

The European Union Development Strategy in Africa: the Economic Partnership Agreements as a Case of *Aggressive* Multilateralism

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Abstract

For several decades, Europe entertained a preferential relationship with its former colonies in Africa, which translated into a set of trade and development preferences. With the progressive diffusion of market liberalization, this preferential relationship came to be called into question. This paper analyses how the 'multilateralization' of development has influenced the EU approach, culminating with the adoption of the Economic Partnership Agreements (EPAs) with sub-Saharan African countries. The paper raises a number of questions regarding the actual nature of multilateral processes by focusing on the intended and unintended effects of political, economic and technical asymmetries between rich and poor countries.

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Introduction

Since the end of World War 2, unprecedented development policies have been implemented throughout the world. Yet, poverty is rampant in most countries around the world and the economic gap between rich countries and the poorest regions of the globe is still increasing today, which results in further global polarization. Interestingly, inequalities have not only grown at the international level, but also within countries, where increasing numbers of citizens live in poverty vis-à-vis pockets of concentrated wealth. This trend was aggravated during the 1980s and 1990s, which have often been described as the lost 'decades' of the developing world, through free-market policies and liberalization reforms forced onto poor countries by international financial institutions and international donors subscribing to the neoliberal paradigm (the so-called Washington Consensus). Within developing countries, the adverse effects of globalization have been most visible as countries have been coerced into liberalizing their markets as a condition of debt rescheduling, in the hope of attracting new foreign direct investment.

For several decades, Europe entertained a preferential relationship with its former colonies in Africa, the Caribbean and the Pacific (the so-called ACP group). This relation was largely influenced by a principle derived from the process of regional integration in Europe, according to which both aid and trade constituted the cornerstones of a successful development policy. This approach translated into a set of preferences granted to the ACP: these countries primary resources and goods were granted tariff-free access to the European market; European companies would enjoy a special treatment when investing in these underdeveloped economies; and development aid would be largely unconditional. Due to a number of factors, including the mismanagement of trade preferences, competition among Member States and souring corruption in poor countries, this approach to development did not achieve its intended (official) results but mainly served the purpose of reinforcing pre-existing linkages between the former colonizers (mainly Belgium, France, Holland and the UK) and their ex colonies. In a nutshell, the European traditional development philosophy proved a tool of hegemony, strengthening the influence of the 'old continent' especially in its sub-Saharan African backyard, which accounts for more than 60 per cent of the ACP membership. During the 1990s, with the progressive erosion of trade

barriers and the diffusion of market liberalization, such a preferential relationship came to be called into question. The establishment of the World Trade Organization (WTO) in 1995 and the expansion of multilateral trade meant that the European approach to development (especially in sub-Saharan Africa) had to be reformed, at least in so far as its trade component was to become compatible with the non-preferential treatment promoted by the WTO.

These evolutions partly contributed towards a general change of attitude in the EU-Africa relationship. As Cosgrove-Sacks highlights, “[s]ince the end of the Cold War, many political and ideological motivations for cooperation between Europe and Africa have evaporated” (Cosgrove-Sacks 2001: 274). For the EU, the political and financial challenge of integrating the countries of Central and Eastern Europe caused Africa to be slipped to a lower level of importance, with policy towards African countries somewhat hardening. Political conditionalities regarding good governance and democratic performance became more important than before, while previously “the vagaries of African leaders were politely overlooked” (Babarinde and Wright 2010: 6). From a rhetorical point of view, the new context of EU-Africa relations was couched in terms of ‘partnerships’ and ‘mutual respect’, but the reality stayed much the same—African states were in an inferior position, and often ended up accepting whatever they were offered by the EU (Olivier 2011).

This paper analyses how the ‘multilateralization’ of development (as opposed to traditional bilateralism) has influenced the EU approach in the past few years, culminating with the adoption of the Economic Partnership Agreements (EPAs) with sub-Saharan African countries. Since the paper has been produced as part of the project MERCURY (Multilateralism and the EU in the Contemporary Global Order), it employs its definition of multilateralism, which highlights the importance of “voluntary” and “institutionalized” cooperation “governed by norms and principles” applying to all parties involved (Bouchard and Peterson, 2011, p.10). In this study, the parties involved are the European Union (EU) and its sub-Saharan African counterparts (as the most important subset of ACP countries involved in the EPA process). But the multilateralization process also refers more broadly to the context within which the EPAs were designed and implemented, which was characterized by a growing international emphasis on shared development strategies, complementary approaches and coordination among all development actors. On the one hand, this multilateral evolution called for a more integrated approach to development policy, underlining that development does not occur in a vacuum and, therefore, there must be more coherence between the long-term objectives of aid policies and, importantly, other key policy sectors such as trade. On the other hand, it ended up conflating the ‘development-

trade' nexus into a new set of hybrid regimes fundamentally influenced by the tenets of market liberalization. In this process, therefore, the thrust for coherence and consistency (a positive and much needed objective in principle) had the unintended effect of shrinking the development side of the equation to the advantage of trade. In turn, it resulted in a new approach to development that was dominated by commercial elements at a time in which multilateral trade meant, by and large, free trade.

The paper is based on a thorough analysis of official documents, negotiation reports, newspapers articles and a set of face-to-face interviews with Africa specialists and policy makers conducted at the headquarters of the African Union in Addis Ababa, Ethiopia, during September 2010. In the next sections the paper discusses, first of all, the recent evolution of multilateral policies in the field of development. It then analyses how the EU policies in this field have evolved, with a particular emphasis on the development-trade nexus. The central sections debate the EPAs as a case of 'aggressive multilateralism' by the EU and discuss how their adoption spurred controversies in the African context. Finally, the concluding section reflects on what the EPA case means for our analysis of multilateral processes against the backdrop of a 'new scramble' for Africa that sees the rising influence of emerging powers.

