforced by bilateral agreements to suit various conditions. The third option called for splitting up the current arrangement into various regional agreements, offering some differentiation and staying in line²⁶ with the GATT/WTO regulations. The final option of the EU was the establishment of special arrangements for LLDCs within and, possibly, outside of the ACP bloc. This would again highlight the principle of differentiation by taking into consideration the difficult circumstances of LLDCs.

Upon the release of the Green Paper, the ACP group convened several workshops and conferences to discuss the impact of the Green Paper and its content. One such workshop, entitled “The ACP perspectives on future ACP-EU cooperation” saw many critiques of the Green Paper (Graumans, 1997: 16), one of which was the blame being placed on the ACP group for the negative economic conditions and the relative failure of Lomé to achieve its primary objectives.

²⁶ In instances clearly defined by the WTO, the MFN principle, for example does allow certain exceptions such as Article XXIV and the Enabling Clause of the GATT/WTO (see also 1 and 2.9.2).

The Libreville Declaration

The ACP bloc signed the Libreville Declaration in 1997 as a response to the 1996 Green Paper from the EU, illustrating their mostly reactive position in the relationship. Nonetheless, the Declaration provides some insight into the ACP bloc's perspective of the future relations with the EU.

The ACP bloc was mindful of the need to renew relations with the EU when it signed the Declaration. It highlights challenges facing it such as poverty and marginalisation while at the same time it reaffirms norms that have long formed part of the EU's rhetoric: democracy, good governance, the rule of law and respect for human rights (perhaps an example of externalisation of norms which will be further explained in chapter four) (ACP States, 1997). In the Declaration, the ACP bloc demonstrated an awareness of the changes that were occurring in the later 1990s with regards to international trade regimes. It pledges to promote and adhere to the principle of fair trade but is weary of the possible consequences that the regulations espoused by the WTO could have on young economies (ACP States, 1997).

The ACP bloc was not so much concerned with what would replace Lomé, but rather which elements should constitute any future relations. One such element identified by the ACP bloc is the principle of differentiation in that it subscribes to the "...adaptation of cooperation policies and actions to the needs and specificities of individual countries and regions" (ACP States, 1997). Furthermore, the idea that any EU-ACP bloc cooperation must support regional integration initiatives is held. This perspective of the ACP bloc is not completely alien to the rhetoric that is held by the EU. The question, however, is whether this idea guided the negotiations of EPAs and whether the actions of the EU reflected such rhetoric.

The ACP bloc also highlights the importance of development cooperation and development finance to buttress their development objectives and of political cooperation in order to support dialogue. The ACP bloc recognises that while there is a need to develop its economies there is concomitantly also a need for the initial stages of transition to be supported by necessary mechanisms of cooperation. Within the scope of trade and investment, the ACP bloc calls on the EU to "...maintain non-reciprocal trade preferences and market access in a successor

agreement” (ACP States, 1997). This is a far cry from the need to introduce reciprocal trade arrangements as perceived necessary by the EU.

The EU has been accused of not being introspective of its own failures and fomenting the results of the Lomé Convention by sustaining the relationship unchanged for so long for its own Cold War interests (Graumans, 1997: 16). Moreover, a number of internal aspects of the EU are also criticised such as the lack of implementing capabilities of the EC and the insufficient coherence and understanding between the EU’s development cooperation agenda and the individual agendas of member states (Graumans, 1997: 16). This illustrates the argument being brought up by the ACP bloc: the double standards and ambiguity of the EU.

The EU demonstrated a preference to align its trade policies according to its interpretation of international standards that it might have deemed imperative rather than seek an alternative that might reconcile ACP countries’ demands, as illustrated in the Libreville Declaration, with EU aspirations together in accordance with the WTO. On the one hand, the EU held the perspective that it was indeed carrying out necessary reform while on the other hand, the ACP bloc’s perspective could have been more critical of the latter. These differing views will be unpacked further in chapters four and five

3.5 From Lomé to Cotonou

The European Parliament was opposed to the Green Paper’s more radical aspects which resulted in the consultative procedure being much more extensive than the EC had hoped (Holland, 2002: 178).

In 1997, the EC issued its policy guidelines for any future relationship with the ACP bloc and these included: political dialogue, the alleviation of poverty, economic partnerships, effectiveness and geographical differentiation (Holland, 2002: 178-186). In June 1998, the Council’s mandate for reforming Lomé was agreed upon and negotiations began in September of the same year. There was an overall consensus between the Council and the EC to press forward with trade liberalisation schemes but there were differences in opinions between member states relating to the LLDCs. The UK, Denmark, Sweden and the Netherlands were concerned about the LLDCs’

inability to liberalise and feared that forcing reciprocal liberalisation on them would result in further marginalisation from the global economy (Forwood, 2001: 428).

Eventually, it was agreed that the LLDCs would retain their Lomé preferences of non-reciprocity which would, in 2001, become embodied in the EU's EBA regulation (see 1). Member states, however, debated over what would then be done with the remaining ACP countries. Some wanted the GSP to be extended to all and others objected to this with the view that it would remove any incentives for reciprocal trade on the part of the ACP countries. It was decided, in the end, that the GSP would be an option extended to whichever ACP country was unable or unwilling to form a FTA with the EU (Holland, 2002: 188).

In negotiations, the ACP bloc is found to have a reactive role towards to the EU, always responding in “defence” to EU initiatives (Forwood, 2001: 436). This brings into question the “partnership” rhetoric and spirit used to discuss post-colonial relationships.

3.6 The Cotonou Agreement

The overall objectives of the Cotonou Agreement revolve around furthering economic, cultural and social development of the ACP countries, with the aim of contributing to peace, security, stability and democracy (EU, 2000). Emphasis is on eradicating poverty within the bounds of sustainable development and the integration of ACP economies into the world economy. Article Two stipulates the four fundamental principles of the relationship. The first is the equality of the partners and ownership of the development strategies; second, the increased partnership basis that moves away from being only central government to include the private sector and civil society organisations; third, the fulfilment of mutual obligations and dialogue are specified as key to the relationship and lastly, differentiation and regionalisation in the sense that varying development levels are taken into consideration and emphasis is placed on the regional dimension. This latter point is expanded further in 3.6.2.

Three points are worth mentioning about the Cotonou Agreement that makes it markedly different from the Lomé Convention, *viz*, political dialogue and conditionality, trade arrangements and financial support.

3.6.1 Political dialogue and conditionality

The Cotonou Agreement's political dimension is found in Article Eight where members will "...regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides" (EU, 2000). The aim is to safeguard the overall objectives of the Cotonou Agreement. The areas of mutual concern and significance, as identified by the agreement, range from arms trade and military excesses to organised crimes and social threats, with an emphasis on maintaining "...respect for human rights, democratic principles, the rule of law and good governance." An elaboration of the implications of these various norms and principles in the Cotonou Agreement are presented in chapter four of the study, pertaining to the idea of NPE.

Article Nine further elaborates on the indivisible and universal nature of human rights and reaffirms the belief that respect for it, democracy and rule of law are immutable elements of sustainable development and that success in development cannot be met without adherence to these. What is important to note is the separation between what is termed "essential elements" and the "fundamental element" (EU, 2000) as a new concept (Holland, 2003: 166; see also 4.2.1 and 4.2.2). Essential elements are considered to be pivotal to the main goal of the EPAs – sustainable development, and are linked to a suspension mechanism (Hangen-Riad, 2004: 5). The emphasis on human rights in Lomé III and Lomé IV served as an indication of the increased importance of norms to the EU. With the Cotonou Agreement, the focus on norms widened to include essential elements in the Agreement such as: respect for human rights, democracy and rule of law, while the fundamental element is good governance. Initially, identifying "good governance" as an essential element was met with strong opposition from the ACP bloc. Therefore, it was decided that it would be classified as a fundamental element instead. It was agreed in Article 97 that "...only serious cases of corruption, including acts of bribery leading to such corruption...constitute a violation of this element". Arriving at common understandings of the definition for good governance proved arduous and contentious. However, the joint definition of good governance laid out in the text of Cotonou was considered a "notable success" (Holland, 2003: 166).

Subsequent to the introduction and emphasis on norms, conditionality became more evident as an integral part of the agreement. The extent of conditionality extends to the point where suspension from the Cotonou Agreement is possible if contravention of the norms of the agreement is found²⁷. The mechanism in place in the Agreement is in stark contrast to the vague conditionalities and preoccupations with internal matters of an ACP country found in the Lomé Conventions.

3.6.2 Trade arrangements

One of the innovations of the Cotonou Agreement is the EPAs. The mandate for the EPAs can be found in the Cotonou Agreement from Articles 34 to 38. Article 34.2 states that the overall objective of the EPAs is: "...to enable the ACP States to play a full part in international trade", with Article 37 providing for these to be negotiated during a preparatory phase, with the December 2007 as a deadline (EU, 2000). The negotiation procedure was to begin in September 2002 and all EPAs were to enter into force by latest January 2008.

Compatibility with international trade rules and regulations

A number of points in this new trading arrangement are significant. Firstly, Article 36 determines that the EPAs are set out to be compatible with GATT/WTO trading arrangements, introducing reciprocal trade between parties. The EU's aim was to fall within the acceptable confines of WTO exceptions to the norm. Therefore, the EPAs were compatible with the WTO in terms of the two possible exceptions to the MFN rule: "the Enabling Clause" and Article XXIV of GATT. As a result, the EPAs are classified as extending preferential trading arrangements to developing countries with measures that are considered not as demanding as those that would be extended to developed countries. Furthermore, it removes whatever special preferences existed solely for the ACP countries that excluded other developing countries, such as the non-reciprocal trade arrangement. Under Article XXIV of GATT, the EPAs are meant to negotiate trade liberalisation on "substantially all" trade and within a "reasonable length of time".

Secondly, there is recognition of the fact that the transition phase should be a gradual process and therefore the non-reciprocity of the previous Lomé Convention

²⁷ An example of this mechanism in action is in 2011 when the EU found that Madagascar was in contravention of Article Nine's "essential elements", substantiating its motivation to withdraw support for the government (EU, 2011: 3).

was to be maintained as Article 36.3 explains. This waiver in reciprocity was formalised by the WTO on November 2001 and was meant to last until December 2007 (WTO, 2001).

Thirdly, the preparatory phase, governed by the WTO 2001 waiver, is meant to be used for “...capacity-building in the public and private sectors of the ACP countries...” (Article 37.3) with the intention to prepare the existing regional groupings regarding budgetary adjustment, fiscal reform, infrastructural upgrading and investment promotion such that they may be ready for further integration amongst themselves and with the EU. Furthermore, reference is made in Article 37.5 of the recognition of differing conditions amongst ACP countries. Therefore, negotiations would be done only with ACP countries who believed themselves to be in a position to carry out such negotiations with sensitivity to the levels that they considered suitable and in line with the procedures the ACP bloc determined appropriate, bearing in mind the state of regional integration within the ACP bloc.

Lastly, and in line with the previous point, it is stated in Article 37.7 that the negotiations would take into consideration the development levels of the various ACP countries and the socio-economic impact that the new trading arrangement could have on the ACP countries. Accordingly, Article 37.7 states that the negotiations would be “...as flexible as possible...” in terms of the duration of the transition phase, product coverage, sensitive products and liberalisation schedule. Furthermore, in line with the principle of differentiation, Article 35.3 retains special treatment for ACP LLDCs.

EU and ACP concerns

Ravenhill (2002: 15) outlines the EU’s main arguments for pushing through with the EPAs. Firstly, the EPAs were in accordance with the “overall thrust” of EU trade policy where they had concluded a number of regional trade arrangements already with preferred partners. Secondly, the EPAs signified a move away from the uncertain nature of what would happen to Lomé after the waiver, which had been granted by the WTO, expired. Thirdly, the EPAs would attract more foreign investment into the ACP region. Lastly, with the importance placed on regional integration, the EPAs would foster regional integration within the various regions of the ACP.

Nevertheless, the concerns emanating from the ACP region regarding the impending EPAs were beginning to increase. The ACP region's primary concern in response to the EU's second and third arguments for the EPAs was the introduction of reciprocal liberalisation. According to the International Food and Agricultural Trade Policy Council (2011: 9), the concern of the ACP countries lay in the fact that liberalisation posed a threat to their domestic industries. The high costs involved in local production led to high cost products which would not be able to compete with the duty-free products from the EU. This, in turn, could lead to the breakdown of domestic industry, resulting in negative economic and social consequences. As a result, the ACP region argued to postpone and, simultaneously, limit the liberalisation of products from the EU; provide a legal foundation for safeguard measures for the likes of agricultural products and infant industries and also ensure financial aid and development support in order to manage the effects of the EPAs' liberalisation schedules. The issue with reciprocity was an initial concern after the signing of the Cotonou Agreement and at the onset of negotiations, but as the negotiation process got underway, the ACP region voiced many more concerns relating to the process and the subsequent results (see chapter five).

The regional groupings that existed before Cotonou was signed and that provided the groundwork for the EPAs were:

- Caribbean Community and Common Market (CARICOM),
- Common Market for Eastern and Southern Africa (COMESA),
- East African Community (EAC),
- The Economic Community of West African States (ECOWAS),
- Pacific Island Forum (PIF),
- Southern African Customs Union (SACU),
- Southern African Development Community (SADC),
- West African Economic and Monetary Union (WAEMU) (Flint, 2008: 22).

3.6.3 Development finance

The development finance scope, according to Article 60 of the Cotonou Agreement, is meant to encompass alleviation of debts and balance of payment problems, macroeconomic and structural reform policies, instability from export earnings,

technical cooperation, sectoral reforms, institutional capacity building and humanitarian assistance. Financing, as per Article 61 of the Cotonou Agreement, encompasses projects and programmes, credit lines, budget support (see 4.3.4), human and material resources and import support programmes. The assistance available to the ACP countries under the Cotonou Agreement is derived from the 10th EDF. The budget stands at €22 682 million (EC, 2012). The EDF for the ACP countries is divided into 81% of the total for the national and regional indicative programmes (see 4.3.2), 12% of the total to intra-ACP and intra-regional cooperation and 7% of the total to Investment Facilities (EC, 2012).

The Lomé Conventions did not have criteria upon which to base allocations of development assistance, but the Cotonou Agreement further developed this principle of conditionality to include a “performance yardstick”, evaluating “progress implementing institutional reforms, country performance in the use of resources, effective implementation of current operations, poverty alleviation or reduction, sustainable development measures and macro-economic and sectoral policy performance” (Cotonou Agreement, 2000: annex IV). Conditionality, according to Barbarinde and Faber (2003: 21), is based on analysis of specific country “needs and performance”. This entailed that any ACP country underperforming with regards to the criteria set out could lose some of its EDF assistance. In addition to establishing conditionality criteria, the Cotonou Agreement also emphasised the principle of differentiation in view of providing adequate assistance depending on the circumstances of each member of the agreement.

The second innovation is the inclusion of other actors into the Agreement (Barbarinde and Faber, 2003: 21). In other words, “community organisations” and “non-profit non-governmental organisations” also receive attention in that they are strengthened in order to contribute to development. Furthermore, the private sector within the ACP countries is also eligible for financial assistance in line with Article 58. A final change in the area of financial assistance when compared to the Lomé Convention is the removal of STABEX and SYSMIN as they failed to smoothen the instability of certain exports. (Barbarinde and Faber, 2003: 21).

3.7 Conclusion

The Lomé Convention, and the partnership spirit it embodied, was meant as a solution to the development challenges and economic marginalisation of the ACP bloc's economies, according to the EU. However, the lacklustre results in terms of export shares and economic indicators of the Convention illustrated the fact that it did nothing more than perpetuate colonial style dependency which further marginalised ACP economies. In addition to this, the international climate was not conducive to the non-reciprocal preferential treatment that the Convention afforded and other paradigmatic shifts in the international arena did nothing to ameliorate the condition of the ACP economies.

It was the verdict that the Convention was contravening the WTO's rules and regulations that pushed the EU towards considering alternatives for its relations with the ACP bloc. Consequently, the EU intended to ensure that the relationship be compatible with the WTO, especially as it was a major member of the organisation. As a result, the Cotonou Agreement came into being in 2000 with various innovations that caused some concern for the ACP bloc. The introduction of reciprocal trade arrangements prompted fears within the ACP bloc that their domestic industries would be forced to compete with cheaper EU products. Nevertheless, the Agreement was signed and the negotiations towards the EPAs began.

This chapter reveals the reactive role that the ACP bloc plays against the largely proactive role that the EU adopts. Therefore, the EU has been able to externalise its internal dimension such as norms and principles into the relationship dynamic between itself and the ACP bloc. This is evident in the eventual conditionalities that gained momentum throughout the Conventions to find eventually an integral place in the Cotonou Agreement. This momentum runs concurrent with the deepening and broadening integration process within the EU.

What the EU believed necessary at the time was not always something that the ACP group would welcome. At this point it is possible to identify some of the answers to the questions posed in chapter one. The EU seeks to engage with the ACP countries in attempts to secure access to its former colonies and their markets, as well as supposedly adhere to the principle of neo-liberal trade as espoused by the WTO.

The best means in which to achieve these goals is to link with the ACP countries in an encompassing agreement that covers issues of trade, political dialogue and aid.

The next chapter accounts for the EU's perspective of itself, the ACP countries and the EPAs. Key normative elements emanating from EU official documents, discourse, policy and behaviour are unpacked in order to reinforce the point that the EU's self-conception is that of NPE.

4 The EU's role as a Normative Power

4.1 Introduction

In this chapter the normative underpinnings of EU-African trade relations with regards to NPE are analysed, utilising the theoretical framework developed in chapter two and against the background of the history of EU-African relations provided in chapter three. This exploration of the EU as a Normative Power is done in terms of an analysis of the EPAs and to what extent these are a manifestation of NPE as perceived by the EU itself. The EU's rhetoric in terms of its engagement with the developing world, and in this case southern Africa, is one packed with normative illustrations of morality, ethics and altruism, all of which determine what the panacea is to achieve development as perceived by the EU.

In order to arrive at evidence of NPE behaviour, the four questions of the analytical framework are posed. These questions are: Why enter into trade, cooperation and association agreements? What are the reasons for neo-liberal trade practices? What are the EU's concerns with the ACP countries, specifically with southern Africa? What is the nature of the EU's concern with aid?

The first section of this chapter outlines the role conception basis of NPE in line with Holsti's (1970) work. The second section examines the normative background of the EPAs as espoused by the Cotonou Agreement. Normatively speaking, this section looks at what the EPAs seek to achieve in an ethical and moral sense, according to the EU. The analytical framework is used in order to extrapolate the normative underpinnings of the EPAs and answers to the questions mentioned above will be provided. These answers will reveal some of the key characteristic norms of NPE²⁸ as explained in chapter two (see 2.6.1).

Once the normative intentions of the EU have been identified, the third section examines how the EU's normative message is relayed and subsequently diffused into the international system. This is identified by means of Manners' (2001: 13) six factors determining norm externalisation: contagion; informational, procedural,

²⁸ These are: sustainable peace, social freedom, consensual democracy, associative human rights, supranational rule of law, inclusive equality, social solidarity, sustainable development and good governance (see 4.3)

transference, overt and cultural filter (see chapter two). The final section provides a recap of what was unpacked in this chapter.

4.2 The role conception of the EU

This chapter introduces the EU's self-ascribed role conception of NPE in light of how this manifests in its relations with the ACP countries in terms of the EPAs. It is understood that the EU is NPE by what it is and not by what it does (Manners, 2002: 252) (see 2.6). As a result this chapter does not seek to determine whether the EU's actions justify the conceptualisation of NPE but rather explain that *because* of the conceptualisation as NPE the EU acts accordingly. This allows for the study to illustrate the self-perceived normative inclinations of the EU with regards to the EPAs.

Chapter two explained that NPE serves as a possible means in terms of which to understand the EU's role conception and therefore the behaviour that follows. It also introduced Holsti's concepts for role theory such as: role conception (perception of functions and actions held by the EU of itself), role prescription (the expectations held by southern Africa of the EU) and role performance (all decisions and actions taken by a government).

Amongst the national role-conceptions that Holsti (1970: 260-273) outlined, three in particular are encompassed by the notion of NPE, namely: defender of the faith, developer and example

4.2.1 Defender of the Faith

In the context of the EPAs with southern Africa, using the definition of defender of the faith (see 1.1.1) would be too strong as the EU has not had to defend its values, norms and entire moral structure from any form of "attack" from southern African countries. However, the EU, at the very least, in the post-Cold War era is a "propagator of the faith". The EU has a body of norms and values (see 2.6.1) according to which it determines its actions and decisions that need to be upheld. In doing so, it opts for "civil" or "soft" forms of interacting with the rest of the world in order to sustain these norms and values. As a result, international cooperation takes the form of agreements, diplomacy and multilateralism. One form of espousing

norms is by concretising them in formal legal agreements. Once the norms have been included in a legal agreement it is the responsibility of all signatories to defend their agreed norms against dissidents and outsiders. Moreover, by disseminating these norms there is a form of defence occurring in that there is a “protection in numbers”. The chance of losing the norms to insignificance is less in their increased distribution.

The EU has been able to “defend” moral elements by ensuring their presence in legal texts such as the Cotonou Agreement, allowing the diffusion of the norms that constitute EU identity. This allows for the increased protection of the norms as they find themselves codified in yet another legal text that is not a founding document of the EU. The latter provides an avenue for the EU, as NPE, to diffuse its norms into the negotiations and subsequent relations with third parties. It is this externalisation of norms that adds to the concept of defender of the faith as NPE is able to defend its fundamental norms in their externalisation. A further means by which NPE is able to “defend” its norms is by making them conditional. Hangen-Riad (2004: 5), while delineating the difference between Essential Elements and Fundamental Element in the Cotonou Agreement (see 4.3), also explains that Essential Elements are linked with the suspension mechanism. In other words, a violation of the Essential Elements can entail a partial or complete suspension of aid. However, violating the Fundamental Element is insufficient for suspending aid unless a case of severe corruption can be found (Hangen-Riad, 2004: 5). By linking adoption of these norms to certain benefits, NPE is able to guarantee, to a certain degree, the protection of these norms from insignificance.

4.2.2 Developer

The EU’s rhetoric distinctly highlights its self-conception of being a developer (see 1.1.1) as the need for the EU to assist lesser developed countries is something that it has always deemed as a necessary foreign policy objective.

In a recent statement, the Council made it clear that the EU is committed to eradicating poverty as stipulated in the ToL (Council of the European Union, 2012: 2). This is indication of the extent to which eradicating poverty is rooted in the EU’s identity as outlined by the ToL. Over the last decade, the EU has attempted to renew the emphasis and perceived importance of development and cooperation. One such

manifestation of EU self-conception as developer is the 2005 “European Consensus”. This declaration was seen as unique for the EU in that for the first time in 50 years, it was able to define a framework of shared principles for development amongst member states (EU, 2007). In the declaration, the EU states that it recognises “...its share of responsibility and accountability...” in the matter of development. Furthermore, according to the EU (2007), one of its values in terms of its contribution to development stems from the global presence it holds. This presence is drawn from its promulgation and support for various norms, linking development to normative endeavour.

