

Ideas and Institutions in the EU-ACP Economic Partnership Agreements

A Study of EU Policy Evolution and
the SADC-Minus Negotiations

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PhD

University of York

Politics

September 2014

Abstract

In the mid 1990s, the European Union (EU) abandoned its legal defence of the Lomé Convention, which had governed EU relations with European former colonies in Africa, the Caribbean and the Pacific (the ACP countries) since 1975. In its place, the EU proposed a series of comprehensive regional free trade agreements – the Economic Partnership Agreements (EPAs) – which went far beyond the requirements of WTO rules in their scope. In this thesis, I aim to add to existing understandings of the EPAs by explaining (a) why the EU sought to recast the EU-ACP relationship in the form of ambitious interregional free trade agreements; and (b) why the EU was able to achieve only limited and uneven success in reaching agreements that matched these aims.

In order to address these questions, I develop a theoretical approach that combines insights from constructivist and historical institutionalisms. I aim to contribute to existing constructivist approaches by (a) investigating the emergence of complexity and contradiction within policy outputs over time; and (b) exploring the role of strategic appeals to institutional constraints in persuasive discourse. I use this theoretical approach to draw analytical linkages between the internal processes through which EU external economic projections are formed and their external reach. Specifically, I highlight the emergence of a range of contradictions within the EU's approach to the EPA negotiations and explore the role of these contradictions in facilitating the contestation of the EPAs by actors from across the ACP regions and particularly from the case study region, SADC-minus.

Overall, I argue that the EU's external economic policy aims and tools are the product of the strategic actions of purposive actors working within the context of path-dependent institutional structures and patterns of past relations with the outside world. In this context, the reach and limitations of EU external economic actions are contingent upon the historical processes through which they are constructed and the understandings, strategies and alternatives that external partners bring to the table.

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Acknowledgements

This research would not have been possible without the support of family, friends, colleagues and teachers.

First, I would like to thank Tony Heron, who has been a fantastically generous and supportive supervisor. His academic guidance has been instrumental in shaping the argument presented in this thesis and he has devoted a great deal of time and effort to providing invaluable and incisive feedback on various iterations of this work. Invariably, I left meetings with Tony feeling clearer about the direction of my thesis and better about my work. Tony has provided me with fantastic professional opportunities and most of all he has been a great friend, ally and guide throughout this process.

I would also like to thank my two second supervisors – Liam Clegg and Tony Payne – who have both offered very useful feedback and enthusiastic support at different stages of the PhD. My thanks also go to my colleagues in the Department of Politics at the University of York, who have been particularly supportive during the last year while I have juggled the thesis and full time work. I would also like to thank colleagues and teachers in the Department of Politics at the University of Sheffield, where I did my undergraduate and master's degrees and where I spent the first two years of my PhD.

The Economic and Social Research Council provided generous funding for three years of PhD research and fieldwork in Brussels and Southern Africa, without which this research would not have been possible.

My appreciation goes to everyone who agreed to speak to me for my research and who made my time in Brussels and Southern Africa fascinating and fun. The Faculty of Law at the University of Cape Town generously hosted me as a visiting researcher for three months. My specific thanks here go to Evance Kalula and Chris Zenim, who went above and beyond the call of duty to make me feel welcome and help with my research. I would also like to thank the University of Botswana and Dama Mosweunyane for hosting me in Gaborone.

Many friends and colleagues gave me help and advice during the course of the PhD. A special mention for Gabriel Siles-Brügge, who commented on various conference papers, provided contacts for fieldwork, gave support and encouragement, and took me on excellent conference road trips to Brussels, Edinburgh and Warwick. Also for Matt Bishop, who encouraged me to take on the PhD and has become a hugely supportive mentor and friend. I would also like to thank everyone who has commented on my work and given me opportunities to participate in interesting and stimulating research projects alongside the PhD. Special thanks, in no particular order, to Lucia Quaglia, Ben Richardson, Liam Campling, Mike Humphrey, Matthew Watson, Nicola Smith, Dani Adams and Frederik Söderbaum. My thanks also go to all the people at Sheffield and York who have shared the PhD process with me and managed to keep a sense of humour along the way: Joe Turner, Nuray Aridici Turner, Su Arnall, Martin Craig, Matt Wood, Gemma Bird, Clara Sandelind, Paul Tobin, John Mellors and Sydney Calkin.

Finally, I could not have dreamed of getting here without the love and support of my friends and family. Thanks to my dad for food, football, Seinfeld, for visiting me in South Africa, and for getting me through the last few weeks of the thesis. Thanks to my mum for more food, holidays, walks by the sea, and giving me the courage to go off on my own. Thanks to my grandparents for their support and for inspiring me. Thanks to Jo for suggesting that I study the Economic Partnership Agreements, for commenting on Chapter Two, and for lots of advice, meals and laughs. Thanks to the friends who have been with me since I started my undergraduate degree at Sheffield: Alun, Becky, Corwin, James, Kathryn, Sam and Sidge. Special thanks to Lesley, who keeps my feet on the ground, reminds me that there's more to life than work, and who will cringe at this acknowledgement. Finally, to my partner and best friend, Amy. She has shared the highs and lows of producing this thesis with me like no one else and this is for her.

Author's Declaration

The work contained within this thesis is my own and I am responsible for it. In some parts of the thesis I have adapted material from a paper that I co-authored with my supervisor Tony Heron (Heron and Murray-Evans 2013). This paper is not yet published or under review, but was presented at the Sheffield Political Economy Research Institute Annual Conference in July 2013. Footnotes within the chapters indicate where I have drawn on this paper. The material that appears here is based on my own research, or, where it draws on Tony's previous research and publications it has been referenced as such.

If you don't like someone's story, write your own.

Chinua Achebe
(interview by Jerome Brooks 1994)

Chapter One

Introduction

1.1 Research Puzzles

The empirical starting point for this thesis is the dramatic transformation of European Union (EU) trade and development policy towards former European colonies in Africa, the Caribbean and the Pacific (the ACP countries) in the 1990s. This radical policy shift marked the end of the previous regime, which had been enshrined under the Lomé Convention (1975) and based on the supposedly politically neutral post-colonial provision of non-reciprocal trade preferences to the ACP countries. The Cotonou Agreement of 2000 proposed the replacement of this regime with a series of complex region-wide reciprocal free trade agreements (FTAs), known as Economic Partnership Agreements (EPAs). These agreements were in part designed to satisfy multilateral trade rules. More significantly, they marked an ambitious attempt by the EU to export an entire development model premised on regionalism, a comprehensive free trade agenda and ACP exposure to the competitive pressures of regional and global markets.

In October 2008, the Caribbean Forum (CARIFORUM) became the first region to sign a comprehensive EPA. Elsewhere in the ACP, though, the EPAs have been dogged by long and difficult negotiations, missed deadlines and perceived ACP intransigence. By 2011 – four years after the original deadline for the conclusion of the negotiations – only 34 out of 79 ACP states had signed even the more limited ‘goods only’ interim EPAs and still fewer had begun implementation (Bilal and Ramdoo 2011). In mid 2014, the EU secured the signatures of two more of the seven ACP regions – Southern Africa and West Africa – but only after it had made considerable concessions on a number of key issues and jettisoned much of its more ambitious negotiating agenda.

The thesis addresses two central puzzles in relation to these events. The first puzzle relates to the EU's dramatic about-face with regard to the legal defence of the Lomé regime in the 1990s and the ambition of the trade and development prospectus that EU policymakers proposed in its place. For much of the post-war period, the EU had defended the legality of the non-reciprocal trade preferences that it granted under the Lomé Convention. It was surprising, then, that in the mid 1990s the EU gave in to a series of challenges to its relationship with the ACP countries under the General Agreement on Tariffs and Trade (GATT) and World Trade Organisation (WTO). In the wake of these challenges, EU policymakers declared that wholesale change to EU-ACP trade relations was needed in order to render them compatible with multilateral rules. What is even more surprising, however, is that the EU proposed and has since pursued a set of agreements with the ACP countries – the EPAs – that went far beyond the requirements of WTO rules in terms of their content and regional scope. What is more, this ambitious attempt to export regional integration and a comprehensive free trade agenda through the EPAs came in the context of marginal and declining EU commercial and strategic interest in the ACP countries. The diplomatic efforts required by the complex and difficult EPA negotiations appeared significantly out of proportion with the EU's material interests in the ACP countries.

The second central research puzzle relates to the apparent disjuncture between the structural power of the EU and its limited success in shaping outcomes in the EPA negotiations. Over the course of the Lomé Convention, many ACP countries had accumulated a heavy dependence on preferential trade access to the EU market. Because of the non-reciprocal nature of this preferential relationship, the ACP countries had little leverage over the EU with which to counteract this dependence. This was particularly the case in the light of the ACP countries' declining position as an EU export market and supplier of raw materials since the 1970s. Furthermore, the EU is the world's largest trading entity (European Commission 2014), the world's largest donor of official development assistance (European Commission 2013), and has a diplomatic machinery that dwarfs that of the mostly very small and poor ACP countries. It would be sensible to assume,

then, that the recasting of the Lomé relationship in the form of EPAs was entirely in the EU's hands. In practice this was not the case. The EU encountered considerable opposition and contestation from the ACP countries and ultimately only reached one agreement – in the Caribbean – which matched the scope of its early ambition for the EPA negotiations.

In relation to these puzzles, I aim to address the following research questions:

- 1) Why in the mid 1990s did the EU undertake to recast its trade and development relationship with the ACP countries in the form of ambitious, comprehensive and contested interregional EPAs?
- 2) Why has the EU achieved only limited and uneven success in persuading the ACP countries to adopt its ambitious and comprehensive trade and development prospectus under the EPAs?

1.2 The Argument

The central findings of this thesis can be summarised as follows. I explain the puzzling shift in and expansion of EU policy ambitions towards the ACP countries by reference to an emergent consensus amongst EU policymakers about the most appropriate and effective aims and tools of EU external development policy. The new orthodoxy in this context was that ACP development would be best served by promoting the exposure of ACP countries to the competitive demands of regional and international markets. The emergence of this consensus was more to do with European policymakers' changing ideas about how best to promote development than the oft-cited challenges under the GATT and WTO to the existing EU-ACP regime. Whilst the neoliberal thrust of this agenda has been identified in the existing literature (Brown 2000; Faber and Orbie 2009b; Gibb 2000; Hurt 2003), the thesis extends this insight by exploring the particular character of this consensus, its embeddedness within the history of EU-ACP relations, and its articulation through the aims and tools deployed by the EU in the EPA negotiations.

With regard to the limited and uneven success of the EU's comprehensive agenda for the EPAs, I argue that this was largely the result of the way in which European policymakers constructed and mobilised the aims and policy tools associated with the EPA project. Specifically, the way in which EU policymakers developed and projected their emerging preference for the promotion of a liberal and regional model of development in the ACP countries was to invoke and mobilise a particular interpretation of WTO rules as the external imperative for recasting the EU-ACP relationship.

In reality, a range of options existed for rendering EU-ACP trade relations WTO compatible. These included the integration of the ACP countries into the EU's Generalised System of Preferences (GSP) or the negotiation of a multilateral waiver for the continuation of unilateral trade preferences. However, the EU chose to base the recasting of the Lomé relationship on Article XXIV of the GATT, which stipulated that preferential trading arrangements must be based upon the liberalisation of 'substantially all trade' between contracting parties. By giving particular significance to Article XXIV, EU policymakers were able to insist that the only way in which existing trade preferences could be preserved was if they were recast in the form of reciprocal FTAs that would open a significant portion of ACP markets to exports from the EU.

The EU deployed a range of policy tools in pursuit of the EPAs, including this invocation of WTO rules, material leverage associated with the downgrading of ACP countries' preferential market access, and a norm-based argument that comprehensive EPAs would support ACP development aims. By hitching their wagon to a particular interpretation of WTO compatibility, however, the EU's strategy for reaching agreement on the EPAs became vulnerable to inconsistencies. I highlight three tensions within the EU's EPA strategy in particular. These were: (a) the lack of any clear way in which the EU's commitment to differentiation could be incorporated within WTO-compatible EPAs; (b) the difficulty of reconciling WTO-compatible interregional FTAs with the existing historical patterns of regional organisation in the ACP group; and (c) the emerging preference of EU policymakers for the inclusion of various 'WTO-plus' issues in the EPAs while the same issues were being jettisoned from WTO

negotiations. The effect of these inconsistencies was to both limit the reach of the EU's material leverage and expose its norm-based case for the EPAs to damaging criticism from many ACP countries and a group of transnational anti-EPA activists.

The dynamics of this contestation were crucial in determining the process and outcome of the EPA negotiations on the ground in the ACP sub-regions. I argue that the outcome of the EPA negotiations cannot be 'read off' as simply a reflection of the EU's uneven material leverage. Rather, within the different ACP regions the EU's trade and development prospectus came up against different sets of historically embedded regional initiatives and development strategies. In this context, the tensions within the EPAs opened up space for a range of different critical responses and negotiating positions pursued by reflexive and historically situated ACP agents.

The specificity of the process of contestation that met the EPAs in different regions is well demonstrated by the case study chosen for this thesis: the Southern African Development Community EPA group (known as SADC-minus). In this region, the EU's ambitious plans for the EPAs came up against a complex and deeply embedded set of regional initiatives and varied development strategies. In this context, responses to the EPAs from national elites were informed by very different interpretations of the choice set on offer. For a long time, EPA negotiations looked set to create lasting political division within the region. Ultimately, however, South African negotiators successfully deployed a rhetorical strategy that played on tensions within the EU's own discursive case for the EPAs to bring about a significantly watered-down final regional agreement.

1.3 Theoretical Contributions

In this thesis I aim to make two sets of specific theoretical contributions that shed light on and underpin this empirical story. These relate, on the one hand, to historical and constructivist institutionalisms, and on the other, to existing

literatures on the EU's global role and processes of European policy transfer and diffusion.

Constructivist and Historical Institutionalism

Rational choice logics of explanation dominate existing approaches to the analysis of EU external economic policy. I argue that these approaches struggle to provide a convincing explanation of complex processes of policy change over time. This is because they tend to read off the behaviour of policymakers from incentive structures in a direct and structuralist manner whilst neglecting issues of agency and choice. Instead they rely on exogenous variables to drive processes of change and risk rendering reflexive and institutionally embedded agents as mere ciphers of structural impulses.

My approach here adds to a small but growing literature that challenges the dominant rationalist understandings of the making of EU external economic policy (Orbie and De Ville 2014; Parker and Rosamond 2013; Siles Brügge 2013; 2014a) and adds weight to claims about the centrality of ideas in contingent processes of political change. I propose an alternative to rational choice approaches that combines insights from both historical and ideational branches of institutionalist thought.

In so doing I put forward a logic of explanation in which institutions – broadly defined – are created by human agents to lend order to a world of fundamental uncertainty. These institutions exhibit path-dependent logics that derive from past practices, policies and norms. Dense institutional contexts structure the environment in which actors operate but they do so in ways that leave space for a variety of reflexive and purposive actions. Historically situated agents make and remake their institutional context through their actions and interpretations, in a world that is both constrained and amenable to change.

The bearing of this theoretical insight on the real world encourages both analysts and practitioners to historicise the process of policy development. This

potentially sensitises actors and observers to the contingency, complexity and range of policy choices that can be built out of a particular institutional landscape. It is only by delving into the fine grain of the empirical reality of these changing and interlinked institutional worlds that we can tease out the way in which these subtle and complex processes operate over time. A large part of this thesis is focused on this empirical and analytical endeavour.

This logic of explanation has much in common with and builds on constructivist political economy and institutionalism (for example, Blyth 2011; Hay 2002; Schmidt 2008). I aim to contribute to this literature by thinking through the implications of a constructivist ontology for complex processes of policymaking in two specific ways.

First, I suggest that the interaction between reflexive agents and institutional structures over time can lead to contradictions within policy outputs. These stem from tensions between policymakers' aims and preferences and the path-dependent trajectory of embedded institutional practices, policies and norms. For example, EU policymakers felt constrained to build radical policy change on the foundations of existing EU-ACP relations rather than creating a new trade and development regime divorced from old colonial ties. As the thesis demonstrates, this had unintended consequences that contributed to the tensions that beset the EPA implementation process.

My second contribution to constructivist literatures focuses on the nature and operation of the power relationships between actors and the role of discursive strategies in these. By discursive strategies, I mean those rhetorical practices that aim to persuade other agents of the desirability or necessity of a particular policy or action. Hay and Rosamond (2002; see also Siles-Brügge 2014a) discuss this type of discursive appeal in relation to external economic constraints that are presented as material and immutable. The empirical and theoretical work of the thesis examines the way in which such strategic discursive appeals can be deployed in relation to *institutional* as well as economic constraints. My contention is that purposive agents can make strategic discursive appeals to institutional constraints as a way of legitimising and rendering necessary their

particular policy preferences. The chances of success of such discursive appeals are dependent upon the compatibility between the institutional rules and norms to which appeal is made and the proposed policies or actions.

With regard to the EPAs, EU policymakers tied the recasting of EU-ACP relations to a strong and exclusive appeal to the exigencies of particular WTO rules. In this case, there was a poor fit between existing and path-dependent institutional norms within international trade law and the comprehensive regional trade and development agenda advanced by the EU. This weakened the plausibility of the strategic discursive appeals on which the EU had based its case for the EPAs and made it vulnerable to contestation by both ACP states and a coalition of non-governmental organisations (NGOs) and activists.