The Multilateralization of Development

In spite of over five decades of international aid policies (at least from the end of colonization), it is generally recognized that results have fallen short of expectations. Most so-called developing countries have been 'on the way' to development for a protracted period of time, often caught into vicious circles of endemic poverty and instability. At the same time, international donors have been competing for influence, generally through uncoordinated bilateral programmes, thereby producing redundancies and resource mismanagement.

In order to develop a common global agenda for development and increase coordination among a myriad of public and private aid providers, the United Nations (UN) promulgated the Millennium Development Goals (MGDs) in 2000, highlighting the need to bolster cooperation between donor and recipient countries as well as trace the impact of development policies in achieving eight key targets: eradicate extreme poverty; achieve universal primary education; promote gender equality; improve maternal health; combat HIV,

malaria and other diseases; ensure environmental sustainability; develop a global partnership for development.

Although the underlying principle of all goals was the definition of a multilateral strategy to achieve enduring development across the world, the last target, namely the establishment of a global partnership, very much laid the groundwork for a long-term and comprehensive multilateral strategy. It aimed at establishing an open 'rule-based', predictable and non-discriminatory trading and financial system, explicitly recognizing that durable development cannot be achieved without taking a holistic approach to other key areas of global economic governance, which have traditionally seen poorer countries excluded from the decision room and often victimized by aggressive policies. In part, this built on the original call made by the United Nations Conference on Trade and Development (UNCTAD) in 1968, which recommended the creation of a 'Generalised System of Preferences' (GSP) under which industrialised countries would grant non-discriminatory trade preferences to 'all' developing countries, successively incorporated into the General Agreement on Tariffs and Trade and the WTO.

The same approach permeated the 2002 UN Conference on Financing for Development that took place in Monterrey, Mexico. The so-called Monterrey Consensus, which has ever since become a reference point in the global debate on development aid, highlighted the urgent need to increase financial resources for development (including the well-known target of 0.7 per cent of gross national income, GNI)¹, mobilize foreign direct investment and other private flows, give priority to international trade as an engine for development, increase technical cooperation, resolve the issue of external debt and address systemic multilateral problems, such as the inconsistency of the global financial, monetary and trading systems (UN 2003). A few years later, when the progress towards the MDGs was already showing some faltering

¹ In September 1969, Lester B. Pearson, the former Prime Minister of Canada, unveiled a report for the World Bank entitled "Partners in Development". The report was the outcome of a commission headed by Pearson which was formed to review the previous 20 years of development assistance, assess the results and make recommendations for the future. The outcome report of what became known as the Pearson Commission stated that there was a great need to increase the amount of resources flowing into developing countries. The Commission recommended that resources equivalent to a minimum of 1 per cent of the GNP of developed nations should flow to developing countries. This 1 per cent would be made of up official development assistance, other official flows from the government, and private sector flows. A further recommendation was made that the official development assistance component of the 1 per cent commitment be equivalent to 0.7 per cent of GNP. In October 1970, the United Nations General Assembly adopted Resolution 2626, *The International Development Strategy for the Second United Nations Development Decade*. Through the resolution, developed countries agreed to increase their resource flows to developing countries to a level equivalent to 1 per cent of their GNP and that a minimum of 0.7 per cent of GNP would be made up of official development assistance and to work to reach these goals by 1975.

signs,² the issue of aid effectiveness prompted a major multilateral conference held in Paris, gathering all main international donors (OECD 2005). Trying to tackle the structural deficiencies that aid policies had encountered for several decades, the donor countries and the most important non-governmental actors pledged to revamp their approach in order to guarantee:

- more ownership by recipient countries and beneficiaries, subscribing to the principle that development projects should be locally-designed and driven;
- better alignment between donors' programmes and the priorities set out by recipient countries' governments, thereby stimulating a steadier flow of development funds into the national budget laws;
- more harmonization within the development sector in order to coordinate policies among donors and achieve complementarity (rather than competition and redundancy as had been the case in the past);
- a stronger focus on measurable results rather than generic qualitative achievements;
- and, finally, a new emphasis on mutual accountability, whereby donors and recipients would become mutually responsible for their development impacts (or lack thereof).

In 2008, this new approach was further strengthened by the Accra Agenda for Action (OECD 2008), which called for more predictability in the provision of international aid funds (so as to allow governments to plan ahead in their national policies). It also established that recipient country systems will take precedence over donor country systems to allocate funding and that conditionalities on type and timing of expenditure will be removed. Finally, it invited donors to 'untie' aid, that is, relax those restrictions that prevented developing countries from buying the goods and services they needed from whomever and wherever they could get the best quality at the lowest price. Until then, most international donors forced recipient government to use development funding to purchase services and goods from companies based in the donor countries, thereby reabsorbing the money that was 'officially' spent on aiding the poor. The same year, the Doha Declaration on Financing for Development sent out two additional messages to the aid sector: development funds would continue aiming for the official targets despite the global economic crunch and more work should be put into analysing the developmental impacts of the financial crisis (UN 2008).

An important byproduct of this multilateralization process was a shift in the official language: development countries would no longer be referred to as 'recipients', but – due to the new

² Most observers and policy makers have indeed concluded that the MDGs will most probably not be achieved by 2015.

emphasis on ownership and mutual responsibility – their role would be officially upgraded to that of ‘partners’.