When it comes to Africa, in 2005, the EU laid out a strategy for Africa’s development. The EU identifies itself as “a long-standing partner” that is “...well placed to help Africa...” (EU, 2008). The African continent is of particular importance for the EU because of the colonial history shared. By conceiving of itself as developer, the EU attempts to evolve the possible images previously held of it in order to reinforce further its self-conceived notion of being a developer. The EC (2005: 2) contrasts the “painful colonial arrangements” of the past existing between Europe and Africa with the current “strong and equal partnership based on common interests, mutual recognition and accountability”. This is a Eurocentric perspective on the relationship that exists currently between the EU and Africa.

4.2.3 Example

The self-conception of example on the part of the EU is a considerable one (see 1.1.1). The EU refers to itself as a “model of society” (EU, 2012). This portrayal, as being a model, is evident in evaluations regarding regional integration (Bilal, 2005: 3). As a result of its successive steps towards integration, the EU has become an example to follow by other regional integration projects (Bilal, 2005: 3). However, other regional integration projects such as in Asia have found the EU project to be the “anti-model” or in other words, an undesirable example to follow (Bilal, 2005: 3-4). One way or another, both perspectives put the EU at the forefront of regional integration projects as an example to consider.

The EU contributes much attention and effort to regional integration and the EPAs are no different. One of the objectives of the EPAs is to eradicate poverty by supporting and promoting regional integration and economic cooperation. By doing

so the EU is invariably exporting its experience in integration and economic cooperation, thereby advertising its model as a success (Gstöhl, 2007: 20). This is the EU actively exporting its model of society.

There is also an unintentional dimension to the example role conception. Third parties, or the alter, perceive the successes linked to regional integration which render that objective desirable for other regional integration initiatives. Olivier (n.d: 5) recalls that when the Organisation of African Unity (OAU) was replaced by the AU, former Libyan leader Muammar Gaddafi proposed that it follow the model of the EU. Indeed, Olivier (n.d: 6) identifies two instances of philosophical convergence between the European and African integration projects, revealing that the *raison d'être* of integration for Africa is not necessarily as a result of apparent imposition of the European example by the EU. Instead, the latter illustrates that Africa, on its own, perceives the European example and finds place for it in its own project. The first instance of convergence refers to the purpose of integration to prevent conflict which in Europe finds place as a result of the countless wars amongst member states and in the African sense is linked to the need to break away from colonial domination and unite African countries. The second point of convergence reveals the need to unite and act as a united front against the US and Soviet Union, on the part of the EU. In the case of Africa, it refers to the need to form a cohesive body of newly independent countries facing the international stage for the first time. The AU (2012) states that its vision is: “An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena”. The AU’s points of convergence with the EU are discernable from this vision statement.

The EU has been able to find other means to hold significant influence in the international arena that does not rely on military force but rather on the softer or more “civil” forms of managing international situations (see 2.3). This bolsters the EU’s self-conception as example to the rest of world. Furthermore, what assists in elevating this self-conception might lie in its achievement at overcoming vast differences that have in the past led to many wars amongst its member states. The observation that there can be any form of unity and cohesion in their actions is also deemed as admirable by outsiders, adding further fuel to the EU’s self-conception as an example. Therefore, this self-conception manifests, on the one hand, in an intentional manner by actively acknowledging its own attributes and expressing them

and, on the other hand, in an unintentional manner by having those attributes observed by the alter.

Throughout this chapter, evidence of the EU acting as defender of the faith, developer and example within the context of NPE will be identified. The next section will identify the normative elements found in the Cotonou Agreement and the EPAs as the latter form the trade and cooperation component of the Cotonou Agreement.

4.3 EU normative intentions in the EPAs with southern Africa

In his study of the EU as NPE, Manners (2001) captures the normative basis of the EU by identifying five core norms of the EU: peace, liberty, democracy, rule of law and human rights (2001: 10) (see 2.6.1). With the progression of ever closer union, the various treaties forming the EU have stipulated these values and principles as being the foundation of the EU and thus characteristic of its international identity. Nevertheless, Manners (2001: 11) also identifies a set of “more contested” norms that are labelled the “minor” norms. These are the *acquis communautaire* of the EU and are thus, drawn from the various treaties of the EU and can also be found in the Cotonou Agreement. These are: social progress, combating discrimination, sustainable development and good governance.

It is imperative to identify the principles and values that are present in the Cotonou Agreement as this agreement is the facilitator of the EPAs. In the Cotonou Agreement Preamble, peace, democracy, rule of law, good governance and respect for human rights are all acknowledged as contributing to sustainable development in the long run (EU, 2000: 4). Article Nine of the agreement clusters norms such as human rights, social rights, democracy, rule of law and good governance and stipulates that these “...are an integral part of sustainable development” (EU, 2000: 15). Furthermore, sustainable development is suggested as being the “central objective of ACP-EC cooperation” in the fight against poverty (EU, 2000: 30). It is sustainable development that is the core of the Cotonou Agreement. Primarily, the partnership between the EU and the ACP countries, according to the Agreement, is meant to eradicate poverty within the ACP bloc in line with sustainable development with the aim of integrating the ACP countries into the global economy (EU, 2000: 7).

The norms are outlined in Article Nine as “Essential Elements and Fundamental Element” (EU, 2000: 15). Hangen-Riad (2004: 5) differentiates between the “Essential” and “Fundamental” by explaining that those norms considered to be an “integral part of sustainable development” are essential (see 4.2.1). Therefore, as it stands “Essential Elements” in the Cotonou Agreement are respect for human rights, democracy and rule of law. Concomitantly, the “Fundamental Element” in the Cotonou Agreement is good governance (see 3.6.1). Other minor norms are also present in the Cotonou Agreement. It is stated in Article One that one of the reasons for concluding the agreement is “...to promote and expedite the economic, cultural and social development of the ACP states...” (EU, 2000: 7). Article Eight on “Political Dialogue” expresses that it will, amongst other activities, address issue areas of mutual concern such as discrimination on ethnic, religious or racial grounds (EU, 2000: 14). This norm of combating discrimination (minor norm) is also echoed in the Agreement in Article 13 on “Migration” which reaffirms obligations already in place to eradicate discrimination based on origin, sex, race, language and religion (EU, 2000: 21). Additionally, it says that the dialogue will monitor the developments in the field of good governance.

The EU’s nature as NPE ensures that morals and values it deems important find place within the Cotonou Agreement so as to diffuse them into the fabric of principles of the ACP countries. Nevertheless, this study delves deeper into the normative justification that the EU might ascribe to the EPAs in order to understand the normative logic and intentions of the EU. To do this, chapter two outlined four questions to be asked to determine how the EU responds to certain essential issues as a NPE.

4.3.1 **The need to enter into trade, cooperation and association agreements.**

Former Trade Commissioner and current High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton (2009), made clear the *raison d’être* of the EPAs from an EU perspective:

I believe that these are good agreements that support economic development and integration in the ACP and provide stability in these economically turbulent times. They are partnership agreements founded

on the shared goal of development that make trade the servant of this objective not the reverse. Most of all, they are agreements that provide the opportunity for ACP states to lift their citizens out of poverty through the dignity of their own labour and the genius of their own ideas.

This perspective emanates from the EU's perceived position as a leading developer. The EU is not new to this self-ascribed leadership status. Frisch (2008: viii) explains that development policy, as a fundamental pillar of the EU, can be traced back to even prior to the TEU of 1992. In addition to this, Frisch (2008: 2) also recalls that when the idea of combining the continent's steel and coal production was being put forward in the early 1950s, the French foreign minister at the time, Robert Schuman, was quoted as suggesting that with the increased pooled resources the continent would be able "...to pursue the achievement of its essential tasks, namely the development of the African continent".

EU-EPA Negotiating Principles

In order to comprehend the reasons that the EU might have had for engaging the ACP countries to establish EPAs it is worth examining the main driving principles that the EU said would constitute the negotiations of the EPAs. The first principle that is meant to guide the EU through the negotiations is the fact that the EPAs are presented as tools for development and more specifically sustainable development within the ACP countries (EC, 2002: 4).

The second principle in the negotiations is the need for the trade agreements with the ACP countries to be compatible with the WTO (EC, 2002: 5). It can be argued that with such a huge stake in the WTO as "the largest and most comprehensive" member of the organisation it seems only natural that the EU would try to place its trade agreements in line with its regulations (WTO, 2011). The former EU Commissioner for Trade, Peter Mandelson, and the former EU Commissioner for Development and Humanitarian Aid, Louis Michel (2007), explained that the status quo that existed under the Lomé arrangement was "...not right morally..." as it favoured the ACP countries and discriminated against non-ACP countries that were perhaps just as much in need of favourable arrangements as the former. Furthermore, the Lomé arrangement was not compatible with the international trade system which is based on reciprocity. These two arguments thus formed part of the

ethical case to move on to a more WTO-compatible trade regime providing equal opportunities to all developing countries and not just ACP countries. Therefore, morally speaking, the EU sees an obligation to adhere to the rules, norms and regulations of international trade which it has been credited with establishing over the last 60 years (EC, 2009).

The third principle is that of regional integration which will also be evaluated in chapter five from an ACP countries' perspective. This notwithstanding, it deserves mention at this point as a reason for the EU's involvement in the EPAs. According to the EC (2008), regional integration is to become "...the fundamental tenet of European Union development policy and its relations with the African, Caribbean Pacific States". The reason for this belief in regional integration is because it is a means towards achieving: "political stability", "economic development" and "regional public goods" (EC, 2008). De Gucht (2011), the current Commissioner for Trade, recently reiterated the great importance that regional integration has in the globalising world. He stresses that it is an "essential element" forming part of the solution to global problems by ensuring peace and security, growth and development and environmentally sustainable and socially just societies. In the EC's (2002) recommendation for a Council decision on the EPAs they observe that the importance attached to regional integration is also found within the ACP countries. The negotiations for the EPAs are meant to take place within the context of the regional integration processes that are already at play within the ACP countries as Article 37(5) of the Cotonou Agreement outlines. Further to this, the EC (2002) justifies its observation by explaining that there has been progress in the integration processes within the ACP group which is an indication of the choice taken by the latter to use regional integration as a stepping stone for integration of their economies into the global economy.

Both within and outside the WTO, the EU is often cited as an example to follow in terms of regional economic integration. Farrell (2004: 3) explains that the EU has served as a model for many regional integration projects. However, she also reiterates, just as Bilal does (see 4.2.3), that while the EU can serve as a model, it can also serve the purpose of being a case study against which other countries can determine the extent of the desirability that such a model offers for their particular

situation. Nevertheless, the EU's regional integration project has had a significant impact on the perceptions held by outsiders of regional integration.

Albeit not necessarily always the ideal model for regional integration, the EU has been taken as the preferred model and this in turn has led the EU to attempt to meet those expectations of perceived perfection and success by acquiescing to what is expected of it. Nevertheless, the fact that the EU, since the Cold War period, was viewed as exercising more of a "soft power" such as in the Civilian Power debate and now with Normative Power, it would have to continue trying to live up to its image as an altruistic benevolent power and developer. However, as the Lomé arrangement was increasingly facing much criticism on the practices it entailed and the lacklustre results it was producing within the ACP bloc, it seemed that the EU had to find a way in which to deal with the defunct trade regime and simultaneously save its reputation as a benign self-less power.

The final principle, that of differentiation, demonstrates the EU's perceived developer status as it is willing to offer special treatment to the likes of the LLDCs in dismantling tariffs and in the timeframe required. This demonstrates a self-perceived considerate stance by the EU in taking into account the varied situation that some ACP countries might find themselves in relative to the others. This finds place in the Cotonou Agreement in Article Two with "...cooperation arrangements and priorities shall vary according to a partner's level of development, its needs, its performance and its long-term development strategy." Differentiation forms part of the fundamental principles of the Agreement.

It is no wonder that the EU might feel some form of responsibility for southern Africa and more specifically for the SADC. The EU considers itself to be the region's "longstanding partner and closest neighbour" (DG Trade, 2005: 5). Trade with SADC in 2011 amounted to €65 billion²⁹ (EC, 2013). The region's main exports to the EU are wine and fruit from South Africa, diamonds from Botswana, oil from Angola, fish and beef from Namibia, sugar from Swaziland and aluminium from Mozambique (EC, 2011). SADC's imports from the EU include vehicles, machinery, electrical equipment, pharmaceuticals and processed foods (EC, 2013). In line with the importance of the EU market for SADC and the former's self-labelled importance to

²⁹ The EC (2012) reports that EU external trade with the world for 2011 amounted to approximately €3.3 trillion.

SADC, the EU stressed the need for change from the ineffective Lomé Agreement. In the 1996 Green Paper (see 3.4), the EU stressed that their *responsibility* towards the ACP countries continued despite the fact that the post-colonial era was coming to an end (EC, 1996). This sense of responsibility from the EU is displayed with the reiteration to maintain the partnership.

This has provided some of the overall moral reasons for entering into the Cotonou Agreement and the subsequent EPAs with the ACP countries. As the trade arrangement of the Cotonou Agreement it can also be said therefore, that the EPAs are viewed from a moral perspective by the EU who, in turn, perceives itself to be an example and developer in this regard. Values and principles important to the EU are evident in the Cotonou Agreement, indicating that the EU transfers its normative foundation into agreements in the externalisation of its Normative Power. This is the reason that the EU might have for the agreements: externalisation of moral norms and principles. This allows it to have an influence in determining what it deems as a norm necessary to guide the ethical side of the agreements. An instance of such a norm guiding the EPAs is that of neo-liberal trade.

4.3.2 The moral arguments for neo-liberal trade practices.

Patrick Gomes, a Guyana ambassador to Brussels, was quoted as saying that Former Trade Commissioner Mandelson was unreasonable and “...caught in an ideological straitjacket” (Kirby, 2007). The ideological straitjacket referred to in this context is the EU’s adherence to the neo-liberal strand of economics. Before proceeding it would be useful to refer briefly back to the meaning of liberal or neo-liberal economic thought.

Thorsen and Lie (2006: 3) point out that the main value of liberalism is found in freedom and democracy which is why Nicholson (1998: 123), states, quite simply, that “(t)he liberal approach is based on the notion of free markets”. As a result, free reign is given to the market to dictate where production lies, how much production there is and how to maximise it. In order for the market to continue on this wealth maximisation path certain steps need to be taken to accommodate the market for it to operate freely. With the intention of facilitating this, barriers to trade should be removed or reduced (liberalised) as neo-liberal economic theorists argue that tariffs obstructing free trade are not conducive to development (Nicholson, 1998: 123).

Neo-liberalism underplays the state's role within the economy. The argument is that intervention in the economy by the state "...can undermine the finely tuned logic of the marketplace, and thus reduce economic efficiency..." (Thorsen and Lie, 2006: 8). Birch and Mykhnenko (2010: 6), however, argue that the state does retain a fraction of control and that is to maintain rule of law within the space of economic activity as opposed to activities such as owning and managing businesses. The ethic on which neo-liberalism is based is found in identifying the good and virtuous in the access to markets (Thorsen and Lie, 2006: 15). Thorsen and Lie (2006: 3) explain that liberal ideology has "dominated normative politics". Therefore, it follows that the EU, as NPE, would have preference for this ideology.

Change to Cotonou Agreement

For Vickers (2011: 5), the EU's approach to the negotiations of the EPAs was based on a "neo-classical 'problem-solving' perspective" that is evident in the EU associating neo-liberal principles such as trade liberalisation, investment liberalisation and competition with development. This has been the EU's preferred philosophy when engaging with the ACP countries in the post-Lomé context. Both Sindzingre (2008: 32) and Minderhoud (2008: 3) emphasise that the failure and lack of ambition of the Lomé Convention warranted the need to put the practice of reciprocity in tariff liberalisation on the table in order to ensure free and fair trade to deal with the problems and obstacles facing the ACP countries. The reason for this being that the EU holds a strong belief in the developmental benefits of free trade (Elgström, 2008: 3). The International Food and Agriculture Trade Policy Council (2011: 7) argues, on the other hand, that the adherence to free trade led the EU to take the decision to do away with non-reciprocal trade arrangements of Lomé for "fear" of being non-compliant with the general regulations of the WTO.

The EU's adherence to the self-conception of developer or defender of the faith illustrates its "unquestioning commitment" to the doctrine of neo-liberal trade that appears to oscillate between economic rationality or fanaticism as Holland (2002: 125) points out. One way or another, it is clear that the utmost priority for the EC is that of keeping global markets open (EC, 2007: 2). As, the EU aims towards the removal of restrictions to international trade, liberalisation for the EU is no longer something that is only monitored internally within its Single Market, but something that has been extended to the realm outside of the EU (EC, 2012). This is

concomitant with the externalisation-centred mission statement of the DG of Trade of the EC: “...help[ing] through the EU's trade policy to secure prosperity, solidarity and security in Europe and around the globe” (EC, 2009).

SADC-EPA and Interim Economic Partnership Agreements (IEPAs)

The EU has held back somewhat on this zeal for trade liberalisation with the UN identified LLDCs. This serves as the EU's formal recognition of the immense supply side and capacity constraints that exist among these countries hindering their move to reciprocity as expected from more developed countries. The EBA initiative was extended to LLDCs (see 1). Most of the LLDCs can be found in Africa and SADC has 15 member countries of which eight currently qualify to receive LLDC treatment³⁰. This identification of LLDCs serves to show the EU's consideration for those unable to receive the same treatment as those more developed which further bolsters the EU's perception it is doing good and having altruistic intentions as a developer.

Some of the SADC countries chose not to negotiate EPAs with SADC as they felt that certain conditions for the agreement within the ambit of SADC were not acceptable to their situation (see 5.2.3). As a result, the Democratic Republic of the Congo (DRC), Malawi, Madagascar, Mauritius, Seychelles, Tanzania, Zambia and Zimbabwe are all negotiating under the auspices of separate regional groups³¹. This has left the remaining SADC countries (Angola, Botswana, Lesotho, Mozambique, Namibia, Swaziland and South Africa), referred to as the SADC-EPA configuration, to negotiate with the EU with three (Angola, Lesotho, Mozambique) out of the seven categorised as LLDCs.

The EU portrayed an image of defender of the faith in the conclusion of IEPA with various regional groupings. The reason for these transitory agreements was that it became clear that a final EPA was not being realised with the designated regional economic groups in Africa and the Pacific by the December 2007 deadline (the

³⁰ SADC member countries are: Angola, Botswana, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The UN (2012) recognises that eight of these are LLDCs: Angola, Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mozambique, Tanzania and Zambia.

³¹ Madagascar, Mauritius, Malawi, Seychelles, Zimbabwe and Zambia and have all chosen to negotiate under the Eastern and Southern Africa (ESA) EPA (EC, 2012). Tanzania has aligned itself with the East African Community (EC, 2012). The DRC forms part of the Central Africa EPA (EC, 2012).

Caribbean had managed to conclude an EPA with the EU within the assigned timeframe). Therefore, they ran the risk of having their WTO waiver, allowing non-reciprocal trade to be maintained during the EPA negotiation period, to expire with no EU-ACP trade arrangement to replace it. As a result, the IEPAs would secure reciprocal access for the African and Pacific regions to the EU Single Market while the more comprehensive EPAs were being negotiated (EC, 2009: 1). Failure to do this would have resulted in the African and Pacific regions falling onto less favourable trade arrangements with the EU. The EU's observance of international rules, norms and behaviour, which it has helped formalise, has once again highlighted its position as defender of the faith, determined by its adherence to neo-liberal trade practices. The EC (2009: 2) explained that for the SADC-EPA configuration an IEPA was concluded with Botswana, Lesotho, Namibia and Swaziland (BLNS) and Mozambique³².

The self-perception of the EU as a developer was also seen in the context of the IEPA with BLNS and Mozambique. The EU sees itself as a developer and therefore sees its task as determining and setting out the points leading to or promoting development of the signatories of the IEPAs. Primarily, the IEPA aims at the eradication of poverty through sustainable development (IEPA, 2007). The aim is also to bring forth deeper regional integration in SADC and improve SADC member countries' trade capacity with the aim of increasing the latter's competitiveness and integration in the world economy. These appear (at least superficially) to be selfless objectives of development for the SADC-EPA.

The EU shows an unwavering preference for the notion of reciprocal free trade to boost development and integration into the world economy. As a result, not even the LLDCs are exempt from inclusion into the various EPA groups. Their inclusion implies a commitment to reduce or eliminate certain tariff structures. LLDCs could opt for EPAs over and above EBA preferences for two reasons. Firstly, the EBA initiative does not tackle NTBs as EPAs do (Bilal, n.d: 7). Secondly, the EBA runs stricter rules of origin than the EPAs (Bilal, n.d: 7). Therefore, the trade-off is not an

³² The EC (2012) reports that the IEPA was initialled by BLNS and Mozambique in June 2007. However, by June 2009, all, but Namibia had signed (see 5.2.1). In 2010, all the countries in question informed the EC that they would not apply the IEPA, preferring to conclude a comprehensive EPA with the entire SADC-EPA group (EC, 2012).

easy one for the LLDCs. This can be observed as a conflict between the EU's position as developer (EBAs) and defender of the faith (EPAs).

Regional integration

Behind the EPA goals of economic development and integration into the world economy the key element that drives the EC, and more specifically the DG for Trade, is the strong confidence in the potential of trade liberalisation coupled with regional integration for development (Elgström, 2008: 3). Of course, the confidence that the EU has in these processes comes from its own successful experience of integration which it believes it has a moral responsibility as an example to externalise and incorporate into other regional projects. Former EC President Prodi (2000) commented on this normative externalisation of the EU:

...Europe needs to project its model of society in the wider world. We are not simply here to defend our own interest: we have a unique historic experience to offer... We have forged a model of development and continental integration...and it is a model that works.

Draper (2010: 7) says that institutionally speaking, African regional economic integration projects tend to imitate the EU form. This is evidenced in the step-by-step process of integration found in the customs unions that African projects favour. The supposed development-friendly benefits of regional integration that the EU exports can be found embodied in the Treaty of SADC. It contains in its Preamble and as an objective in Article Five a determination to lessen poverty, ultimately eradicating it completely, by promoting "deeper regional integration" and ensuring sustainable growth and development of the economy (SADC, 1992).

Cotonou's Article 29 is dedicated to regional integration and stresses in point "d" that support will be given to trade liberalisation within the context of regional integration. However, the EU's input in terms of spreading the idea that regional integration, and therefore trade liberalisation, is a necessity for development predates Cotonou. Lomé IV's Title XII was specifically dedicated to regional integration and cooperation and supported ACP countries' initiatives in this regard (Holland, 1995: 268).

The EU's emphasis on regional integration as a guiding principle in the negotiations of the EPAs translates in the SADC Regional Indicative Programme for 2008-2013 which has been given an envelope of €171 million to assist the region in the area of

trade (EC, 2009). The SADC Regional Indicative Programme outlines the basis for cooperation between the EU and the SADC region (SADC/EU, 2008) The Programme provides €161 million into two focal areas: Regional Economic Integration and Regional Political Cooperation and one non-focal area (SADC/EU, 2008: III-IV). As a focal area, Regional Economic Integration concentrates on lending support to deepen the integration process in SADC and includes investment promotion, regional infrastructure, food security and the EDF AfT package (see 4.3.4). The second focal area is involved in buttressing regional governance. The non-focal area provides a Technical Cooperation Facility and Support to Non-State Actors. The Programme allocates 80% of funds (in grant forms) to the first focal area and just 15% and 5% to the remaining focal areas respectively. This difference in grant values illustrates the importance the EU attaches to regional economic integration projects above other initiatives. This is, therefore, not a case of being an unintentional model but instead the EU can be perceived as actively externalising its experience in regional integration onto SADC through financial support. Furthermore, it illustrates the EU's adherence to neo-liberal economic principles (defender of the faith) where their involvement in these support programmes is justified in their perceived developmental benefits.