The EU as a Global Actor and Processes of Policy Transfer and Diffusion

With regard to the existing literature on the EU as a global actor, I take as a point of departure social constructivist accounts that explore the normative underpinnings of the EU's external projections and their role in the construction of the EU as a 'unique' actor in international politics. In their more congratulatory mode, these accounts portray the EU as a superior and more progressive foreign policy actor than interest-driven nation states (and particularly the USA).

While the majority of this literature focuses on the EU's external projection of normative values such as good governance and democracy, a more limited literature has recently emerged that discusses the ideational underpinnings of the EU's external promotion of regional economic integration (see Aggarwal and Fogarty 2004b; Söderbaum et al. 2005; Telò 2007a). In its more critical guise, this literature highlights the *neoliberal* ideational content of the model of economic governance that the EU promotes through its external actions and questions the extent to which this constitutes a universally applicable model (Orbie 2011; Parker and Rosamond 2013; Storey 2006). However, even this more critical literature has less to say about the articulation and embeddedness of

this consensus within the historical processes of European integration, or the contingent processes through which the EU's norm-based preferences are deployed as concrete policy tools and agendas.

Furthermore, the existing literature on the EU as a global actor says relatively little about the actual process and real world effects of the implementation and external reach of the EU's global projections. In this vein, I aim also to contribute to a literature on EU policy diffusion and transfer. The latter provides useful insights about the external impact of different types of EU policy tools, both material and discursive. However, it tends to take these mechanisms for policy transfer as relatively fixed and given. Moreover, the policy transfer literature struggles to explain the surprisingly limited success of the EPA negotiations, given the high degree of trade power asymmetry in this case and the significant material incentives that the EU was able to offer the ACP countries. There is little room within this literature, then, to consider why the reach of the EU's material leverage was ultimately limited or the reason that its discursive strategy enjoyed uneven success.

I argue that by developing an analysis that problematises the origins, articulation and deployment of EU policy formulation and projection it is possible to generate new insights concerning not only the character of the EU's external policies, but also the tools employed for their implementation. Through this, it is possible to begin to bridge the gap between the analysis of the internal drivers and the assessment of the external impacts of the EU's activities as a global actor. An approach that emphasises this contingent process allows a more compelling and nuanced account of the process of policy construction to emerge. It also helps to reveal the tensions and contradictions that arise from this process and the ways that these can limit the impact of the EU's material and discursive leverage on the ground. In the particular case of the EPAs, I argue that the development of a series of internal tensions within the EU's policy agenda and tools made its strategy increasingly vulnerable to effective contestation by the materially weak ACP countries and their allies.

1.4 Methodological Reflections

The influence of constructivist ontologies has grown steadily in international relations, political economy, and EU studies since the 1990s. Yet a good deal of scepticism remains, particularly focused around methodological issues and the challenges of translating constructivist theorising into empirical research that meets the standards of the political science community. In this section I offer some brief reflections on the epistemological controversies surrounding constructivist research before outlining the specific methods employed in this thesis.

Alexander Wendt's claim that ideational approaches can be successfully and consistently paired with a positivist epistemology has come under sustained criticism (see for example Fierke 2010; Smith 2000). In line with these critics, I take the view that it is difficult to make law-like generalisations about a world in which actors' ideas have a crucial impact on the way that they interpret and respond to contextual variables. Hollis and Smith's (1990) answer to this epistemological conundrum is to separate 'understanding' (what constructivists and interpretivists do) from 'explaining' (what positivists do). The implication of this is that the task for constructivists and others interested in 'understanding' is not to develop causal explanations of political phenomena but to uncover the meanings that inform people's actions (Bevir and Rhodes 2008, p. 170; Bevir and Rhodes in Finlayson et al. 2004). Parsons (2007, p. 112), however, argues that this distinction is overstated and that all social theories contain elements of both explaining and understanding. For example, even rationalist approaches connect actors' environment to their behaviour through a rationalist model of actor cognitions (Parsons 2007, p. 112).

In this thesis I argue that rather than being part of a separate realm of political enquiry labelled 'understanding', constructivist approaches can make claims to explanatory modes of analysis and ideas can be considered causes of social phenomena. As Colin Hay (in Finlayson et al. 2004) contends, it is possible to develop genuinely causal, constructivist accounts of social phenomena by being

‘less concerned with the (process of) understanding per se, and more concerned with the role played by particular understandings in motivating the political conduct of particular actors’ (p. 147).

Process Tracing and Historical Narrative

The method I adopt in this thesis in order to construct such a casual constructivist analysis is informed by ‘process tracing’, which sits at the intersection between social scientific and historical analysis (Bennett and George 2004, p. 223). Political analysts have increasingly used process-tracing methodologies to uncover not only correlations between variables but also the ‘causal mechanisms’ by which independent variables produce outcomes (Bennett and George 2004; Checkel 2005; 2006). The basic principle of process tracing is to identify sequential processes within particular cases using a rich selection of (primarily qualitative) empirical data (Bennett and George 2004). The claim of several advocates of this approach is that hypotheses derived from predictive causal models can be tested against qualitative empirical evidence in this way (Bates et al. 1998; see, for example, Büthe 2002; Checkel 2006; Hall 2003). For reasons expressed above – particularly that constructivist approaches imply complex and emergent causal processes (see Blyth 2011) – I eschew the positivist aim of generating and testing law-like hypotheses.

Process-tracing approaches, however, can be deployed in a variety of ways and at the service of a variety of ontological and epistemological positions. The approach that I adopt here approximates what Bennett and George (2004) call ‘analytic explanation’, in which historical narrative is ‘couched in explicit theoretical forms’ (p. 211). Where this approach differs from work in the historical tradition, and reflects a particular strength of the social sciences, is that it is explicit about the theoretical underpinnings of the narrative that is put forward (Bonnell 1980; Lupovici 2009), and specifically the assumed relationship between institutions, actors and ideas over time. Beyond these basic assumptions, I do not hypothesise a specific causal chain of events, but rather allow the stages of the empirical story to emerge in more inductive fashion. Hall

and Taylor (1996, p. 954) suggest that such an approach is common in the historical institutionalist tradition, in which researchers typically ‘scour the historical record for evidence about why historical actors behaved as they did’ (p. 954).

In this sense, I do not set out to ‘test’ the theoretical approach outlined earlier in this chapter. Indeed, Colin Hay (2002, p. 91) suggests that ontological assumptions about relationships between structure and agency over time shape our very observations of the world and as such are not amenable to empirical testing. The logic of explanation set out above, rather, informs the way in which I shape my narrative account of the changing contours of EU-ACP relations in the thesis.

The type of narrative presented, in turn, reflects an ontological commitment to the central role of ideas and historical processes in political analysis. First, in order to capture the historical and path-dependent dynamics that have shaped EU-ACP relations, the analysis incorporates a substantial period of time (Pierson 2004, p. 45), going back as far as the Treaty of Rome in 1957. In line with a recommendation by Bennett and George (2004, p. 213), I seek to avoid any assumption that path dependency at early points in the development of the longitudinal case determined later outcomes, stressing instead the range of available actions for purposive actors within the context of path-dependent institutions and the contingency of their choices about how to act.

‘Showing ideas as causes’ (Parsons 2002) within the narrative is perhaps more of a challenge and in response I employ a range of methodological tactics. First, I attempt to gain access to the ideas that informed the decisions of those actors closest to the policymaking process (Wincott 2004, p. 356) through interviews and documentary analysis. There are, however, limitations to this approach both in terms of the availability of documents and interviewees (particularly with reference to the long-term historical register) and the difficulty of extracting the ideas that *actually informed agents’ actions* from these sources (see below). In addition, then, I aim to challenge competing materialist explanations in order to add weight to claims that the processes and outcomes that I describe are difficult

to explain without reference to the contingent interpretations and actions of particular agents. As Craig Parsons (2002) points out, such an approach can be employed to particular effect where ideas strongly crosscut lines of material interest. In the case study of the EPA negotiations in Southern Africa in particular, it is possible to add weight to the argument about the centrality of ideas by suggesting that material incentives alone do not seem to provide an adequate explanation of the observed outcomes.

The theoretical approach that I employ in this thesis makes a distinction between ‘reflexive’ discourse (those ideas that actors have genuinely internalised) and ‘strategic’ discourse (ideas that are deployed in pursuit of ends-oriented strategies). This presents a further methodological challenge, since it is notoriously difficult to establish whether an actor really believes in the ideas that they express or is deploying them strategically (see Hay and Smith 2010). Gabriel Siles-Brügge (2014a, p. 47-54) has devised an analytical strategy for dealing with this conundrum, in which particular agents’ discursive actions in different settings (public versus private) are contrasted in order to uncover discrepancies that would indicate the strategic and conscious use of discourse. This analytical strategy, however, is dependent upon the availability of enough interview and documentary evidence to detect such discrepancies and on the assumption that agents would be willing to stray from the strategic use of discourse in private. While discrepancies between public and private discourses are highlighted in places in this thesis, I also employ other tactics to suggest that particular discourses are being deployed strategically.

First, in the case of European policymakers’ strategic appeals to WTO rules as an external constraint on the future shape of EU-ACP relations, I aim to show that these rules have been acknowledged both in academic literatures and policy debates to be a good deal more ambiguous than EU policymakers made out. I suggest that it is implausible, then, that EU policymakers were not aware of such ambiguities and therefore that their rigid appeals to these constraints were likely made strategically. Second, I use the analysis of documentary evidence, secondary sources and policy developments in other areas at similar times to demonstrate that European Commission policymakers had already come to the

conclusion – independent of the GATT challenges – that EU-ACP relations needed to be recast in such a way as to encourage greater ACP trade openness and exposure to global markets.

Since I reject the positivist emphasis on hypothesis testing and falsification, it is important to comment here on how one might make an assessment of the validity and reliability of the sort of narrative approach that I present here. I depart from interpretivist notions that we can only hope to uncover the meanings and narratives that political actors use to understand their own actions (Marsh and Furlong 2002, p. 26). Instead I suggest, following Bhaskar (1986, p. 72), that while the world can only be known through available discourses, this does not mean that it is impossible to adjudicate between contending theoretical accounts of that world.

Ultimately, in order to provide a valid process-tracing narrative, the empirical account proposed must be supported by convincing evidence (Dunn 2006, p. 377). The most common criteria for judging the validity of research that uses a narrative approach is not whether it produces singular ‘truth’, but whether it provides a coherent, plausible and hopefully incisive account of the available evidence that stands up in the face of competing explanations (Bennett and George 2004, p. 220; Büthe 2002, p. 488; Pouliot 2007, p. 378). In the following sections I provide an outline of the types of evidence and methods of data collection that I use to construct the narrative in this thesis.

Interviews

I conducted the field research for this thesis in three periods: an initial two weeks in Brussels in late 2011, 10 weeks in South Africa (plus eight days in Botswana) in early 2012, and a further 10 days in Brussels in May 2012. The fieldwork produced a series of semi-structured face-to-face interviews. The purpose of these encounters was both to glean information about a contemporary negotiating process about which full details are not yet on the public record and – as indicated above – to gain access to the ideas that informed EU approaches to

ACP relations and responses from elites in ACP countries. Richards (1996) suggests that this latter aim – ‘understanding the theoretical position/s of the interviewee; his/her perceptions, beliefs and ideologies’ (p. 199) – is central to any elite interviewing exercise. While the data produced by interviews is inevitably the product of a particular conversation at a particular time and place (Wengraf 2001, p. 1), I used only relatively brief prompts and questions in order to encourage interviewees’ subjective understandings to emerge from the interviews (May 2001, p. 124). In this sense, the aim of the interviews was to gain an insight into the ‘reflexive’ (Rosamond 2000a) dimension of policymakers’ ideas and their role within the EPA process. I combined this method for eliciting the ideas and interpretations that informed key decisions with document analysis by way of triangulation (see below).

I consulted a total of 47 interviewees for this research. These included European Commission officials from Directorate General (DG) Trade and DG Development and Cooperation (DEVCO), officials from the European External Action Service (EEAS) central offices and delegations, ACP officials, national trade and foreign relations officials from Southern African countries, Southern African Development Community (SADC) officials, civil society representatives, and a range of experts on the EPAs and Southern African politics from think tanks and research organisations. I conducted the interviews anonymously and ‘off the record’ in order to allow interviewees to speak freely about the ongoing and sensitive negotiations that are the subject of this research.

For the same reason, and after consultation with other researchers in this field, I took the decision not to record the interviews but rather to take handwritten notes, which I wrote up in more detail immediately following each interview.¹ Given these constraints, references to interview data are generally paraphrased rather than in the form of direct quotations. In a few cases, I interviewed two or three informants in a group.² This was a reflection of interviewee preferences and

¹ I would like to thank Tony Heron, Gabriel Siles-Brügge and Matthew Bishop for their invaluable interviewing advice and for sharing their contacts with me.

² For this reason, while there were 47 interviewees in total, the interviews themselves are numbered 1 to 41.

logistical issues rather than a methodologically driven decision, but did not seem to adversely affect the extent to which interviewees were able to be candid in their responses. Indeed, in some cases, group interviews threw up interesting data where interviewees disagreed or were encouraged to reflect further on particular issues by their colleagues.

I encountered some problems of access (see Richards 1996), particularly in the Southern African context. First, time and budget constraints did not allow me travel to all seven of the countries in the case study region, SADC-minus. Second, in some cases – for example in Mozambique³ – there were only one or two officials involved in the EPA negotiations and these people were unavailable for interview. For this reason the interview data in relation to SADC-minus is skewed towards South Africa, Botswana and Namibia. To supplement this I draw on findings from a set of similar interviews conducted by Tony Heron in Swaziland and Lesotho in March 2010.⁴ Where further research would be necessary in order to draw firm conclusions this is indicated within the text. A full numbered list of interviews and brief interviewee descriptions is provided in an appendix and interviews are subsequently cited by numerical reference in the footnotes.

Document Analysis

In addition to interviews, I draw upon analysis of relevant documents. These include, Commission communications, texts of agreements, speeches made by key actors and documents produced by ACP governments. Whilst these documents are treated as ‘social facts’, they are not accorded the status of transparent reflections of reality (Atkinson and Coffey 2004, p. 58). For the purposes of the thesis, documents can reveal how rhetoric is deployed for particular aims (Gill 2000, p. 174) – the ‘strategic’ dimension of discourse (Rosamond 2000a) – but they are perhaps less useful for uncovering its reflexive dimension, that is *what policymakers really think*. Colin Hay and Nicola Smith

³ Interview 29 (SADC).

⁴ I would like to thank Tony Heron for discussing this data with me.

(2010) go so far as to suggest that documentary analysis alone is ‘simply incapable of providing [a] detailed picture of policymakers’ assumptions and understandings’ (p. 904).

Within the thesis, my primary recourse to the analysis of documents aims to contribute to an understanding of key events in the changing contours of EU-ACP relations and to add to an understanding of the way that European policymakers constructed their discursive case for of the EPAs. Similarly, documents produced by ACP governments are only used as evidence of elite responses to the EU’s normative case for the EPAs in conjunction with interview evidence that supports a similar reading of elite perceptions of the negotiations. While standard texts encourage those using documentary analysis to consider the *representativeness* of their documents (for example, Macdonald 2001, p. 205), here, I selected documents primarily based on their *significance* within the broader narrative. The reason for this is that my aim is not to produce any generalisable conclusions about the discursive output of the European Commission, but rather to understand *a specific process of policy change and promotion* in which certain documents played a key role.

Trade Statistics

The methods employed in this thesis are primarily qualitative, as befits my constructivist ontology. In some places – for example in developing a picture of the preference dependence of Southern African ACP countries or the trade relationship between South Africa and its neighbours – I make reference to trade statistics. These are illustrative of the context in which ACP elites had to make decisions about whether or not to sign an EPA. They are not intended to represent any straightforward variable on which the outcome of the EPA negotiation was dependent. In some cases, these statistics are taken from reliable secondary sources. I calculated other trade statistics using data from *Trade Map*, run by the International Trade Centre (2013), which provides yearly data based on UN COMTRADE – the world’s largest database of trade statistics – in an accessible online format. Since trade patterns in African countries often exhibit

significant annual fluctuations, where possible any data calculated using *Trade Map* statistics takes an average based on figures from several consecutive years.

Case Study

The empirical research for this thesis proceeds at two levels. First I address the changing contours of EU trade and development policy towards the ACP countries, assessing the drivers of this process of change and its impact across the ACP regions. Second, I offer a more fine-grained analysis of the EPA negotiating process and outcome in the case study region, SADC-minus. The aim of the case study is to add further weight to the argument that a series of tensions within the EU's articulation and promotion of a liberal model of regional governance through the EPAs helps to explain their limited and uneven reach. I do this through a detailed analysis of the specificities of the way that these tensions were revealed within a particular set of negotiations.

Southern Africa has one of the most complex patterns of overlapping regional integration of any of the ACP regions and is also characterised by the presence of a hugely dominant regional economic power in the shape of South Africa. For this reason, the SADC-minus region has been characterised as something of an outlier within the ACP group and these features of the regional political economy have been used to explain the difficult negotiating process that took place in this region.⁵ In this sense, SADC-minus represents a challenging case in which to examine the more general argument about the limited and uneven reach of the EU's projection of a particular model of liberal regional governance through the EPAs. In other words, the fact that it is possible to trace the impact of the more general set of tensions in the EU's EPA strategy even within this supposed outlier region, provides particularly strong support for the argument that these tensions played a key role in the unravelling of the EPA negotiations across the ACP regions.