The EU and the Trade-Development Nexus

The EU and its Member States have played a generally proactive role in all above mentioned multilateral fora. As key members of the Organization for Economic Cooperation and Development (OECD), most European countries have also led the rest of the world in terms of overall aid commitment. In 2010, the United Kingdom, France and Germany were among the largest donors of official development assistance (ODA). In the same year, the EU members of the OECD Development Assistance Committee (DAC) provided a combined USD \$70.2 billion, representing 54 per cent of the total aid disbursed by OECD donors. Since the adoption of the Monterrey Consensus, the European Commission has been tracking the EU’s performance on an annual basis: its data shows that aid levels increased by more than 30 per cent from 2004 to 2005, and the provisional target of reaching 0.39 per cent of GNI in 2006 was exceeded with a record €47.7 billion in official development assistance. After a temporary decline in 2007 (0.37 per cent of GNI), EU aid increased again to over 0.40 per cent in 2008. In 2009, aid volumes were slowed down by the eruption of the financial crisis, although the EU remained the most generous global donor mobilising more than half of global development assistance: the overall European aid (EU institutions plus the Member States) totalled 0.42 per cent of their combined GNI.

At the same time, the EU has not been able to meet its collective intermediate target of 0.56 per cent ODA/GNI by 2010, although five of the six countries that have already exceeded the UN final target of 0.7 per cent of GNI devoted to development aid are EU Member States: Belgium, Denmark, Luxembourg, the Netherlands and Sweden. In order to bridge the gap between more and less ‘virtuous’ European donors, the Commission has proposed that all Member States establish annual action plans for reaching individual targets by 2015. Although the EU and its Member States have fully subscribed to the growing multilateralization of the development sector and often played a leading role in this process, nonetheless their policies have only gradually evolved from a tradition of bilateral and preferential treatments, which have by and large generated replications, overlaps and ineffectiveness. To this, one must add the inevitable bureaucratic machinery that appears to be endemic of Brussels politics and that, over the course of time, has led to duplicate offices, sectoral conflicts and institutional competition.

The European development policy is as old as the very idea of a united Europe. The Treaties of Rome, which in 1957 formally established the then European Economic Communities, also provided for the creation of the European Development Fund (EDF), an instrument originally designed to support European colonies in Africa, the Caribbean and the Pacific (ACP) as well as the so-called overseas countries and territories (OCT) falling under European control. Ever since 1959, there have been 10 partnership agreements (also known as convention cycles) that have governed the EDF life, latest of which is the current 2008-2013 EDF totalling €22,682 billion. Even though a heading has been reserved for the EDF in the Community budget since 1993 (following a request by the European Parliament aimed at simplifying the institutional complexity of the system), the Fund does not yet come under the Community's general budget. It is, therefore, funded directly by the Member States and is subject to its own financial rules and specific management committee. By contrast, what falls under the EU budget is the development aid that the Commission administers on its own and that is currently managed by one single office, EuropeAid Development and Cooperation. This recently established unit (it was inaugurated in early 2011) brings together the former Development and Europeaid Directorates General and is expected to simplify programming and communication in the development field and act as a single contact point for the brand-new External Action Service. Previously, the Commission's development policies were managed by a variety of different offices depending on their geographical reach and thematic nature (e.g. democracy aid, cooperation with non-state actors, reconstruction in the Balkans and the former Soviet Union, etc.), making it quite complicated to draw a coherent and unitary assessment of their efficacy. To this overall complexity, of course, one could add the bilateral development policies that all EU Member States have been implementing in developing countries, especially those which used to belong to the previous colonial empires and have, ever since, remained within Europe's sphere of influence.

Since the European focus on development cooperation historically originated out of the 'privileged' relationship between Europe and its colonies, it is not surprising that such an imprint is still driving EU aid policies. After the two Yaoundé Conventions (1964-1975) and the four Lomé Conventions (1975-2000), the Cotonou agreement has been governing the relationship between the EU and the countries of the ACP group since 2000 (and, in its revised form, since 2008). To these macro-conventions one must also add the Everything But Arms (EBA) initiative, a special trade scheme that allows least-developed countries (LDCs) a duty-free access to the European market (for all goods except arms and ammunitions), without any quantitative restrictions (with the sole exceptions of bananas, sugar and rice).

Starting in 2000, the EU's development assistance underwent a phase of reforms and re-planning starting, which was also based on an overall evaluation of aid policies highlighting how the links between the various actors, particularly the Community and the Member States, had to be strengthened in order to maximise the impact of the EU's development aid (Holland 2002). Having had different philosophies and priorities in the field of development aid, the EU attempted to introduce some clarity in 2005, with the promulgation of the widely heralded European Consensus on Development. As admitted by the EU itself, "for the first time in fifty years of cooperation, the Union was to give itself a framework of common principles within which the EU and its Member States would each implement their development policies in a spirit of complementarity" (EU 2005). Thus, better complementarity and coordination³ in terms of division of work (also with other donors) were underlined as necessary ingredients of a more effective development strategy. More importantly, the focus was put on 'consistency' across different policy sectors so as to ensure that development objectives would also be taken into account in the conduct of other common policies. This final call for a holistic philosophy capable of promoting a more development-friendly approach to the overall set of EU's external policies pointed out an essential relation: the crucial link between trade and development.