Regional integration is a major component of EU prescriptions which gives it impetus to portray the process as the panacea for the lack of economic development in other regions. In this manner, the EU substantiates the inclusion and support for regional integration in its agreements with the ACP region. The EPAs are example of the EU's firm belief that by negotiating FTAs with the ACP countries on a regional basis an opportunity will be created for the ACP countries to strengthen their regional integration projects and therefore "...create dynamic regional markets" that are attractive to investment and a springboard to development (Bilal & Braun-Munzinger, 2008: 12).

Advocates against the concept of South-South economic integration argue that there will always be one member that is more developed than the other, resulting in industrial activity relocating to this relatively more developed member to the detriment of the other (Draper, 2007: 18). Further to this, according to Draper (2007: 18), they believe that integration will lead to trade diversion effects whereby member countries will be forced to import expensive goods from the industrial centre of their

group (the more developed member) instead of importing from perhaps more efficient and cheaper global producers. These arguments buttress the EU's perceived need for economic integration of a North-South nature such as the EPAs. As NPE, the EU is preoccupied with acting as an "external guarantor" of regional integration, avoiding any setbacks to the policy (Bilal & Braun-Munzinger, 2008: 12). This would imply that, according to the EU, regional integration within southern Africa can only be stimulated and ensured if it is buttressed by a solid FTA with a member of the developed North.

4.3.3 The EU's concerns with the ACP and, specifically with southern Africa.

EU interest in Africa was renewed in the early 2000s as a result of its aim to become a significant global actor with a coherent foreign policy (Sindzingre, 2011: 13 referencing Carbone, 2011). As a self-described "global player" the EU assumes part of the responsibility in the fight against poverty. As a result, this question examines the reasons as to why the EU believes that it might have a "moral responsibility" in terms of NPE to get involved in the ACP countries and, for the purpose of this study, more specifically in southern Africa.

Partner-in-Development

Chapter three outlined the historical relationship between the EU and the ACP group of countries beginning with the Lomé Agreements. It should be recalled that southern Africa's largest trading partner is the EU. This trade dependence on the EU is a remnant of the paternalistic relationship that existed between southern Africa and some European countries in the form of colonial domination. The link to the EU has, to a certain extent, been maintained because of the lack of opportunity for the southern African countries to diversify their trading partners. The question is why the EU has continued to maintain such a strong presence in the region. One possible answer, or at least a partial explanation, could be that as a Normative Power, the EU believes that it has a moral duty to continue guiding the southern African countries out of the traps that the former might have been involved in fomenting with their colonial practices. This possible guilt on the part of the EU manifests in the constant reassertion and reaffirmation of the relationship being a "partnership" as found in the Preamble to the Cotonou Agreement (EU, 2000: 4). Scheipers and Sicurelli (2008:

608) also highlight the diffusion of development-orientated concepts such as “partnership”, “solidarity” and “dialogue” that detract from notions of a negative relationship, illustrating the normative undertones to be found in EU rhetoric and policy.

From the EU’s role in the Lomé Agreements and the subsequent EPAs, it would appear that the EU has assigned itself the role of partner-in-development of the ACP countries and southern Africa. This denotes a moral responsibility held by the EU that is perhaps self-appointed and could serve as a platform to which it elevates itself above others to justify its supposed moral high ground or power. This implies that there would have to be an “other” for there to be a justification of NPE. Southern Africa will be referred to as the EU’s “other” in the sense that its existence gives substance to the EU portraying its benevolence and altruism.

Constructivist identity

Diez (2005: 15-17) argues that constructing the “self” (the EU) and the “other” (southern Africa) involves the following “representations”: existential threat, inferior, violating universal principles and different. Therefore, in order for the EU to construct its identity it has to determine what representation of southern Africa it has perceived. Due to the prevalence of the use of soft power it is argued that the EU does not perceive southern Africa as an existential threat. An inferior representation of southern Africa might be inherent in EU foreign policy towards the region which is an attitude derived from past colonial relationships. The EU’s differentiation and separation from southern Africa gives motion to its perception of being morally superior. In line with perceiving itself as morally superior, the EU takes on another form of representation of southern Africa. As NPE, the EU is a moral watchdog in the international arena and the possibility of southern African countries violating universal principles provides the EU with the opportunity to construct its own identity as such. Finally, it can be argued that the representation of southern Africa as “different” is fundamental to the EU ascribing itself the position of moral superiority. By detaching itself from any possible likeness to southern Africa, the EU is able to justify its self-ascribed position as a moral guiding influence to spread values and principles that it perceives as universal.

This thinking outlines the perceptions that the EU might have of southern Africa which in turn could present partial explanations for the EU's behaviour towards them. However, constructivist identity also plays a role in influencing the importance that the ACP countries have for the EU and its self-perceived conception as being NPE. Diez (2005) and Scheipers and Sicurelli (2008) use constructivist theory to build up an understanding of how the EU uses identity construction to develop a perception of the ACP countries. Rumelili (2004) expands on identity construction of the EU by exploring the influence of the "other" in the identity formation of the EU. He (2004: 30) details that "...identity formation is depicted as a process of socialisation through which an individual comes to see herself in the way others do." This is not necessarily restricted to the individual and can also be applied to the state. In much the same way Rumelili (2004: 31) also recognises that states can also form identities through their interaction with others. As a result the EU, through its interaction with the ACP group, is able to form an image of itself.

4.3.4 The moral issue of aid and assistance within the framework of the Cotonou Agreement.

The EU prides itself as being the "world's biggest aid donor" (EU, 2011). Quantitatively, this is evident in the figure of €53.8 billion that was spent by the EU in 2010 as ODA (Booth & Herbert, 2011: 5). As such, its rhetoric regarding the matter indicates the immense importance that it attaches to delivering aid and finding innovative and more effective means in which to assist development. Traces of NPE, and more specifically the perception of being a developer, in improvements and delivery of aid, are evident.

Increasing aid effectiveness

The movement to increase the effectiveness and efficiency of aid was not something unique to the EU. In March 2002, the International Conference on Financing for Development took place in Monterrey, Mexico, resulting in the Monterrey Consensus (IMF, 2002). This was marked as a significant step in the development aid arena as it was a partnership for development between developing and developed countries with the aim of achieving the UN MDGs. The World Bank (n.d.) describes it as a noteworthy endeavour by both parties as it acknowledges the responsibility that developing countries have in ameliorating their position while also recognising the

important role of the developed countries in buttressing these efforts by opening up trade and granting financial aid. The Monterrey Consensus on Financing for Development of 2002 resulted in an agreement in the international community that more effective ODA had to be delivered and aid agendas monitored and evaluated (EC, 2011: 2). As a major donor, the EU had significant leverage in the decisions and plans put forward in the Monterrey Consensus and the several high level fora that followed: Rome (2003), Paris (2005), Accra (2008) and Busan (2011).

These follow-ups have allowed further principles and commitments to be established and have also served to monitor and review ODA. The EC (2010) monitors the progress of the EU in terms of the Monterrey Consensus through an annual report. It was revealed in the 2010 report that the EU, despite having felt the impact of the international financial crisis, still remained the “world’s most generous donor”. According to the EC (2010) its aid disbursement levels have increased in the years following the 2002 Monterrey Consensus, but there remain certain targets that need to be met, not only by the EU but by all partners involved. Operational development strategies, aid reported to be within budget and predictability of aid are sectors of ODA that have shown improvements while result-orientated frameworks and joint missions are falling behind target (EC, 2011: 3).

The EC attributes the improvements mentioned above to “...strengthening norms of good practice and better partnerships” (EC, 2011: 2). This indicates that the EU’s preoccupation in terms of bettering aid delivery systems is centred on sound moral foundations and that these morals must be woven into the fabric of generally accepted practices of aid and assistance delivery. As a member of the Working Party on Aid Effectiveness the EC, acting as NPE, was able to infuse EU norms into the final declaration of the Busan High Level Forum on Aid Effectiveness. The document makes reference to the importance of recognising the need for good governance, human rights and democracy in development efforts (Busan Partnership, 2011). Signatory members recognise that “...[s]ustainable development results are the end goal of our commitments to effective cooperation”.

Despite the EU’s externalisation of norms into international documents, it has been criticised for being ineffective in practice. Therefore, over the last decade, the EU’s aims and objectives have been put into clear focus and processes streamlined; these include the amalgamation of the DGs for Development and Cooperation in

2011 into one entity called EuropeAid and reducing the number of aid instruments from 35 to 10 in order to introduce more manageability (Booth & Herbert, 2011: 7). Amongst those that have made the cut are the Development Cooperation Instrument and the EDF (Booth and Herbert, 2011: 5-6). More specifically, these reforms form part of the wider ambit of changes codified and formalised by the ToL. The language found in the ToL regarding development cooperation is reminiscent of NPE. The ToL expounds that the fight against poverty and its eradication is at “the heart” of the EU as Koeb and Dalleau (2010: 13) mention. In order to increase effectiveness the EU (2011) explains that while providing access to basic rights and infrastructure are important, it believes that “...opening its markets to exports from poor countries and by encouraging them to trade more with each other” will promote development. Once again, the EU’s observance of neo-liberal economic principles and regional integration as drivers of development is evident.

Neo-liberal economic thought is also found in the AfT strategy. It is a development assistance project that stays true to the EU minor norm of sustainable development and the overall aim of EU development assistance: the eradication of poverty. Quite simply, it is meant to support “partner countries’ efforts to develop the basic economic infrastructure and tools they need to expand their trade” (EC, 2009). Adopted by the Council in October 2007, the EU’s AfT strategy is part of the broader ODA and is carried out through some of the EU financial instruments such as the EDF (EC, 2010: 6). AfT is divided into “Trade Related Assistance” and “Wider Trade Related Assistance”. The former aims at dealing directly with the trade related aspects of the economy such as policy, business support measures and training, while the latter is concerned with addressing the constraints emanating from a more supportive range to trade such as infrastructure, business development and contributions to government budget in the implementation of reforms (EC, 2010: 6).

As mentioned in chapter one (see 1), the EU sought to increase all its trade related assistance to LLDCs to €2 billion per year until 2010. However, this target was met well in advance by 2008 with €2.150 billion. Africa is the largest recipient of AfT benefits. In 2008, AfT to Africa totalled €4.6 billion which accounts for 46% of the total of EU and member states AfT (EC, 2010: 3). Furthermore, the main share, €2.9 billion, was allocated to southern Africa.

The DG for Trade highlights that the development aspect of the EPAs should not be demoted to secondary status *vis-à-vis* trade (EC, 2005: 11). Partnership and development go hand in hand with cooperation which is why there is development-specific finance that will help to buttress the EPA process. This emphasis on assistance for those going into EPAs with the EU can be taken as a result of the reforms that the EU has undertaken since 2000 in order to address criticism levelled against it for the ineffectiveness of its aid support (Booth & Herbert, 2011: 6). To address this emphasis on trade support cooperation the Cotonou Agreement mentions in Article 34 that the partnership aims to “...enhanc[e] the production, supply and trading capacity of the ACP countries...” Furthermore, Part Four relating to “Development Finance Cooperation”, lays out the objectives and principles determining the process. Article 55 explains that “...adequate financial resources and appropriate technical assistance...” will be offered to ACP states to reach the potential of the partnership. Echoing the Cotonou Agreement, the IEPA also stresses the mutual recognition for development cooperation in Article Eight (EC, 2009: 13). Therefore, as the EU sees itself as developer, one finds various regional programmes in place that support trade and regional economic integration in the SADC area such as the SADC Regional Indicative Programme (see 4.3.2).

Budget support

The EU’s policy of “budget support” receives much scepticism as many have argued that the moral concern regarding this type of aid disbursement is that it can often find itself in the hands of corrupt or “immoral” governments³³. However, the EU has come to the defence of the process emphasising principles of “partnership” and “mutual accountability” (EC, 2011: 2). Former Commissioner for Development and Humanitarian Aid, Louis Michel, stressed these principles in a publication on budget support entitled: “A question of mutual trust”. He espoused that the “sacred principle of ownership” is imperative in budget support so as to avoid mistrust from both parties (Michel, 2008: 3). Therefore, by empowering partner countries with emphasis on ownership, a meaningful and stronger relationship is apparent as partners are able to determine, through management of their budget and the support, where

³³ Koeberle and Stavreski (2006: 9) note that budget support increases the risk of distrust and the volatility of the support in situations where the recipient’s performance is poor. According to Hauck et al (2005: 11), budget support has been criticised both within the EU and outside for being perceived as potentially corrupt. Richelle (2008: 3) points out that one of the risks involved with budget support is the misuse of funds.

priorities lie. This relationship based on mutual trust ensures the predictability and the pragmatism of this type of support which, in turn, according to Michel (2008: 3), also enables dialogue to grow between the parties, further ensuring rule of law, democracy, public financing, human rights, education and social and environmental policies.

More recently, the EU has pushed for a more widely accepted view of budget support and this was highlighted through the renewed emphasis on the principle of “ownership of development priorities by developing countries” at the Busan 4th High Level Forum on Aid Effectiveness. The link between budget support and ownership is explained by the EC (2011: 2) as the recipient partner country being able to determine what shall be done with the support granted to them. By ensuring mutual accountability, dialogue and assessment the EU is able to determine and monitor the conditions of this support and is thus, able to diffuse the norms of “human rights and democratic values” thereby behaving as NPE (EC, 2011).

In line with this the EU has certain conditions that must be met when budget support is to be provided. It seeks to ensure that mutual trust is gained that aid will be disbursed to pursue values such as democracy, human rights, rule of law and the reforms in various sectors in order to ameliorate service delivery. The EU appears to use this budget support process to ensure that *its* conditions of stability and good governance are externalised and spread to others such that they become fundamental. The Cotonou Agreement is not immune to this means of EU norm externalisation. Article 61 deals with the nature of financing and lists “budgetary support” as one option. Point Two of the same Article lays down the conditions for this support as transparency and accountability. Evidence of EU externalisation and conditionality can be found in the Agreement where assurance is sought that “well defined macroeconomic or sectoral policies established by the country itself and agreed to by its main donor are in place...”

Overall the EU’s rhetoric reflects NPE tendencies of morally backed values and principles. The EU recognised that there was a need to ameliorate the process of aid disbursement and assistance cooperation in the face of the criticisms that it was encountering. Therefore, it took on a leading role in strengthening and streamlining its aid efficiency and effectiveness through international fora held on aid effectiveness. By doing so, it further allowed it to make use of the consultations and

subsequent declarations to ensure that the norms regarding aid that it deemed most important, be incorporated. This is a form of EU norm externalisation and the same norms have already been infused in the Cotonou Agreement and therefore, the various IEPAs and the Regional Indicative Programme. Once again, the EU's preference for neo-liberal economic policies is seen in its AfT strategy, which is supported by the EU's belief that neo-liberal policies are the morally correct and ethical path to follow in order to bring about poverty eradication and sustainable development. Moreover, budget support gives the EU another opportunity to push through its core and minor norms onto other parties as a condition for aid assistance. The EU has also justified this controversial means of assistance by claiming the principles of "mutual trust" and "ownership" as drivers of norms such as democracy, human rights and rule of law.

4.4 Externalising the EU's NPE message to southern Africa.

The four questions posed in the preceding section have brought to light the nature of NPE in the international arena with special reference to the Cotonou Agreement and subsequent EPAs. It has highlighted the normative foundation that the EU believes it has and how this finds place in its relations with the ACP countries and specifically with southern Africa. These are evident in the language found in agreements, publications and speeches, amongst others, that the EU disseminates. NPE elements are also found in the intricate justifications that the EU gives in terms of identity construction and engaging with the ACP bloc. Furthermore, NPE is also emphasised in the economic policy choices that the EU favours rhetorically. This section uses Manners' (2001: 13) factors of "norm diffusion in international relations" to identify exactly through which means the EU, and more specifically the EC, externalises its self-perceived NPE nature to southern Africa. In order to recap, Manners' factors determining norm diffusion are: contagion, informational, procedural, transference, overt and cultural filter.

4.4.1 Contagion diffusion

Manners (2001: 13) describes this process as the "...unintentional diffusion of ideas from the EU to other political actors." The sheer size of the EU, both politically and economically, contributes to the "unintentional" manner in which contagion diffusion

occurs. In other words, the place that the EU occupies on the international stage and the influence that it has as a result, leads it to be an example to other states by default. Therefore, this form of normative power is referred to as symbolic. To a certain extent there has not been a determined effort by the EU to be taken as an example in that the result of it being so is due to the perception that third parties might have of the EU. Nevertheless, an intentional element does exist in that fundamentally the EU has had a role in its own growth and subsequent influence as an example.

One area in which the EU has externalised itself, unintentionally (at least initially), is with the regional integration project. The formation of the EU was an experiment that never anticipated being the regional integrative success story that it is today. Nevertheless, it can be said that when the European Coal and Steel Treaty was signed in 1951, the founding countries never envisaged that the model of integration would be followed by other regional integration projects throughout the world 50 years later. The steps that the EU took to reach the integration it now finds itself at are mirrored in regional integration projects in Africa. The historical link that southern Africa and the EU share has resulted in a distinctly European way of thinking within southern Africa regarding regional economic integration (Draper, 2010: 7) (see 4.3.2).

A brief comparison will show that SADC, in its Regional Indicative Strategic Development Plan, has laid out the path towards integration with the eventual milestone of monetary union (Belle, 2010: 86). The important targets to be met in order to achieve this, are: SADC Free Trade Area by 2008, launch of Customs Union by 2010 (re-scheduled), common market by 2015, SADC Central Bank by 2016 and finally SADC currency by 2018 (Belle, 2010: 86). This is reminiscent of the EU path to regional integration. In 1960, the European Free Trade Association was established and in 1968 a common external tariff was introduced (EU, 2011). In 1991, the foundation was laid for the formation of the economic and monetary union and this was followed by the creation of the Single Market in 1993 and 1997 saw the introduction of the European Central Bank with finally the Euro being introduced as a common currency in 1999.

Regional integration is an instance where the EU acts as a NPE, unintentionally diffusing norms such as peace, sustainable development, human rights and rule of

law throughout the international system as fundamentals for the integrative process. The EU's ability to do this is by virtue of being an example to other regional economic communities as a result of its success.

4.4.2 Informational diffusion

Informational norm diffusion, according to Manners (2001: 13), is more a “strategic communication” of norms such as declaratory communications and new policy initiatives. While Manners indicates that generally the declaratory communications come from the President of the Commission, there seems to be more evidence in the (southern) African case of the Trade Commissioner making most of the symbolic normative statements.

During a visit to South Africa in 2012, Commission President Barroso made some statements and points that could be perceived as symbolic reinforcement of NPE. A strong emphasis was placed on the “partnership” status between the EU and Africa: “Through this partnership the European Union aims to support our partners’ efforts in reaching the Millennium Development Goals (MDGs), and in strengthening sustainable economic development” (Barroso, 2011). Furthermore, a reiteration could also be found on the need to have good governance as a cornerstone to prosperity based on the European experience. Once more, this rhetoric of the EU points towards the self-ascribed NPE position of developer.

Normative and symbolic aspects tend to be communicated primarily by the Trade Commissioner when compared to other Commissioners. The new economic reality of the 21st century has brought with it “challenges and opportunities” affecting trade and development as former Trade Commissioner Peter Mandelson (EC, 2005: 2) expressed. He further emphasised that these changes in trade and development affect not only the EU but southern Africa as well and that there is a need to take heed of these changes. This is evidence of informational diffusion on the part of NPE intended for southern Africa in order to condition and prepare the region for the changes in how the former intend to carry out trade and development policies. In a separate speech Mandelson (2006) clarified that the previous trading regime (Lomé) was inadequate and sternly commented that: “It certainly isn’t sustainable development”. This was a sentiment also portrayed by Mandelson’s successor, Karel de Gucht, who, in various speeches, recalls EU norms and does so in a strategic

way so as to add renewed energy and drive the EPAs forward. Norms and phrases are used intently to invoke motivation and approval for policies within the ACP countries such as: “...stronger partner helps the weaker” and “...EPAs are designed to promote regional integration...” (de Gucht, 2010). At a meeting with Mohamed Ibn Chambas of the ACP group, de Gucht (2011) highlighted the importance of good governance as a prerequisite to free markets in an attempt to influence in the way of neo-liberal economic thought.

The EU, as NPE, is able to externalise its norms through the declarations and policy initiatives expressed by EU officials. In the case of trade and development issues, the EU Trade Commissioner plays a vital role. Mandelson and de Gucht have been key in informational diffusion³⁴. This form of norm diffusion can be considered of significant importance to the EU in that it serves to communicate EU intentions (it is chapter five’s purpose to show that the EU’s intention might not translate in its actions) which is necessary if it is going to create an image of itself within the scope of NPE as an example or developer.

4.4.3 Procedural diffusion

Procedural norm diffusion refers to the “...institutionalisation of a relationship between the EU and a third party...” and includes formal interregional cooperation agreements, membership of an international organisation and even enlargement of the EU (Manners, 2001: 13).

This form of EU norm diffusion is found in the historical link that it shares with Africa, emanating from colonial times. Despite the end of colonial rule the EU maintained relations with the ACP countries through various agreements (see chapter three) culminating in the Cotonou Agreement of 2000. This last agreement was meant not only to introduce a new trading paradigm but also to strengthen the partnership between the EU and the ACP bloc. Such an agreement indicates that an institutionalised and formalised relationship between the EU and Africa exists allowing the EU, being the larger and more experienced partner, to externalise its norms, such as rule of law, democracy, good governance and human rights into Africa.

³⁴ The Green Paper (see 3.4) is evidence of informational diffusion as it discusses from an EU perspective the need for change from the Lomé Convention to the Cotonou Agreement.

The EPAs are also evidence of the EU's procedural norm diffusion as they are meant to incite deeper integration within existing regional economic communities by basing the relationship with the EU on interregionalism (in this case, the EU and SADC-EPA). However, in order for there to be interregional cooperation there needs to be regional integration. The emphasis on regional integration and interregional cooperation on the part of the EU supports the notion that the EU recognises that there is a causal link between integration and development (Söderbaum & Van Langenhove, 2006: 251). This active and intentional pursuit of integration within the economic regional communities of the ACP bloc, and in this case southern Africa, has contributed and further strengthened the EU's principle of regional integration and the extent of its externalisation. Söderbaum and Van Langenhove (2006, 251) have emphasised this fact by saying that "...the EU is becoming the hub of a large number of interregional arrangements which, in turn, are strengthening its own regionalist ideology."³⁵

Furthermore, the EU has a formalised strategic relationship with the African continent through the "Africa-EU Strategic Partnership" with the objective of strengthening the partnership on all levels of cooperation and this includes basing the fundamental values of the relationship on those mutually accepted by both parties (Council of the European Union, 2007: 2). This serves as another platform for the EU to diffuse its values and perspectives on various issues, compelling others to adopt them as well.