⁵ Interviews 1 and 3 (DG Trade); Interview 29 (commentator).

The utility of single case study designs has been questioned by influential texts on methodology, such as King, Keohane and Verba's *Designing Social Inquiry* (King et al. 1994, p. 208-11). However, my use of a single case study in the thesis can be justified in a number of ways. First, while the focus in the detailed analysis is on one particular region, this is located within a broader analysis of the EPA negotiations and their outcomes across the ACP regions. Studies of other ACP regions conducted by other researchers – for example, CARIFORUM (Bishop et al. 2013; Heron 2011) and West Africa (Trommer 2013) – provide important comparative context for the Southern Africa case (see Bennett and George 2004, p. 220). Second, it is possible to make a number of comparisons within this Southern African case. In particular, the region offers the opportunity to compare the responses of countries with various degrees of historical dependence on Lomé preferences and varying orientations towards the EPAs. Third, as already stated, I do not make any claim to positivist-type hypothesis testing. I hope, however, that this study does have a theoretical contribution to make that goes beyond the particular empirical narrative presented here. This is so with regard to the argument that historical and ideational institutionalist approaches can be combined in an ontologically consistent way and in pointing towards the role of institutional constraints in the strategic dimension of discourse. I present these theoretical insights less as hypotheses to be tested and more as a framework through which to design theoretically informed narrative accounts of complex processes of institutional and policy change.

1.4 Outline of the Thesis

Part I: Theoretical Framework

Chapter Two

My aim in this chapter is to review the dominant rational choice institutionalist literature on the EU's external economic relations (particularly in the realm of trade) and to provide an alternative 'logic of explanation' that will inform the remainder of the analysis presented in this thesis. The central critique that I offer in relation to the rational choice institutionalist logic of explanation is that it

encounters difficulties in explaining specific and complex instances of policy change over time. This is primarily because of the latent structuralism that stems from the central assumption that human beings are rational utility maximisers with specified goals. The alternative logic of explanation that I outline combines insights from historical and ideational institutionalist approaches. The chapter explores the implications of this logic of explanation for accounts of complex processes of policy change as well as for the strategic use of discourse within institutional contexts.

Chapter Three

In this chapter, I review two additional literatures that are pertinent to the thesis' research questions. These are, first, the literature on EU interregionalism and the EU as a global actor, and second, the literature on EU policy transfer and diffusion. My aim here is to situate the theoretical approach outlined in Chapter Two within these literatures and to suggest that such an approach can help to draw links between the internal drivers of the EU's global projections and their external impact. My central claim is that an understanding of the contingent and historically situated process through which the EU articulates and deploys its external policy models and tools can provide not only a compelling and plausible account of the drivers of EU external relations, but also a bridge to understanding their particular and contested impact.

Part II: The Construction and Reach of the Economic Partnership Agreements

Chapter Four

This is the first of four empirical chapters. In it, I take a long view of the EU-ACP relationship in order to shed light on the historical embeddedness of the EU's external trade and development policies. Specifically, I develop a chronological narrative from the birth of the EU-ACP relationship at the Treaty of Rome in 1957 to the end of the Lomé Convention and the signing of the Cotonou Agreement in 2000.

I take issue with claims that the break with the past represented by the Cotonou Agreement can be explained by reference to straightforward EU commercial interests, bureaucratic infighting within the European Commission or even the emergence of a monolithic neoliberal orthodoxy. Rather, I argue that the EU's stance in the Cotonou negotiations was the product of a distinctive constellation of ideas that had become influential amongst European policymakers. These had begun to shape the Lomé Convention even before the recasting of the EU-ACP relationship had been proposed. The final contours of the Cotonou Agreement were shaped by these ideas, but also by the historical trajectory of the EU-ACP relationship and EU policymakers' decision to deploy particular WTO rules as an imperative for the opening of ACP trade regimes.

Chapter Five

In Chapter Five I develop an analysis of the EPA negotiations that followed the Cotonou Agreement. Specifically, I identify three contradictions that stemmed from the design of the policy aims and tools associated with the EPAs and their linkage to a strategic appeal to the exigencies of particular WTO rules. I suggest that these idiosyncratic multilateral trade rules provided a poor match with the EU's aim of negotiating comprehensive regional EPAs. Further, the aim of swiftly reaching WTO-compatible FTAs with ACP regions did not take account of historical trajectories of regional integration within the ACP regions and the problems that these posed. Finally, I trace the EU's growing insistence that the EPAs be expanded to include trade in services, a range of 'WTO-plus' regulatory measures and other technical clauses. I demonstrate how this insistence on the expansion of the scope of the EPAs was at odds with the trajectory of multilateral negotiations in the WTO. My overall contention in this chapter is that the way in which strategic appeals to WTO rules were incorporated into the EU's discursive case for the EPAs, and the tensions that this created, opened up space for successful contestation of the EPAs by ACP and other actors.

Chapter Six

In Chapters Six and Seven my attention turns to negotiations for an EPA in the case study region, SADC-minus. In these chapters I explore more fully the contestation of the EU's policy aims and tools for the EPAs by ACP actors. Through both of these chapters, I argue that the distinctive process and outcome of the SADC-minus EPA came about as the result of the specific way in which the tensions within the EU's EPA strategy were revealed through the contingent and historically embedded responses of reflexive ACP agents.

In Chapter Six I begin by offering some brief theoretical context for the case study. This takes the form of a set of reflections on the fit between the existing literature on Africa in international relations and the theoretical approach outlined in Chapter Two. Following this, the empirical focus of the chapter is on the historical context in which the process of EPA contestation in Southern Africa was embedded. I argue that the historical process of regional integration and development in Southern Africa represented a problematic fit with EU ambitions for the promotion of comprehensive intra- and inter-regional liberalisation through the EPAs. Specifically, the claimed link between regionalism, economic liberalism and development that underpinned the EU's proposed model of regional development governance differed from the model that had historically underpinned regional initiatives in Southern Africa. Similarly at the national level, I highlight a lack of consensus within the region about the desirability or effectiveness of neoliberal development strategies. This was reflected in the diverse development strategies embedded within different countries in the region.

Chapter Seven

In Chapter Seven, I pick up the thread from Chapter Six and examine the way in which historically embedded SADC-minus agents interacted with the EU's EPA strategy once the negotiations got under way. Here, my focus is on the way in

which the tensions within the EU's discursive case for the EPAs opened up space for and, in some cases, provided tools for a range of critical responses and negotiating positions from SADC-minus agents. I argue that the responses of SADC-minus countries to the EPA could not be simply read off from an index of vulnerability to the loss of trade preferences. Rather, divergent responses to the EPA within the region were based on both the differing development strategies embedded within different country contexts and the various elite interpretations of the choice set on offer within the negotiations. In the context of divided preferences over the EPA, South African negotiators were eventually able to exploit tensions within the EU's negotiating strategy to bring about regional agreement on a considerably watered-down EPA.

Part IV: Concluding Remarks and Appendix

Chapter Eight

In Chapter Eight, I provide an outline of the conclusions of each chapter and a discussion of these in the context of the two research puzzles outlined at the beginning of this chapter. I conclude overall that while the EU occupies a position of structural power within the global economy, the way that it deploys this power and its external reach is highly contingent upon the actions and ideas of historically embedded agents. I finish the thesis by considering how future theoretical and empirical research might build upon and expand the insights that I have generated.

Part I

Theoretical Framework

Chapter Two

Ideas and Institutions in the Making of EU External Economic Policy

2.1 Introduction

This chapter has two aims. The first is to review existing approaches to the analysis and theorisation of EU external economic policy output and critique the underlying logic of explanation that dominates these approaches. The second aim is to develop a distinctive logic of explanation that can be used to analyse and explain the research questions and empirical material that lie at the heart of this thesis.

Existing approaches to understanding the drivers of EU external economic policy have been dominated by a rationalist ontology. Specifically, contributions to this literature more often than not adopt an institutionalist variant of rational choice theory that sees institutions as functional structures designed to improve policy outcomes by solving collective action problems or delegating policy responsibility to actors who are insulated from interest-group pressures. Within such a framework, the burden of explaining changes to EU external economic policy falls almost entirely upon changes within the institutional structures that govern processes of policymaking at the EU level. There are many reasons why the puzzles at the heart of this thesis – about the changing contours of EU relations with the ACP countries and the limited reach of EU attempts to promote neoliberal development norms through this relationship – are not amenable to such an explanation. Two of the most prominent concern the way in which rationalist approaches account for change and their limited scope.

First, while rational choice institutionalist approaches emphasise policy continuity, punctuated by occasional shifts in the institutional rules that govern preference formation and aggregation, the changes that I analyse in this thesis exhibit a more complex and evolutionary pattern of development than such a model allows. Second, my aim in this thesis is to understand not just the output of EU foreign economic policy, but its external reach. Existing rationalist accounts contribute relatively little in this regard, beyond claims that the EU's fractured institutional structure leads to incoherent external economic relations (Carbone 2008), or that divisions between the Commission and the member states may actually serve to strengthen the EU's bargaining position in international negotiations (Meunier 2005).

My central aim in this chapter is to develop a logic of explanation – or set of ontological assumptions about the relationships between agents, ideas and institutional structures – that will provide a basis upon which the puzzles at the heart of the thesis can be addressed. In order to do this, I build on attempts to create a synthesis between historical institutionalism and constructivist approaches. I do this by combining 'institutional' and 'ideational' logics of analysis (Parsons 2007). In so doing, I put forward a logic of explanation in which institutions are understood to be created by human agents with the purpose of lending order to a world of fundamental uncertainty and contingency. These institutions exhibit a path-dependent logic that structures the environment in which actors operate in both intended and unintended ways. While these institutions and their path-dependent effects shape the context in which agents operate, they do not fully determine agents' interpretations, actions or responses. As such, agents continually make and remake the institutional context in which they are placed but not under circumstances of their own choosing.

This logic of explanation is no radical departure from that put forward by a number of constructivist institutionalists, but it does aim to more clearly indicate the important place of path dependence in constructivist understandings of political processes. Further, I aim through this chapter to contribute to the existing body of constructivist literature by thinking through the implications of

this logic of explanation with regard to complex processes of policy change. These implications are twofold.

First, the interaction between reflexive agents and path-dependent institutions – in the context of wider processes of change in the social system – can and often does lead to the emergence of tensions and contradictions within institutional structures over time. The second implication relates to the operation of power relationships between actors and the role of discursive strategies within these. Specifically, I argue that actors operating in an uncertain environment may and often will use appeals to external institutional constraints as a strategic discursive tool at the service of ends-oriented political strategies. These discursive tactics can be particularly successful when there is a plausible degree of convergence between actors' desired policy outcomes and the path-dependent institution to which they appeal. They may also, however, become hostage to institutional path dependencies that undermine the effectiveness of such appeals.

Finally, whilst putting forward a new and hopefully innovative logic of explanation I heed Colin Hay's (2005a; see also Gofas and Hay 2010) warning against 'ontological proselytising'. So, to be clear, the claim I make here is not that the logic of explanation put forward is superior to that advanced by rational choice institutionalists, but rather that it provides a more appropriate set of explanatory tools for understanding processes of complex and evolutionary policy change.

The chapter is organised as follows. In the first section I examine rational choice institutionalist accounts of EU external economic policymaking by looking at liberal intergovernmentalism, multi-level games and principal-agent approaches to policy formation and change. I then turn to a literature that has argued the case for bringing economic interests back into the analysis of EU policymaking. Following this, I develop a short critique of the dominant rationalist logic of explanation of the EU's external economic policies. In the second half of the chapter I construct an alternative logic of explanation by looking at literatures that address institutions and ideas in processes of historical change. In this section I examine existing historical and constructivist institutionalisms and put

forward a way of combining their underlying logics of explanation. I finish by considering the role of institutions and ideas in policy change and the importance of strategic appeals to institutional constraints within discursive action.

2.2 Rational Choice Institutional Account of EU External Economic Policymaking

A significant body of recent literature on the EU's external economic policies has focused on the EU's Common Commercial Policy – a core competence of the Union that implies uniform conduct of trade relations with third parties – rather than other dimensions of external economic policy (Young 2000, p. 95). Literature that focuses on the EU's external development relations has tended to generate valuable normative conclusions and insightful descriptive accounts (see, for example Arts and Dickson 2004; Holland 2002; Lister 1997) rather than making particular contributions to theoretical understandings of the EU's external economic policy (with the exception of the literature on policy coherence for development, discussed below). Existing literature on EU external monetary relations focuses primarily on the narrow question of the Euro's failure to challenge the dollar as a global currency (see Bini Smaghi 2006; Cohen 2003; 2009; McNamara 2009).⁶ Given this limitation, my focus in this section will be on the more established theoretical literature on the EU's external trade relations.

There have been contributions to the literature on the EU's external economic policymaking from both the international relations and comparative politics traditions in EU studies. In these, the former emphasises the process of European integration, while the latter focuses on policymaking within the EU.⁷ Until recently, explanations of EU external economic relations in both of these traditions have tended to emphasise the explanatory power of the EU's unique

⁶ A possible exception is the recent work of Lucia Quaglia (2014), which considers the EU's relationship with global financial regulation and seeks to explain when and why the EU 'uploads' or 'downloads' regulations to/from the international regulatory arena.

⁷ Here, I follow a distinction made by Gabriel Siles-Brügge (2014a) between the multi-level games and principal-agent approaches that dominate understandings of EU policymaking.

institutional structures and the relative depoliticisation of EU external economic policymaking (for a critique of this tendency, see Siles-Brügge 2014a). New approaches have attempted to repoliticise the way we think about EU external economic policy by ‘bringing economic interests back in’ (Dür 2008). However, all of these approaches to a greater or lesser extent adopt rationalist assumptions about the behaviour of human actors, the origins and roles of institutions and the nature of political change. I will argue that this underlying ‘logic of explanation’ (Parsons 2007) makes existing theoretical understandings of EU external economic policy unsuited to addressing the particular empirical puzzles that are the focus of this thesis.

Liberal Intergovernmentalism and Multi-Level Games

The early literature on the EU’s external economic dimension is closely linked to the ‘first debate’ in EU studies between neofunctionalists and intergovernmentalists. Neofunctionalists explained the process of European integration and the pooling of sovereignty by European states in the late 1950s and 1960s by reference to a process of ‘spillover’. Through this process it was claimed that regional integration generated its own momentum beyond the immediate control of state actors (Haas 1958; Lindberg 1963; Schmitter 1970). By contrast, following the stalling of the European integration process in the mid 1960s, intergovernmentalists stressed the continued importance of European states and their self-interested control over the integration process (Hoffman 1966).

With the revival of the European project in the 1980s, this debate reignited over the question of the drivers of the Single Market programme. Those working in the neofunctionalist tradition stressed the spillover effects created by an activist European Commission (Sandholtz and Zysman 1989), while intergovernmentalists emphasised the importance of European states’ self-interest in driving the integration process forward (Moravcsik 1993b). In the late 1990s, the EU’s Common Commercial Policy became part of the debate over the drivers of European integration as scholars discussed whether and why

competence for the ‘new trade issues’ (services and intellectual property) would be granted to the European Commission (Meunier 2003; Meunier and Nicolaïdis 1999; 2000; Woolcock 2000; Young 2000).

An approach to understanding the making of the EU’s external economic policy has since grown out of the debate over European integration, and specifically out of Moravcsik’s (1991; 1993b; 1998) ‘liberal intergovernmentalism’. This approach – which has come to be known as the ‘multi-level games’ literature – reflects Moravcsik’s commitment to incorporating domestic preference formation and intergovernmental bargaining within a single theoretical model for explaining European integration.

Approaches to the understanding of EU external economic policy in this vein have adopted Putnam’s (1988) metaphor of the ‘two-level game’. This was originally applied to international negotiations in Europe and beyond, and was further developed by Moravcsik and others in the early 1990s (see Evans et al. 1993). Putnam (1988) argued that ‘janus-faced’ politicians negotiating international agreements must simultaneously engage in two ‘games’, one international and one domestic. That is, in international negotiations national representatives seek agreements at level I (the international level) that also meet with the preferences of interest groups and legislators at level II (the domestic level). Putnam argued that each of these games has a set of outcomes that are acceptable to the participants and that where there is overlap between these ‘win sets’ international agreement is most likely. The two-level games literature stresses the agency of those actors negotiating on behalf of nation-states and the skilful and creative strategies used to reconcile divergent preferences at the domestic and international levels (Putnam 1988; Moravcsik 1993a).

A number of scholars have adapted the two-level games metaphor when applying it to the EU’s foreign economic relations by adding a third level to take into account the fact that the EU is itself an international body (Collinson 1999; Frenhoff Larsén 2007; Moyer 1993; Patterson 1997; Young 2000; Zartman 1993). Conventionally, level I comprises the negotiation between the EU and a third party, level II is the negotiation that goes on within the EU, and level III is

political bargaining within member states (Collinson 1999, p. 217). Thus, in the negotiation of external economic agreements, European Commission officials must reach a deal with third parties at the international level that is acceptable to member state representatives in the Council, who in turn must ensure that the deal is acceptable to domestic interests.