In the Consensus, the EU reiterated its commitment to a more coherent approach to development targets and, against the backdrop of a multidimensional understanding of poverty eradication (which includes promoting human rights and equitable access to public services, sustainable management of natural resources, pro-poor economic growth, trade, migration and social cohesion), it stated the following:

The EU is fully committed to taking action to advance Policy Coherence for Development in a number of areas. It is important that *non-development policies* assist developing countries' efforts in achieving the MDGs. The EU shall take account of the objectives of development cooperation in *all policies* that it implements which are likely to affect developing countries. To make this commitment a reality, the EU will strengthen policy coherence for development procedures, instruments and mechanisms *at all levels*, and secure adequate resources and share best practice to further these aims (EU 2005, emphasis added).

³ http://europa.eu/legislation_summaries/development/general_development_framework/r12003_en.htm

Since the adoption of the Consensus, the Commission has admittedly focused on the contribution that policies beyond development —such as trade, agriculture, environment, security and migration— can make to achieve the MDGs and has recognized that development goals must be backed up by other policies to have a major impact. As it declared, the “EU's aim is to maximise the positive effect of its policies while minimising their negative impact on developing countries” (European Commission 2007b). Notwithstanding the stress on development-friendly policies at all levels, though, the EU’s approach to trade with developing countries has remained largely based on the key tenets of market liberalization. Some lofty guarantees were made that the EU would “maintain its work for properly sequenced market opening, especially on products of export interest for developing countries, underpinned by an open, fair, equitable, rules-based multilateral trading system”. But very little was achieved in practice, particularly against the background of a failing Doha Round at the WTO.⁴

Given the historical relationship linking Europe and Africa, it is surprising that until 2007 there was no overall cooperation framework between the EU and the overall African continent, let alone a coherent development policy. Africa has been traditionally approached in a piecemeal fashion, with the northern countries included in the Barcelona Process and then Neighbourhood Policy and the sub-Saharan countries conflated into the ACP group. The adoption of the Africa-EU Joint Strategy in 2007 partly addressed this deficiency although it is not yet clear what the tangible developmental effects of this new cooperation scheme will be. In principle, this new framework should allow both parties to broaden development cooperation by also addressing mutual political issues and move beyond a strategy that is focused exclusively on African concerns to also address European and global problems in multilateral fora. Perhaps, though, the most interesting shift is at the level of language. Mirroring the evolution described above with regard to the multilateralization of development, the new strategy speaks of the EU and Africa as ‘equal partners’, ushering in a phase in which the parties involved should be able to interact on equal grounds in order to benefit each other. In 2009, the former EU Development Commissioner Louis Michel maintained that

[w]ith its rich economic and human potential, Africa is poised to play a greater role in this emerging new world order. It is in the economic and political interests of Europe to help it do so [...]. Investing in Africa is therefore the right strategic choice.

⁴ Ever since 2008, the Doha Round has been stalling over a number of controversies involving different expectations and demands by the European Union, the United States and most emerging and developing economies.

Thus an historic relationship of asymmetry and dependence has been rhetorically re-framed as a 'strategic partnership', which intimately links development, trade and other allegedly 'mutual' concerns such as migration and security (Olivier 2011). Needless to say, though, there is significant skepticism in most African countries regarding the equal nature of this partnership, as will be further illustrated in the section below.

As a consequence, while the official EU discourse has outlined a gradual revolution in the way in which trade has been re-designed to support sustainable development, in practice the main emphasis has remained on pushing developing countries to introduce liberalization reforms, remove trade barriers and espouse free market of goods and services, the very same issues that most emerging and poor economies have been fighting against in the multilateral context of the WTO negotiations. The Economic Partnership Agreements negotiated in 2007-2008, which were to reform the preferential arrangements of the Cotonou Agreement in order to make it compatible with the multilateral trade regime forged by the WTO, fully reflected this contradiction. Officially presented as a development-friendly trade scheme, they were ultimately opposed by most African countries as aggressive neo-liberal impositions.

The Economic Partnership Agreements: a Case of Aggressive Multilateralism

The original text of the Cotonou Agreement (also known as Partnership Agreement) envisaged the creation of reciprocal trade agreements between the EU and regional blocs of ACP countries by 2008, with preliminary negotiations to formally begin in 2002 (EU 2000, Article 37.1). The Agreement also specified that all "necessary measures" would be taken into account in order to ensure that the negotiations were concluded within the indicated period and, quite importantly, the preparatory period should be actively used for "capacity-building in the public and private sectors of ACP countries, including measures to enhance competitiveness, strengthen regional organisations and support regional trade integration initiatives" (EU 2000, Article 37.2/3).

As discussed above, the rationale behind the introduction of the EPAs related to the new multilateral trade framework sponsored by the WTO, which was a catalyst of the whole reform process. While the various Yaoundé and Lomé conventions had historically offered the ACP a comparative advantage (that is, preferential market access) vis-à-vis other (also developing) countries, this type of 'privileged' relationship would no longer be tolerated under the new reciprocity philosophy endorsed at the global level. Since non-discrimination

is a fundamental tenet of multilateral trade and countries that had traditionally suffered the consequences of the EU's development policy became increasingly willing to bring legal challenges before the WTO, the EU was faced with only two options: offer the same preferences in a non-discriminatory way to all developing countries or negotiate a free trade agreement with the ACP after the expiry of the waiver in 2007. Concerned about the negative implications that an all-round preferential access to its market would have had for the European economy, the EU opted for the 'safer' alternative, that is, the establishment of a free trade area, sugar-coated through the apparently neutral label of 'economic partnership'.