Furthermore, through the EU's membership in international organisations and fora, by association, other countries share a relationship with the EU having yet another means through which the EU is able to diffuse its norms. The important position that the EU occupies in the UN and the G20, for example, comes from its relative weight in terms of size, economic power and normative influence. This, by and large, has an influence on the ability of the EU to relay its normative message to others.

Therefore, by formalising or institutionalising a relationship with the EU, through a direct bilateral agreement of an interregional nature, a strategic partnership or through the membership of a common international organisation, other countries or regions lend themselves to be influenced by EU values, principles and norms.

³⁵ The irony of the EPAs rests on the fact that they have, in many ways, discredited and weakened the perspective held of the EU's policy on regional integration in the eyes of the ACP bloc (see chapter five).

4.4.4 Transference diffusion

This is the process of exchange of benefits between the EU and a third party. Manners (2001: 13) explains that this exchange can be found in the existence of institutionalised trade, aid or technical assistance agreements. These agreements facilitate the transfer of norms from the EU to the third party through the benefits and consequences that are attached to coming into a trade and cooperation agreement with EU.

The EPAs promise southern African countries continued preferential access (under WTO regulations) to the EU Single Market, something of great significance for highly dependent southern African exporters. In turn, however, southern African countries are required to negotiate on contentious elements such as the “Singapore Issues”³⁶ and trade liberalisation rates and schedules in order to maintain preferential access. Manners (2001: 13) refers to this conditionality as the “carrot and stickism” of rewards and consequences.

This does not only extend to trade related issues, but also to aid and technical assistance elements of an agreement and the EPAs are no different. Aid and technical assistance carry with them a strong emphasis on moral congruency and as a result can only be extended providing that norms held by the donor are also adopted by the beneficiary or else the latter risks losing this source of assistance. This conditionality of aid in terms of norms illustrates the importance that NPE ascribes to norms and their externalisation but also reveals a more forceful image of NPE in the externalisation process.

It can be argued that the EU’s huge aid disbursements to the ACP countries and beyond classify this as transference norm diffusion. In the Regional Strategy Paper and Regional Indicative Programme, the EU and SADC have entered into an aid assistance relationship aimed at supporting the latter’s efforts at regional integration and trading capacities (SADC/EU, 2008). However, the text is clear in relaying the message that the programme is “not an entitlement” and may be subject to revision by the EU. Nevertheless, trade liberalisation issues are not immune to normative

³⁶ The Singapore Issues refer to the negotiations pertaining to trade and investment, competition policy and transparency in government procurement (WTO, 2012). Together they have become known as the Singapore Issues based on the location of the 1996 conference where work on these began (WTO, 2012).

undertones as southern African countries are required to adopt neo-liberal principles within their economic structures in order to be deemed eligible to receive any sort of preferential access and therefore, untoward protectionism in the eyes of the EU is enough for it to review the benefits offered. This emphasis on neo-liberal principles hints towards a market-orientated externalisation (see chapter five). However, it still finds place in the NPE argument of defender of the faith and developer self-perceptions (see 4.3.2).

All of this ultimately entails that in order for southern African countries to secure access to the EU Single Market they have to adopt and assimilate various EU norms and in this case it occurs through the existence of exchange of goods, trade, aid and technical assistance that is made possible with the Cotonou Agreement and the EPAs. As a result this is a form of substantial normative power on the part of the EU. The EU is the primary donor of the benefits and as such can easily retract them if there is a breach of the agreement. Therefore, its bargaining power position allows it to transcribe its normative foundation onto agreements entered into with third parties.

4.4.5 Overt diffusion

According to Manners (2001: 13) this form of norm diffusion occurs through the presence of the EU in foreign countries. In other words, the EU delegations stationed in third countries or international organisations are a form of substantial and symbolic normative power, providing a form of intentional and unintentional EU norm diffusion.

According to the EC (2004: 6), the role of these delegations is to present, explain and implement EU policy, report on developments in the host country and follow through with mandated negotiations. Norms such as democracy, rule of law and respect for human rights are deemed to be the goals of the EU and are to be upheld and promoted at all times when EU law is applied (EU, 2012). Therefore, it follows that in presenting, explaining and implementing EU policy, NPE, through its delegations, is invariably diffusing these norms in the host countries. The Cotonou Agreement provides the opportunity for EU missions to make known the basis for the assistance being provided as dependent on the adoption of various normative positions. Numerous projects throughout the SADC-EPA region, such as water and sanitation strategies, budget support, technical assistance, capacity building,

HIV/AIDS related projects, women empowerment, diversification, strategic partnerships are all subject to adherence to Essential Elements³⁷.

Ultimately, whatever the extent is of the normative power of the EU, the mere presence of the mission is enough to create a “monitoring” effect on the host country.

4.4.6 Cultural filtering

Manners (2001: 14) explains cultural filter as the determinant of the impact that various norms and values will have on third parties. This filter, therefore, influences the extent of learning, adaptation or rejection of certain norms (Kinnvall, 1995: 61-71 as referenced by Manners, 2001: 14). Furthermore, Manners (2001: 14) points out that this form of norm diffusion is not symbolic like contagion norm diffusion, for example, nor substantial such as transference norm diffusion. Instead, he classifies cultural filter as the interaction between constructing knowledge and creating social and political identities. In other words, the cultural filter of a third party serves as a gateway through which norms will pass in order to construct identities or change perceptions.

Evidence of cultural diffusion in the case of southern Africa, for example, can be found in the diffusion of one particular principle and its various implications: the neo-liberal trade principle. Pallotti (2004: 513) identifies the shift in attitude held by southern Africa (more specifically SADC) regarding economic regionalism and trade liberalisation. He explains that economic regionalism in the sub-Saharan region has lost its “...peculiar pan-African and solidarity motives and self-reliance...” in favour of “...a legitimate goal of regional cooperation”. Furthermore, Pallotti (2004: 514) stresses that intra-trade liberalisation “...has become the main aim of their economic programmes.” An explanation for this shift in perception can be attributed to the unintentional diffusion of the principle by the developed world. For example, the Executive Secretary of SADC’s predecessor, the Southern African Development Coordination Conference (SADCC), was impressed with the extent of trade liberalisation in Europe (Pallotti, 2004: 515). This motivated SADCC to strengthen its regional integration project like the EU. A more active and intentional attempt at

³⁷ These are laid out in the SADC Regional Indicative Programme 2008-2013.

diffusing neo-liberal trade practices, influencing the identity of SADC, is being seen with the negotiations towards EPAs between the EU and the SADC.

Why do some norms and principles become part of the identity of the recipient and not others? Acharya (2004: 240) poses this question and suggests that the answer might lie in an analysis of the domestic political structures and agents that adapt, adopt or reject these norms within their cultural filters. In order to do this he emphasises a process called localisation by which the recipients of norms “build congruence” between the international norms and the local norms thereby incorporating the former into the latter (Acharya, 2004: 241). Therefore, why do some norms and principles manage to become part of the identity of the recipient and not others depends on the opportunities that are provided for localisation, reflecting the success of norm diffusion strategies. In a later publication, Manners (2006: 79) stresses the importance of cultural filter to understand the manner in which EU symbolic (passive and unintentional) forms of norm diffusion are perceived by third parties and therefore it is imperative to evaluate the effectiveness of the previously mentioned symbolic methods of norm diffusion (contagion, informational, procedural, and overt). As a result, from the perception of NPE and the examples laid out in discussions of the other methods (see 4.4), it can be argued that the methods of the EU are indeed successful and so offer opportunities for localisation.

4.5 Conclusion

This chapter outlined the normative underpinnings that can be found in the EU’s behaviour towards southern Africa as a result of its self-conception as NPE. This self-conception was explained within the framework of Holsti’s role theory whereby the possibility of two different perspectives to foreign policy behaviour can be distinguished (one belonging to the self as is explained in this chapter and the other to the alter as will be discussed in chapter five). Within his body of work, there are numerous foreign policy conceptions that are identified, three of which are captured in this study as: defender of the faith, developer and example. The EU believes that it is portraying an image of being a power concerned with diffusing morals, values and principles throughout the ACP bloc by means of the Cotonou Agreement and the EPAs.

The Cotonou Agreement emphasises elements which, according to the EU, are significant, such as sustainable development, compatibility with the WTO, regional integration and differentiation. These, therefore, give the EU the opportunity, through a perceived moral high ground, to promote peace, good governance, human rights and rule of law. Furthermore, the EU, as NPE, uses the Cotonou Agreement to ensure that its neo-liberal ideals are also adopted as a panacea to the development challenges of southern Africa (and the rest of the ACP countries).

Chapter two's analytical questions were introduced in order to extract NPE elements in the relationship between the EU and the ACP bloc. The premise of the EU being NPE is taken from its own perspective of intentions, justifications and behaviour. This is extrapolated with the help of the analytical questions. These have illustrated that the moral reasons, as perceived by the EU, for entering into trade, cooperation or association agreements are based on the need to advocate certain principles and externalise them so that they may be adopted by the third parties in the agreements. One of the principles that is much focused on, as the "right thing to do", is that of neo-liberal trade practices where regional integration and its externalisation are evident within southern Africa and in the broader context of the EPAs. The historical nature of the relationship between the EU and the ACP countries makes the latter a perfect target for norm externalisation. The dependence of the ACP bloc on the EU for trade simply feeds into the identity of the EU as NPE. In a constructivist sense, the existence of the ACP countries and their situation helps condition the EU's perceived identity as an altruistic NPE. The disbursement of development aid by the EU is a major component of its NPE identity towards the ACP countries as it appears to take pride in the initiatives undertaken to ameliorate the disbursement process. This has further fuelled the EU's perceived identity of NPE towards the EPAs.

The methods of norm diffusion as identified by Manners were used to explain how the EU ensures that its norms be diffused and made part of the framework of southern Africa. Contagion, informational, procedural, transference, overt and cultural filtering present intentional and unintentional means by which the EU defends the faith, becomes an example and acts as a developer.

The analysis was presented from the perspective of the EU as NPE and how this translates into the Cotonou Agreement and the EPAs. The EU has managed to portray itself as NPE by justifying its actions in the normative sense and by diffusing

norms in various ways within the scope of the Cotonou Agreement. The next chapter evaluates another source of EU power known as Market Power and as a result new forms of norm diffusion will be identified and another view is taken in terms of role conception and role prescriptions. The focus is on the experience of the behaviour of the EU according to the ACP bloc.

5 Perspectives of the EU as Market Power Europe

5.1 Introduction

This chapter, to a certain extent, serves as the antithesis of the previous one. The goal is to illustrate a different perspective of the EU, adopting a somewhat more critical and rational view to the activities and rhetoric of the EU. This is in contrast with the previous chapter's consideration of the EU as an altruistic power, pursuing moral congruency.

Fundamental to this differentiation of perspectives related to the EU is the matter of where this perspective emanates from. Chapter four adopted the premise that the EU is an entity concerning itself with providing what it deems is a necessary moral compass for the international arena by externalising its principles and moral ideals and diffusing them into other societies where such moral conviction might be lacking (in their opinion). This perspective of the EU as NPE, it was determined, emanates from the EU itself. This chapter, however, removes itself from the EU and examines the perceptions held of it from outside its boundaries, coming from the ACP group of countries in light of the EPAs. Within the ACP group, particular emphasis is placed on southern Africa's experience and therefore its perspective of the EU through the case study of the EPAs. It is argued that MPE can be used to describe the perspective that outsiders have of the EU as opposed to the NPE perspective that the EU holds of itself. In order to illustrate the MPE tendencies of the EU as experienced by outsiders, the Cotonou Agreement and the EPAs are used.

The first section of this chapter recalls the role conceptions held by the EU of itself outlined in chapter four, namely defender of the faith, developer and example, and determines from an outsider's perspective whether the EU has indeed behaved in such a manner. The perspective concentrates on what has been the experience of the EU, in terms of the EPAs, held by the ACP group and specifically southern Africa. What has been the EU's handling of the EPA's as experienced by the ACP countries and southern Africa? Has it been anything concurrent to the EU's perception of itself as NPE? In the second section it will be suggested that MPE can account for the possible perceptions that the ACP bloc hold of the EU as opposed to the perception that the EU holds of itself (NPE). The manner in which this will be

done is by identifying the elements and characteristics that constitute MPE (Single Market, Regulatory Institution, Interest Contestation) within the actions and policies of the EU pertaining to the EPAs and relations with the ACP bloc. In order to extract these characteristics the questions introduced in chapter two will be used once again. The final section will be a conclusion where the strength and significance of the MPE argument will be evaluated.

5.2 Has the EU lived up to its self-ascribed role conceptions?

The previous chapter introduced three possible role conceptions (defender of the faith, developer and example), forming Holsti's body of work on Role Theory, which could account for the EU's perception of its behaviour and rhetoric.

It would be quite futile and lacking in depth of analysis if only the EU's perspective is taken into consideration. The EU's self-perception should not to be taken as a "...reflection of the reality of the EU" as Tsuruoka (2008: 3) outlines. Therefore, in order to prevent falling into a Eurocentric study, this section (and indeed this chapter) is dedicated to identifying the key trends in the experiences and point of views regarding the EU held by the ACP countries and particularly southern Africa. What is considered are the possible antitheses to the views that the EU holds of itself. It is not to say that views (of the EU and of outsiders) are irreconcilable, as a middle ground can be found in certain instances between the views emanating from outside the EU and from within the EU.

5.2.1 The EU as Defender of the Faith

It was argued in chapter four that the EU portrayed an image of itself as defender of the faith. It was taken from Holsti's (1970: 264) work on Role Theory. Defender of the faith refers to a government that is concerned with defending a value system from attack. Religious zeal is not what is under protection here but rather the EU's new-found "global responsibilities" as a result of the globalisation process (Lucarelli, 2006: 52). Therefore, in chapter four, this role conception was adapted to refer to neo-liberal economic thought. As a result, elements of this role conception were identified substantiating the EU's self-perception as NPE. In this section, however, this self-perception is evaluated in the face of perceptions and experiences held by

the ACP countries and especially southern Africa of the EU's brand of neo-liberalism and insistence on adhering to WTO rules and regulations.

While it cannot be disputed that the EU purports and defends the neo-liberal agenda of the international economy, what can be questioned is whether this, as found in the EPAs, is perceived by others as welcome or an intrusion.

The issue of reciprocity and liberalisation

The Cotonou Agreement necessitated a move away from the non-reciprocal trading dynamic to a reciprocal one where the ACP bloc would be required to open up its trade to the EU as the nature of the Lomé Convention ran counter to the rules and regulations of the GATT/WTO.

The EU firmly believes, along with the rest of developed world, that in order for there to be development, there must be free trade and liberalisation (Elgström, 2008: 3). Arguing against this, Chang (2002) asserts that when developing countries such as the ACP group demonstrate any form of hesitation or unwillingness to adopt these neo-liberal strategies, the developed world has difficulty in comprehending the basis for such stubbornness. Chang goes on to claim that there is such faith in the neo-liberal principles on the part of the developed world that it ensures that they are "imposed" on developing countries by locking them into bilateral and multilateral agreements. This illustrates the ACP group's frustrations and hesitations with regards to the EPAs. These frustrations are also further aggravated by the fact that what the developed world purports today is not what they themselves practiced in their respective developing phases (and to certain degree, in the present). Chang (2005: 2) explains that the developed world is trying to push through liberal principles on developing countries in an attempt to hide the measures that they adopted to aid their development a century ago and that are by today's standards deemed unacceptable.

Africa is hesitant to adopt the EPAs in their proposed form (AU, 2007: 4). The AU (2007: 4) points out that the idea that trade liberalisation will bring about development to the continent, as the EU claims, is not shared. This standpoint is

taken from the experiences under the SAPs³⁸ which have been described as serving “imperialist interests” as Jauch et al (2007: 6) of “Alternatives to Neo-Liberalism in Southern Africa (ANSA)” explains. Furthermore, in line with Chang’s argument, the AU deems that the EU is also guilty of carrying out controversial protectionist measures that hamper development in Africa by limiting trade opportunities for African produce (see further on in this chapter).

Nevertheless, this is not to say that the ACP countries are against the principles of reciprocity and liberalisation in the long run. Bilal and Braun-Munzinger (2008: 5), Sindzingre (2008: 39) and the AU (2007: 4) all highlight that from the ACP countries’, sub-Saharan Africa’s and the AU’s point of view, the processes of liberalisation and regional integration are important but insufficient in the process towards development. Chang’s (2005: 30) arguments are echoed here and further supported by South Centre (2010: 2) who argue that: “No country has developed as a result of drastically lowering their tariffs during their development process”.

The relationship between trade liberalisation and development remains unclear to some. Sindzingre (2008: 5) highlights that the causality between the two is even doubted within the IMF. She further explains that what the supposed causal relationship has failed to address is the extreme dependence on primary product exports amongst southern African countries, which by and large is a major reason for the difficulties in development. It has also done very little to address the issue of developing countries’ dependence on trade revenues which are affected in light of trade liberalisation. Historically speaking, sub-Saharan African countries have depended excessively on this form of revenue. However, as trade liberalisation slowly became the accepted economic theory it has been discerned that trade revenues have declined. Import duties in the early 1990s and early 2000s in sub-Saharan Africa have declined from 4.9% of GDP to 3.5% of GDP (Sindzingre, 2008: 6). Similarly, export duties in the region have declined from 1% of GDP to 0.4% of GDP for the same time frame (Sindzingre, 2008: 6).

³⁸ Some of the experiences of SAPs, according to Jauch et al (2007: 23), are: local industries failed and the imported goods replacing them, removal of subsidies and price controls led to the price increases, public sector cuts increasing unemployment amongst others.

Goodison and Stoneman (2005: 23) refer to the case of BLNS countries, who found themselves in a situation where they would lose trade revenues due to the TDCA³⁹. The BLNS countries form the SACU with South Africa and therefore, the reduction or removal of tariffs between the EU and South Africa will have a *de facto* effect on them. It was estimated that Botswana would lose 5.3% of total government revenue, Namibia would lose 8.6%, Lesotho would lose 12.9% and Swaziland would lose 13.9% (Goodison and Stoneman, 2005: 23). The forecast was not optimistic for the likes of Namibia and Tanzania if the situation is compounded with the introduction of the EPAs in their current state. It is estimated that in the case of Namibia the losses incurred are the same as almost two-and-a-half times the Namibian government budget deficit. The remedy for the situation is not a simple tax hike but would actually require that government expenditure be reduced, according to the Namibian parliament (Goodison and Stoneman, 2005: 23).

The non-reciprocal conditions of the Lomé Convention were changed in favour of the WTO compliant reciprocal relationship embodied in the Cotonou Agreement. The question however is: if the conditions of the Lomé Convention created adverse economic effects in the ACP countries (see chapter three) then how are these countries expected to liberalise almost immediately afterwards? (Holland, 2003: 172). Therefore, it is without dispute that the reciprocal liberalisation process is a challenge to the ACP countries and especially so for the countries that are heavily dependent on those revenues drawn from import and export duties such as the BLNS countries in southern Africa. At a presentation given by a representative of the Nairobi-based ECONIEWS, it was opined that trade liberalisation appeared to be the only issue on the minds of European negotiators and that it was necessary for the ACP group to divert attention to the more pressing issue of development (Bensah, 2004). As a result it is questioned whether the EPAs are just “any other free trade agreement” or whether they constitute a development partnership (Elgström, 2010: 142). Consequently, in respect of the EPAs, can the EU be perceived as a developer by the ACP countries? (See 5.2.2)

³⁹ The overall relationship between the EU and South Africa is determined by the Trade, Development and Cooperation Agreement (TDCA) which was signed in October 1999 (EU, 2009). It entered fully into force in May of 2004 and covers areas of Political Dialogue, Development Cooperation, Cooperation in Trade and Trade-related areas, Economic Cooperation and Cooperation in other Areas. The aim is to establish a Free Trade Area between the two signatories by 2012.

Unilateral interpretations

Holding the bargaining position in the negotiations towards EPAs, it is no wonder that the EU took the initiative at interpreting the GATT's Article XXIV. The problem, however, has been that the EU did not consult the ACP countries in their interpretations of the vague phrases in the Article pertaining to extent of liberalisation and the period of time deemed appropriate. Article XXIV of the GATT requires that ACP countries liberalise or reduce tariffs to zero on "substantially all trade" and during a "reasonable period of time" (WTO, 2012). Controversially, the EU took this to mean a reduction of tariffs to zero on 90% of all trade between parties while the ACP countries preferred to understand it, in the context of EPA negotiations, as leaving out 40% from liberalisation (Elgström, 2010: 140). The EU would eventually set the minimum liberalisation threshold at 80% (Bilal and Ramdoo, 2010: 15). Furthermore, the time frame considered adequate by the EU is ten years while the ACP group felt that, considering their situation, 20 to 25 years was a reasonable time frame (Elgström, 2010: 140).

Proponents for the cause of ACP countries have highlighted semantics to justify grievances. It has been argued that "substantially" does not refer to "all" trade and therefore leaves room for some manoeuvre in terms of policy space where certain protective measures such as export taxes can be implemented and where sensitive products can be removed from liberalisation schedules (Ramdoo, 2011: 40). Nonetheless, as it stands BLNS countries are to liberalise 86% of their trade while Mozambique is expected to liberalise 81% with a time frame of ten years commencing from 2010 (Bilal and Ramdoo, 2010: 15). However, this situation has served to undermine regional cohesion within SACU as an issue of concern is to align the market access conditions of BLNS countries with the existing TDCA with South Africa, itself a member of SACU too (Bilal and Ramdoo, 2010: 15).

The unilateral interpretation by the EU of the fundamental basis of the nature of the reciprocal relationship between the EU and the ACP group not only extends to technical terms of quantity and duration but can also be found in the EU's approach to other contentious issues. The ACP group has voiced its concern over numerous other points in the EPAs that demonstrate an inflexible EU.

Stricter than the WTO

Numerous issues in the negotiations of EPAs have stalled their conclusion. Some of these obstacles can be attributed to the fact that the EU continuously tries to impose certain GATT/WTO rules and regulations in a manner that is short-sighted and determined in that they leave little or no space for flexibility and variation with respect to differing and disadvantaged positions of the ACP countries. It has been suggested that the reciprocal liberalisation that the EPAs envisage are in stricter compliance with the WTO than the latter's regulations require it to be (Bond, 2004b: 226 quoted in Melber, 2005: 40). It is in this light that the ACP group perceives the image of defender of the faith, contrasting with the perception that the EU holds of itself with the same name. The ACP countries and Africa in particular, adopt a negative conception of defender of the faith by suggesting that the EU shows little flexibility in its policies towards the ACP group under the EPAs. Therefore, in its pursuit to adhere to the GATT/WTO rules and regulations, the EU appears to the ACP group to actually go beyond necessary requirements.

The Most Favoured Nation clause

A major issue forming an obstacle towards the successful closing of the EPA negotiations is the MFN clause (see 1). This has been a major bone of contention for most of the African and Pacific countries. It entails that the spirit of fomenting South-South trading relations will be eroded as the extension of the preferential treatment given by African and Pacific countries to other developing countries has to be reciprocated to the EU.