Young (2000) points out the tendency among scholars using this approach to pay little attention to processes of preference formation and aggregation within member states. They attempt instead to ‘reduce the significance of the political dynamics within the EU to just the impact of the decision rules on aggregating member government preferences’ (Young 2000, p. 95). Indeed much of the existing literature treats the external economic policy preferences of member states as background assumptions based on historical patterns (Siles Brügge 2012, p. 19-20).⁸

Policy outcomes, then, are explained by the way that institutional rules aggregate the assumed preferences of member states. Meunier (2000, p. 110), for example, argues that where unanimity is required to adopt a trade agreement the voice of the most protectionist member states will be amplified, whereas if voting is by qualified majority, extreme positions are mitigated. Hanson (1998) suggests that policymaking rules at the EU level since the completion of the Single Market have created a systematic bias towards trade liberalisation. These approaches place the explanatory burden on institutional rules at the EU level and therefore leave little room for the agency of negotiators that was emphasised in Putnam’s original two-level game framework.

⁸ In this literature it is generally assumed that northern European states are more liberal in their trade policy stance while France and a group of southern European countries are more protectionist. A different set of stylised assumptions about member state preferences with regard to external development policy can also be identified. Former colonial powers are said to prefer the maintenance of special treatment for their ex-colonies; protectionist southern European states are assumed to be concerned about the expansion of market access for developing countries in agricultural goods; countries that joined the EU in 1995 (Austria, Finland and Sweden) are assumed to favour a move away from special treatment for former European colonies; while new accession states in central and eastern Europe are assumed to favour a reduced international development budget (Arts 2004).

Magdalena Frenhoff Larsén (2007) suggests a functionalist way of deploying a three-level game framework to understand the EU's external economic relations. She argues that a central dynamic of the EU's trade policymaking process can be captured by replacing the member states at level II of the game with the Commission and its Directorates. In this model the preferences of the competing Directorates in the Commission are given by their bureaucratic function (Frenhoff Larsén 2007, p. 863). The assumption from this perspective is that Directorates will tend to work to expand their remit and therefore, for example, DG Trade tends to promote multilateralism, DG Enterprise is broadly liberal, DG Agriculture acts as a brake on trade liberalisation, DG Development supports market access for developing countries (Woolcock 2005a, p. 246). Here, again, the way that the assumed preferences of these actors are aggregated by Commission rules and structures provides the explanation for particular policy outcomes.

Frenhoff Larsén (2007), for example, argues that placement of the EU's negotiating team for its free trade agreement with South Africa within DG Development rather than DG Trade had a crucial impact on the EU's stance in the negotiations. Scholarship on the 'coherence' of the EU's development policy output has followed a similar logic. The argument here is that the fragmented and compartmentalised institutional structure of policymaking within the European Commission and the sectoral logic of Directorate preferences make policy coherence in external economic relations difficult to achieve (Carbone 2008; 2011; Elgström and Pilegaard 2008). Here, again, it is the institutional structures at the European level that do most of the work in explaining external economic policy output.

The Principal-Agent Approach

A second set of literature on the EU's external economic relations uses the principal-agent approach. This draws on political economy literature about the domestic determinants of external trade policy and originally emerged in relation

to the federal structure of the United States. Drawing on the comparative politics tradition in EU studies (see Hix 1994) this branch of literature treats policy processes within the EU as analogous to those in a federal state. However, its explanations of particular policy outcomes use the principal-agent approach to emphasise the institutional structures that make EU policymaking unique (Poletti and De Bièvre 2014, p. 5). In this model, member states are cast as the principals to the European Commission as agent.

The assumption of the political economy literature on which the principal-agent approach is based is that elected politicians are rational actors whose primary aim is maximising their chances of re-election. They do this by responding to the demands of societal interest groups. Various theories seek to specify how societal groups will define their external economic preferences based on their economic attributes and their assumed rational desire to maximise utility (for example, see Alt et al. 1996; Casella 1996; Chase 2003, p. 95-6; for a summary, see Milner 1999). The relatively simplistic assumption often employed in understanding the domestic determinants of external economic policy is that ‘special interests’ (assumed to be import-competing industries) will prefer protectionist policies, whereas the ‘median voter’ (whose primary identity is as a consumer) will prefer liberalisation. A number of scholars have explained the persistence of protectionist economic policies – in spite of the overall welfare gains for consumers that would come from trade liberalisation – by the fact that the benefits of protectionism are strongly concentrated amongst a small group of actors. By contrast, the beneficiaries from trade liberalisation are diffuse, and therefore face collective action problems in lobbying for liberalisation (Pareto 1927; Schattschneider 1935; Olson 1965). These protectionist special interests, it is argued, hold an undue sway over the actions of the elected politicians at whom they target their lobbying.

Building upon these insights, the so-called ‘collusive delegation thesis’ – originally associated with US trade policy – has been particularly influential in the study of the EU’s external economic policymaking. A number of scholars explain protectionist US trade policy up to 1934 by reference to the fact that trade policymaking was the exclusive responsibility of Congress, whose

members were beholden to protectionist special interests (Baldwin 1986; Destler 1986; Haggard 1988). The argument goes that the protectionist Smoot Hawley Tariff (1930) was blamed by policymakers for contributing to the length and depth of the Great Depression. Following this, policymakers deliberately delegated authority for trade policymaking to the President, which seemed to encourage a liberalising trend in US external economic policy (Haggard 1988; Destler 1986). The logic of this argument is that moving the site of responsibility for trade policymaking from politicians representing electoral districts (Members of Congress) to an actor elected by a national constituency (the President) made it easier for trade policy to ignore geographically specific protectionist special interests (McKeown 1999, p. 30, fn 10; cited in Dür 2008, p. 29).

This collusive delegation thesis has been at the centre of the EU studies literature on external economic policymaking in the form of the principal-agent approach.⁹ The central feature of this argument is the claim that responsibility for trade policymaking in Europe has been deliberately delegated from the member states (the principals) to the European Commission (the agent) in order to insulate this issue area from protectionist societal interests. As Stephen Woolcock has it:

In the EU as elsewhere, trade policy decision-making structures have been designed to limit the role of politicians and politics, because of the bad experience with politically determined [protectionist] trade policy in the interwar years (Woolcock 2005a, p. 247).

The fundamental assumption of the principal-agent literature is that elected policymakers in member states prefer protectionism, whereas senior officials insulated from political pressure within the Commission favour liberalisation (Elsig 2007b; Meunier 2000; Woolcock 2005a).

The claim of much of the principal-agent literature is that the delegation of trade policy competence to a supranational agent is what sets the EU apart from other

⁹ For advocates of this approach, see Elsig (2002), Kerremans (2004), Pollack (1997), Woolcock (2005b), Woolcock and Hodges (1996); for critiques see Dür (2008), Heron and Siles-Brügge (2012), Siles-Brügge (2014a).

polities. This makes its trade policy uniquely depoliticised, promotes a liberal bias in EU external economic policy, and ultimately prevents the EU from becoming the feared protectionist ‘fortress’ (Greenwood 2003; Hanson 1998; Woolcock 2005a). More recent principal-agent literature on the EU’s external economic policy has focused on particular shifts in the character of external economic policy or the outcomes of specific trade negotiations (da Conceição 2010; Delreux and Kerremans 2010; Elgström and Frenhoff Larsén 2010; Meunier 2007; da Conceição-Heldt 2011; Elsig 2010; Elsig 2007b). These examples are explained through the analysis of the control mechanisms that exist between the principals and the agent and the amount of autonomy enjoyed by the Commission in different circumstances. The tenor of these arguments is that in circumstances where the Commission enjoys greater autonomy, particular trade policy outcomes will tend to be more liberal.

2.3 Bringing Economic Interests Back In

A range of scholars have reacted against the emphasis of the principal-agent approach on the depoliticisation of EU external economic policymaking and its insulation from political or economic interests by seeking to ‘bring economic interests back in’ (De Bièvre and Dür 2005; Dür 2007; 2008; 2010; Heron and Siles-Brügge 2012; Shaffer 2006; Siles-Brügge 2014a; Woll 2006; 2008). Of these contributions the closest to the principle-agent approach is that of De Bièvre and Dür (2005), which contends that while member state principals did indeed deliberately delegate policymaking competence in the area of external economic policy to an agent, they did not do this with the aim of protecting this policy area from the influence of special interests. Rather, their aim was to confer benefits on both exporters and import-competing industries in order to maintain flows of resources from lobbying.

Other contributions go further, minimising the importance of the EU’s unique institutional arrangements and contending that interest groups are able to influence EU trade policymaking in much the same way as they do in other polities. Dür (2007) suggests that the recent EU decision to sign FTAs with

Mexico and Chile, in 2000 and 2002 respectively, was primarily driven by the defence of exporter interests. He also finds evidence that the EU's positions in the Kennedy and Doha Rounds of GATT/WTO negotiations were broadly in line with the expressed preferences of European interest groups (Dür 2008). Heron and Siles Brügge (2012) seek to marry a theoretical approach that includes the role of domestic interest groups with an appreciation of the systemic context in which these groups operate.

Implicit in these accounts of the direct impact of lobbying on EU external economic policymaking is the assumption that Commission officials, like elected national representatives, are susceptible to interest-group lobbying. This is perhaps because they are interested in lucrative positions after leaving public office (Manger 2009, p. 32). According to these accounts, then, the key determinants of the EU's external trade policy are the preferences of societal interest groups and the ability of these groups to overcome collective action and informational problems in order to lobby member-state and Commission policymakers for their desired policy outputs.

2.4 A Critique of the Rational Choice Logic of Explanation

The two dominant approaches to EU external economic policy – the principal-agent and multi-level games approaches – place the stress of their explanatory emphasis on policymakers' positions within the unique institutional structures of the EU. The literature that seeks to 'bring economic interests back in' explains policy preferences and outcomes by reference to policymakers' positions in relation to domestic and regional interest groups and lobbyists. What each of these approaches has in common is that they follow a 'logic of position' (Parsons 2007, p. 13). Each theory has at its centre a rational and goal-oriented actor or set of actors with specified and fixed preferences over outcomes and a set of contextual variables to which this actor must respond. These various approaches argue that by specifying a policy actors' positioning within various aspects of the institutional or structural landscape we are able to predict their policy preferences and thus to predict the EU's policy output.

This brief summary serves to reveal the assumptions and analytical moves that make up the essence of rational choice approaches as they have been applied to external economic policymaking in the EU. I now advance a critique of the rational choice approach and its institutionalist variant. This critique draws on the work of Colin Hay (2004b) and follows him in stressing the usefulness of rational choice assumptions as a heuristic device, but arguing that they lack explanatory power in analysing particular processes of complex and evolutionary policy change.

A number of the assumptions on which rational choice approaches are based might be considered relatively implausible representations of the way that the EU external trade policymaking process really works. For example, a range of empirical studies suggests that European Commission officials are not the depoliticised technocratic experts they are claimed to be by the principal-agent literature, nor the passive bearers of interest-group pressure claimed by some of the interest-based literature. Rather these studies show that ideological commitments play an important role in the formation of Commission officials' preferences (Döring 2007; Hooghe 2001; 2005; Thomson 2008; Wonka 2007). Proponents of rational choice approaches to political science suggest that this need not be a problem if these simplifying assumptions are used to generate hypotheses that can make predictions and generate useful insights across sets of empirical cases (see Friedman 1953, p. 14).¹⁰

Hay suggests a more limited, yet potentially useful, role for models based on rationalist assumptions. He argues that rational choice approaches have been particularly successful at modelling the collective action and informational problems that lead to sub-optimal¹¹ collective outcomes, even when individual actors behave in rational ways (Hay 2004b, p. 42). Their institutional variants have suggested ways that these problems can be overcome by adjusting the rules

¹⁰ For a critique of claims that rational choice produces useful predictive models, see Green and Shapiro (1994).

¹¹ The optimal outcome is usually considered to be a Pareto-efficient one. This is an outcome where no feasible reallocation can make an individual better off without making at least one individual worse off.

that govern actors' interactions. For example, the central theme of the collusive delegation argument is that the delegation of authority for trade policymaking from the member states to the European Commission is desirable. This is because it helps to avoid the sub-optimal (from a free trade perspective) protectionist trade policies that result from the disproportionate ability of protectionist societal interests to lobby elected national politicians. Similarly, Moravcsik's (1998) liberal intergovernmentalism treats European Union institutions as functional solutions to collective action problems that facilitate cooperation between member states to their mutual benefit.

The normative tilt of the multi-level games and principal-agent approaches is that the unique institutional structures of the EU are desirable because they promote greater economic openness than would otherwise be the case (a point made explicitly by Hanson 1998). Whether or not one agrees with this particular normative perspective, rational choice institutionalist approaches may provide useful heuristic devices for exploring hypothetical situations in which actors behave in goal-oriented and rational ways. Further, they may be able to suggest ways in which the outcomes of such situations might be improved by adjusting the institutional rules of the game (Hay 2005a; 2004b).

However, in the existing rational choice institutionalist literature on the EU's external economic policy, rational choice assumptions are cast not just as an analytical device for exploring particular hypothetical scenarios. Rather, they are used also as simplified theoretical models out of which general hypotheses applicable across different cases of EU external economic policymaking can be generated. Further, in a large number of cases, the multi-level games and principal-agent approaches have been deployed to explain particular instances of EU external economic policymaking in order to understand specific policy outputs (see, *inter alia*, da Conceição 2010; Delreux and Kerremans 2010; Elgström and Frenhoff Larsén 2010; Meunier 2007; da Conceição-Heldt 2011; Elsig 2010; Elsig 2007b).

When these approaches are deployed in such a way, the implausible nature of their assumptions becomes more problematic. Hay (2004b) makes the germane

point that it is difficult to claim to have explained a particular outcome ‘by appealing to a stylized and formal model whose assumptions we freely admit are implausible or, worse still, demonstrably false’ (p. 48). However, while these implausible assumptions are problematic in themselves, the main line of criticism here is that an analytical framework based on rationalist assumptions has difficulties generating satisfactory responses to research questions that look at the emergence and evolution of particular policy outputs over time. There are two reasons for this.

First, rational choice approaches rely on changes to a relatively narrow range of contextual variables to explain policy change. The principal-agent and multi-level games approaches rely almost exclusively on changes to EU-level institutional structures to account for policy change. As a result, they struggle to deal with policy changes that cannot be directly linked to shifts in EU-level institutional rules. Scholars using principal-agent and multi-level games approaches are subsequently often forced to incorporate into their analysis variables that are exogenous to these theoretical models – such as ideational change within the Commission (Elsig 2007b, p. 942) or changes in the EU’s external environment (Meunier 2007, p. 920-1) – in order explain particular policy outputs or changes. Although they may appeal to a more complex range of explanatory variables, interest-based explanations of policy change follow a similar logic whereby policy change can only be explained by periodic changes in the context in which policymakers are placed.

Second, because these approaches link policy outputs to a relatively narrow range of contextual variables, they make blunt tools when it comes to explaining the complexities and subtleties of specific policy outputs. Again, this is particularly the case in relation to the dominant rational choice institutionalist literatures. The institutional changes that these theoretical approaches invoke as explanatory variables – changes to the voting rules in the Council or to the degree of autonomy of the Commission – are primarily linked to the degree of liberalism or protectionism of the EU’s external economic policy. As such, these approaches struggle to explain aspects of EU external economic policy – such as the pursuit of bilateral trade agreements (see Heron and Siles-Brügge 2012), the

external promotion of regionalism, or the provision of development assistance – that cannot be easily linked back to broad liberal or protectionist dispositions. Similarly, these approaches have little to say about how the EU develops strategies for achieving its external economic aims, how contradictions in policies and strategies may develop over time, or how this might affect outcomes as policies are implemented.

These problems with regard to explaining particular policy processes and changes stem from what Hay (2004b) refers to as rational choice theory's 'ingenious, paradoxical, and seldom acknowledged structuralism' (p. 39). In a nutshell, his argument is that although choice is supposedly at the centre of the rational choice ontology, there is no room for agency in an analysis informed by rationalist assumptions. Actors' preferences over outcomes are treated as fixed and given and they are seen as reacting to the stimulus of the context in which they are placed in a strategic and goal-oriented fashion in pursuit of those preferences. In situations where there is only one 'rational' course of action – as is assumed in most contexts (Hay 2004b, p. 39) – actors' behaviour can be read off as a mechanical, predictable and unproblematic reaction to the context in which they are placed. In such a model, changes in behaviour and outcomes can only come from an exogenous shock that somehow shifts the context in which actors are placed and therefore alters their strategic calculations.

The empirical and analytical puzzle identified in the introduction to this thesis is a process of evolutionary policy change that I will characterise as complex, open and replete with tensions and inconsistencies. My argument here is that accounts based on rational choice assumptions are unlikely to provide satisfactory explanations to the central research questions of this thesis.

2.5 Institutions and Ideas in Processes of Historical Change

In the second half of this chapter I make the case for a logic of explanation that rests upon a more plausible set of assumptions about the workings of the social world than those encountered above and that provides a better

starting point from which to analyse complex processes of EU external economic policy change. The logic of explanation presented here combines historical institutionalist insights with a constructivist ontology.

Before laying out in detail the logic of explanation advanced in this thesis, it is important to set the constructivist approach adopted here within the wider constructivist international relations literature and in particular to distinguish it from the approach most commonly associated with international relations constructivism, that of Alexander Wendt (1992; 1994; 1999). Wendt famously challenged the materialism of neorealist international relations theories with his claim that 'the key structures in the state system are intersubjective rather than material' and that 'state identities and interests are in important part constructed by social structures' (Wendt 1994, p. 385). In a useful taxonomy of the wide variety of perspectives taken by constructivist scholars in political science, Rawi Abdelal and his colleagues (2010) label Wendt's approach 'the path of meaning' (p. 8). They suggest that for Wendt, along with most self-consciously constructivist scholarship, 'the opening for socially constructed variation in action lies not in the unpredictability or complexity of the material world but in its inert, almost meaningless relationship to human existence and choice' (Abdelal et al. 2010, p. 8-9). Colin Hay (2002) identifies structuralist tendencies within this approach to constructivism – indeed, Wendt labels his own approach 'structural idealism' (Wendt 1999, p. 1). Hay suggests that the focus of Wendt's approach on the internalisation of intersubjective norms tends to present a static view of social construction in which it is unclear how states might challenge or step outside of the these shared norms, or indeed how these norms might change over time (Hay 2002, p. 200).