The conditions under which the WTO allows for positive discrimination in favour of certain partner countries are covered by Article XXIV of the General Agreement on Tariffs and Trade (GATT). More specifically, the WTO permits members that are creating a free trade area to discriminate in favour of their partners (and against outsiders) provided that two key requirements are met: 1) the liberalization must regard 'substantially all' trade between the ACP and the EU; 2) the liberalization process must be completed within 'a reasonable length of time'.⁵ Moreover, since the meaning of both these requisites ('substantially all' and 'reasonable length of time') is not clearly defined, there is considerable leeway for a multilateral engagement able to take the various needs of the contracting parties into account while preserving the WTO's legitimacy. Yet, in the EPA negotiations the EU unilaterally fixed the coverage at a minimum of 90 per cent of tariff elimination and the transition period to obtain this goal at a maximum of 15 years for all ACP countries irrespective of their "different needs and levels of development" as required by the Cotonou Agreement (Article 35.3). While some ACP countries, notably in the Caribbean (CARIFORUM), complied with the EU's demands and timeframe, most African counterparts argued for a different interpretation of the WTO rules and called for a development friendly revision of Article XXIV (AU 2006).

Furthermore, while the WTO regulations only covered trade in goods, the EPAs ended up also including trade in services, intellectual property rights and the so-called Singapore issues.⁶ Historically, the ACP had been reluctant to embark on negotiations dealing with these more sophisticated commercial sectors (also known as WTO-plus issues) because of

⁵ Article XXIV is available online: http://www.wto.org/english/docs_e/legal_e/gatt47_02_e.htm (accessed on 30 April 2011).

⁶ The Singapore Issues include: transparency in government procurement, trade facilitation (customs issues), trade and investment, and trade and competition. Deriving their name from the WTO working groups that gathered in Singapore to discuss them in 1996, they have since been opposed by most developing countries within the Doha Round.

potential disadvantages, the uncertainty about medium to long-term implications and the lack of capacity to identify offensive and defensive interests. They preferred dealing with such issues on an autonomous basis first, at the national or regional level, a prerogative also supported by the Cotonou Agreement that explicitly stated that service-related liberalization would only be negotiated after the ACP countries had “acquired some experience” in dealing with the key aspects of the general agreement on trade in services (Article 41.4). In response to growing criticisms, the EU Council acknowledged “the right of all ACP States and regions to determine the best policies for their development” but it reiterated that it would like the EPAs to also include “trade in services, investment and other trade-related areas” (EU Council 2007).

Although negotiations formally began in 2002, the first three years passed without significant progress. As already observed, the parties could not agree on basic principles and interpretations, which were made even more complicated by differing stances regarding EPAs’ developmental impacts. The development component of EPAs was (and still is) hotly contested. From the Commission’s point of view, the reciprocal character of EPAs and the inclusion of binding regulations addressing issues such as competition, investment and government procurement policies rendered them development-friendly (Meyn 2008). African countries, by contrast, emphasized the need to link aid for trade to EPAs and to secure long-term financial resources for their implementation. While they aimed to tie liberalization commitments to development aid arguing that guaranteed access to long-term funds was crucial to overcoming supply-side constraints and diversifying the production base, the EU insisted that EPA negotiations and talks on development finance were two separate issues. Whereas the latter pledged that specific funds to implement the EPAs would be made available under the 10th EDF, its African counterparts found it unacceptable to limit guaranteed funding to 2013, given that the implementation process would extend beyond this date and the full effects of major liberalization and regulatory reforms would only be felt thereafter (AU 2007).

In 2006, the Conference of Trade Ministers at the African Union (AU) gathered in Nairobi, Kenya, issued an alarming message to its European counterpart reiterating that the EPAs should, first and foremost, “be tools for the economic development of Africa”:

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. We urge our negotiating partners to clearly demonstrate the development content of

the proposed agreements, and adequately address supply side constraints, infrastructure bottlenecks, and adjustment costs, bearing in mind that trade liberalisation together with the accompanying liberal policies, may not by itself deliver economic development. In this regard, we emphasise that the development content should include, inter alia, adequate financial and technical resources; full market access to the European markets for African goods and service providers; and policy space and flexibility for implementation of development programmes in Africa (AU 2006).

The EU had little to offer to address these concerns. On the one hand, it insisted that ACP countries take binding decisions which would lock them in for 15 to 25 years. On the other hand, it was neither able to prove that these reforms would bring about development, nor willing to guarantee that EPA costs would be met with additional development aid. According to some estimates, compliance costs would amount to at least €9 billion, the bulk of which borne by African countries (Milner 2006). In addition to these costs, during the first stage of liberalization alone, African countries are expected to lose \$359 million per year due to tariff elimination (Bilal and Stevens 2009).

Two additional issues impacted directly on the multilateral essence of the EPA negotiation. The first concerns regional integration in Africa, one of the alleged top priorities of the EU's involvement in the continent. Although presented as a free trade agreement among 'regions', the EPAs were widely criticized for being potentially disruptive of indigenous regionalization processes in Africa. In so far as they forced African countries into specific groupings that were not coterminous with pre-existing formations, they inevitably exerted an additional strain on an already-complicated web of overlapping regional economic communities (RECs) and customs unions, which African leaders have been trying to reconcile with the overall integration project of the AU (Trade and Law Centre for Southern Africa 2010a/b).⁷ In the specific case of Southern Africa, the impact of an EPA on regional integration was further compounded by the existence of a free trade agreement between South Africa, the regional powerhouse, and the EU. This agreement, also known as the Trade, Development and Cooperation Agreement (TDCA), was imposed by the EU in the late 1990s in order to prevent the too-competitive post-apartheid South African economy from enjoying preferential treatment under the Lomé convention, and has ever since complicated internal relations within both the Southern African Development Community

⁷ 'EU's "divisive" trade deal comes under fire at SADC conference', Business Day, 25 June 2010. Available online: http://www.tralac.org/cgi-bin/giga.cgi?cmd=cause_dir_news_item&cause_id=1694&news_id=88961&cat_id=1052 (accessed on 30 April 2011).