For the EU, the clause is a matter of fairness and non-discrimination as Bilal and Ramdoo (2010: 180) note. Once again, the EU is perceived as defending the faith which in this case amounts to the principles of non-discrimination within the body of values forming neo-liberalism. From the SADC-EPA perspective, South Africa and Namibia have been the most vocal countries when it comes to the MFN clause. For its part, South Africa, under the MFN clause, would be expected to grant the EU the same concessions it grants to a country enjoying more than one percent share of world trade. To this extent, it is important to trace the reasons for South Africa's

frustration. South Africa is part of the BRICS⁴⁰ grouping and thus shares a particular economic and political relationship with these major developing countries. South Africa, as a result, is not in a position to accept the MFN clause. The reason for this is that it would require it to extend the same preferences, already in place for its BRICS partners, to the EU (Makombe, 2010). The inclusion of this clause runs counter to the spirit of solidarity that BRICS enshrines and therefore diminishes the possible South-South trade that can be harnessed.

Namibia, for its part, disapproves of the MFN clause for very much the same reasons as South Africa. While there is a practical side to Namibia's dissatisfaction, the issue runs also on a question of morality and ulterior motives. Namibia's Trade and Industry Minister, Hage Geingob, has been quoted as saying that: "A partnership means that all partners are equal. Why else would you include the word partnership in the EPA? It also means transparency" (Makombe, 2010). This highlights the suspicions that Namibia has with regards to the true motives of the EU which is compounded by the EU's insistence on the MFN clause. While it might be argued that the reasoning behind the MFN clause is a moral one, it can be illustrated that this might not necessarily be the only or most important reason that the EU has for championing the clause. The EU might declare that it is in the interest of all and part and parcel of neo-liberal practices but former Trade Commissioner Catherine Ashton, has been quoted as saying that the insistence of the MFN clause is in order to protect the EU "in the future *vis-à-vis* other major trading partners" (Makombe, 2010).

Export taxes

The second area presenting contention for the SADC-EPA is the issue of export taxes. The EU's position with regards to export taxes is one where it is argued that the latter have not been conducive to development and have in fact served to discourage exports and to lower the prices of agricultural commodities (Bilal and Ramdoo, 2010: 21). Nevertheless, the EU's insistence on the elimination of export taxes comes from a perspective that is perhaps more self-serving than for the

⁴⁰ BRICS is made up of Brazil, Russia, India, China and South Africa. The configuration was an idea conceived by Goldman Sachs in 2001 in a paper titled "The World Needs Better Economic BRICs" where the global economic situation was forecasted 50 years ahead (BRICS India, 2012). South Africa was a later addition in 2011. A number of issues comprise the BRICS agenda, such as climate change and the international economic and financial situation.

greater good. The EU is an advocate for opening foreign markets but it emphasises that this is not solely a question of reducing tariffs but also of tackling non-tariff barriers (NTBs) (EC, 2006: 6). The EU calls for the elimination of taxes on exports to be eliminated. This stems from the need to secure access to raw materials (see 5.2.3) (Bilal and Ramdoo, 2010: 21).

On the other hand, however, it has been argued that the African and Pacific countries have not necessarily discounted the possible negative effects of export taxes but they do maintain that the decision to implement export taxes is one that rests only with them and should not be determined by foreign influences (Bilal and Ramdoo, 2010: 21). Nevertheless, the EU argues that export taxes are part and parcel of restrictions to trade and therefore, adhering to Article XXIV of the GATT requires liberalising “substantially all trade”. Makombe (2010) suggests that the issue of export taxes should rather be directed at developed EU partners within the context of FTAs and not in negotiations with ACP countries. As has already be mentioned, the ambiguity and vagueness of the phrase “substantially all trade” leaves open for interpretation that some restrictions such as export taxes can be sustained.

In the case of the SADC-EPA, at the 2009 Swakopmund meeting leading to the IEPA, there was some consensus regarding the restrictions and eliminations of export taxes. The consensus was incorporated into the IEPA and highlighted that the temporary use of export taxes could be introduced in the case of specific revenue needs, protection of infant industry and the environment, to handle food security concerns and, in exceptional circumstances where it can be justified, in order to address industrial development needs (Bilal and Ramdoo, 2010: 23). Despite the fact that these conditions allowing export taxes were incorporated in the IEPA texts, it does not serve as an indication that that they were readily accepted by the SADC-EPA countries. Namibia’s general dissatisfaction with the IEPA led to it not signing the agreement and merely adding its initials. This dissatisfaction also extends to the issue of export taxes. Namibia strongly believes in the use of these taxes as they have in the past been used to deal with the difficulties facing a smaller economy in the region that is dominated by a larger one such as South Africa (Rumpf, 2008). One manner in which to view export taxes in a positive manner is to understand that they can contribute to adding value to processing chains. In times of food insecurity,

they can serve as a valuable conduit of supplies to processing industries (Rumpf, 2008). This, in the long run, can ensure investment and value-added processes.

Bilateral safeguards

As a third obstacle to a final EPA, bilateral safeguards have been considered a sensitive issue for the EU and SADC. The issue of bilateral safeguards extends to the treatment of infant industries, agricultural safeguards and food security. In terms of the treatment of industries, it is the very lack of a stand-alone clause pertaining exclusively to the protection of infant industries that concerns African and Pacific countries (Bilal and Ramdoo, 2010: 24). The stand-alone clause would allow the policy space to implement measures to protect and support local infant industries.

Temporary protection of infant industries is provided in the IEPAs under the bilateral safeguard clause (Article 34 of the SADC-EPA document). This is to be enacted if an increase in imports threatens to cause harm to any industry (Bilal and Ramdoo, 2010: 24). However, this provision is only permitted for up to 20 years from the entry into force of the agreement. Nevertheless, the bilateral safeguard clause in this state is deemed insufficient for African and Pacific countries who argue that there should be a stand-alone provision where enough flexibility should be allowed in order to enact domestic measures to provide temporary support for their infant industries (Bilal and Ramdoo, 2010: 24). Furthermore, the bilateral safeguard only allows the enactment to take place in a defensive manner in the face of increases in imports that potentially or actually threaten the industry. For its part, the EU argues that a stand-alone clause is not necessary as infant industries are covered by Article 34. It was ultimately agreed at Swakopmund in 2009 that a stand-alone infant industry clause would be incorporated where safeguard measures can be enacted up to a period of eight years and can be extended in light of there being no sunset clause⁴¹ (Bilal and Ramdoo, 2010: 25).

In terms of agricultural safeguards and food security the southern African countries, along with others, feel that they are making too many concessions on tariff reductions which include agricultural products while the EU continues to subsidise

⁴¹ A "sunset clause", as defined by Business Dictionary, is: "A condition or provision in a law that designates a certain point in time when that specific law will no longer be in effect".

EU farmers under the CAP. The IEPAs contain some provisions for the promotion of the agricultural sector, but, Bilal and Ramdoo (2010: 26), suggest that these could be lost to insignificance due to the EU's contradictory actions at home. Therefore, in order to address this, the African countries have proposed that there be some mechanisms in the EPAs to tackle any imbalances or threats to local industries as a result of the EU's protectionist measures under the CAP. In its defence, the EU has argued that the issue of agricultural subsidies and safeguards should be left to the multilateral arena as they have rejected the inclusion of any such rules in the IEPAs (Bilal and Ramdoo, 2010: 25). This attitude adopted by the EU runs contrary to the rhetoric of developer (see 5.2.2). The CAP is an example of EU ambiguity and double standards. It represents the conflict between liberal and protectionist trade practices that the EU displays when carrying out its trade policies and when externalising its norms. This clash between liberal and protectionist trade is prevalent throughout this chapter. Insofar as the question of the multilateral arena goes, the EU, frustrated with it, diverted its attention from it (see 2.8.1). This contradicts the defence the EU has regarding agricultural subsidies and safeguards and further reinforces the notion of a morally ambiguous EU with double standards. The proposal put forth by the SADC-EPA, which remains under negotiation, is a stand-alone Agricultural Safeguard clause where temporary action can be taken to limit the importations or exportation of goods in the interest of development, food security and poverty alleviation (Bilal and Ramdoo, 2010: 26).

The obstacle of agricultural matters is a sensitive issue that extends to both sides where the EU prefers to leave the discussion within the ambit of the WTO. The African countries, on the other hand, prefer to take opportunity with the EPAs to outline a common understanding on the matter. This illustrates a darker version of defender of the faith and perhaps even a contradiction to the conventional idea of what the EU is defending which in this study has been taken to mean neo-liberal practices. However, with agricultural matters, the EU has been known to adopt a position reluctant to do away with the CAP and therefore, in this sense the "Faith" can be taken to mean the CAP. If the latter is the case then the EU is guilty of double standards which is a common occurrence and is evident throughout the analysis of MPE, particularly in the case of agricultural matters. The EU is found to prescribe the

“correct” manner in which to handle matters of agricultural trade while practicing the opposite on a domestic scale with international repercussions.

Standstill Clause

Bilal and Ramdoo (2010: 27) explain that a standstill clause entails that with the entry into force of the EPAs there will be no new tariffs introduced, no existing tariffs will be elevated and once eliminated, they will not be re-introduced.

A distinction needs to be made between the clause applying to products covered by the liberalisation schedule of the EPAs and the same clause applying to those products on an exclusion list of the EPAs (Bilal and Ramdoo, 2010: 27). As it currently stands, the SADC-EPA does not have any proposals for the EU as the standstill clause only applies to products covered by the liberalisation schedule of the EPAs (Bilal and Ramdoo, 2010: 28). However, other EPAs have it apply to all their products (Schloemann et al, 2010: 11). The question then is why has the SADC-EPA presented the standstill clause as an issue still needing to be addressed in the negotiations? The standstill clause goes beyond WTO requirements as the latter does not rule out raising tariffs on goods covered by a scheduled liberalisation providing it falls within the scope of a mutually agreed limit (Schloemann et al, 2010: 1-12).

Non-execution Clause

A fifth issue is the non-execution clause which taps into the ever present conundrum of separating trade from politics. The EU believes in the use of trade sanctions in the interest of detaching from political violations such as human rights. On the other hand, the ACP countries have called for a separation of the two in order to prevent any hasty unilateral actions by the EU such as the suspension of trade. This illustrates the EU’s preference for carrots and sticks while it is also evidence of the fault that ACP countries find with the normative externalisation of the EU whereby the latter dictates the moral fabric upon which agreements are based, leaving little room for a separate interpretation of those values and principles as perceived by outsiders such as in this case, the ACP countries.

Singapore Issues

These refer to the negotiations pertaining to trade and investment, competition policy and transparency in government procurement (WTO, 2012). They have become

known as the Singapore Issues based on the location of the conference where work on these areas began (WTO, 2012).

What has perturbed ACP countries has been the EU's insistence on including the Singapore Issues in the EPAs in the interest of ensuring that the latter are comprehensive (Vickers, 2011: 187). The EU has been attempting to push through the Singapore Issues on a bilateral basis as it was unsuccessful in doing so within the WTO as the Issues are still the subject of analysis and exploration (Meyn, 2004: 12). Soludo (2012) has gone so far as to say that the Issues, which are "dead" under the WTO, are in actual fact being "smuggled" into the EPAs. Similarly, the EU has encountered substantial resistance from the ACP countries on the issue as they have been perceived to be forcing the matter "...through the backdoor" (Guardian, 2008 as quoted by Minderhoud, 2008: 5). The SADC-EPA countries have explained that they are in no position, both technically and politically, to include the Singapore Issues in the EPAs and have suggested that they should be included on a cooperative rather than a binding basis (ACP States et al, 2007: 27).

The Singapore Issues are encompassed by the broader coverage of contentious issues called the "WTO-plus" issues which include trade in services and intellectual property rights. The ACP countries have shown reluctance in accepting the presence of these points in the EPAs due to unknown effects in the medium- to long-term as a result of the lack of capacity in the ACP countries to effectively and efficiently handle the processes (Fioramonti, 2011: 13).

In light of this, the Cotonou Agreement does have a provision on the matter of service liberalisation in Article 41. However, the Article is held with reservations in that while it is recognised that liberalisation in services is important they highlight that the EU has taken due consideration of the developmental situation and the developmental needs of ACP countries and that liberalisation of services will be considered only once the ACP countries have garnered sufficient experience in dealing with provisions of the General Agreement on Trade in Services (GATS)⁴². Nevertheless, this has not hampered the EU from attempting a more ambitious inclusion of these topics into the EPAs even if the WTO does not require it, pushing

⁴² GATS fall within the ambit of the WTO. It was included in the Uruguay Round of negotiations and since 2000 have become part of the multilateral trade negotiations (WTO, 2012).

its role of defender of the faith and reinforcing a perception that Europe does so only when it benefits its own interests.

5.2.2 The EU as Developer

It was argued in chapter four that the EU portrayed itself, amongst other conceptions, as a developer. A developer sees the need to assist lesser developed countries to ameliorate their situation. The EU, as chapter four explained, is the world's biggest aid contributor with €53.8 billion being spent on ODA in 2010 alone. This appears like an exorbitant amount, but placed within a different perspective (ACP countries), it becomes clear that not all are satisfied with EU *management of aid*. Furthermore, this figure can be contrasted with the EU's spending on its agricultural development which in 2010 totalled €57.7 billion (EU, 2010). The EU spent €39.2 billion just on direct aid within its agricultural programme. These figures can be used to question the EU's rhetoric of being a developer concerned with the wellbeing of developing countries.

In chapter four it is evident that the EPAs, in the eyes of the EU, are geared towards development. Stevens and Kennan (2004: 1) suggest that they are "development agreements" which set them apart from normal trade agreements. Former EU Commissioner for Trade, Peter Mandelson, has said that they are "...not typical, hard nosed free trade agreements..." but rather "...tools for development..." (Elgström, 2008: 3). Nevertheless, the tradition of economic and development dialogue between the EU and the developing world has been deteriorating since the 1970s, evident through the friction and frustration experienced (see chapter three) by both sides throughout the various Lomé Convention and eventually the Cotonou Agreement (McCann, 2003: 217). This has complicated the landscape in which the EU and the ACP countries tackle issues of an economic and development nature. McCann (2003: 217) suggests that this struggle in dialogue has contributed to the developing world's perspective of the EU and its foreign policy towards it as an "economic re-colonisation".

It has been suggested that the EPAs do nothing for the ACP countries and are actually "...averse to development" (Bensah, 2004). At the meeting of the African Trade Network (2008) it was reiterated that the EPAs were "self-serving agreements" and "anti-development". Non-governmental Organisations (NGOs) have pointed out

the self-interested nature of the EPAs in terms of the trade and liberalisation agendas (Elgström, 2008: 4). Others have gone so far as to categorise the relationship held between the EU and the ACP countries under the Cotonou Agreement as one that maintains the colonial links between the donor and the recipient with conditionality being the basis of the relationship (Grimm and Woll, 2004: 4). African Trade Ministers at the AU have also expressed their concern with the approach of the EU during the negotiations of the EPAs (quoted in Fioramonti, 2011: 14):

We express our profound disappointment at the stance taken by negotiators of the European Commission in so far as it does not adequately address the development concerns that must be the basis of relations with Africa.

How has the EU contributed towards this negative perception held of it? For one, the EPAs have been criticised for focusing disproportionate attention to the matter of trade liberalisation. The EU believes, as has been mentioned, that in order for there to be development there must be an opening up of markets. This focus on trade liberalisation appears to supersede any focus on promoting production capacity for the purpose of development (ACP States et al, 2007: 70). Many observers, such as NGOs, stress that the current “development dimension of the EPAs” does not meet the requirements of the ACP countries (Sindzingre, 2008: 39). Sindzingre (2008: 39) explains that this criticism on the EPAs and supposed developmental handicap is because they are “asymmetrical devices” that do not focus on development. The reason for this observation stems from the causal relationship the EU has accorded to neo-liberal trade practices and development. According to Jauch et al (2007: 8), one of best means to achieve development as laid out in the ANSA strategy to transform the southern African region is “...selective de-linking from neo-liberal globalisation...”. In other words, their view of development is one more akin to protectionism if the need arises, allowing the space to adopt protectionist policies in response to global forces. Sindzingre (2011: 32) observes that it was this policy space that led to the East Asian “development states”. The East Asian countries, since the 1960s, developed as a result of the freedom to use certain trade policies deemed protectionist, such as subsidies, while the ACP countries have no choice but to resort to policy constricting measures.

A thorny issue that has developed between the EU and the ACP countries is that of the steps taken by the former to limit market access in the event of the expiration of Regulation 1528/2007. This Regulation was extended by the EU to the ACP countries as from the 1st of January 2008 once the EPAs were meant to have been operational (EC, 2011: 2). Theoretically, the goal of the Regulation was to prevent a disruption in the market access while the steps towards finalisation of the EPAs were being taken by the ACP countries. However, according to the EC (2011: 2), criteria laid out in the Regulation no longer make provision to continue giving preferential market access to those in the ACP region that have not taken the necessary steps towards the ratification of the EPAs. The new deadline has been amended to the 1st of January 2014. Consequently, certain ACP countries find themselves in a position of frustration over the EPAs as they have to contend with the fact that, as a result, they will be withdrawn from the preferential access given to them during the progress towards ratification. The EC does make provision, however, for the reinstatement of the country provided that progress in ratification of the EPAs resumes once again. Bartels (2011) suggests that the EC's handling of Regulation 1528/2007 does not conform to the provisions it lays out and also violates, not only the Treaty of the Functioning of the European Union (TFEU), but the Vienna Convention on the Law of Treaties. The EC's proposal is also criticised for its lack of consideration for those ACP countries dealing with frustrations, technical inexperience and lack of capacity revolving around the negotiations and implementation of the EPAs that have led to their inability to ratify.

In terms of the TFEU, there is a requirement in Article 296, according to Bartels (2011: 2), which stipulates that there must be an explanation as to why the concerned ACP country is to have its market access withdrawn. However, the EC's proposal simply lists the dates that the IEPAs were initialled and the fact that there is no progress towards ratification. The Vienna Convention's Article 25 allows for the provisional application of treaties before they enter into force (Bartels, 2011: 2). Furthermore, treaties take some time before they are ratified due to domestic procedures and therefore, there has to be a balance satisfying two sides: those receiving benefits from the treaty and those applying the benefits (Bartels, 2011: 235). As a result, the recipient has to be assured that they can rely on the benefits temporarily being applied while the supplier has to ensure that there is a

“...termination of provisional application with relative ease” (Bartels, 2011: 2). In order to balance this, the Convention restricts the rights of the supplier to terminate the provisional application.

The EU’s handling of the Regulation reveals that it is acting unilaterally and unlawfully. It also reveals the reasons as to why the EC’s proposal has incited further disapproval in Africa over the EPAs. At the AU/Regional Economic Communities (AU/RECs) Economic Partnership Agreement (EPAs) Negotiations Coordination Meeting held in May of 2012, it was emphasised that the proposal is “...an attempt to force Africa into concluding negotiations at all costs” (AU, 2012: 2). Furthermore, it was highlighted that there is lobbying against the proposal by most levels (national, regional and continental) within Africa (AU, 2012: 5). Further to this, it has been said that the importance that has been attached by the EU to a deadline could have “detrimental effects on development” (Bilal, 2010: 86). This is primarily because it forces the regions within the ACP group to accept what is being offered for fear of losing access, thereby acceding to provisions that they are not entirely satisfied with and that could potentially prove to be threatening to their development (see 5.3.1).

One of the problems with EU aid disbursement identified by Smith (2003: 58) is the delays surrounding it. Steps have been taken to ameliorate the situation such as the formation of the body EuropeAid and others as outlined in chapter four. The AU (2007: 6) also points to the complexity related to the procedures of the EDF (see chapter four) and explains that the disbursements from the EDF are insufficient. The EPAs fall under the scope of the 10th EDF and the negotiating groups have assessed that the amount committed (€22 682 million) is insufficient to meet their needs. The EU often uses nominal examples to demonstrate their commitment to aid. However, as Stevens et al (2008: 106) explain, these figures have to be examined within these contexts which illustrate that the increases are “negligible” when inflation is considered.

In order to address this, the AU has recommended that an EPA Facility be established in order to set more support aside for the implementation of the EPAs. The ACP countries have argued that with any trade liberalisation agreement there should follow an explicit commitment of accompanying aid to manage the effects (Braun-Munzinger, 2009: 3). The reason for this message by the ACP group is that the EPAs contained no development provisions. Elgström (2010: 140) explains that

the ACP did not see much success in increasing exports to the EU if there would not be firstly additional support to attend to supply-side constraints. The EU's reason behind their refusal to include additional support dimensions in the EPAs was that development aid was already addressed in the Cotonou Agreement and therefore they did not see the need in duplicating the provisions. The ACP group called for there to be a "development dimension" in the EPAs with commitments of more aid. In the end, as Elgström (2010: 143) explains, development chapters were integrated by the EU into the IEPAs that, in actual fact, did not include any concrete measures or commitments. A primary reason for the ACP concern that a development dimension be included is that the Cotonou Agreement has a lifespan of 20 years after which it expires but the EPAs are indefinite (Braun-Munzinger, 2009: 3). EPAs therefore exhibit little of the EU's declared commitment to development.

A further issue related to development assistance is the ownership factor that the EU espouses in terms of the assistance it does provide. Chapter four brought this to light. However, the perspective from the ACP group diverges from that of the EU. While the Monterrey Consensus and the subsequent conferences on aid have all stressed the importance of the ownership factor, critics of the EPAs and the EU's aid disbursement practices allege that the latter's actions have not been conducive towards complete ownership of aid (Stevens et al, 2008: 109).

The negotiation procedure is hampered by asymmetric negotiating power that gives rise to bottlenecks. For the ACP group these skewed power relations only serve to further weaken their position due to the institutional and technical constraints they have during negotiations. It is, therefore, evident as to why the ACP group call for assistance in this regard before tackling the issue of trade liberalisation. Their constraints have only served to hamper development. It appears that the bargaining position held by the EU downplays the concerns that the ACP group have in relation to their development agenda. An example of EU condescension occurred in 2006 when SADC proposed its reforms for the development agenda but had to wait the entire year, without any progress, to receive word from the EU (Stevens et al, 2008: 76). This serves to illustrate the lack of commitment that the EU attaches to the EPAs as a mechanism to benefit the economic growth of the ACP countries.

5.2.3 The EU as an Example

Chapter four illustrated how the EU knowingly and actively externalises its norms in order to create an image of itself as a moral and altruistic entity. Therefore, this section will take the perspective of an outsider, once again focusing on the particular views and experiences of southern Africa in the EU's attempts to portray itself as an example.

The previous chapter showed that a common form of EU externalisation is through its pursuit of regional integration modelled on its own experience. How is this experienced by outsiders? Do they find the model beneficial or is it an imposition? It can be argued that the EU is seen as a role model by many due to the attractiveness of its market (Elgström, 2007: 955). In line with this "...the EU has inspired many of the regional integration processes around the world" (Bilal, 2010: 74). As a result, the goal is to achieve the same levels of integration in order to acquire the same level of respect, benefits and admiration. Therefore, as initiative, the EU has buttressed regional integration processes such as SADC through programmes mentioned in chapter four. However, in their perceived support the EU continuously emphasises its own model of regional integration, believing that it will lead to economic integration into the world economy for the developing world (Holland, 2003: 170). Nevertheless, as Peterson et al (2008: 6) explain, while the EU is a model for other regions due to its success as an experiment at regional integration, it is not "...universally admirable or exportable...". Concomitant to this, while African attempts at regional integration imitate the processes undertaken by the EU, according to Draper (2011), these very processes are not suitable for the African case. In actual fact, the model the EU exports and seeks to be taken as an example has been found to be more complicating and detrimental to the already complex regional integration projects in Africa and especially in southern Africa.