In adopting a constructivist approach in this thesis, I aim to move beyond the structuralism of the 'path of meaning' and instead to adopt a constructivist ontology that stresses the dynamic interplay between structure and agency and between the material and ideational. The

approach that I adopt here, then, is more in line with those constructivist political economists and institutionalists (Blyth 2002; 2011; Hay 2004a; Schmidt 2011) that follow the so-called 'path of uncertainty' (Abdelal et al. 2010, p. 11). Here, space for the role of ideas is created not by the inertia of the material and institutional landscapes in which actors are placed, but rather by the fundamental uncertainty of these structural environments. In this understanding – further elaborated below – material and institutional constraints exist and shape the context for human action in important ways, but they do not fully determine this action. Because the material and institutional structures in which political agents operate are uncertain and ambiguous, these agents must develop reflexive understandings and interpretations of these structures in order to decide how to act.

While agents may act in accordance with strategies designed to maximise their material interests in such uncertain contexts, both the way in which these interests are defined and perceptions of the best strategies for achieving them are based on the reflexive understandings of individual agents. In this sense, unlike a number of existing constructivist approaches to EU external relations (see Chapter Three), the approach presented here does not create a clear distinction or hierarchy between agents' *ideas* and their *interests*. Rather it suggests that reflexive understandings must be used in order to give content to perceived interests and to determine the best strategies for achieving them within an uncertain structural context.

This constructivist ontology creates space for the agency of reflexive human actors and thus also stresses the contingent and open-ended nature of processes of political change (Hay 2002, p. 201). As such, it provides an appropriate foundation on which to base the analysis of a process of complex European policy change over time.

Historical Institutionalism: Calculus versus Cultural Variants

Historical institutionalism emerged in the 1970s as a reaction to the dominance of behaviouralism at that time. Its proponents wished to bring a critical examination of the state and its institutions back into the study of comparative politics and international relations (Schmidt 2006; see for example Hall 1986; Katzenstein 1985; Pierson 1994; Evans et al. 1985; Krasner 1984).

The key feature that sets historical institutionalism apart from the rational choice institutionalist literature is its rejection of the functionalist view of institutional creation in favour of the view that institutions emerge in particular social and historical circumstances and are embedded in historical processes. Historical institutionalism has contributed the important insight that time and sequencing are crucial elements of social processes and that the initial causes of social phenomena may have important effects long after these causes cease to exist. That is, social processes are path dependent; the order in which things happen matters; and the course and institutional accretions of past events condition the trajectory of events in the future.

Hall and Taylor (1996) famously divided the historical institutionalist literature into those taking a 'calculus' (rationalist) or a 'cultural' (sociological) approach to the relationship between actors and their institutional context. The calculus variant of historical institutionalism has tended to dominate (Hay 2005b, p. 111).

Using an analogy with the economic literature on technological innovation (Thelen 2003, p. 219), proponents of the calculus approach view the creation of institutions as the partially random outcome of a set of idiosyncratic events at a particular historical juncture (Pierson 2000; 2004, p. 18). They then argue that once a particular institutional path has been established, feedback effects structure the incentives faced by rational actors in ways that encourage a continuation down the same path (Pierson 2000; 2004). As a result, historical institutionalist approaches in this mould have tended to emphasise the 'stickiness' of institutions once they are in place, with the possibility that the

enduring institutions will be inefficient (Kay 2005, p. 568). The central contribution of this brand of historical institutionalism and a key aim behind this research agenda has been to explain cross-national policy difference in the face of international systemic pressures that encourage policy convergence (Thelen and Steinmo 1992, p. 10; see for example Hall and Soskice 2001).

The argument that institutions are difficult to change or destroy once they are in place presents obvious questions about when, why and how institutions might be altered. Historical institutionalists have attempted to address this problem by adopting a 'punctuated equilibrium' (Krasner 1988) model of institutional change, in which periods of relative institutional continuity are interrupted by brief periods of significant institutional change. It has been argued that this model is too contingent at the front end and too deterministic at the back end (Thelen 2003, p. 219), resulting in a situation in which 'institutions explain everything until they explain nothing' (Thelen and Steinmo 1992, p. 15). Furthermore, these models struggle to locate and explain the causes of the institutional crises that generate change (Schmidt 2006, p. 105).

A number of critics also point out that using the economic literature on technological innovation to throw light on political institutions is a big stretch. They argue that political actors are rarely presented with a blank slate on which to create new institutions and that institutional design and innovation does not generally involve small, unintentional and random actions with significant lasting consequences (Kay 2005, p. 563; Thelen 2004, p. 34). Further, periods of supposed stasis between critical junctures might actually be much less 'static' than historical institutionalists allow. Empirical research suggests that institutional survival is often dependent on the gradual evolution of institutions and their adaptation to new circumstances (Streeck 2001, p. 31; Thelen 2003, p. 211). Some scholars committed to a punctuated equilibrium model of institutional change concede that there can be some limited institutional adaptation between 'punctuations' (for example Pierson 2004, p. 51-3) but these authors have no mechanism to explain these evolutionary processes.

The ‘cultural’ variant of historical institutionalism, which draws on the assumptions of sociological institutionalism, offers an alternative to the calculus theorists’ conception of the relationship between actors and their institutional context. In this approach, actors follow a ‘logic of appropriateness’ rather than a ‘logic of instrumentality’. Instead of determining behaviour through an incentive structure for rational utility-maximising actors, institutions are seen as conditioning behaviour by providing the cognitive scripts, categories and models that make certain actions permissible or otherwise (Hall and Taylor 1996, p. 948).

This approach offers few solutions to the explanation of change and tends to replace the instrumental determinism of rationalism with cultural determinism (Schmidt 2006, p. 108-9). If institutions embody the cultural identities and meanings that construct actors, it is difficult to see how an actor can step outside of this script and embark on alternative courses of action or alter the cultural frames and scripts that govern their lives. This leaves little room for agency in either policymaking or institutional change.

*The Logics of Institutional and Ideational Explanation*¹²

In their critique of Hall and Taylor’s (1996) characterisation of the historical institutionalist literature, Hay and Wincott (1998, p. 951) contend that a disservice is done to historical institutionalism by reconstructing it in terms of ‘calculus’ and ‘cultural’ approaches. Rather, they suggest that historical institutionalism can be better served by emphasising the distinctive nature of the relationship between structure and action that defines its approach to political analysis (Hay and Wincott 1998, p. 953).

As part of a project to develop a typology of explanations of human action, Craig Parsons (2007) attempts to delineate what it is that is distinctive about

¹² Elements of this section are reproduced in a joint paper written by Tony Heron and myself and presented at the Sheffield Political Economy Research Institute (SPERI) Annual Conference, *Beyond Austerity versus Growth*, 1-3 July 2013 (Heron and Murray-Evans 2013).

institutionalist (as opposed to structural, ideational and psychological) explanations in political analysis. I present this typology and its institutional and ideational ‘logics of explanation’ here in order to delineate the core features of institutionalist approaches and to provide a starting point for a proposed logic of explanation that incorporates both ideas and path-dependent institutions.

Under Parsons’ (2007) institutional logic of explanation, ‘The setting-up of certain intersubjectively present institutions channels people unintentionally in certain directions at some later point’ (p. 67). He defines institutions broadly, as ‘any enduring pattern of behaviour among a group of people’ (Parsons 2007, p. 66). This encompasses formal organisations and rules as well as informal rules, norms and shared – intersubjective – meanings. Particular ideas, then, may become embedded and institutionalised within regularised patterns of human behaviour.

Under this logic, institutions represent path-dependent structures – in the sense that early contingent choices and actions alter the constraints and incentives for later decisions in unintended ways (Parsons 2007, p. 72). The institutional logic of explanation is distinguished from a structural logic, according to Parsons, in that the primary structures that shape human action under the former are *human-made organisations*, whereas under latter they are conceptualised as ‘*material structures*’ (Parsons 2007, p. 68). Importantly, under Parsons’ (2007, p. 99-100) institutional logic of explanation, institutions shape the environment in which actors are placed in a relatively unambiguous fashion and actors’ responses to them are treated as objective and unproblematic.

Parsons delineates his ‘ideational’ logic of explanation as separate but potentially complementary to the institutional logic. The ideational logic explains ‘actions as a result of people interpreting their world through certain ideational elements’ (Parsons 2007, p. 96). These ideational elements comprise practices, symbols, norms, grammars, models, beliefs, ideas, and/or identities. He notes that his definitions of ideational elements and institutions overlap. Whether a logic of explanation is ideational or institutional, then, depends on the way in which these elements relate to action (Parsons 2007, p. 99-100). Under an institutional logic,

actors relate to their institutional context in a way that is objective; that is, unproblematic and in line with rationalist expectations. Under an ideational logic, actors relate to their institutional context in a way that is interpretive and reflexive.

Combining Institutional and Ideational Logics of Explanation

Parsons hints that it is possible to combine his institutional and ideational logics of explanation when he says:

If practices, norms, symbols, and so on can relate to action in different ways, then the same practice, norm, or symbol might affect some people in an institutional way and others in an ideational way [...and] these dynamics could run parallel to each other vis-à-vis the same individual (Parsons 2007, p. 100-1).

However, he criticises existing attempts to combine these logics for seeming to ‘move fairly opportunistically between institutional and ideational arguments’ (Parsons 2007, p. 88). And further he suggests that ‘sometimes they advance claims about how institutions and ideational factors cause certain actions without being explicit about how we would know when and how much action reflects one or the other’ (Parsons 2007, p. 89).

One contribution that seemed to address this problem is Mark Blyth’s (2002) ambitious and influential book, *Great Transformations*. Blyth offers a sequential model of ideas and institutions, which follows a punctuated equilibrium conceptualisation of change (Hay 2004a, p. 205). The argument that Blyth puts forward is that stable institutional regimes are made possible by ideational consensus around their utility. However, during periodic breakdowns of capitalist economies, spells of ‘Knightian’ uncertainty emerge, in which actors are unsure of their interests and crucial ideational battles over the building of new institutions take place (Blyth 2002, p. 32-3; Knight 2009 [1921]).

Blyth clearly sets out different points in time at which people relate to their environment via something resembling Parsons' institutional and ideational logics. At some times the relationship between institutions and actions is relatively straightforward and unambiguous. At others, in periods of crisis and uncertainty, action is the result of interpretation and contending ideas.

Blyth has been criticised for failing to specify where actors' ideas come from during times of uncertainty (Hay 2004a). Moreover, Blyth's assertion that ideas only matter during times of crisis betrays an ontological inconsistency in as much he seems to be saying that at some points actors are reflexive agents while at others they respond to institutional structures with a high degree of automaticity (Siles-Brügge 2014a, p. 34). This speaks to a broader critique of many constructivist approaches that seek to combine 'ideational elements' with other explanatory logics and in which ideas are introduced as a way of 'filling in the gaps' and explaining the leftover variance from rationalist accounts (Siles-Brügge 2014a, p. 34; Hay 2004a; Blyth 2011).

My aim in developing a logic of explanation that incorporates both institutions and ideas is not to delineate the circumstances in which one of these logics provides better explanations than the other, and vice versa. Rather, it is to suggest a logic of explanation in which these two elements can be incorporated in an ontologically consistent way and in so doing to create a framework of assumptions that allows a better understanding of complex and evolutionary processes of historical change.

In Blyth's (2011) later work, he presents a case for 'viewing ideas as *fundamental* to both the nature of human action and causation' (p. 83). Blyth makes this case at the level of ontology, suggesting that conventional logics of explanation which assume 'a world that is usually in *equilibrium*, where causes are *linear*, where change comes from *exogenous* variables, and where outcomes are *normally* distributed' (p. 85, emphasis in original) may fundamentally misrepresent the nature of the social world. These conventional logics, he concludes, provide dangerously misleading explanations and predictions of the world's workings.

Where Blyth's earlier work stressed uncertainty in the context of economic crisis, his later contribution suggests that uncertainty is a feature of all social interactions (see Siles-Brügge 2014a, p. 34). He suggests that contrary to the set of assumptions that underpin most social science research (see above) 'we live in a world that is actually disequibrial and dynamic, where causes are endogenous and non-linear, and the outcomes of interest are *not* normally distributed' (Blyth 2011, p. 87). This picture is further complicated by the interdependence of subject and object in the social world and the feedback loops that link them together. That is, the ideas that human actors hold about how the world works and their subsequent actions can alter the way that the world itself works (Blyth 2011, p. 92; this point is also made by Hay 2002, p. 212).

Blyth suggests that the existential world is fundamentally uncertain and that human agents must use ideas both to interpret this world and to construct some stability within it. People cope with the fundamental uncertainty of the social world by creating shared and relatively stable institutions – 'norms, conventions, schemas, and ideologies, collective products that make the world hang together' (Blyth 2011, p. 95-6).

Taking Blyth's assertion that the social world is essentially uncertain as a starting point, I add to this the idea that the institutions created by humans within this uncertain context are path dependent. Colin Hay and Daniel Wincott's (1998) definition of path dependence gets us beyond a narrow sense of a process whereby initial moves in one direction elicit further moves in that same direction (see for example Pierson 2004). They define the workings of path dependence thus:

The order in which things happen affects how they happen; the trajectory of change up to a certain point itself constrains the trajectory after that point; and the strategic choices made at a particular moment eliminate whole ranges of possibilities from later choices while serving as the very condition of existence of others (Hay and Wincott 1998, p. 955).

The logic of explanation that I propose here differs from Parsons' institutional logic in that I disagree with the claim that once path-dependent institutions are set in place their relationship with action is an objective one that can be explained by rationalist expectations about actor behaviour. Rather, institutional norms, understandings, practices or organisations can be intersubjectively present and exhibit a path-dependent logic, while at the same time providing enough ambiguity and uncertainty to allow contrasting interpretations and responses by different actors. The work of Colin Hay (2002) on the relationship between structure and agency (or 'context' and 'conduct' as he puts it) serves to clarify the point. Hay (2002) suggests that political institutions, practices, routines, and conventions are 'strategically and discursively selective' (p. 212-5). By this, he means that the institutional context favours some cognitive orientations and behavioural responses over others, but it by no means determines how actors will choose to behave (Hay 2002, p. 212).

In this way, the social institutions created through the agency of past actors provide structures that constrain and enable actors in the present moment, but at the same time these constraints are themselves open to interpretation by reflexive human agents. As such, past institutions are not so much 'material' and determining, but rather uncertain and indeterminate contexts for action. These contexts seem at some times 'partial, fragile, and contingent' (Blyth 2011, p. 94) and at others more solid and taken for granted, but fundamentally they are constructed and maintained through human action and therefore subject to change through that action.

I turn now to the implications of this combined ideational and institutional logic in relation to (a) processes of change and the emergence of institutional complexity; and (b) the operation of power relations and the role of discursive strategies within these.

Ideas and Institutional Change: The Emergence of Complexity and Contradiction

In more recent years, historical institutionalists have made an implicit move away from ‘punctuated equilibrium’ models of institutional change and towards evolutionary conceptions of processes of change. Orion Lewis and Sven Steinmo highlight two key changes in the historical institutionalist literature in this regard:

First, new institutionalists have developed a less reductionist perspective on institutions and view them as “complexes” of rules rather than unified, seamless, and consistent constraints. Second, institutionalists, instead of focusing exclusively on either structure or agency, contend that interactions between the two drive change (Lewis and Steinmo 2012, p. 324).

Such developments are to be welcomed, but some contributions in this vein continue to struggle to explain institutional change without reference to exogenous shocks.

Kathleen Thelen (1999; 2003; 2004) has been at the forefront of efforts to address the problems encountered by historical institutionalists in explaining political change. She argues that processes of continuity and change should be viewed as fundamentally connected. By this logic, if we can better understand the exact mechanisms through which institutions are reproduced over time, we will also be able to understand the events that might interrupt or alter such mechanisms and bring about institutional change (Thelen 1999, p. 399). This leads her to argue that institutions are the object of ongoing political contestation. They endure when the coalitions of interest groups that underpin them remain stable and ‘changes in the political conditions on which institutions rest are what drive changes in the form institutions take and the functions they perform in politics and society’ (Thelen 2004, p. 31).

It remains unclear in Thelen's approach, however, how the process of change is instigated (Schmidt 2006, p. 106). Although she sometimes mentions institutional 'innovators' her explanations often seem to rest on an external shock that shifts the make-up of interest groups or that brings about new political or economic imperatives. What is more, if institutions are simply a reflection of underlying societal interests then it seems that this approach may have lost the most distinctive feature of historical institutionalism – its emphasis on the path-dependent nature of institutions.

Recent evolutionary understandings of institutional change offer a different way of thinking about the interactions between institutional structures and agents and continuity and change. Blyth suggests that the essence of biological evolutionary change is 'the coevolution of organisms and environment, how they (re)act back upon one another' (2011, 97). He claims that this can also be applied to the social world. Specifically, Blyth argues that interactions between human agents at the micro-level produce results at the macro-level that are unintended and not reducible to the sum of those actions:

Social systems are most definitely complex adaptive systems replete with feedback loops, unintended consequences, and nonlinear dynamics (Blyth 2011, p. 98).