(SADC) and the Southern African Customs Union. While the SADC group was not able to sign an EPA in 2007, they *initialled* an interim Economic Partnership Agreement (iEPA) but only four countries actually signed it in 2009. These were Botswana, Lesotho, Swaziland and Mozambique, which had broken ranks with South Africa and Namibia (the other two members) for fear of losing market access for their export to Europe (Tralac 2010 b). These events followed a prior division within the region, when other members such as Mauritius, Malawi, Zambia and Zimbabwe decided to quit SADC and join the East Africa EPA grouping, at a time when SADC was in the process of establishing a trade protocol to liberalise all internal trade by 2012.

According to Kornegay and Olivier, the EPAs posited the threat of “an economic recolonization” of Africa through a new “divide and rule” rendition of “an already complicated regional integration terrain” (Kornegay and Olivier 2011: 7-8). For trade specialist Peter Draper, the most enduring legacy of the EPA process is likely to be the potentially fatal blow they have dealt to feeble regional economic integration efforts in sub-Saharan Africa:

Central to this is the EU’s well-intentioned differentiation between LDCs and non-LDCs and the presence within all groupings of both categories of countries. Thus some countries are obliged to open their markets to EU exports whilst others aren’t, rendering internal policing of EU-sourced goods probably a chimerical task in the face of chronic institutional weaknesses in trade administrations across the sub-continent (Draper 2008: 1-2).

Also the AU pointed out the serious risk that the EPAs might undermine the lengthy process of regional cohesion and cooperation, at a time when Africa was “taking significant measures to enhance regional integration and address the question of rationalisation of the RECs”:

The EC should fully recognize and respect these measures, and work within them. The EPAs should be supportive of this process and should not be seen to undermine it, including, among others, in the areas of trade liberalization and commitments on elimination or reduction of trade barriers to EU imports, EPA configuration and membership in the RECs, development cooperation, and financing of the programmes of the RECs. Reinforcement of regional integration is a pre-requisite for the African countries being able to benefit from the EPAs. In this regard, regional integration should always be given primacy over EPAs, which should support and strengthen it (AU 2007).

In December 2007, at the eve of the Africa-EU Lisbon summit signalling the expire of the WTO waiver, EU negotiators exerted enormous pressure on African states to sign all EPAs, eliciting a poignant response from their counterparts, who accused the EU of “mercantilist interests” that “have taken precedence over the ACPs developmental and regional integration interests” (ACP Council of Ministers 2007).

The second issue pertains to the link between the EPAs and the overall state of affairs at the Doha Round. As underlined by African institutions, the “suspension of the Doha Round is [...] likely to have serious implications on the progress and content of the EPA negotiations and on the final agreed EPA texts”:

The need to ensure coherence in any commitments by the African countries in the EPAs with the progress made in the Doha Round must be emphasised. It would be premature to finalise and conclude EPAs before the conclusion of the WTO negotiations under the Doha Work Programme. Also, it is important to ensure that the EPAs do not contain obligations on the ACP regions that would be *far in excess* of WTO obligations. *Issues that have been rejected in the WTO by Africa should not now be introduced in the EPAs* (AU 2007, emphasis added).

Therefore, the EPA negotiations were also influenced by the growing rift between developed economies and developing markets concerning the overall multilateral reforms proposed at the WTO. In 2007, at the peak of the EPA process, the Doha Round had already revealed fundamental tensions, especially between the EU/US bloc and the leading emerging markets, such as China, India and Brazil. Most sub-Saharan African countries aligned with the emerging markets’ positions thereby augmenting their relative strength, which would have not been possible outside of a multilateral framework. Thus, re-introducing via the EPAs the vary same themes – such as trade in services and the Singapore Issues – that had already been disqualified at Doha appeared not only anachronistic but also duplicitous on the part of the EU.

In general, the negotiating strategy of the EU, which brought about regional divisions and attempted to bypass Doha through a last minute approval of the EPAs, was widely criticized by observers and local policy makers. According to some, the EU has “repartitioned” the sub-Saharan African region in order to preserve its leading role and historical leverage (Lee 2009; Goodison 2007a/b/c). For others, the EPAs have been an attempt at re-colonizing

Africa by “maximising trade dominance” with the region (Stoneman and Thompson 2007: 112). According to Arndt Hopfmann, regional director for Africa at the Berlin-based Centre for International Dialogue Cooperation, some of the clauses included in EPA agreements “are designed to prevent growing influence from China, Brazil and other emerging nations”⁸, while other local analysts are of the opinion that Africa would reap greater rewards trading within its borders, rather than breaking ranks with fellow regional members to accept a “forced trade” with the EU.⁹

The Namibian trade minister, Hage Geingob was particularly vociferous in criticizing the negotiating approach of the EU representatives, especially the EU Trade Commissioner Karel de Gucht, whose attitude was defined as “condescending”. Speaking about the treatment his country received when it pulled out of the initialled interim SADC EPA, he lamented that:

We cannot sign an agreement just for the sake of giving in to the demands of the other side [...] Is this perhaps part of the tactics of divide-and-rule and playing us off against our fellow African countries? Bulldozing a member and so-called partner? Surely we should not condone this (Geingob 2010).