The ACP Secretariat (n.d) warns that the conclusion of EPAs will most likely have "serious implications" on regional integration efforts in the ACP group. This was evident in the split-up of some of the already existing economic communities. The example of SADC is a case in point. Vickers (2011: 3) explains that the EPA negotiation process in southern Africa has been the most discordant. SADC has been split with many of its members opting to join another EPA configuration, leaving

the SADC-EPA with seven members (Angola, Botswana, Lesotho, Mozambique, Namibia, Swaziland and South Africa). This split has created concern for the future of regional integration in SADC. For the purposes of negotiations, Melber (2011: 4) argues that this splitting up of the regions serves the EU's self-interested and strategic aims by weakening the ACP countries and that this was equivalent to a "...re-partitioning and re-colonisation of Africa".

However, preceding the EPAs it has to be said that the regional integration process in southern Africa is a complex one characterised by overlapping memberships. Not only has the SADC-EPA been reduced in membership but there exists already a FTA between South Africa and the EU (TDCA) which has proven to be quite problematic for the rest of SACU. Effectively, as SACU members share a common external tariff, South Africa's signing of the TDCA with the EU locked in Botswana, Lesotho, Namibia and Swaziland into the same tariff schedules as itself. It was for this reason that some of the SADC member countries such as Mauritius and Zimbabwe decided to remove themselves from the SADC-EPA and negotiate within the Eastern and Southern Africa (ESA)-EPA (Storey, 2006: 338). Their intention was not to open up their markets according to the same schedule of the existing TDCA. This situation is aggravated even further with the existence of LLDCs in the region. As has been explained in chapter four, the EBA initiative grants duty free and quota free access into the EU market so long as trade does not include arms and munitions. This treatment is extended to Angola and Mozambique within the SADC-EPA. The implications of the EBA initiative within this overlapping environment is complicating as the advantage enjoyed by the LLDCs under the EBA scheme will be reduced relative to the advantages extended to the rest of the ACP countries under the EPAs (Storey, 2006: 338). The existence of the overlaps in the southern Africa region is rendering integration and cohesion difficult. However, the EC does not seem to find any problem with the situation and does not identify it as one of the obstacles to the conclusion of the EPAs (Storey, 2006: 339).

In fact the EC has explained that concluding the EPAs will strengthen the regional integration process in the ACP bloc (Bilal and Braun-Munzinger, 2008: 12). Melber (2005: 40), on the other hand, contends that the EPAs have the potential to "...undermine future efforts towards regional collaboration..." Bensah (2004) argues that the EPAs will prevent South-South cooperation. The AU (2007: 7) has also

reiterated the importance of intra-Africa trade, and to that effect South-South trade, as a priority over and above liberalising African markets to imports from the EU. Some, such as Meyn (2004: 4), argue that asymmetry in the EPAs relegating the ACP country to a “spoke” status whereby its raw materials are used to supply the “hub”. Therefore, her suggestion is that there should first be South-South integration before any FTA with a country from the North. The AU has reiterated that regional integration remains a priority within the continent (ACP States et al, 2007: 74). However, it has also recognised that the EPAs are not conducive to the continental programmes for regional integration (AU, 2007: 7).

The main problem encountered with the EU’s projection of itself as a model in the process of regional integration is the question of whether its perceived support for the same processes in Africa is in any way beneficial to the latter. It has been suggested that the approach is far too Eurocentric in terms of how best to encourage development in the ACP group of countries (Dornberg, 2011: 39). Furthermore, the argument has been made that the EU’s promotion of regional integration as a means towards development is an obsolete endeavour that remains stubbornly grounded in neo-liberal principles despite experiences indicating its ineffectiveness in the African case (Bilal et al, 2009: 11).

The frustration of the ACP countries culminates in the lack of flexibility that the EU demonstrates. Jauch et al (2007: 6-7) explains that Africa has observed regional integration trends in the continent as “perverse integration” which is not at all aligned to domestic needs but is rather buttressed by the “imperial economic forces” imposing free trade agendas. African countries had already experienced neo-liberal practices in the form of structural adjustment (see chapter four) and whatever minimal recovery came out after the constraining structural adjustment will be lost to the EPAs (Melber, 2005: 3). The ACP group recognises that it should first and foremost strengthen its regional integration projects as the EPAs could suppress the former’s efforts in this regard (Barbarinde and Faber, 2003: 27). While, the AU does, to a certain extent, view the EU’s brand of regional integration as a model that can be exported to Africa, it also warns that the crux of the matter rests on *how* the EU influences and exports its model (Sicurelli, 2010: 190-191). Is it regarded an incentive or imposition in the manner in which it is pursued by the EU through the

EPAs? It might be that, in evidence of the frustrations and bottlenecks encountered, the EPAs could be regarded as an imposition rather than an incentive.

There are doubts as to the capabilities of southern African states to cope with the extent of liberalisation required by the WTO (Draper, 2007: 180). Fundamentally, the AU requires that the EPAs not undermine regional integration in the continent (AU, 2007: 60). Ideally, the means to avoid disruption of regional integration in Africa and especially in southern Africa is to recognise that countries have to be able to have their own policy space instead of following an “imposed blueprint” (Jauch et al, 2007: 320). The “blueprint” is found in southern Africa, as explained by Draper (2010: 7) in two forms: political and institutional. In the political component, it is recalled that in the European sense this is based on the “liberal peace hypothesis”⁴³ which can be readily applicable to the European case in light of the centuries of conflicts and wars preceding the Second World War. Integration requires relinquishing some form of sovereignty to the supranational body managing the integration. The problem with this in the African case and indeed for southern Africa is the fact that many countries in this region have post-colonial freedom parties in government, that based on their past, are unlikely to give up any form of sovereignty to the extent the EU has done. Nonetheless, southern Africa mimics the processes undertaken by the EU in their integration. However, little priority has been given to meeting the various deadlines laid out by SADC to achieve economic integration. The fact that the implementation of a customs union was scheduled for 2010 and not met and thus rescheduled is evidence of this lack of priority. Further evidence of the lack of progress can be found in the 2008 launch of free trade in SADC. However, to date there has been minimal progress. As a result, it can be determined that the principle behind the political grounds for integration, as the EU has done, does not apply to southern Africa despite this being the model that the EU portrays as beneficial and universal. The institutional component of the blueprint can be found in the imitation of the EU model of integration. SADC set out a timeline for institutional goals⁴⁴ that mirror the institutional steps undertaken by the EU (see 4.4.1). This is because the EU model

⁴³ Draper (2010: 7) explains that this is the assumption that economic integration restrains members from unfriendly and aggressive actions against each other.

⁴⁴ SADC goals: FTA launched in 2008, Customs Union by 2010 (re-scheduled), common market by 2015, SADC Central Bank by 2016 and SADC single currency by 2018.

of integration is perceived by SADC as the example to follow. However, it is not the most appropriate model for the southern African case.

What are then the options for southern Africa if the model exemplified by the EU does not fit the African case? Draper (2010: 22-23) suggests a lighter dose of integration whereby trade facilitation is prioritised and regulation is introduced in the conduct of business. Furthermore, he recommends that goals not be made overly ambitious attempting to model according to the EU.

5.3 Alternative perspectives of EU-ACP country relations.

This chapter has, thus far, presented an alternative perspective to the EU's own idea of defending the faith, being a developer and an example. The viewpoints of various developing world institutions such as the AU and SADC were taken into consideration together with those of individuals coming from the regions or scholars arguing for a departure from the Eurocentric perspectives that tend to dominate the literature. In support of this, the following sections of this chapter will elaborate on an alternative perspective of the EU taken from an outsider's point of view.

If NPE served to explain the EU's actions according to itself then MPE does so for outsider's perspectives of the EU. The manner in which the ACP group has experienced the EU and the EPAs is explained by their responses to the EU's self-ascribed roles of defenders of the faith, developer and example. These responses are captured in a perspective of the EU as a market power, and not as a normative power. In other words, key elements of the ACP group's experience point towards a Europe preoccupied first and foremost with the market rather than moral norms. This assumption is explored through the following questions: Why enter into trade, cooperation and association agreements? What are the reasons for neo-liberal trade practices? What are the EU's concerns with the ACP countries, specifically with southern Africa? What is the nature of the EU's concern with aid? These questions, posed from an outsider's perspective, will also reveal a combination of the three characteristics of MPE: the EU as a Single Market, the EU as a Regulatory Institution and the EU as interest contestation.

5.3.1 **The need to enter into trade, cooperation and association agreements.**

Chapter two of this study outlined that there are three types of agreements that the EU can offer a third party: a trade agreement, a cooperation agreement and an association agreement. A trade agreement offers a liberalisation timetable whereby contracting parties agree to reduce trade barriers amongst themselves for the sake of increasing trade. A cooperation agreement is more extensive in that it offers assistance to underlying deficiencies that are present in a third party. Lastly, an association agreement is a far more encompassing agreement between the EU and third parties. Not only do these provide progressive liberalisation but also the framework in which to create close political and economic cooperation (EEAS, 2012). Cooperation agreements are generally the precursor to association agreements.

The Cotonou Agreement has been described by the EU as “the most comprehensive partnership agreement” (EC, 2012). However, the frustrations and issues prevalent with the conclusions of the EPAs have brought into question this nature of the Cotonou Agreement for the ACP countries. The motives of the EU have become suspiciously regarded as to whether the true and sole purpose of the EU is to engage the developing world in agreements aimed at establishing the latter’s path to development. Therefore, it is left to wonder whether the EPAs are anything more than merely trade agreements aimed at liberalising trade between the EU and the developing world such that tangible market benefits, primarily for the EU, can be acquired.

Opportunities for the Single Market

Globalisation has contributed to the need for the EU to feed its market with access to other markets and this is something that is recognised by the EU itself in its “Global Europe” presentation where it identifies that today “...European companies have never been more dependent on effective access to the markets of [their] trading partners” (EC, 2007: 2). Furthermore, in 2006, the EU launched the EU Market Access Strategy that was handed with the task of “...enforcing multilateral and bilateral trade agreements and ensuring that third countries were open to EU exports.” This Strategy has now become “...an established pillar of EU trade policy”

(EC, 2010: 28). In addition to this, the EU has reiterated that the cornerstone of EU trade policy and the Single Market is found in its drive to put forward the interest and values of the EU and its citizens in the era of globalisation (EC, 2007: 14). The perception of the importance of the EU's Single Market is not something exclusive to the EU but is also recognised by outsiders as Elgström's (2007: 955) survey demonstrates when he explains that respondents identified the EU as economically crucial such that its movements and positions have to be considered. All these descriptions point towards MPE as its power is linked to the market which is a tangible aspect of MPE.

Once the existence of the EU as MPE is established it is necessary to outline the situations and circumstances with the EPAs where the ACP countries might have experienced and perceived the EU as MPE. This section will maintain that the EPAs are trade agreements as per the definitions of the introduction despite attempts by the EU to identify them as more than just free trade agreements. That said, it should be mentioned that according to Erasmus (2011: 1), negotiations for trade tend to be about promoting one's own national interests and that there is nothing concrete to detract from the fact that the negotiations towards EPAs contain a focus on EU trade interests.

With regard to the issue of reciprocity and liberalisation, the ACP countries believe that the EU was trying to impose neo-liberal trade practices. However, this is a key component of the Single Market and further supports the observation already made by the ACP countries and other studies of the EPAs: the emphasis of EPAs is on market access and not development (ACP States et al, 2007: 7; McCann, 2003: 22); thus placing the needs of the Single Market over those of the development needs of the ACP countries. A further issue identified by the ACP countries and to a large extent by the southern African countries (see 5.2.1) is the EU's unilateral interpretations of various WTO rule and regulations as well as the conscious or unconscious attempts by the EU to go beyond WTO rules and regulations and thus expect too much from ACP countries. The MPE answer to this frustration encountered by the ACP group goes back to the tangible basis of the EU's power in this: the large Single Market. Egan (2010: 270) identifies this characteristic as allowing the EU to have a dominant role in international trade negotiations where its expansiveness permits the EU to externalise its own rules and regulatory

approaches (see “Regulating the international trading system”). Nevertheless, the EU, itself, also identifies the importance of the Single Market in this sense as the EC (2007: 3), in a review of the Single Market, highlights the need to include the projection of internal practices and regulations such that they may become “...the reference for global standards”. In this same light, the introduction of the withdrawal of Regulation 1525/2007 (see 5.2.2), despite the lack of legal clarity for the EU doing so, is testament to the EU’s attempts to ensure that the Single Market does not get any unfavourable or unbeneficial conditions irrespective of the consequences that this could have on the ACP countries affected.

Regulating the international trading system

The previous section evaluating the ACP countries’ perspectives on the EU’s self-ascribed roles highlighted various areas of contention in the negotiations of the EPAs. The key rules and regulations that the EU strives to have included in the EPAs are: the MFN clause, export taxes, bilateral safeguards, standstill clause, non-execution clause and the Singapore Issues. These attempts illustrate the extent to which the EU is a Regulatory Institution where its aim is to regulate the international trading system even beyond what is required by the WTO. These efforts are considered to be “inappropriate by most outsiders” according to Elgström’s (2007: 960) survey. This manifests itself in the frustrations and refusals by many EPA parties to incorporate the mentioned regulations.

It also leads to an interpretation that perhaps the EU’s reason for trade agreements such as the EPAs is rather to create regulatory unions serving European interests (Barbarinde and Faber, 2007: 1). The Treaty of Lisbon (ToL)⁴⁵ is testament of this externalisation through the various institutions and bodies, generating rules and regulations which the Single Market externalises. The ToL forms part and parcel of the EU’s “...gradual transformation...from a rather inward looking community to one with ambitions to be a global player” (Koeb and Dalleau, 2010: 2). The implication of this is that due to internal processes of the EU, there is expected to be much more externalisation of EU practices.

⁴⁵ The ToL came into force on the 1st of December 2009 and affects hugely how the EU functions and amongst the various modifications to EU functioning that it brought about, one of the key identifiable traits is the enhanced role accorded to the EP (EU, 2012).

Increasing number of interests and actors

Influencing the EPAs is the increased role that the EP has in the adoption of trade agreements since the ToL. Amongst its new role, the EP is to be informed on a regular basis of the progress of negotiations (Koeb and Dalleau, 2010: 10). Coordination and cooperation bridging the EC and EP can be found in DG Trade having to provide the EP's Committee on International Trade with detailed information regarding trade negotiations (Koeb and Dalleau, 2010: 10). Furthermore, the EP has the power of consent regarding the conclusion of international agreement of trade in goods. For the EPAs, these new roles of the EP have largely codified what was already in practice. However, this codification is likely to give the EP further impetus to have more influence in the EPA negotiations (Koeb and Dalleau, 2010: 10). This is significant as it detracts concentration of power and independence from the EC, the "negotiator" (solely responsible for trade negotiations for decades).

One possible implication for the EPAs is the balance of power that now exists which could involve many actors, resulting in either a benefit or challenge for the ACP countries. Some ACP countries might find allies in Members of the European Parliament (MEPs) just as it may increase the difficulties in negotiations if too many actors are involved each voicing different perspectives on the EPA matter (Koeb and Dalleau, 2010: 10). The increased involvement of the EP in the EPA negotiations has manifested in the June 2012 Draft European Parliament Legislative Resolution proposing an amendment to Regulation 1528/2007 and extending the deadline to 1 January 2016 (as opposed to 1 January 2014) (EP, 2012: 7). The EP's explanatory statement reflects a more altruistic attitude towards the ACP countries than the EC. The EP argues that the deadline applied unilaterally by the EC is not viable and will not allow sufficient time to handle the important issues that remain outstanding in EPA negotiations (EP, 2012: 10). Furthermore, the EP Committee on Development's Gabriele Zimmer (EP, 2012: 11) highlights that the ACP regions have made progress and have done so in "good faith" and that the current deadline risks imposing pressure on ACP governments to sign and ratify hastily while not dealing with the outstanding contentious issues.

5.3.2 The reasons for neo-liberal trade practices.

The aim of neo-liberal trade practices is to open up markets to allow trade to flow evenly amongst trade partners. While this might be the EU's spoken altruistic reasons for its insistence on neo-liberal trade, the size of its Single Market, its regulatory capacities and the large number of players with diverse interests found within its borders all point towards a rather self-interested motive for neo-liberal trade practices.

Feeding the Single Market

Söderbaum and Van Langenhove (2006: 11) explain that Farrell (2006) suggests that the actual “partnership” between the EU and the ACP countries embodied in the Cotonou Agreement is an extension of neo-liberal trade practices through liberalisation of markets in order to serve self-interest rather than a normative agenda as the EU, by and large, proclaims. This self-interest is underscored by the EU's own explanation of the external dimension of the Single Market. It emphasises that in order for the “Internal Market” to function, the principles underpinning it must be “...adequately reflected in the international relations touching upon Internal Market policies.” (EC, 2012). The EU, thus, recognises the need for it to externalise its market policies to the rest of the world. This need, however, arises from the self-serving requirement to buttress the Single Market and not necessarily to ameliorate the conditions in the developing world. Those policies the EU refers to are of a neo-liberal nature. The EC (2008: 6) reiterates the importance of market access through neo-liberal practices by stressing the need for “...markets [to] remain open” and warning that “...[t]he rising risks of protectionism must be monitored and addressed with vigilance”. This alleged adherence to neo-liberal trade is not what is experienced by the ACP countries that continuously have to contend with the EU on the matter of its protectionist measures regarding agricultural trade. It appears that the EU's rhetoric on neo-liberal trade is in fact selective at best and is not a coherent and widespread policy as it portrays it to be.

The EC (2008: 9) identifies FTAs as a necessary and imperative solution towards achieving better market access. However, Goodison and Stoneman (2005: 20) recall the “1995 EC Staff Paper on ‘Free-Trade Areas: An Appraisal’” where the EU clearly states that FTAs are beneficial to them in terms of assisting the EU to establish its

presence in the developing world “...which is [their] overriding interest”. This conjures an image of the EU being a self-interested entity concerned first and foremost with its Single Market. How does this translate in terms of the EPAs? This chapter has, thus far, illustrated that the ACP countries see the EPAs, in their current form, as detrimental to their development thereby implying the unlikelihood of these Agreements being development-orientated which suggests that they might be nothing more than trade agreements.

It is in the interest of the Single Market to adhere to the rules and regulations of the WTO. The reason for this is that the WTO ensures that neo-liberal trade practices are fairly implemented and the gradual reduction and elimination of protectionist trade barriers. As was mentioned in chapter four, the EU has a massive stake in the WTO and therefore, it is in its interest to insist to abide by its rules and regulations. This was evident in the move from the Lomé Convention to the Cotonou Agreement and subsequently to the EPAs. Furthermore, the EU continues to interpret neo-liberal trade practices as the optimum means to carry out trade negotiations beyond the multilateral platform provided by the WTO. This explains the EU’s initiative in interpreting WTO rules and regulations in a manner that is more demanding of developing countries and further ahead of what is indeed expected from FTAs between the developed and developing worlds. This was found to be the case in the EU’s interpretation of GATT’s Article XXIV and various other matters that have become contentious points in the EPA negotiations such as the MFN clause and export taxes amongst others.

Regulating the Single Market

As Bach and Newman (2007:828) mention, the Single Market gives rise to the regulatory state. Therefore, it follows that as a result of the Single Market and the activities related due to its externalisation, it is necessary for there to be some regulatory elements in order to manage the Single Market. Furthermore, Bach and Newman (2007: 829 & 842) link the size of the Single Market with the level of regulatory influence by pointing out that a large market like the EU’s requires the existence of “powerful and capable regulatory influence”.

Market liberalisation requires regulatory agencies in order to monitor and implement market policies. The Market Access Advisory Committee is one such agency which

is tasked with providing specialised services towards the goal of market liberalisation by coordinating business and member states to tackle the barriers to trade from various sectors (EC, 2009: 7). This is an externalisation of the Single Market. Agencies, such as the Market Advisory Committee, are first and foremost developed with the intention of optimising conditions within the borders of the Single Market. However, Bach and Newman (2007: 828) explain that, by extension, this allows EU policy-makers to set international market rules due to the external nature of the Single Market that connects it with other markets.

Many interests

Many groups have an interest in the type of trade policies to be externalised but it all depends on the policies that are formulated and implemented within the boundaries of the Single Market.

In determining and implementing policies, it can be found that the EC with all its Directorates Generals has the biggest role to play. Furthermore, the EC is dependent on expertise about various economic interests within the EU that is supplied by interest groups. This expert knowledge is necessary in order to develop EU policies (Bouwen, 2002: 8 as quoted by Schwartzkopff, 2009: 25). As economic policies are externalised because of MPE, the role played by interest groups in the process is illustrated. By virtue of having to contend with the many different interests emanating from member states, DGs, the EC, civil society interest groups and of course the various specialised agencies, it is likely that there will be contestation amongst all these interested parties. According to Dür (2008: 1218), some studies have found that business and agricultural groups have the most influence in terms of trade negotiations. This latter observation can be explained by referring to the double standards that arise due to the variety of interests within the EU.

When it comes to trade it is often found that trade liberalisation within the EU is selective depending on the interests that it encompasses (Schwartzkopff, 2009: 28). As a result, the agricultural and textiles sector tend to fall under protectionist measures while the financial and high tech goods get pushed for liberalisation (Schwartzkopff, 2009: 28). This ties in with what Bilal et al (2011: 3) suggest in their evaluation of the EU promoting its principles and values. Their argument is that the EU appears to be selective in who should adopt the norms they deem necessary to

conclude a trade agreement. A case in point is the market access offered under EBAs that do not require the same level of normative dedication as the Generalised System of Preferences + (GSP+)⁴⁶.

While the EU might justify this discrepancy as a matter of rewarding efforts at ensuring the GSP+ norms, it can be argued that it is evidence of the double standards at play in attempting to merge various interests into policy action and that these interests are “protectionist” rather than “liberal”.

5.3.3 The EU’s concerns with the ACP countries and, specifically with southern Africa.

Chapter four identified an altruistic and benevolent concern held by NPE of ACP countries where a “moral responsibility” is attached to NPE reasons for involvement with APC countries. However, in a MPE perspective it can be discerned that the importance attached to ACP countries is one which is more strategic and calculating and where interests are rooted in more tangible elements such as resources.

Externalising the Single Market

Despite the altruistic rhetoric that characterises relations between the EU and Africa, Fioramonti (2011: 20) explains that, in line with MPE thought, these relations are in fact determined by self-interest over and above anything else. Being a large Single Market, its interests revolve around economic and commercial considerations. Consequently, as Gstöhl (2007: 6) states, the EU is motivated to externalise the policies and internal workings of the Single Market “...to pursue [its] own commercial interests”. According to Gregow (2004), the purpose of the EPAs, in the view of the EU, is to augment market access for its goods and services. Furthermore, she emphasises that this practice is done aggressively towards the developing and least developed markets. This concern with “feeding” the Single Market is even identified by the EU itself in a report on market access prepared by the EC (2008: 2).