In this way, institutionalised patterns of action interact with a network of other institutionalised patterns of action to shape the world in unpredictable ways. Within this changing context, particular institutions may become more or less well adapted, useful or appropriate over time.

The key point here is that the wider context in which particular institutional structures are placed changes over time and does so in unpredictable ways. Purposive agents can react reflexively to maintain or change institutional structures in the context of broader changes in the social world. Institutional change, then, resides in the ongoing interaction between institutional structures and agency, mediated by the ideas and strategies of particular human agents and

in the context of wider emergent processes of social change (Béland and Cox 2011; Hay 2011, p. 68).

Within this context, the important insight for the purposes of this thesis is that processes of institutional change are path dependent, contingent and complex. As Hay (2002, p. 212) suggests, actors' imperfect understanding of the complex and uncertain context in which they are placed means that their behaviour is likely to transform that context in partial and unintended ways. This process is illustrated in Figure 2.1. Actors' partial and unintended transformations of their institutional context may well over time contribute to patterns of institutional complexity, the layering of institutional structures (see Thelen 1999), and perhaps patterns of incoherence within or between institutional structures. In the context of policymaking, actors face the difficult task of articulating coherent policy aims, tools and narratives that align with their ideas and preferences, within complex and ambiguous institutional environments. Institutional path dependencies may constrain policy choices and create unexpected contradictions and tensions as policies are formulated and deployed by purposive agents.

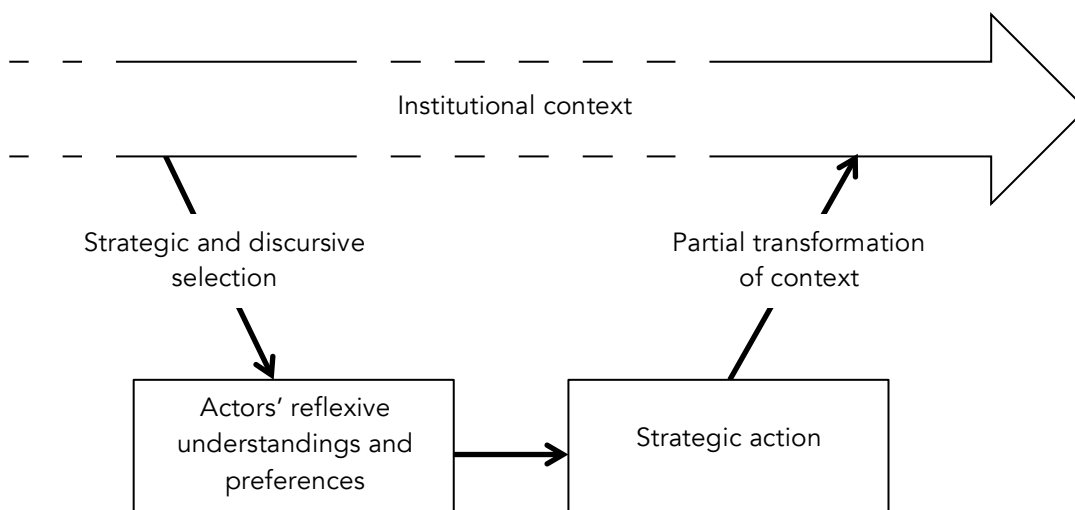


Figure 2.1: Institutions, agents and ideas in complex processes of historical change (source: author's interpretation).

*Power, Discursive Action and the Strategic Invocation of Institutional Constraints*¹³

A number of historical and constructivist institutionalists have been influenced by Marxist and other critical approaches in their focus on the importance of power in the way that agents and structures interact (Schmidt 2006, p. 104). They argue that the struggle for power and resources remains crucial in politics (Hall 1992, p. 94-5) and that actors create policies and institutions with the intention of furthering particular (perceived) interests (Rothstein 1992, p. 35). In this view, institutions are not neutral devices for aggregating interests or solving collective action problems, but rather structures consciously created by actors seeking to promote their (perceived) interests (Hall and Taylor 1996, p. 937-8).

Following these insights it is reasonable to argue that the differing institutionally prescribed positions of agents and their varying levels of access to material resources are central to any understanding of political processes. Those with privileged institutional positions and greater access to material resources have a distinct advantage when it comes to realising their political aims (Hall 1992, p. 95; Hay 2011, p. 69; Hay and Wincott 1998, p. 956).

However, here too there is contingency in that powerful actors' success will always depend on their ability to design and implement effective strategies for achieving their aims. Likewise, those with greater access to material or institutional resources may be able to structure the context in which other actors must make strategic decisions, providing incentives or constraints to encourage less powerful actors to behave in certain ways. Less powerful actors, however, retain some degree of autonomy to respond to those incentives and constraints in ways that they choose based on their interpretations of the choice set available to them (see my discussion of African agency in Chapter Six). In addition, constructivists argue that agents' power is at least partly a function of their ability to effectively deploy discursive capabilities to influence other actors' behaviour through persuasion. Vivien Schmidt (2011), for example, argues that

¹³ Elements of this section are reproduced in Heron and Murray-Evans (2013).

power derives not only from actors position and material resources but also from their purpose, ‘since actors’ ideas and discourse might reinforce or undermine the power they derive from their position’ (p. 60).

Gabriel Siles-Brügge (2014a, p. 34-5), however, argues that while many constructivists have made a convincing case that ideas *per se* matter, they have paid less attention to accounting for the success (or otherwise) of particular ideational constructions and the role of power in shaping these processes. This has led to the accusation from historical materialists that constructivists are ‘unable to explain why a particular set of ideas became part of the structure and not another, rival set of ideas’ (Bieler and Morton 2008, cited in Siles-Brügge 2014a, p. 35). In this section I seek to explore how the logic of explanation outlined above might make a contribution to addressing this problem.

Ben Rosamond (2000a, p. 10) distinguishes between the ‘reflexive’ dimension of discourse, that is agents’ internalised beliefs and understandings, and its ‘strategic’ dimension, which concerns the use of discourse in pursuit of particular ends-oriented strategies. In a central contribution to the economic constructivist literature, Colin Hay and Ben Rosamond (2002) build upon this distinction in order to analyse the ‘discursive construction of economic imperatives’ (p. 147) as a persuasive rhetorical strategy. Hay and Rosamond contend that while actors’ interests themselves are constructed via their interpretations of their material context, they are also able to employ strategic rhetorical tactics as part of deliberate ends-oriented actions to further their (perceived) interests.

The crux of Hay and Rosamond’s (2002) argument is that policymakers can and do use rhetorical strategies that appeal to a particular interpretation or construction of contingent and ambiguous economic phenomena as immutable ‘material’ imperatives. They do this in order predetermine choices, close down alternatives and make the case for painful, controversial change or reform. The authors make a range of suggestions about what factors might influence the type of strategic rhetorical appeal to processes of globalisation and Europeanisation used by different actors, but they do not tackle an ancillary question relating to

when these rhetorical appeals might be more or less successful in influencing the behaviour of the target audience.

To provide an explanation of the success or failure of particular rhetorical strategies – and to understand how this relates to the strategic invocation of institutional (as opposed to economic) constraints – it is useful to incorporate elements of Frank Schimmelfennig’s (2001) theory of ‘rhetorical action’. Schimmelfennig uses this theory to understand the eastern enlargement of the European Union, which seemed to go against the egoistic preferences of powerful EU member states. He argues that those member states with a preference for enlargement were able to strategically deploy rhetorical appeals to established EU norms in order to bring about their desired outcome. Specifically, they were able to deploy the shared norm that the EU should constitute a ‘pan-European community of liberal democratic states’ in order to ‘shame’ the opponents of enlargement into norm-conforming behaviour (Schimmelfennig 2001, p. 48).

Schimmelfennig has been taken to task for ontological inconsistency because member states in his framework seem to be at once motivated by materially-determined interests *and* the effects of socialisation (Siles-Brügge 2014a, p. 212, fn 2.6). However, the key point to take from his work is that norms (and other institutions) may be invoked strategically as imperatives for particular types of action in the same way as economic imperatives are invoked in Hay and Rosamond’s schema. Furthermore, Schimmelfennig contends that such appeals to institutional imperatives make for particularly effective rhetorical strategies, since they appeal to supposedly legitimate and broadly agreed standards.

In considering the success or otherwise of strategic appeals to external institutional constraints, I return to the logic of explanation outlined earlier, and in particular to its emphasis on the path-dependent nature of institutions. Indeed, this institutional logic is already implicitly present in Schimmelfennig’s (2001) model. He argues that the formation of the European Community institutionalised a normative commitment to the creation of a community of liberal-democratic states across Europe. This cemented in place a path-dependent

institutional constraint, whereby this norm remained at the heart of the European Community even when it diverged from the preferences of powerful member states, as in the case of enlargement. Schimmelfennig's argument concentrates on the ability of those member states with a preference for enlargement to successfully invoke this norm in pursuit of their policy aim.

The suggestion here is that where actors' preferences, and the rhetorical strategies they use to pursue them, converge with a widely agreed upon institutional norm or rule, these rhetorical strategies are more likely to prove persuasive. This is because actors can invoke this institutional norm to paint their favoured outcome as not just desirable, but necessary in order to comply with a shared and agreed standard or practice.

In order to avoid the ontological inconsistencies highlighted in Schimmelfennig's work, I take a position on the relationship between ideas and interests that is closer to that of Hay and Rosamond (2002). Here, while actors use rhetorical strategies in pursuit of their interests, these interests are *perceived* as opposed to *materially given*. Because they are situated within uncertain material and institutional contexts, actors must use reflexive understandings in order to define their interests and to decide on the best strategies to pursue them.

Further, because institutional norms are often ambiguous and contested, actors can seize upon this ambiguity and flux to construct particular projections and interpretations as convergent with their policy preferences. However, the path-dependent logic of institutions may affect how well this rhetorical appeal to an institutional norm works over time. In the light of the complex, changing and uncertain institutional environment described above, institutional appeals can all too easily fail to take account of path dependencies that shape eventual policy outputs in unintended and contradictory ways. Furthermore, path-dependent processes (as well as the evolution of actors' policy

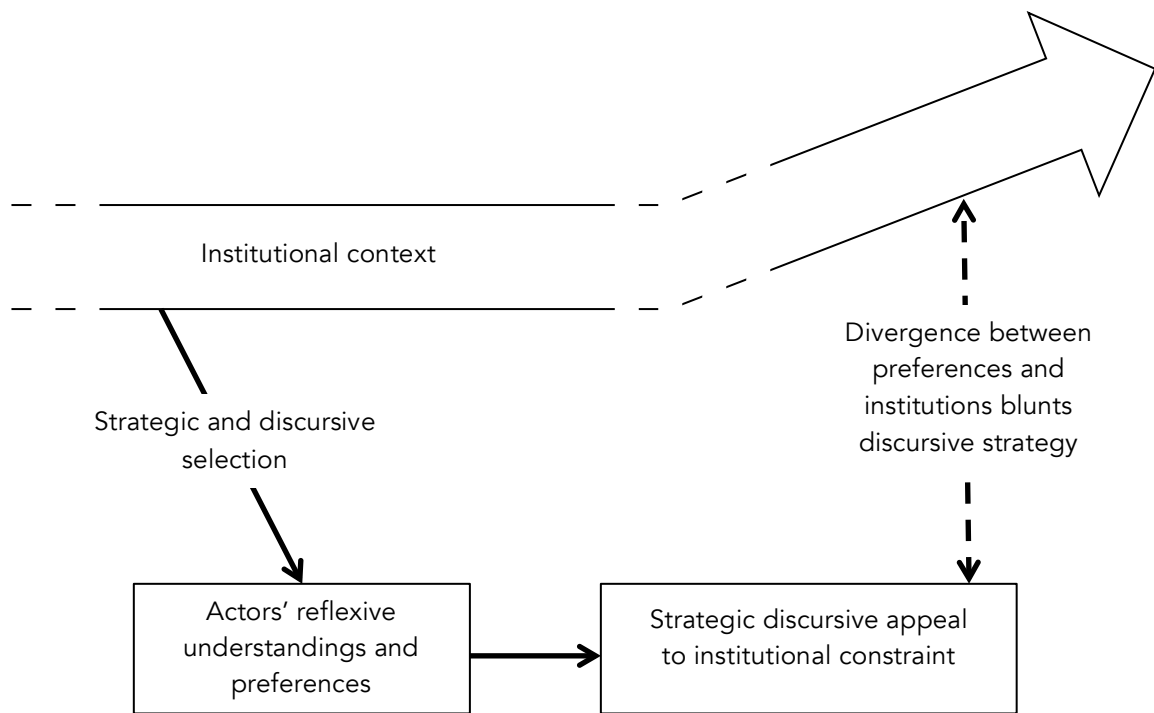


Figure 2.2: Strategic discursive appeals to institutional constraints (source: author's interpretation).

preferences) may lead to divergence between policy preferences and institutional norms and rules over time, blunting the effectiveness of appeals to institutional norms as a rhetorical strategy (see Figure 2.2). I argue in the thesis that EU policymakers' contested and shifting discursive appeals to WTO rules as an imperative for the recasting of the EU-ACP relationship are central to explaining the eventual limited and uneven reach of the EPA negotiations.

2.6 Conclusion

I began this chapter with the suggestion that rational choice institutionalist understandings leave a number of questions unanswered in relation to the central puzzles identified in this thesis. Following a review and critique of the rationalist literature that dominates accounts of EU external economic relations, I proposed an alternative logic of explanation on which to base the analysis in the remainder of this thesis.

This logic and its central implications can be summarised as follows. The framework here combines Parsons' (2007) institutional and ideational logics of explanation in order to generate insights about processes of complex and evolutionary institutional change. In so doing it suggests that institutions are created to lend order to a world of fundamental uncertainty. These institutions include formal organisations and rules as well as informal rules, norms and shared meanings. They follow a path-dependent logic that structures the environment in which agents are situated in intended and unintended ways. In addition, these institutional structures are 'strategically and discursively selective' (Hay 2002, p. 212-5) rather than fully determinate of the interpretations and responses of purposive agents, and as such they are ambiguous and open to different interpretations and responses. Agents, then, must deploy reflexive ideas in order to make sense of the institutional context in which they are placed and develop strategies for action within it.

The key implications of this logic of explanation are twofold. First, the interaction between reflexive agents and indeterminate path-dependent institutions – located in the context of the wider and changing social system – produces contingent and evolutionary institutional change over time. The fact that actors have an imperfect understanding of the complex and uncertain context in which they operate means that their behaviour is likely to transform that context in partial and unintended ways. This process of change may lead to the build up of complexity, contradictions and tensions within institutional structures and policy outputs over time.

Second, actors operating in an uncertain environment can and do use discursive practices strategically – that is, they use them as part of an ends-oriented strategy in pursuit of particular goals based on their perceived interests. One such discursive strategy that builds credibility and boosts chances of successful persuasion is to make strategic appeals to shared institutional rules, norms or understandings. Such strategies depend upon the ability of actors to construct a plausible degree of convergence between path-dependent and ambiguous institutional structures and their preferred policy outcomes or orientations.

I have sought in this chapter to add weight to existing calls for a move beyond the dominance of rationalist accounts of the drivers of EU external economic policymaking. In so doing, I have offered an account of the way in which institutional and ideational logics of explanation can be combined in a way that avoids the tendency to see ideas as a way to ‘mop up some unexplained variance in a particular outcome of interest’ (Blyth 2011, p. 84). Rather, the argument here is that while institutional structures can be treated as intersubjectively present and path dependent, they remain ambiguous and open to the competing interpretations and responses of individual agents. It is this ambiguity and contestability that makes the space for evolutionary and endogenous processes of institutional change.

The contribution I hope to make to the existing literature through this chapter comes in the claim that the logic of explanation developed here can not only help to account for complex processes of institutional change, but can also offer insights into the nature and operation of the power relationships between actors and the role of discursive strategies in these. In this sense, as well as offering a way forward for understanding the limited reach of the EU’s recent attempts to impose a particular model of liberal regional governance through its relations with the ACP countries, this chapter speaks to broader questions about the process through which certain ideas and discursive strategies come to be influential.

Chapter Three

The Internal Drivers and External Impact of the EU as a Global Actor

3.1 Introduction

There are two literatures pertinent to the subject of this thesis whose contribution has not yet been considered. These are, on one hand a literature that deals with the EU's role as a global actor and its interregional relations from a largely social constructivist perspective, and on the other a literature that offers accounts of processes of policy diffusion and rule transfer from the EU to other countries and territories. These literatures relate to two puzzles at the heart of this thesis. These puzzles are about the drivers of the EU's decision to recast the EU-ACP relationship as a set of ambitious and politically contested interregional FTAs, and the modest results that it achieved in the attempted implementation of this policy.

As it stands there is little that connects these two literatures: the former focuses on the *internal drivers* of the EU's role as a global actor while the latter concentrates on the *external mechanisms and impact* of European policy diffusion. In this chapter I present a review of these two literatures, and in so doing offer an analytical bridge between the somewhat abstract theoretical consideration of competing 'logics of explanation' in the previous chapter and the empirical analysis that comes in Chapters Four to Seven. I also begin to outline the fit between the theoretical approach presented in Chapter Two and the landscape of these literatures and suggest that this theoretical approach can help to draw out links between the internal drivers and external impact of EU external relations.