According to Rob Davies, the South African Minister of Trade and Industry, the European Commission adopted a “threatening” strategy characterized by a “take-it-or-leave-it” approach: “This led to a situation where a country that was unwilling to sign on did so under huge duress and with little enthusiasm” (Cronin 2007). In April 2010, the South African President, Jacob Zuma, hinted at the divisive impact that the EPA negotiation was having on Southern Africa underlining that the future of the local customs union was “undoubtedly in question” if African countries were not given a chance to “pursue the unfinished business of the Economic Partnership Agreement negotiations as a united group” (Van der Merwe 2010).

The underlying imbalance between the parties was not only evident in the EU’s negotiating attitude towards resilient African countries, but also in the technical resources available to those partners that showed a more conciliatory predisposition. Due to the complexity of the

⁸ ‘EU as a hidden agenda in EPA, says expert’, *East African Business Week*, 30 November 2010. Available online: http://www.tralac.org/cgi-bin/giga.cgi?cmd=cause_dir_news_item&cause_id=1694&news_id=96135&cat_id=1052 (accessed on 30 April 2011).

⁹ SADC uniform EPA negotiation no mean feat, *Informanté*, 21 January 2011. Available online: http://www.tralac.org/cgi-bin/giga.cgi?cmd=cause_dir_news_item&cause_id=1694&news_id=97909&cat_id=1052 (accessed on 30 April 2011).

issues under discussion and their long-term impact, it appears that a number of African delegations did not have the capacity to conduct their own independent impact evaluations and heavily relied on assessments provided by European counterparts. More recently, this asymmetry was also evident in the negotiation of the EU-Africa energy partnership, when the European Commission created the Partnership Dialogue Facility (PDF), an institution funded by and headquartered in European countries to support developing countries in their negotiations with their European counterparts. Although the PDF allegedly served the purpose of building negotiating capacities in Africa, it inevitably revealed deeply entrenched conflicts of interest.¹⁰

After the 2007 debacle, when most African countries refused to sign EPAs and the WTO waiver was let expire, the only way ahead for many ACP states was to sign interim agreements with the EU. To date, partial EPAs were agreed upon with Cameroon in Central Africa; Botswana, Lesotho, Swaziland and Mozambique in Southern Africa; individual agreements with Ivory Coast and Ghana in West Africa; a regional agreement with Comoros, Madagascar, Mauritius, Seychelles, Zambia, Zimbabwe (but with individual market access schedules) and a regional agreement with the East African Community.

By the end of 2010, three years after the deadline of the WTO waiver, the AU Commission in cooperation with the RECs drafted a position paper on the EPAs, which was then adopted by the Ministers of Trade in Kigali, Rwanda. In this declaration, African states reaffirm their commitment to respecting the “objectives agreed by the international community at the multilateral level” and call on the EU to “show greater appreciation” and “display more sense of understanding” so that the EPAs “can achieve the development objectives, including the maintenance of adequate policy space, the need to sustain and deepen regional integration and the non-acceptance of WTO-plus commitments” (AU 2010).

It is not yet clear whether the African signatories of the interim EPAs will have the capacity to implement these agreements and for how long these ‘temporary’ schemes will be in force. As these countries open their markets to EU exports, they are likely to experience competition, concomitant trade disruption and possibly trade diversion. Countries that depend on import taxes to sustain their public finances may also experience declining revenues and, possibly worst of all, a process of “de-industrialisation as what little industry there is in African economies may disappear” (Draper 2008).

¹⁰ This case was mentioned during one of our interviews at the EU delegation in Addis Ababa, Ethiopia, in September 2010.

Conclusion

For decades, the relations between Africa and Europe have been driven primarily by interests, in spite of overtones of altruism and benevolence. Bilateralism has prevailed since the end of colonization and for most of the 20th century. Privileged agreements, preferential treatments and other ad-hoc mechanisms guaranteed the enduring grip of European interests in the continent, while preserving African governments' access to conditionality-free development aid. The new multilateral framework of the XXI century, epitomized by the global trade reforms promoted by the WTO, partly challenged this state of affairs by introducing principles such as reciprocity and non-discrimination. At the same time, though it also presented Europe with new avenues for reaffirming its leadership in Africa through the overall reform of the two continents' trade and development relationship guaranteed by the EPAs.

To the surprise of European policymakers, though, the EPA process was a bumpy ride. Amid tensions, misunderstandings and fears of hidden agendas, the 2007 deadline was approached with no significant achievements between Europe and its African counterparts. Quite ironically, this stalemate coincided with the widely heralded EU-Africa summit promulgating the strategic partnership between Africa and Europe. Contrary to the EU's rhetoric, though, this new relationship has not been marked by a 'partnership of equals' but rather by Europe's increasing negligence of Africa's development concerns. On the one hand, post-2004 EU member states face onerous conditions in meeting EU criteria and get less and less support to do so. On the other hand, the old guard of rich EU member states are also increasingly unwilling to promote Africa development, particularly with respect to long-term financial commitments and matter further complicated by the global economic crisis. At the same time, the attitude of African countries towards the EU has also changed. Nowadays, Europe has become a less attractive market for African produce, especially due to increasingly stringent safety standards, subsidies and other non-tariff trade barriers imposed by the EU. As maintained by a scholar, "[t]he drama being played out over EPAs is providing an example of what happens if an external power tries to force the pace of change in other countries (Stevens 2006: 449).