Mackie et al (2010: 2), make reference to the fact that there has been a shift in African trading partner preferences as Europe no longer occupies a comfortable

⁴⁶ The GSP+ is a scheme that allows more favourable market access than the GSP (see chapter three) and is offered to “vulnerable countries” that have ratified various conventions ensuring sustainable development and good governance (Bilal et al, 2011: 1).

majority stake in African trade⁴⁷. Despite this gradual shift from traditional partners, it has been observed that African economies involved in resource exportation have experienced some growth over the recent years which can be mostly attributed to the growth of the Chinese economy (Bilal et al, 2009: 7). Africa has enthusiastically accepted China in terms of development (Draper, 2007: 20). This enthusiasm on the part of Africa sheds light into the reasons that the EU has for continuing to push for the finalisation of the EPAs. The EU seeks to secure its former “backyard” in the face of growing competition on the continent from emerging market powers such as China and India. Therefore, what might superficially be considered “development” agreements for the EU is indeed insurance against eastern “threats” to the resources needed to keep the Single Market running.

Raw Materials

In order to maintain secure access to ACP markets, the EU has had to make use of various rules and regulations embedded into its regulatory framework by externalising them to third parties through the Single Market. ACP markets have one indelible feature that is both their curse and blessing: natural resources. These are desired by all, including the EU and its Single Market. In order to ensure the uninterrupted access to natural resources the EC has responded with their 2008 communication to the EP and Council titled: “Raw Materials Initiative – Meeting Our Critical Needs for Growth and Jobs in Europe”. The construction, chemicals, automotive, aerospace, machinery and equipment sectors are all dependent on raw materials and are valued at €1.324 billion and provide employment for 30 million people (EC, 2008: 2)⁴⁸. As a result, Africa is of major strategic importance due to its immense potential as supplier of fuels and raw materials. Furthermore, the EC also emphasises that access to such raw materials is imperative for the EU’s competitiveness and success of the ToL in ensuring growth and employment. This motivation of the EU identifies with the market-centred perspective that drives its externalisation, and in this case, its internal regulations.

⁴⁷ According Bond for International Development et al (2010: 9), exports from sub-Saharan Africa to the EU have increased from \$35 billion to around \$100 billion for the period 2000 to 2008. For China, the volume of trade increased from \$8 billion to \$93 billion for the same period. India saw trade increase from \$7.3 billion to \$31 billion. Brazilian trade with Africa amounted to \$26 billion in 2008.

⁴⁸ The EU is highly dependent on metallic minerals imports (48% for copper ore, 64% for zinc ore and bauxite, 78% for nickel and 100% on cobalt, platinum, titanium and vanadium) (Ramdoe, 2011: 3). They are also heavily dependent on secondary raw materials.

As mentioned, the “Raw Materials Initiative” is a policy meant to serve the Single Market but having visible policy effects on third parties. The Initiative is based on three pillars: raw materials diplomacy, the sustainable supply of raw materials from European sources and the reduction of the EU’s dependence on primary sources. The most relevant in this case is a raw materials diplomacy reinforcing dialogue and cooperation where EU regulatory policy should concentrate on promoting rules, agreements and compliance in the likes of FTAs and WTO accession agreements (EC, 2008: 7). The removal of measures such as export taxes is promoted as these distort trade and even limit access to raw materials.

As a Regulatory Institution with the Single Market, the EU concerns itself with establishing frameworks that dictate how issues are to be dealt with. They credit the lack of such frameworks for the inability of developing countries to reap any benefits from their vast wealth of natural resources (Ramdoo, 2011: 7). Therefore, the EU proposes various initiatives such as enhancing transparency and applying codes of conduct. As NPE, the EU perceives itself to be externalising efficient and beneficial rules and regulations to third parties. However, within the MPE perspective it becomes evident that these very rules and regulations are undertaken by virtue of the EU being a Single Market with Regulatory Institution characteristics.

The EC’s communication on the raw materials situation and how to regulate it has created an atmosphere of caution amongst developing countries that translates in their hesitations at concluding the EPAs in the current form. Such Initiatives by the EU combined with the EPAs are interpreted by Soludo (2012) as relegating Africa to be “...specialists in the export of raw materials”; thus reducing the possibilities for actual development to occur.

5.3.4 The issue of aid and assistance within the framework of the Cotonou Agreement.

Within the context of NPE, it was argued in chapter four that the EU generously considers the development plight of the developing world and that concerted effort has been made to improve the manner in which the EU and the rest of the developed world delivers aid. The other side of the coin, however, criticised the manner in which the EU handles the question of aid with this being attributed to the EU’s fundamental nature as MPE. In terms of NPE, the EU externalises norms that it

deems universally moral through the process of providing aid. MPE, however, makes possible the adoption of the view that aid is disbursed with ulterior motives and subject to interest levels depending on the need to secure access, resources and spread internal rules and regulations.

Putting the Single Market first

For outsiders to the EU such as the ACP countries, the issue of aid has become increasingly dependent upon whether the latter's internal political climate corresponds to what the EU considers sound governance. Smith (2010: 231), acknowledges this by stating that EU aid "...is not simply an economic matter; it has become linked to problems of human rights, of 'good governance'..." While it might appear that this is more akin to NPE than MPE it needs to be explained that by conditioning its aid disbursement in this manner the EU is able to externalise not only moral norms such as respect for human rights and good governance but also neo-liberalism. Chapter four outlined how the EU purports that neo-liberalism is the means towards achieving the conditions that render respect for human rights and good governance possible. It can, thus, be understood in view of this, that this politicisation of aid by the EU is underpinned by externalising neo-liberal principles emanating from the Single Market which in the perspective of the ACP countries brings into question the perceived "morality" behind aid that NPE claims.

The EU commits substantial amounts of development aid⁴⁹ but when viewed in conjunction with the other instruments of aid available, it brings into question the rhetoric of the EU and reveals to outsiders perhaps another interpretation of the EU's concern with aid. It is found that there is a lack of poverty focus as Booth and Herbert (2011: 8) explain. The EU provides a considerable amount of aid to its neighbourhood⁵⁰ and to pre-accession countries than it does to development within the EU budget⁵¹. This fact shows that enlargement and immigration policies occupy a more important role on the EU agenda than development (Booth and Herbert, 2011: 11). Furthermore, a British report highlights that just 46% of EU aid went to

⁴⁹ The EU mobilises over 50% of worldwide aid with 2009 figures showing € 49 billion spent on aid by the EU (EC, 2012)

⁵⁰ The purpose of the European Neighbourhood Policy (ENP), which was established in 2004, is to ensure the good relations between the EU and the surrounding countries. The ENP offers a privileged relationship between the EU and neighbours through "political association" and "deeper economic integration" (EC, 2013).

⁵¹ Proposals for the 2014-2020 budget framework outlines a total of € 32 292 million for the Pre-accession Instrument and European Neighbourhood Instrument and € 23 295 million for the Development Cooperation Instrument (EC, 2012).

“low income countries” while the likes of Turkey, a developing country, consistently maintains a position in the top five (International The News, 2012). From this it can be discerned that the primary concern for the EU is not the development of ACP countries but rather the concentration of aid to recipients that potentially could serve to further bolster the Single Market and protect other European interests. This illustrates a self-interested characteristic of MPE in comparison with NPE’s supposed altruism.

Chapter four introduced the AfT strategy that the EU adopted in 2007. AfT is meant to address the various trade related hindrances that developing countries encounter in opening up their economies. However, the question that follows is how this can be achieved if, as Jauch et al (2007: 94) explains, by the end of the 9th EDF only 28% of the promised aid was in actual fact disbursed. This trend was also evident with the 8th EDF where only 20% had been disbursed.

Figures relating to aid commitments will decrease even further as other obligations supersede aid. Mackie et al (2010: 4) report that the EU will not meet the commitments of aid as stipulated in the Monterrey Consensus⁵² due to the current Euro zone crisis and the vast effect it has taken on the Single Market. While this move by the EU is understandable considering the extent of the crisis affecting the region, it further serves to illustrate that the Single Market is the centre of all EU activity and that its internal workings ultimately externalise and affect third parties.

Bettering aid disbursement in competition

Europe is no longer Africa’s main external partner as the former is being forced to share the stage with the likes of China, India and Brazil (Mackie et al, 2010: 2) (see 5.2.3). The reason behind this can be found in the bureaucratic hurdle that EU aid has become characterised as (EC, 2011: 3; EP, 2012; UK Parliament, 2012). The latter are found to be “easier” partners than the EU (Mackie et al, 2010: 2). Perlez (2012) explained that in the case of Sino-African relations, China has recently announced it will lend \$20 billion to African infrastructure and agriculture for the next three years. In light of this China comes under criticism for offering its aid without conditions of human rights performance or governance. This is a major attraction to Chinese aid for Africa. Furthermore, Perlez (2012) highlights the President of South

⁵² The aim was to deliver 0.56% of GNI as ODA by 2010 but the EU has fallen short of this goal (EC, 2012).

Africa, Jacob Zuma's, response to the recent Chinese announcement saying that it was "...preferred to Africa's experience with Europe".

The growth of the Chinese and Indian economies⁵³ might have played a role in the leading position taken up by the EU in the Monterrey Consensus and subsequent conferences (see chapter four). With these economies growing rapidly the EU has called for an amelioration of its, and the rest of the world's, disbursement of aid. The reason for this "scramble" to better its image has been in order to maintain its title as the "world's most generous donor". On a communication on aid effectiveness, the EC (2011: 3) outlines the areas⁵⁴ that require attention so as to increase the efficiency and effectiveness of the institutions involved in aid disbursement. The EU's administration costs of ACP country aid administering in 2009 stood at 8.6% of ODA (Booth and Herbert, 2011: 13). In total, the costs of administering ODA from the EU stand at approximately 5.4%. This is evidence of the various networks and bureaucratic conditions in place regarding ODA to the ACP group that the Regulatory Institution, as MPE, has in place. As a Regulatory Institution, the MPE is less concerned with the moral implications of ineffective aid delivery than with securing the developing world as a source for the Single Market.

5.4 Conclusion

[B]ecause the EU is, at its core, a market, it may be best to conceive of the EU as a Market Power Europe (MPE). Although MPE may seem to highlight such pro-market aspects of the EU's identity, it also emphasises the importance of interventions in the market via economic and social regulation (Damro, 2012: 3).

This chapter has shown that just as the EU can be considered as a normative power it also exhibits strong characteristics of a market power. When taken from a different perspective to the EU's, MPE elements are evident. MPE embraces *superficially* the neo-liberal identity of the market.

⁵³ According to the World Bank (2012), in 2011 the annual GDP growth of China and India were: 9.1%, and 6.9% respectively while the EU showed a GDP growth of 1.5% for 2011.

⁵⁴ These are: ownership, transparency and predictability, alignment, accountability for results, reduced fragmentation and proliferation and countries in fragile situations (EC, 2011:3-4).

The first section of this chapter provided an alternative perspective to the NPE labels, based on the view of the EU itself, that were allocated to the EU in the previous chapter. Based on the experiences of the ACP countries and specifically southern Africa, it can be discerned that the EU's primary concern is its Single Market in everything that it undertakes with the ACP countries. Under the guise that it "defends the faith" (implying that the faith is a universal and morally acceptable notion), the EU is able to ensure that its preferred methods of managing its Single Market are externalised to the ACP countries. The experiences held of the BLNS countries with regard to trade liberalisation and reciprocity demonstrate that pro-market incentives were "pushed" forward by MPE and not NPE. Still proclaiming that it is "defending the faith", the EU is able to show its regulatory side in taking unilateral interpretations of certain technicalities of the GATT rules and regulations to the extent that these interpretations become the standard even amongst the ACP countries. Further proving its regulatory characteristic as MPE, the EU is known throughout the ACP bloc and particularly by the southern Africa region as being stricter than the WTO, attempting to implement rules and regulations intended for the ACP countries through the EPAs. Regulations being pushed, such as the MFN clause, export taxes, bilateral safeguards, standstill clause, non-execution clause and the Singapore Issues, are all evidence of economic regulations. These economic regulations are being driven forward by the EU through the EPAs where their adoption will determine the extent of the access that is granted into the Single Market for the ACP countries. The EPAs are, thus, an intervention of the regulatory space of the ACP countries.

The first section also brings into question the extent that the EU is really a developer. Based on the views of the EU itself, the chapter on NPE made a case for a label as developer. However, this chapter with its outsider's focus is much more sceptical. Building upon the idea that reciprocity and trade liberalisation served few of the gains highlighted by the EU, the idea that the EU and by proxy the EPAs are development-orientated was re-evaluated. Issues such as the expiry of Regulation 1528/2007 and the EU's aid record give reason to the voices proclaiming the EPAs to be running against development.

The EU tries to export its model of regional integration on the outside world and a means for it to do this is by ensuring that the EPAs are implemented. This requires

regional integration which is espoused by the EU as a means towards integration into the world economy for the ACP countries. The problem that is encountered, however, is that this example as portrayed by the EU is not entirely suited to the southern African case. Nevertheless, the threat of losing special access to the Single Market drives the ACP countries to adopt most of the measures put forward by the EU

The subsequent section in this chapter served to highlight the characteristics of MPE (Single Market, Regulatory Institution and Interest Contestation) by means of posing the analytical questions introduced in chapter two. These characteristics are found in the behaviour of the EU as experienced by the ACP countries evidenced in the evaluations of the EU as defender of the faith, developer and example. The Single Market characteristic of MPE dictates that the real purpose that is served by the trade, cooperation and association agreements is for access and control of foreign markets which is also made possible through its regulatory capacity thereby extending and externalising its own rules and regulations. The EU, as MPE, stressed the need for neo-liberal trade practices for the Single Market. Due to the nature of MPE, neo-liberal trade practices appear to serve only the purpose of opening up markets for the Single Market, bringing into question whether there is any truth to the altruistic intentions that NPE suggests for neo-liberalism. The EU's double standards are evident in the fact that it practices protectionism under the guise of neo-liberal trade.

The large Single Market requires that there be various agencies that carry the weight of expertise in numerous issue areas. The existence of all these agencies and institutions give rise to the Regulatory Institution where rules and regulations are established that determine the nature and extent of entrance into the Single Market. These agencies and institutions also contribute to the formation of an area of Interest Contestation. As MPE, the EU Single Market determines that the importance of the ACP countries is not found in developmental and altruistic concerns but rather in a concern for access for the Single Market. Similarly as a Regulatory Institution MPE is highly concerned with acquiring the necessary raw materials for its industries and in order for it to secure this, it has implemented the "Raw Materials Initiative". This Initiative gives insight into the real concerns of MPE for the ACP countries. Once again the issue of aid, which is always controversial, is evidenced in this chapter as

being a conditional tool to allow MPE to externalise the Single Market. It also illustrates that facing competition from emerging markets such as China and India in the African continent has incentivised the EU to improve its aid delivery mechanisms. This prompts the thought that as MPE the EU's main concern is with securing access and "forcing" the favours of the ACP countries.

The purpose of this chapter is not to discredit the idea of a NPE. In fact it offers an alternative view of the EU and its relations with the ACP countries. While chapter four is concerned with evaluating the EU's perception of itself, this chapter seeks to evaluate the EU from an outsider's perspective as experienced primarily by the ACP countries with respect to the ongoing EPAs. In order to account for the EU's behaviour as evidenced by the ACP countries MPE was used to focus first and foremost on the market. It is not to say that the EU does not externalise norms, but rather to emphasise that the norms being externalised are in actual fact market-related norms such as neo-liberal trade practices. The reason for this emanates from the tangible power source that is the Single Market within the EU. The EU has an economic identity before it has a political one and as a result the policies that follow reflect this statement in the experiences of outsiders such as the ACP countries.

The next chapter concludes this study by contrasting directly the NPE and MPE perspectives in order to illustrate the complex interplay and simultaneous existence of the two in EU-ACP relations with reference to the EPAs.

6 Conclusion

This study focused on two perceptions of the EU: Normative Power Europe (NPE) and Market Power Europe (MPE) with the purpose of contrasting the EU's self-perception (NPE) and the perception held by the ACP countries (MPE). It is possible for both perceptions of EU behaviour to exist simultaneously. This is explained with Holsti's Role Theory. The introduction of concepts such as the "alter" (the self) and "ego" (the other), role conceptions and role prescriptions in chapter two allowed this study to analyse various perceptions of behaviour from the EU and ACP countries. The significance of including the viewpoints of the ACP bloc was that it added substance to the perceptions surrounding EU action and behaviour, thereby preventing simply repeating EU action and opinion as it would appear in official EU discourse.

An opportunity to evaluate the extent to which the EU abides by its own rhetoric and policy can be found in an analysis of the ongoing EPA negotiations. Negotiations began in 2002 and to date (early 2013) the process has been marred by misunderstandings, unilateral actions, delays, suspicion and deadlocked issues. A means by which to account for these hindrances is to take also into consideration the perspectives and experiences of the ACP countries. The nature of past relationships has certainly played a crucial role in influencing the mindset of the ACP bloc when negotiating the EPAs as discussed in chapter three.

This final chapter evaluates the interplay between the two perceptions that the study identified as illustrating the EU's self-perception (NPE) and the ACP countries' perception (MPE). These two are contrasted with one another within the ambit of the analytical framework outlined in chapter two and applied in chapters four and five in order to highlight key issues where the evidence of the perceptions is prevalent. Role theory played an important part in this study and identifying whether MPE, as a role conception, is too critical, is necessary. Three different role conceptions within the ambit of MPE are identified to contrast with those introduced in chapter four (4.2). Ultimately, by understanding EU behaviour as defined by the co-existence of two perceptions, some light can be shed on current situations and trends relating to the EPAs as well as some likely outcomes, both for the future of the EPAs and for future research.

6.1 NPE vs. MPE: an interplay

Both NPE (the ego) and MPE (the alter) make arguments for various issue areas pertaining to the EPAs. Chapters four and five introduced the respective arguments, while this section contrasts the two perspectives in order to answer the primary research question posed in chapter one (see 1.2): Can the EU's self-perception be contrasted with the perception held of it by outsiders?

6.1.1 Engagement with other countries in trade, cooperation and association agreements

Through multilateralism, the EU engages with other actors in fora such as the UN and the WTO. However, it is the deeper and more specialised agreements that arise from a bilateral engagement that allow for a focus on the behaviour of two particular actors *vis-à-vis* one another. The following section will unpack the *moral* reasons behind the EPAs from a NPE perspective, balancing it with the view from MPE as to what the ACP region might *experience* in terms of the EPAs.

The EU as NPE, in the Cotonou Agreement, maintains that EU-ACP negotiations towards the EPAs are rooted in four principles: EPAs are tools for sustainable development, compatibility with the WTO, regional integration and differentiation. These four principles represent the reasoning of the EU to engage the ACP countries in the EPAs. The EU arguments were that the incorporation of the EPAs would contribute to the sustainable development of the ACP bloc whilst complying with WTO requirements. Chapter three recalled the Lomé Convention and how the failure to comply with the GATT/WTO requirements was a major contributing factor to the demise of the Convention and subsequent replacement with the Cotonou Agreement. One of the ways in which the EU hopes to stimulate sustainable development through the EPAs in the ACP countries is by means of regional integration. The EU believes that regional integration will bring development and it is this assumption of the EC (see 4.3.1) that drives attempts at being an example, based on its own integration experience. The EC has affirmed that regional integration is a driver for political stability and development. Similarly, the current Commissioner for Trade, de Gucht, has stressed that regional integration is the catalyst for peace and security, embodied as norms that constitute NPE and are

promoted by the EU (see 2.6.1). The principle of differentiation refers to the EU according special treatment to LLDCs. However, this principle is neglected in the EPA negotiations as the LLDCs are expected to liberalise in the same manner as the other negotiating countries if the principle of regional integration is to be maintained (see 4.2.2 and 5.1.3). This reveals the double standards of the EU and even questions the EU's attempts at WTO compatibility.

Nevertheless, as NPE, the EC presents these four principles as necessary justification for negotiating the EPAs. Therefore, these represent the selfless reasons that NPE claims as the basis for entering into trade, cooperation and association agreements in the sense that the EU portrays itself as a normative power, i.e. a power that complies with international norms and rules. The fact that these principles underlie the Cotonou Agreement implies that the ACP countries have also subscribed to them. As pointed out in chapter five (see 5.3.1), though, the ACP countries perceive the negotiations and the EPAs more critically and with suspicion. As a result, the ACP perceptions of the reasons for the EU entering into EPAs with it ascribe to a MPE perspective of the EU.

The EU, as MPE, values its Single Market and this is easily discernable to ACP countries suspicious of EU intentions. The 2007 "Global Europe" presentation and the 2006 Market Access Strategy are indicators of the EU's concern with its Single Market through its initiatives to ensure access for its own market. This is a core characteristic of MPE as identified by Damro: the EU as a Single Market. NPE proponents might argue that EPAs fall within the greater moral ambit of the most ambitious *partnership* agreement, the Cotonou Agreement. On the other hand, however, others, adhering to a more critical perspective, might hold that EPAs are nothing more than trade agreements serving the selfish cause of access to other markets for the Single Market. Understood as MPE, this "selfish" endeavour of market access is perceived as necessary in order for the Single Market's survival. During the EPA negotiations, the EU has placed immense importance on issues of reciprocity and liberalisation which have broadly been some of the causes for the deadlocks and obstacles to concluding the negotiations. As a result, the question is raised whether the EPAs are really development-orientated or simply trade agreements, as discussed in chapter five.

The development component (or lack thereof) in the EPAs has been a controversial issue. African Trade Ministers have been quoted as expressing their disappointment in the EPAs and their insufficiency in addressing the development issues of the African continent (see 5.2.2). The EU claims that the EPAs aim to tackle the development handicap of ACP countries through trade liberalisation. Despite this rhetoric, the EPAs, from an ACP perspective, do very little to address problems that arise as a result of trade liberalisation, such as supply-side constraints and import revenue losses. Furthermore, ACP countries believe that the EU does not heed their requests for revision of the matter; rather, the EU prioritises trade liberalisation over development and thus is testament of MPE behaviour rather than NPE behaviour. This raises the issue of the dichotomous behaviour of the EU: it may claim to stand by various principles and norms but its practice reveals a more pragmatic and selfish EU.

The EU's blatant double standards are a core element to this study as it portrays the EU as saying one thing but behaving in a different manner. The perceived EU ambiguity highlights the perception that the EU harbours ulterior motives, claiming to be doing one thing but doing another which highlights the fact that there might be other interests and goals to the ones originally claimed. Based on evidence throughout this study of the EU's behaviour towards the ACP countries, it can be said that from the perspective of the ACP countries, the EU is acting to guard its own interests and therefore does not conform to a perception of the EU as altruistic or normative power.

As MPE, the EPAs provide the optimum means by which to externalise EU norms regarding trade liberalisation, including services. This reflects one of the core components of MPE as a regulatory institution and as such its concern with externalising its own rules, norms and regulations and ensuring that they are adopted elsewhere, essentially to serve EU interests. The case of the EU acting as a regulatory institution has resulted in major bottlenecks in the final conclusion of the EPAs. Chapter five outlined the various regulations that the EU has been attempting to formalise in the EPAs much to the dissatisfaction of the ACP countries: the MFN clause, export taxes, bilateral safeguards, standstill clause, non-execution clause and the Singapore Issues.

The Singapore Issues remain a major obstacle in concluding the EPA negotiations. The EU contradicts itself by assuring and asserting that the EPAs are pro-development yet expecting the ACP countries to consider aspects that are far too demanding for their level of development. Based on the fact that these Issues were dropped from the Doha Development Round, the EU might be forced to accede to leave them out of the EPAs too in the interest of concluding negotiations.