I put forward the following argument in this chapter. There is much of value in the existing social constructivist literature on EU interregionalism and the EU's global role. For example, part of this literature takes a critical view of European attempts to construct its own image as a 'normative' actor and does a good job of highlighting the relationship between the EU's (perceived) commercial interests and its supposedly normative agenda. However, more could be done here to highlight the historical processes through which the EU's external projections are produced and change over time and to consider the specific policy aims and tools that emerge from this process of change. The set of contradictions in the neoliberal model of development has been well rehearsed – particularly in relation to the EPAs (see, for example, Goodison 2007; Hurt 2003; 2012; Stoneman and Thompson 2007) – but this is only part of the story. Specifically, the way that sometimes contradictory liberal arguments (see Rosamond 2014) are incorporated into EU external projections is a contingent process that takes place in the context of a range of path dependent institutional structures. This suggests a need to comprehend the particular historical path of EU external relations and wider European integration in order to understand how neoliberal ideas have been incorporated into the European project over time and how this plays out in particular policy outputs.

While the key question for most of the existing literature on the EU as a global actor concerns the EU's adoption of a particular normative agenda in its external relations, I am also interested in this chapter in how the EU tries to bring this about at the level of policy formation and implementation. The existing literature on EU rule transfer and policy diffusion has produced interesting insights about the different types of material and discursive policy tools deployed by the EU to promote external reform. This literature, however, tends to treat these tools as an independent variable and to focus on their external impact rather than any contingencies in the process through which they are designed and deployed.

Here I argue that the aims and tools of EU external relations need to be seen in the light of their generation through particular historically embedded and contingent processes internal to the EU. In arguing this, the two analytical

puzzles at the heart of this thesis – about the drivers and reach of the EU’s evolving agenda for relations with the ACP countries – can be analytically linked. Specifically, an approach that emphasises the political contingency and historical embeddedness of the EU’s external relations not only provides a more convincing explanation of the EU’s external promotion of a liberal and regional model of external governance, but also allows us to problematise the process through which the EU constructs its strategies for the diffusion of these norms. It is the tensions and contradictions that may arise as agents pursue their preferences within path-dependent institutional structures that help us to account for the limited and uneven reach of EU external projections in some instances.

This chapter proceeds in three sections. First, I review and summarise the existing literature on the role and character of the EU as a global actor and EU interregionalism, and outline where my theoretical approach fits within this literature. Second, I outline the existing literature on EU rule transfer and policy diffusion and its contribution to an understanding of the mechanisms that are used by the EU in this process and their impact. Third, I highlight the way in which links can be drawn between these two separate literatures and analytical puzzles in order to understand the limited and uneven reach of EU external projections in some cases.

3.2 Interregionalism and the EU’s Global Role

In Chapter Two I critiqued the rational choice literature that dominates theoretical accounts of the EU’s external economic policy output. This section looks at broader debates about the role and character of the EU as a global actor. I focus in particular on social constructivist literature on the EU as a global actor and its application to considerations of EU interregionalism and the EPAs.¹⁴ This literature has sought to supplement or abandon the rationalist assumptions

¹⁴ There is a literature that applies the rationalist assumptions associated with the principal-agent approach to the case of the EPAs (Carbone 2007; Elgström 2009a; Elgström and Frenhoff Larsén 2010). Since the rationalist assumptions that underpin these approaches were dealt with extensively in Chapter Two, this will not be the focus of the present review.

associated with the mainstream literature on EU external economic relations. The EU's commitment to interregionalism and the development rhetoric surrounding the EPAs has made for a fertile engagement between these empirical events and social constructivist notions of the EU as a civilian, or even normative, power (Manners 2002; Orbie 2006).

Normative/Civilian Power Europe

Accounts of the EU's role in international affairs begin, more often than not, by citing François Duchêne's concept of 'civilian power' (Orbie 2006; Telò 2007b; Manners and Whitman 1998). Duchêne himself referred to civilian power rather unevenly in his own work and mainly deployed it as a description of the role the EU might one day play in international relations, rather than a fully developed concept (Orbie 2006, p. 123-4). But the concept has undergone something of a 'renaissance' (Orbie 2006, p. 123) since the 1990s. Jan Orbie (2006, p. 123-4) puts this revival down to Europe's growing international aspirations in the context of a decline in the legitimacy of US power in the international arena.

Duchêne's notion of civilian power is now perhaps most commonly associated with Ian Manners' (2002; 2008) suggestion that Europe should be considered a 'normative power'. This assertion is based on the idea that the combination of the EU's historical context, hybrid polity and legal constitution make it uniquely committed to placing universal norms and principles at the centre of its relations with the rest of the world (Manners 2002, p. 241). Manners (2002, p. 242-3) highlights five 'core' norms (peace, liberty, democracy, the rule of law and human rights) and four 'minor' norms (social-solidarity, anti-discrimination, sustainable development and good governance) that lie at the heart of the EU's international affairs.

Manners' framework has been heavily criticised on a number of fronts. He is taken to task for lacking historical depth and failing to capture the tension between competing principles and competing groups (Falkner 2007, p. 507); making an overly congratulatory assessment of the EU's benevolence (Langan

2012, p. 2); reproducing a reductive and binary distinction between norms and self-interest (Storey 2006, p. 334); and failing to identify criteria and standards by which elements of EU external policy can be judged to be normative or otherwise (Sjursen 2006, p. 235). For these reasons, most of the literature that invokes Manners normative power concept avoids his controversial assertion that European values are universally applicable or, indeed, that substantive EU foreign policy output is always a reflection of some unitary set of EU internal norms.

However, the key insight to emerge from Manners' work is the connection that he makes between the normative characteristics of Europe's presence in global affairs and the EU's form as a distinct institutional and political entity. Ben Rosamond has made a similar point, albeit writing from a different perspective. He suggests:

The existence of deep integration among European states has had the effect of constituting "Europe" as an actor [...] but its power operates in ways that conventional state-centric conceptions of world order have difficulty assimilating (Rosamond 2004, p. 81).

In his more recent writings – here with Owen Parker – Rosamond highlights the importance of economic liberalism, or 'market cosmopolitanism', as part of this post-Westphalian character and a key feature of Europe's external projections (Parker and Rosamond 2013, p. 229).

In the case of the EU's commitment to an interregional mode of international relations, the links between the EU's internal character and its presence in global affairs are clear. Much of the existing literature on EU interregionalism stresses the importance of the EU's institutional structure and normative basis in driving its interregionalist external agenda (see, for example, Börzel and Risse 2009; Doidge 2011; Elgström 2009b; Faber and Orbie 2009a; Hettne 2005). The broad argument in this literature is not so much that European foreign policy reflects universally applicable values, but that the EU's interregional projects are a reflection of *distinctively European* norms and values, which European

policymakers may or may not believe to be universally applicable. In this formulation, the EU has an explicitly regionalist ideology and strategy that drives both its internal affairs and its approach to global politics (Hettne 2005, p. 278).

There are three different aspects to this argument about the drivers of interregionalism. First, it is often claimed that the EU's support for regional integration rests on a commitment to the rule of law, multilateralism and multipolarity. This vision is set up in explicit opposition to the United States' supposedly more ad hoc and hegemonic approach to international relations (Farrell 2005, p. 265). In this line of argument, EU officials view regional integration, and its promotion through interregionalism, as a building block for achieving a peaceful and rules-based international system.

Second, interregionalism is said to provide the EU with a framework through which to articulate other external policy objectives. The European project is premised on the idea that regional economic integration is a route to conflict prevention that has delivered success in the Europe (Kühnhardt 2003, p. 47). It therefore follows that regional integration elsewhere offers a tool for the promotion of peace, democratic consolidation and good governance (Börzel and Risse 2009, p. 289; Holland 2004).

Third, interregionalism has been closely linked to the EU's policies for promoting development and social justice. The idea that openness to global markets is crucial for development and poverty reduction has come to dominate EU policymaking circles since the early 1990s (see Chapter Four) and regional integration and interregionalism are presented as the most effective route for developing countries to become integrated into the global economy (Doidge 2011). The key point here is that the normative underpinnings of the European project – with its emphasis on liberal internationalism and the promotion of peace, prosperity and social justice through market-based regional integration and interregionalism – are the foundations on which EU external economic policy has been built.

With regard to the Economic Partnership Agreements the idea that an ideological consensus within the European Union – or, at least, within the European Commission – is driving EU external relations has shaped some interpretations of these agreements. Faber and Orbie (2009a, p. 7), for example, argue that the EU’s emphasis on reciprocity and development through trade liberalisation in the EPAs reflects the post-Cold War international economic consensus (see also Faber and Orbie 2009b). But they also stress that there was a ‘distinctly “European” ideological flavour’ (Faber and Orbie 2009a, p. 7) to the EU’s approach to the EPAs marked by an attempt to export a model of deep integration at a regional level and a combination of economic liberalisation with regulatory standards. They conclude that:

Confronted with the so-called failure of the Lomé regime which provided non-reciprocal market-access, European policy-makers believe[d] that ACP countries would benefit from regulatory integration along the lines of the EU model (Faber and Orbie 2009a, p. 7).

Writing from a ‘normative institutionalist approach’, Elgström (2009b) makes the similar argument that the EU’s approach to the EPAs has been driven by a normative consensus in favour of free trade as a development tool within the European Commission.

EU Presence and Actorness

The emphasis placed by the extant literature on the EU’s external relations as a ‘spillover’ effect from its internal organisation and value system helps us to understand why European policymakers would seek to support various liberal policy reforms in other regions of the world. But this does not necessarily explain why the EU has adopted interregionalism as a mechanism for promoting a specific set of regional reforms as an explicit policy objective through the EPAs – or why it has done so only recently. Indeed, these deliberate efforts at the promotion of a liberal regional project beyond the EU’s borders stand in contrast to a recent claim by Tobias Lenz (2013) that ‘Europe’s ideational influence on

regionalism can be fruitfully understood as the largely indirect process by which the EU experience travels to other regions through socialization and emulation' (p. 211).

Consideration of constructivist arguments concerning the EU's identity as a global actor makes a valuable addition here. According to these arguments, the EU's external relations stem not just from its internal norms and identity but are also increasingly part of a conscious effort to promote and legitimise the EU's 'presence' (Allen and Smith 1990) and 'actorness' (Sjöstedt 1977; Hill 1993; Bretherton and Vogler 1999; for a summary of the literature on actorness, see Toje 2008, p. 203-5). As Söderbaum et al. explain:

During the last decade it seems to have become evident in the Commission and in leading policy circles that the EU's increasing economic weight and geographical size are linked to an imperative to become a global actor by playing a more important political and security role in the world. Thus, in order to play such a global role in the world, it is necessary that the EU increases its 'actorness' and attains the qualities of an actor that is capable of making more autonomous foreign policy decisions (Söderbaum et al. 2005, p. 371).

This argument suggests that if there is a coherent doctrine at the heart of EU external relations, this relates to establishing the EU as an effective and legitimate actor on the world stage (Söderbaum et al. 2005, p. 373). The same authors point to a striking self-confidence amongst EU policymakers that the world is 'hungry for its presence' (Söderbaum et al. 2005, p. 371). In a different vein, Bicchi (2006) argues that EU foreign policy is best seen as 'unreflexive behaviour mirroring the deeply engrained belief that Europe's history is a lesson for everybody' (p. 287).

This confidence that the world was 'hungry for Europe' among European policymakers – at least in the period before the 2008 financial crisis – led to attempts to construct the EU as a powerful and significant global actor. The EU's policy of interregionalism and its promotion of a range of supposedly norm-

based reforms can be viewed as part of this project to portray itself as a legitimate, and indeed unique and distinctive, actor in the international arena (Aggarwal and Fogarty 2004a, p. 15).

As well as constructing European-style regionalism as an effective and legitimate model for export in its own right, the EU deliberately set up its foreign policy identity in opposition to the perceived interest-based hegemonic project of the United States (Hettne 2005, p. 286). Along these lines, Grugel (2004) argues that the EU's export of its own regional model is an important way of signalling that the EU is a different kind of foreign policy actor. In this way, EU interregionalism acts as 'an identity marker of what it perceives as a more humane governance model in its relations with the developing world' (Grugel 2004, p. 621). In this way, the US is portrayed as a promoter of, '(bad material) interests, while the EU exports (good moral) values' (Börzel and Risse 2009, p. 22).

At the same time as constructing the EU's identity as a global actor, the promotion of regional integration can also be seen as a way of boosting the EU's legitimacy within its own borders. This works both by juxtaposing the European identity with regional 'others' (Rüland 2010, p. 1278) and through the assertion that regionalism is a universally effective and legitimate mode of governance (Söderbaum and Van Langenhove 2006).

A problem with Manners' original 'normative power Europe' formulation is that his description of the EU's foreign policy comes very close to the way that the EU itself tries to construct its identity as a normative, not to say morally superior, international actor (Robles 2008, p. 194; Sjørnsen 2006, p. 235). As Börzel and Risse (2009, p. 22) point out, to accept the juxtaposition between 'normative' Europe and 'self-interested' others is to reify the EU's own identity construction and take it at face value. In a similar vein, Rosamond and Parker (2013) point out, 'normative power Europe' is better deployed as a critical approach to the EU's external projections as opposed to a 'distinctive ontological characterisation of the EU' (p. 229).

Much of the EPA literature treats the EU's claims to its normative and developmental motivations with a high degree of scepticism. For example Mark Langan's (2012, p. 243) 'moral economy' approach claims that the normative content of the EU's discourse about the EPAs shapes its approach by serving as a 'legitimation' and 'rationalisation' of self-interested geopolitical and commercial motivations (see also Langan 2011). Andy Storey (2006) adopts the language of Manners' 'normative power Europe' framework, but suggests that while the EPAs may be driven by norms, these are in fact the highly controversial norms of neoliberal governance and globalization rather than sustainable development. These critiques of European claims about the normative content of its external policies play an important role in sensitising EU scholars to the encroachment of economic and commercial imperatives into what might otherwise be considered a norm-based policy agenda.

Norms and Commercial Interests

The role of commercial interests in EU external relations has come under heavy scrutiny in the context of the Lisbon Agenda, under which increased emphasis has been placed on strengthening the EU's economic power position and promoting European 'competitiveness' in the global economy (European Commission 2006; George et al. 2009, p. 64; Söderbaum et al. 2005, p. 374). In terms of external economic policy, the Lisbon Agenda promotes reciprocal, bilateral and interregional agreements that aim to not only liberalise trade in goods, but also trade in services. It also pushes for the inclusion of so-called 'behind-the-border' issues – to do with government procurement, trade facilitation, investment and competition – within these agreements in advance of their adoption by the WTO (Heron and Siles-Brügge 2012; Siles-Brügge 2014a).

The EU's interregional aims can be seen as a strategy to export the regulatory norms that govern economic relations within the EU (Farrell 2009, p. 1180). In some cases – for example, in Latin America, this desire to cement the EU's economic presence and power in a particular region may be driven by the aim of 'balancing' the power of another major global actor, particularly the United

States (Bajo 1999, p. 930; Hardacre and Smith 2009, p. 176; Roloff 2006, p. 17; Söderbaum et al. 2005, p. 374). In the ACP group of countries, the EU's export of its model of economic governance has been seen as a way of exercising hegemonic control in order to exploit economic opportunities (Farrell 2005; Söderbaum et al. 2005, p. 375). Moreover, by promoting regional institutions and the setting of standards in partner regions, the EU can make sure regulatory standards for investment and trade in services are set in a way that is compatible with existing EU rules and that consequently confers advantages on EU firms (Heron and Siles-Brügge 2012; Meunier and Nicolaïdis 2006, p. 913-4). In addition, some claim that interregionalism can help to set precedents for future bilateral and interregional agreements, and particularly for WTO negotiations (Goodison 2007, p. 248; Hardacre and Smith 2009, p. 184).

Söderbaum et al. (2005) and Siles-Brügge (2014a) point out that in its official discourse, the EU presents the promotion of its commercial interests as entirely compatible with its 'normative' agenda of promoting liberal norms through interregionalism in pursuit of peace and prosperity in other parts of the world. EU discourse states that interregionalism promotes the integration of developing countries into the global economy; that it helps to attract foreign direct investment (FDI); and that it promotes the efficient use of resources through increased competition (European Commission 1995; 2006; 2008a). On the other side of this equation, the Commission's argument is that interregionalism boosts European competitiveness by allowing EU firms privileged access to commercial opportunities in partner regions and countries.

In relation to the EPAs, this win-win narrative of liberal governance has become the focus of extensive critique from various critical perspectives (Flint 2009; Girvan 2010; Hurt 2010; 2012; Stoneman and Thompson 2007). It is dismissed by several authors as little more than false rhetoric designed to disguise naked commercial imperatives (Hurt 2003; Goodison 2007; Langan 2012). Orbie (2011, p. 181) suggests that, given the model of economic governance that the EU promotes, it should be known as 'neoliberal power Europe' rather than 'normative power Europe' (see also Hurt 2012).

Reflections the EU as a Global Actor

The conclusions that I draw from the constructivist literature on the EU as a global actor are as follows. I reject the notion that the EU as a global actor can be characterised only and uniquely as a ‘normative’ actor and that its normative concerns are separate from – or more important than – its external commercial motivations. I do, however, take on board and concur with claims that economic liberalism – and particularly its regionalist variants – have come to be a norm that is central to the European project and to the EU’s external trade and development policies. Attempts to project a regional model of liberal economic governance beyond European borders seem to reflect a genuine internalisation of the normative merits of this model amongst European policymakers as well as more instrumental efforts to boost the EU’s power and ‘actorness’ on the global stage.