For all intents and purposes, the EPA negotiation was an eminently multilateral process. Not only was it conducted within the WTO framework, but also aimed at guaranteeing non-discrimination towards third parties and involved a variety of regional groupings, each composed by various countries. Nevertheless, the asymmetry of power and resources *de*

facto turned it into a quasi-unilateral negotiation, in which dissenting counterparts were only given the ‘exit’ option with little or no ‘voice’. Rather than ushering the two continents into a new developmental trajectory, the EPAs became a catalyst of tensions and will probably be remembered as the “most aggressive regional trade agreements ever witnessed in the history of the trade relations between the EU, the world’s biggest economic bloc, and the world’s poorest countries”.¹¹ Throughout the protracted negotiation phase (over eight years), local analysts also highlighted additional distorting factors such as the EU’s substantial leverage as the leading donor in the region, with a penchant for orchestrating “puppet” mechanisms on the African side to do the EU’s bidding (Vickers 2011: 190).

As an extension of what is depicted as a “distributive strategy” based on this leverage (Kornegay and Olivier 2011), it was also pointed out how the EU orchestrated African business support for its negotiating agenda, which included DG Trade’s deliberate decision to create “an EU-African corporate consensus on EPAs to back up its own agenda” and to push “the European employers’ federation, BusinessEurope, to take a more extreme position on the negotiations”.¹² For some, Europe’s economic woes may be lending an added sense of urgency to the EPA project to, in effect, arrive at a post-colonial re-integration of Europe and Africa in a manner that locks in Africa’s subordinate status within a rapidly changing global political economy, in the process, reinforcing the continent’s fragmentation (Kornegay and Olivier 2011).

Obviously, the EPA case raises a number of questions regarding the effectual nature of multilateral processes. Undoubtedly the EU exploited the multilateral nature of the EPAs (i.e. conformity with WTO requirements, mainstream approach to development through free trade and parallel negotiations with a variety of developing countries) to push its own agenda. Through the leadership it exerted in terms of trade volumes, technical expertise and political leverage, it could easily marginalize the most resilient counterparts (including emerging economies such as South Africa) and induce poorer countries to breakaway from their regional alliances and sign on separate agreements. On the other hand, African countries did not always manage to prioritize common as well as regional interests and ceded to the

¹¹ ‘EU as a hidden agenda in EPA, says expert’, *East African Business Week*, 30 November 2010. Available online: http://www.tralac.org/cgi-bin/giga.cgi?cmd=cause_dir_news_item&cause_id=1694&news_id=96135&cat_id=1052 (accessed on 30 April 2011).

¹² ‘EU Commission manufactured African business support for EPAs’, Corporate Europe Observatory, 23 March 2009. Available online: <http://www.corporateeurope.org/global-europe/news/2009/03/23/commission-orchestrated-support-epas> (30 April 2011).

temptation of joining whatever grouping that appeared to secure the best short-term returns, largely at the expense of regional cohesion and integration.

Besides all the factors discussed in this paper, there is also an additional exogenous reason why the EPA process failed at achieving its original design. For the past decade, sub-Saharan Africa has become a fertile ground for the ambitions of emerging powers, from China to India and Brazil. The growth of such 'South-South' economic cooperation has largely occurred at the expenses of traditional European markets, which have lost about 50 per cent of their share over the last few years (Roxburg et al. 2010). For better or worse, African countries have now more commercial partners than ever before and can more freely negotiate the deals that suit them best. As remarked by Africa specialist, Chris Alden

Africa, the erstwhile forgotten continent, is once again the object of Great Power interest. The West, architect of the African state system and its economic foundations, seeks to tie its prevailing commercial dominance to an ambitious agenda of structural change for the continent. By way of contrast China has entered Africa simply to satisfy the insatiable of its own infant market economy, and has little interest in Africa's internal problems or politics. The result has been a new scramble for African resources, but one in which the interests of the Great Powers are increasingly taking on an ideological tint, pitting two visions of foreign partnership with Africa against one another (Alden 2007: 93).

As early as 2007, looking at the increasing relevance of non-European interests in Africa, the Commission already sent out the alarm that the EU might be losing ground in its post-colonial backyard. Rightly, it identified the need for a rejuvenated relationship capable of reinventing itself in potentially radical ways:

Africa is now at the heart of international politics, but what is genuinely new is that Africa [...] is emerging, not as a development issue, but as a political actor in its own right. It is becoming increasingly clear that that Africa matters — as a political voice, as an economic force and as a huge source of human, cultural, natural and scientific potential [...]. This means that if the EU wants to remain a privileged partner and make the most of its relations with Africa, it must be willing to reinforce, and in some areas reinvent, the current

relationship — institutionally, politically and culturally (European Commission 2007a).

Unfortunately, the EPA debacle arguably shows that the EU has not yet been able to rethink this relationship beyond the classical categories of dependence and dominium, hidden under the benevolent image of 'partnership'. Yet, a genuine multilateral process should start from focusing on the profound meaning of this term. What does it mean for Africa and Europe to be equal partners? What are the underlying structural deficiencies that need to be addressed for this to become more than a self-serving rhetorical label? How should not only the interests at stake and the various preferences be redefined, but also the ultimate goals of this alleged partnership?

In this regard, it is perhaps worth citing again the Namibian Minister of Trade:

I call on our friends in Europe not to abandon us and to work with us towards a lasting solution. After all, the EPA is about partnership towards the shared goals of poverty alleviation and economic development. Let's not use bully tactics or old colonial arrogance. Let's be partners who are equal in sovereignty (Geingob 2010).

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