6.1.2 Neo-liberal trade practices

Neo-liberalism continues to underlie the international trade regime, with those that propagate its conditions, by and large in the developed category of countries. Developing countries, on the other hand, question, criticise and are suspicious of these neo-liberal practices, as illustrated in chapter five.

Fundamentally, the doctrine of liberalism relies on the norms of freedom and democracy with minimal or no government intervention in markets. The EU, as NPE, would see that, neo-liberal trade practices, such as tariff reduction/elimination, are associated with development as their enactment will lead to economic growth and stability. This is a stance that the EU is unlikely to change. Identifying the norms of NPE, as Manners did (see 2.6.1), it is evident that the EU's *discourse* reflects the underlying principles of liberalism. The EPAs, in this regard, are no different, as NPE attempts to infuse the entire endeavour with a normative tone by claiming that the primary purpose is sustainable development.

In order to add further substance to its argument for neo-liberal trade practices NPE has branded the Lomé Convention as morally incorrect, blaming this for the Convention's ultimate failure to integrate the ACP countries into the global economy. This Convention did not reflect the neo-liberal principle of reciprocity and also discriminated in favour of the ACP countries at the expense of other developing countries.

NPE demonstrates an unquestioning commitment to the doctrine of neo-liberal trade, contributing to NPE's externalisation process. In its belief that it is helping the rest of the world through its neo-liberal rhetoric and policy, it encourages others to adopt its practices. An important example of NPE policy externalisation is found in regional integration. The EU, as NPE, believes it has a moral responsibility to spread its practice of regional integration as a successful model for economic development.

The EU will continue to promote its model of regional integration as the one to be followed. Furthermore, the overall success related to the EU integration project will continue to influence its approach to regional integration in other parts of the world. The question is whether the EU's experience is suitable for export to other regions. EPAs are intended to operate on the basis of EU trade relations with existing regional economic groups that exist in the ACP region. In reality, this has become a much more complex matter where NPE intentions of economic growth and development through regional integration are being questioned. The overlapping southern African regional integration process, further aggravated by the EU in terms of its grouping of countries in the negotiation process, is testament to the questioning of EU behaviour.

From a MPE perspective, the EU does not adopt neo-liberal trade policies for altruistic reasons but rather in order to serve its own interests. There are a number of instances in which the EU reveals its MPE character and this is especially evident in the case of its Single Market. The existence of double standards opens up the question whether the EU really believes in its rhetoric of the ostensible benefits of neo-liberalism for development.

The CAP is a prominent example of EU double standards and demonstrates how the EU itself deviates from neo-liberal trade. As the CAP may be undergoing gradual modification, the EU finds itself in a balancing act between acquiescing to international trade norms (which it, as NPE, prescribes) and ensuring that its Single Market's needs are met (MPE). Therefore, while, the CAP modification could be perceived by outsiders as an altruistic step in the right direction, MPE might posit that there is an ulterior motive for the modification. The real reason is the EU's concerns with maintaining this image of itself in order to make its Single Market appear more desirable to others in the interest of feeding the latter.

The Single Market is the tangible power source of the EU. In other words, MPE draws its power not from the ability to influence and transform normative structures with its moral and lofty ideals, but rather from its trading capacity emanating from the vast Single Market. Therefore, it holds that MPE uses its power to ensure the security of the Single Market. The EC insists that for the internal market to function correctly, the principles underscoring it must be reflected in international relations and therefore externalises neo-liberal principles which, contrary to NPE, do not serve an altruistic

motive of development and growth for the ACP countries, but rather serve the Single Market.

It was argued in chapter five (see 5.2.1., 5.2.2 and 5.3.2) that neo-liberal trade does not reduce barriers to development, but rather aggravates it. A key issue hampering development is not so much the protectionist barriers that a developing country might have in place, but rather the extreme dependence on the export of primary products, particularly in Africa. When considering that trade liberalisation is assumed to be the panacea to development problems, the issue of primary product dependence is left unattended or even worsened by trade liberalisation. Dealing with the problem of primary product export dependence is a task that should be managed as a supply-side or capacity constraint issue and should not be narrowly defined as being dealt with through trade liberalisation. This illustrates an exigent EU that is persistent in the implementation and adoption of certain regulations and norms that actually serve its own interests, despite criticism and frustration on the part of external partners.

The EU might superficially concede some modifications on tariff schedule limits, but on the whole, as MPE it would attempt to balance it out with some reciprocal action such as with service liberalisation in order to safeguard its Single Market. This would not be a conciliatory attitude adopted by the EU, but would be portrayed as such.

EPAs are intended to be FTAs between the EU and the individual regional economic groups in the ACP bloc and therefore, in MPE's perspective, are intended to provide access to the markets of the ACP region for the Single Market. Furthermore, FTAs also facilitate the externalisation process of MPE, creating regulatory spaces favouring MPE interests. Therefore, as MPE, the EU is better able to promote its principles and values within a region that primarily depends on its Single Market. In other words, MPE's bargaining power through its Single Market allows it to diffuse principles supporting the latter throughout its region of "control". As a result, it is found that ACP countries adopt and assimilate neo-liberal principles. This is not done by ascribing to the NPE perceived goal of neo-liberalism but rather because failure to accept such principles could limit or close ACP market access to the Single Market. This is a reality being faced by Namibia who the EU has struggled to get on board in order to ensure a smooth conclusion to the SADC-EPA. Namibia, along with South Africa, has shown the most resistance regarding the issue of the MFN clause. Namibia's signature is still pending on the IEPA (see 5.2.1).

Nevertheless, considering the marginal importance that Namibia has for the EU and the former EU Trade Commissioner's (see 5.2.1) emphasis on the importance of the MFN clause to protect EU interests, there is little expectation that the conditions of the IEPAs and indeed EPAs would be changed to account for Namibia's concerns. For its part, it is likely that Namibia will continue to adopt its steadfast position regarding the majority of the content of the EPAs and this might force it to revert to the less beneficial scheme, the GSP (see 1 and 5.3.2). As a result, the future of the SADC-EPA remains quite uncertain. This also further contributes to the difficulty in reconciling regional integration in SADC.

The question of regional integration in southern Africa highlights the EU's exigent nature and ulterior motives. While the AU has recognised the importance of regional integration, it never imagined that the African continent would once again be carved out into random groupings to serve the interests of the developed world. At the onset of the negotiations for the EPAs, the ACP countries had to arrange themselves within regional groups whether existing or not. The problem results in that, for example in southern Africa, the countries have overlapping membership with various regional economic configurations. This already existing complication was worsened by the EU's acceptance of allowing countries to choose which regional group they want to negotiate in for the purpose of the EPAs. An example of such is the SADC-EPA configuration which is missing eight of its members⁵⁵.

As MPE, the EU's externalisation of neo-liberal principles goes beyond what is expected of developing countries according to the WTO. The EU is often accused by the ACP countries of being far too demanding in the EPA negotiations. Certain issues that currently form serious bottlenecks to the conclusion of the EPAs are perceived to be demands that go beyond GATT/WTO rules and regulations dictating trade relations between the developed and developing world. An example of contradictory behaviour on the part of the EU can be found in the matter relating to the liberalisation of services. The Cotonou Agreement highlighted that service liberalisation was important but that the ability and position that the ACP countries might find themselves in before implementing it would be considered. It was agreed that only once experience was gained by the ACP countries would service

⁵⁵ The defecting countries are: Democratic Republic of Congo, Madagascar, Malawi, Mauritius, Seychelles, Tanzania, Zambia and Zimbabwe.

liberalisation be considered. Yet the EU has insisted on service liberalisation as part of EPA negotiations, contributing to the frustration of the ACP countries.

One example of exigent behaviour by the EU regarding neo-liberal trade towards the ACP countries is found in its insistence on numerous issues such as its interpretation of GATT Article XXIV, the MFN clause, export taxes and bilateral safeguards (see 5.2.1). While as NPE, the EU might argue that these expectations are aimed at fast tracking ACP development, a MPE perception would hold that they are attempts to secure access and benefits from other markets for its own Single Market. A further example is found in the fact that the SADC regional integration project is continuously being left aside and not prioritised by southern African leaders due to the pressures from the EU to attend to the bottlenecks in the EPA negotiations. Issues of sovereignty and capacity constraints of SADC need to be managed first if any form of cohesion is to be expected from the SADC-EPA.

In the interest of alleviating the pressure on the ACP countries regarding the extensive trade concessions that is expected of them within the EPA negotiations, as a normative power, the EU should take the initiative to ensure that the contentious issues be ironed out first at the multilateral level, i.e. the WTO. As a normative power, the EU's interest should rest on tackling important trade issues on a global level to ensure that norms, regulations and rules are established. However, the EU has behaved like a market power by insisting on negotiating the EPAs on a bilateral basis with various ACP regional groups due its frustrations with the multilateral arena (see 2.8.1).

6.1.3 Engagement with the ACP countries.

Tracing the historical relationship between the ACP countries and Europe, (see chapter three), the advent of the “partnership” status between the two was considered a major step forward in removing colonial remnants and represented the “moral responsibility” held by the EU in rectifying the asymmetrical relationship. Maintaining the idea of “partnership” allowed the EU to promote its image as NPE.

In a constructivist sense, the NPE reason for engaging with the ACP countries extends to ensuring that the former's identity as a moral and normative actor is maintained. The presence of the ACP bloc gives NPE reason to espouse its normative and moral cause, contributing to NPE identity formation. Chapter four

(4.3.3) highlights the manner in which Europe as normative power perceives the ACP region, adding to the image that it creates of itself. Therefore, if NPE perceives the ACP bloc as an object to be guided normatively then this in turn will help strengthen the EU's image of itself as a normative power. This provides evidence to the notion that NPE is a self-perception of the EU, dependent on *how* the EU perceives the ACP countries.

The EU's importance placed on the Single Market by MPE indicates that economic and commercial considerations are primary. Therefore, the focus in negotiations with the ACP countries in endeavours such as the Cotonou Agreement and the EPAs, is on some form of economic or trade gain for the Single Market. This emphasis on the Single Market is drawn from the fact that, according to Damro, the EU is at its core a Single Market and whatever power it is perceived to have emanates from the Market. Therefore, while the EU might project a selfless and pro-development image intended for the ACP countries, as MPE, it is in actual fact securing access to the markets of the ACP countries in order to protect its Single Market.

Furthermore, the EU is concerned with the increasing interest there is in the ACP countries with granting preferences to other major developing economies of the South – China, India and Brazil. As a result, securing the EPAs with the MFN clause guarantees the EU Single Market the best possible market access deal. Having to compete with other major developing economies, especially in Africa, for resources, the EU has had to up its game on the continent to secure access to African resources. The MFN clause ensures that it is not left behind in terms of market benefits granted by the ACP countries (see 1, 3.1.1 and 5.2.1). This also provides an explanation for the EU's exigency in concluding the agreements and its perseverance in trying to include issues beyond the WTO requirements that suit its needs. The 2008 raw materials initiative of the EU is an indication of the need to ensure that access to raw materials for the Single Market is not disrupted. As a normative power, the EU might claim that this initiative is set up to ensure efficiency in the management of resources, but the MPE conceptualisation argues that this initiative is a means by which to externalise EU policies for the benefit of its Single Market.

6.1.4 Aid concerns

The EU's status as the largest aid donor to the ACP countries can be perceived in two ways. It is either a reflection of EU generosity and altruism, or evidence that the EU spreads its influence as deeply as possible in order to enhance its bargaining power.

In international dialogue and rhetoric, the EU reveals the importance that aid and aid delivery has on its development policy. This is constantly reflected in the EU's promotion of itself as the largest donor of aid to the ACP countries. Consequently and through fora such as the Monterrey Consensus of 2002, the EU is a frontrunner in the international donor community. As a result, it is able to externalise its perspectives regarding aid and therefore also ensure that others adopt *its* values and principles of good practice.

A key means by which the EU is able to externalise its norms and values is through Budget Support. Advocating this often controversial policy in development aid has become an avenue for the EU to promote the principle of "ownership". By promoting the principle of "ownership", the EU has created an image of the recipient as being responsible for the manner in which aid is managed. This ownership principle serves the purpose of externalising EU approved standards of governance. As a result, Budget Support is an important driver of NPE ensuring that adherence is maintained to norms and values deemed appropriate by the EU. In other words, *its perceived* conditions of a stable climate for aid are guaranteed through the dependence on the support by the recipient.

From the perspective of the EU as a market power, aid is disbursed with ulterior motives that do not correspond to the moral and normative principles that the EU espouses. Rather, the importance of the Single Market dictates the reasons for the EU to engage in aid related matters.

The delivery of aid is attached to conditions set out by the donor and as such the EU delivers aid under the condition that certain norms and values are adopted. Non-compliance with these conditions leads to a suspension mechanism. Through its aid related activities, the EU is able to export neo-liberalism, which, it has been argued, creates the conditions necessary for norms, such as good governance, to be diffused. MPE holds that the real reason for the disbursement of aid is to ensure that

neo-liberal trade practices are spread to the recipients in order to create accessible conditions for the Single Market. Therefore, the fundamental basis of aid rests on the terms that favour the Single Market.

Chapter five illustrated that significant amounts of aid, in relation to the aid that is disbursed to the ACP countries, go to non-ACP countries, such as Turkey, which arguably are more important to Europe. While it can still be maintained that the EU is the largest donor of aid, it is the distribution of this aid and the purpose for it that are questionable. For a market power, aid is about protecting its interests and more specifically, for the EU, those of the Single Market.

With the increased presence of other major economies such as China, India and Brazil on the African continent, EU aid can be perceived as being about ensuring access to the recipients' markets over and above the emerging markets.

As the Euro crisis persists, the rate at which the EU makes pledges might slow and aid budgets might shrink. Furthermore, the EU might also be forced to increase bureaucratic checks with the disbursement of aid as a result of its internal economic crisis. With its status as the largest donor, the EU might find that increasing the hurdles towards disbursement of aid might bring it out of favour with its fellow donors of the international community. As a result, the EU has to balance between maintaining its image of NPE and also having to evaluate introspectively the needs of its Single Market in a time of economic crisis.

6.2 Role conceptions

It needs to be considered whether the EU is a normative power, with the image of it as a market power little more than a critical perception from an overly suspicious ACP bloc.

This study presented substantial evidence that it is possible to perceive the EU as a market power and that this is the manner in which the ACP countries perceive it. Based on the evidence and arguments of this study, it is difficult to perceive the EU practices as normative in the EPA negotiations. Whether MPE is nothing more than criticism from a suspicious bloc of countries does not refute the strength of the MPE argument. Based on the historical relationship between the EU and the developing world, especially the African continent and former colonies dating from before and

after the Yaoundé Convention (see chapter three), it is little wonder that there are suspicions harboured by the ACP countries in their dealings with the EU.

A clear weakness of NPE is its inability to allow for reflection on outsiders' experiences and perspectives and to critique EU actions. Therefore, it remains Eurocentric as it is found to repeat EU rhetoric and discourse. Chapter four provided three different role conceptions reflecting NPE as the image projected by the EU: defender of the faith, developer and example. In contrast, from a MPE perspective, this study suggests that the EU embodies three possible role conceptions: Contradictions, Exigencies and Ulterior Motives. These have been identified throughout 6.1 and are based on the experiences of the ACP countries and provide a more holistic picture of EU action and behaviour towards the ACP countries, especially as illustrated by EPA requirements and negotiations.

It is imperative to note at this point that this study in no way denied the existence of the EU as a normative power. Rather, this study proved that MPE is a better explanation of the EU's actions regarding the EPAs. The EU believes that it acts in a particular way, but the experience of its actions held by others is different. The EU, at times, might not be mindful of the fact that it is behaving in a contradictory manner due its firmly held belief it is a normative power. The ACP countries might, on the other hand, adopt a less apologetic approach to their experience of EU behaviour and argue that it is indeed mindful of its double standards and contradictions because, as MPE, its concern is the protection of the Single Market. As a result, the international stage is further complicated by the simultaneous existence of varying perceptions of a single process such as the EPAs. This co-existence of differing perceptions complicates the matter of what in actual fact should be an "agreement" where the expectation is that all (in this case, the EU and the ACP countries) should be on the same level of acceptance. However, the reality is that the EPAs are anything but "agreements" and are instead asymmetrical contracts that are masked by normative underpinnings of fairness and compliance to international norms, while the reality of these "agreements" is experienced by the ACP countries as chapter five demonstrates. The latter argue that their recommendations and demands are either ignored or downplayed. This not only highlights the asymmetry in the relationship but also questions the notion of the EPAs being anything like a "partnership".

Semantically speaking, one is, therefore, left with the EPAs being only an “economic” endeavour which in turn speaks to the MPE conceptualisation of EU actions.

The aim of this study was to illustrate that the EU’s self-perception and its conception of its external role as a normative power do not necessarily accord with external perceptions. For this purpose Damro’s model of the EU as a market power was utilised. The study illustrated that the MPE model allows for reflection on and critique of the more generally accepted model of the EU as a normative power. However, it is not suggested that NPE has little or no value in analysing and evaluating the EU’s external relations. Rather, MPE adds a further dimension to analyses of the EU, allowing the researcher to account also for external perceptions of the EU’s role in the international arena.

6.3 Dealing with NPE and MPE

Once there is understanding of the EU’s behaviour it follows that those entering into relations with it will know how to approach its views, policies and proposals. The relationship between the EU and southern Africa, and indeed the ACP countries, has always been complex and characterised by a core-periphery dynamic.

However, an understanding of the EU’s behaviour is lacking on the part of southern African countries, particularly, the BLNS. These countries seem to *expect* the EU to act as a normative power that continuously, in its dealings with “outsiders”, holds the latter’s concerns to heart. These expectations result in a capabilities-expectation gap. These countries need to be more aware of the fact that ambiguity exists and is practiced widely, either knowingly or unknowingly (including by the ACP countries themselves).

The reasons for the bottlenecks of the EPA negotiations are better understood within a MPE scope. If the ACP countries accept the ambiguity prevalent in the EU’s activities regarding the negotiations, that the EU’s normative claims are often overshadowed by and infused with “market power” objectives, they might deal better with the negotiation process, especially as the ACP states, and in particular the BLNS, have increasingly been gaining confidence. This newfound confidence when dealing with the EU has also contributed to the delay in concluding the EPAs. A clear example is found in Namibia’s assertive actions regarding the SADC-IEPA (see

5.2.1). This confidence has allowed the ACP countries to question the proposals put forward by the EU which has frustrated the latter as there is an inherent uncertainty on how to deal with an assured group of developing countries. The confidence stems primarily from two points: the first is that the ACP countries are becoming more aware of their relative bargaining position in that they hold the access to much of the developed worlds' desired natural resources (see 5.3.3); the second point buttresses the first in that the confidence gained relating to natural resources can be accredited to the alternative opportunities that the ACP countries, and especially Africa, are investigating. The emphasis is no longer on securing trade deals with the developed world but rather securing relationships within the South. As a result, African countries seek out the assistance and market access of major developing countries such as China and India.

The EPAs have also played an important role in providing firsthand experience for the ACP countries on how to deal with a major trading power such as the EU on “equal terms”. This experience with the negotiations should be harnessed by the ACP countries and subsequently instilled in their own negotiating tactics as this is essentially what these countries lack: experience and expertise in high-level negotiations. The ACP countries have yet to learn market and economic skills. Therefore, the suggestion follows that the ACP countries should view MPE as an example (quite different from the example espoused in chapter four).

It needs to be realised, however, that with the ACP countries adopting a much more confident stance towards the EU, the EPA negotiations could be stalled further or even abandoned for there would be no consensus on the EPAs as they stand now. This could be a reality that the ACP countries should be willing to face in the event that the EU decides to pull out of the negotiations, resulting in the ACP countries reverting to the less preferential trade mechanisms such as the GSP. However, perhaps GSP conditions could provide the opportunity for the ACP countries to explore trade diversification and new markets in the South.

As the Euro crisis persists, two scenarios could present themselves. The first might be that as the EU becomes more internally focused because of the Euro crisis, it might lose relative interest in the ACP countries. This shift in priorities within the EU will give the ACP countries “breathing space” in order to reassert their *own* identity and influence away from the EU and its externalisation. As a result, this will allow the

ACP countries to have their own ideas and perspectives surrounding issues such as regional integration. It has already been pointed out that the regional integration process in southern Africa is a complicated process. However, if southern Africa adopts an independent mindset it might become clear that regional integration, along the lines of the EU model, is not necessarily the answer to its development challenges. The second scenario sees the possibility of the increase in the urgency and momentum of the EU to finalise the EPA negotiations in the interest of securing necessary markets for its Single Market during the crisis. This was evident in the unilateral decision taken by the EU to enact the 2014 deadline (see 5.2.2).

Two contrasting perceptions occupy the landscape that is the EU's behaviour regarding regional integration. The first is that of NPE where the EU externalises the supposed "given" that regional integration is pro-development. However, the EU's behaviour runs in direct contrast with the principle of altruism of a NPE position. The EU has, in fact, served to complicate even further the question of regional integration in southern Africa. If the EU really does harbour altruistic intentions pertaining to the question of regional integration and its benefits, it would not have permitted some of the SADC countries to defect from the SADC-EPA to other configurations. Instead, as a normative power, in practice, it would have sought to arrive at a solution that benefitted the whole of SADC first and foremost before embarking on negotiations. In negotiating the EPAs, SADC, and indeed the ACP countries, should not forget their own regional integration targets. Ideally, regional integration plans should be running concurrently with the EPA negotiations.

Notwithstanding the findings of this study, its scope is, nevertheless, limited and for more depth and analysis, further research is required. At least three areas can be identified. The study is limited by its timeframe as it is possible that progress will be made in the conclusion of more EPAs now that the first EU EPA with Africa has been finalised. The ESA-EPA took effect on the 14th of May 2012 (EC, 2012). The conclusion of the ESA-EPA might be an incentive for both sides to renew their motivation to conclude the prolonged negotiations. Therefore, the time focus of this study in no way concludes here, but should be followed up with further research. The second area for research is that of MPE. MPE, according to Damro (2011: 26), is a "...starting point for conceptualising what the EU is, says and does..." This highlights the fact that the concept "MPE" represents a new avenue of research on the EU's

external relations. Future research should concentrate on building upon what Damro has written, by further exploring the utility of this concept. Thirdly, this study focused only on NPE and MPE. It represents an early and first attempt to explore the extent to which the concept MPE sheds light on the EU's external relations and on perceptions of the EU's external conduct. Future research could identify, in detail, the underlying nuances of each, depending on the issue area in focus.

This study does not intend to claim that it has presented for the first time the existence of double standards on the part of the EU. Instead, it has sought to establish that there are contrasting perceptions relating to the EU's behaviour. In order to highlight the nature of these varying perceptions, NPE and MPE were introduced, contrasting each other throughout the study. This was done with the expectation that EU actions, and the reasons behind those actions, might be understood better. Understanding EU actions regarding the EPAs casts some light on the reasons why these negotiations have proven to be contentious and arduous. An understanding of the EU as a self-proclaimed normative power, in contrast to its actions pointing to a market power, and perceptions of it as a market power rather than a normative power, not only clarifies EU behaviour, but points also to the importance of role perceptions in the conduct of international affairs.

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