I do not go so far as to say that the EU’s external projections can be reduced to a cipher for material interests. However, it is clear that the EU’s narrative of mutually beneficial interregional liberalisation has strong links with efforts to secure commercial gains through the promotion of European regulatory standards in key external markets. The argument advanced here is not that material interests ‘trump’ normative aims, but that the EU’s material interests are not separable from its external projection of a market liberal project. This embodies *both* a set of ideas about the best way to promote European competitiveness and interests in the global market *and* about the mutual benefits – including the promotion of development – that can be drawn from comprehensive trade liberalisation.

In this thesis I aim to contribute to the existing social constructivist literature on the EU as a global actor by stressing, in line with the theoretical approach elaborated in Chapter Two, the historical processes through which the EU’s external projections are produced and change over time. Moreover, I wish to emphasise the contingent and potentially contradictory nature of EU policy aims and tools that emerge from this historical process. The suggestion here is that it is

useful to trace the specific process through which broadly neoliberal ideas have been incorporated into the European project and particular policy processes, aims and tools over time. By doing so, it is possible to garner new insights about the way in which tensions are generated within EU external projections. In the case of the EPAs, these tensions relate in particular to the EU's efforts to tie together commercial, normative and legal imperatives for the external adoption a liberal model of regional economic governance within the context of the longstanding EU-ACP relationship and the idiosyncratic institutional norms that constitute the international regulatory regime for trade (see Chapters Four and Five).

3.3 Understanding the Mechanisms of EU Policy Diffusion

While the literature on the EU as a global actor has produced many useful insights about the internal drivers of EU policy output, it has less to say about the reach of these policies beyond the EU's borders. In this section of the chapter, I turn to the literature on 'rule transfer' (Schimmelfennig and Sedelmeier 2004) and, more broadly, policy diffusion, to EU accession countries and the European neighbourhood.¹⁵ While this literature provides a useful starting point for considering the mechanisms used by the EU to promote policy diffusion, I suggest that it leaves a number of puzzles in relation to the limited reach of EPA-specific policy diffusion. Here I argue that a consideration of the mechanisms by which the EU promotes policy diffusion can be profitably linked back to an understanding of the complex and contingent process through which EU external projections are formed.

¹⁵ The literature on this topic is extensive. For reasons of space and relevance, I limit this review to those works that have made a central contribution to theoretical explanations of the successes of EU policy diffusion. Rather than explicating the theoretical debate surrounding processes of rule transfer to the accession states and beyond, here I am interested in taking this literature as a point of departure for an exploration of the mechanisms the EU employs to promote external policy reform.

Mechanisms for Policy Diffusion and the 'Rule Transfer' Literature

The various enlargements of the European Union from an original six members to the current 28, and particularly the 2004 and 2007 Eastern enlargements, have naturally attracted sustained academic attention. In particular, scholars have enquired into the mechanisms by which the EU transfers European rules and policies to prospective member states. Studies of EU policy diffusion have also looked geographically further afield at the European Neighbourhood Policy, the European Economic Area, EU policy towards the Western Balkans and Swiss-EU bilateralism (Lavenax 2011).

Before addressing the literature, a brief clarification of terminology is necessary. Concepts employed in the literature on the EU's promotion of external policy change include 'Europeanization' (Grabbe 2006; Hughes et al. 2004; Schimmelfennig and Sedelmeier 2004), 'EU-ization' (Wallace 2000) and 'rule transfer' (Schimmelfennig and Sedelmeier 2004). 'Europeanization' as a term is rejected here because it has been used to refer to a wide range of processes beyond the EU's promotion of particular policy or legal reforms outside its borders (Haughton 2007, p. 233-4). While 'EU-ization' is a more precise term, this has not garnered much use in the debates explored below (Haughton 2007, p. 234).

This leaves us with 'rule transfer' and this will be used to discuss the literature on EU accession and the associated extension of EU rules. However, when the broader process by which the EU promotes the reform or introduction of particular rules and policies beyond its borders (which includes, but is not limited to, rule transfer) is discussed, I use the term 'policy diffusion'. 'Policy diffusion' includes the external promotion of certain reforms that may not reflect parts of the EU's existing *acquis*, or that may not amount to the export of the *acquis* in its entirety. This broader term thus includes processes through which the EU promotes liberal trade norms and market integration beyond its borders.

Much of the early literature on EU policy diffusion focussed specifically on Central and Eastern European candidate countries and adopted what has come to be known as an ‘external incentives model of governance’ (Schimmelfennig and Sedelmeier 2004, p. 661; see also Kelley 2004; 2006; Schimmelfennig 2005; Vachudova 2005). Schimmelfennig and Sedelmeier’s (2004, p. 662) influential article takes the adoption of EU rules in non-member states (‘rule transfer’) as the dependent variable and seeks to explain ‘how rule transfer happens’ using a rationalist bargaining model. Their primary conclusion is that, ‘a state adopts EU rules if the benefits of EU rules exceed the domestic adoption costs’ (Schimmelfennig and Sedelmeier 2004, p. 663). They find that the primary factors affecting this rational calculation in EU accession states are the credibility of membership conditionality – whether states credibly believe they will be allowed to become members if they adopt EU rules – and the domestic costs of rule adoption (Schimmelfennig and Sedelmeier 2004).

The premise of the rationalist external incentives model of rule transfer was that this process would be most effective in the context of states with a credible prospect of gaining EU membership and most significant during the accession process. The correlate of this is that rule transfer would be less effective beyond the geographical confines of the accession states. In addition, after the accession process was completed and membership conditionality was no longer at play, there might be backsliding in accession states’ commitment to reform and its implementation (Epstein and Sedelmeier 2008, p. 795).

However, the influence of European policy diffusion has been shown to extend both temporally and geographically beyond the confines of membership conditionality and the accession process (Epstein and Sedelmeier 2008). In attempts to explain the more enduring and widespread influence of EU policy diffusion, a number of authors have supplemented the external incentives model with ‘new governance’ or ‘network governance’ approaches (Epstein and Sedelmeier 2008; Lavenax 2008; 2011; Lavenax and Schimmelfennig 2011). These authors characterise the external incentives model as one that sees rule transfer as a top-down hierarchical process in which the EU uses its dominant market position to impose the adoption of a pre-determined set of rules and

policies (the EU's legal *acquis*) through material conditionality (Lavenax 2008, p. 941). While this may be relevant in the context of the accession states and membership conditionality, proponents of the governance approach suggest that policy diffusion follows a different logic elsewhere.

Specifically, the governance model is characterised as a horizontal (as opposed to hierarchical) mode of engagement between the EU and third countries. In this mode, rule convergence proceeds in a functional manner in particular issue areas and ties are deepened through cooperation between governmental and non-governmental actors (Lavenax and Schimmelfennig 2011, p. 887).

Lavenax suggests that where EU conditionality simply exports already established EU rules to third countries, from a governance perspective:

“EU influence” consists not primarily in leading third countries to adopt EU rules but rather in extending integration dynamics in the sense of creating joint regulatory structures (Lavenax 2008, p. 943).

The lack of conditionality in this mode of policy diffusion means that it is most likely to occur where interests between the EU and third countries converge and enforcement problems and costs are low (Lavenax 2008, p. 939). Beyond the EU's neighbourhood, Lavenax (2008) suggests that ‘instances of regulatory rule transfer and organizational cooperation are much more scattered and issue specific, reflecting patterns of economic or functional interdependence rather than political priorities’ (p. 389).

Both the external incentives model and the governance approach to understanding EU policy diffusion have been developed primarily in relation to EU accession countries and the dense network of relationships that the EU has developed with its ‘near abroad’. It seems to me that the application of insights developed through these approaches to the EU's external relations further afield – and to the ACP countries specifically – is relevant, but presents a set of puzzles rather than answers.

Lavenax (2011) suggests that the EU's external relations can be characterised by 'concentric circles'. In this conceptualisation, the innermost circle constitutes the EU's hierarchical relationship based on membership conditionality with the accession states. The outer circles – the EU neighbourhood and beyond – are characterised by more ad hoc, functional and horizontal relations. To some extent the EU's relationship with the ACP countries defies this characterization. Although the EU-ACP relationship is beyond the scope of EU membership conditionality, the EPA negotiations have the hallmarks of a hierarchical, rather than a horizontal relationship. There is no membership conditionality at stake in the case of the EPAs, but there is 'policy conditionality' (see Trauner 2009) in the sense that the continuation of preferential access to the EU market for these countries has been made conditional upon a range of policy reforms.

The EU-ACP relationship also fits with Schimmelfennig and Sedelmeier's (2004, p. 675) description of 'old' (i.e. hierarchical) governance in other ways. These are, namely, that the power relationship between the actors is highly asymmetrical; that the influence of the recipients on the content and scope of the rules and policies that are being promoted is minimal; and that the actors involved in the process of rule transfer are primarily governmental and bureaucratic as opposed to civil society representatives. In this sense, although the relationship between the EU and the ACP countries is distinct from that between the EU and the accession countries, these relationships share a number of key features. The puzzle for students of EU-ACP relations, then, is that while this relationship seems to conform in a number of ways with a hierarchical model of governance, the EU's attempts at policy diffusion have been met with limited and uneven success.

3.4 Understanding the Limits to EU External Economic Action: Internal and External Dynamics

This section refers back to my earlier conclusions about the contingent historical process through which EU policies are made. In line with this, it suggests the need to probe more deeply into the dynamic process through which not just the

EU's external policy aims, but also its tools and mechanisms for achieving them, are designed and constructed. I argue that doing so can provide insights about the extent of and limits to processes of policy diffusion. This step also allows the development of a linkage between the *internal* process of EU policy formation and the *external* impact of its mechanisms for policy diffusion through the constructivist logic of explanation proposed in Chapter Two.

To be clear, the approach taken here differs from those existing contributions to EU studies that link the EU's limited and contradictory impact on the world stage to either the continuing and fragmentary influence of the member states (Hill 1993; 1996) or bureaucratic divisions within the European Commission (Carbone 2007; 2009; Elgström and Pilegaard 2008; Pilegaard 2009; 2004; Van Criekinge 2009; van den Hoven 2007). Here the problem is not a generalised lack of EU influence on the global stage – indeed the mechanisms deployed by the EU to promote policy diffusion have been rather successful in some cases. Instead the aim is to develop a theoretical approach that allows us to explore the limitations of *specific* EU policies of and strategies for the external promotion of particular reforms or models of governance.

Gergana Noutcheva (2009) has sought to integrate internal and external dimensions of the EU's normative power in order to better understand the impact of processes of policy diffusion. She contends:

On the one hand, conclusions about the EU's normative power cannot be drawn without considering the reactions of non-EU countries to the EU's policies or assessing the impact "on the ground". On the other hand, evaluations of non-member states' responses to the EU's external actions cannot be credible without first taking into account their perceptions of the motivations for pursuing certain policy objectives in the first place (Noutcheva 2009, p. 1066).

In other words, Noutcheva suggests that EU policy diffusion can only be understood by investigating both the normative justifications of EU external policies and the reception that these justifications receive in counterpart

countries. She applies this approach to the case of EU policy towards the Western Balkans, which she argues lacks a strong normative justification and which is perceived by governments and publics in the Western Balkans as lacking legitimacy. This opens EU policies to contestation on normative grounds and leads to ‘fake compliance, partial compliance or non-compliance’ with EU conditions (Noutcheva 2009, p. 1065). The suggestion here is that the way the EU builds a normative or persuasive case about the legitimacy or efficacy of its external policies (and the way this is received) has an important impact on the effectiveness of its attempts at policy diffusion.

However, there is convincing evidence from elsewhere in the existing literature that we need to look beyond straightforward normative persuasion to understand policy diffusion. A number of authors have considered the role of normative and ideational mechanisms for policy diffusion and their effect on particular outcomes (Grabbe 2006; Kelley 2004; 2006; Schimmelfennig and Sedelmeier 2004; Vachudova 2005). Much of this work concludes that normative persuasion plays a secondary, and relatively small, role in encouraging policy diffusion when compared to material conditionalities.

For example, Schimmelfennig and Sedelmeier (2004, p. 667-8) refer to processes of ‘lesson drawing’ and ‘social learning’ as potential mechanisms for rule transfer but conclude that the primary logic of this process is a rationalist one based on reinforcement by reward. Kelley (2004, p. 426) contends that membership conditionality motivates most policy decisions within EU partner countries while processes of socialization only sometimes shape the substance of solutions. Others have suggested that the effectiveness of normative persuasion is contingent upon the receptiveness of elites in target countries (Appel and Orenstein 2013; Grabbe 2006; Haughton 2007; Lavenax 2008; Noutcheva 2009; Orenstein 2008a; 2008b). This is a factor that certainly comes into play in my analysis of the EPA negotiating process in Southern Africa in Chapters Six and Seven. The general point here, however, is that only if policy elites are receptive to the norms being promoted by the EU, and the material benefits of the proposed reform outweigh the perceived costs, are normative mechanisms likely to produce policy diffusion.

The existing literature suggests, then, that understanding the internal and external dynamics of the EU's normative action, isolated from its material strategies for policy diffusion, will not provide a full understanding of the successes and failures of policy diffusion. Mitchell Orenstein's (2008b) work on social security reform suggests a way forward here. Orenstein (2008b) explicitly rejects the "norms" *versus* "incentives" debate' found in much of the literature on policy diffusion in favour of a norms *plus* incentives approach: 'discerning specific mechanisms of influence that may combine both norms and incentives' (p. 5).

He argues that the primary mode of influence for transnational actors is through shaping national policymakers' perceptions of self interest. This is most effective when these actors are able to work with domestic interlocutors to change the preferences of domestic 'veto players', who occupy institutionally privileged positions in the policymaking process (Orenstein 2008b). This might explain why certain discursive strategies succeed or fail in particular national jurisdictions – that is, due to the support or obstruction of veto players. However, it tells us less about why a particular strategy for policy diffusion might succeed or fail across a range of national jurisdictions, as has been the case with the EPAs. I therefore seek to move beyond the 'norms' versus 'incentives' debate in a rather different way. The aim here is consider how material and institutional constraints and potential costs and benefits of policy diffusion are themselves *constructed* alongside normative arguments in favour of proposed policy reforms.

My approach has commonalities with the recent work of André Broome and Leonard Seabrooke (2007; 2012) on 'seeing like an international organisation' in its attempt to draw links between the internal processes and external outcomes of the actions of international organisations. Broome and Seabrooke (2012) suggest that in order to understand the capacity of international organisations to bring about changes in national institutions and policies, we should pay attention to their internal dynamics. In particular, they suggest that way that the 'analytic institutions' – specialist units, departments, committees (etc.) – of a given

organisation identify and construct policy problems shapes the influence they have over national policies and institutions.

The link between the internal and external dynamics of policy diffusion drawn here is similar. It has already been suggested that the way in which the EU's external policy aims are constructed, discussed and delivered through and by different organisational bodies and personnel in a contingent and historically specific process can create contradictions and tensions within these policy outputs. This applies to the construction of policy problems and solutions (see Broome and Seabrooke 2012), but also to the design of the material and discursive policy tools used to promote these solutions. These tools might, for example, include strategic invocations of institutional constraints as a discursive device to portray a particular reform as necessary (see Chapter Two).

In the case of the accession countries, the material incentive to acquiesce to EU demands for rule transfer is relatively self-evident. Although even here, the EU constructs strong discursive arguments about the benefits of EU membership. In other cases of EU external projection, policymakers may have to work harder to construct incentives and a normative case for proposed reforms. In the case of the EPAs, the EU's primary material leverage was in the form of the threat that ACP countries would lose preferential access to the EU market if they refused to sign an EPA. This leverage could only be mobilised, however, through the EU's invocation of a particular set of WTO rules (see Chapters Four and Five). Furthermore, the reach of the EU's material leverage was uneven and in this context EU policymakers made a concerted effort to persuade the ACP countries that the EPAs would support their development aims. This strategy for policy diffusion, then, combined an appeal to institutional imperatives, material incentives and a normative argument. Most importantly, the way that these elements were put together and the way that the strategy was deployed was contingent on the ideas and decisions of historically embedded agents.

The key point here is that the way that policy aims and tools are constructed has important implications for the willingness, or otherwise, of target countries to adopt the EU's proposed policy or institutional changes. Effectively designed

policy tools may alter the incentives that policymakers in other countries face and/or persuade them that proposed reforms are desirable or necessary in the light of institutional imperatives. If there are tensions and contradictions within the EU's discursive and material tools for the promotion of reform, however, these tensions may make these tools less effective and open them up to contestation by partner countries and other actors. Ultimately, the treatment of these policy tools as a given that emerges from a black box of institutional activity in much of the existing literature ignores their institutionally embedded and often problematic design and construction.

3.5 Conclusion

In this chapter, I set out to review and draw insights from the literatures on the EU as a global actor and on EU policy transfer and diffusion. These speak to two central dimensions of the analysis presented within this thesis: the drivers of EU external economic relations and their external reach. However, few links have been drawn between these literatures. My aim here was firstly to outline how the theoretical approach elaborated in Chapter Two might be applied to an understanding of EU external economic relations within the context of these literatures. In addition, I aimed to draw links between them, with the specific purpose of exploring the connection between the internal drivers of the EU's outward projections and their external reach.

I argued that the existing social constructivist literature on the EU as a global actor generates very useful insights about the way in which the EU constructs its own image as a distinctive and benevolent global actor. At the same time it demonstrates the intertwinement of the EU's normative and commercial external projections. This thesis takes this literature as a point of departure and aims to stress the contingent and historically embedded process through which neoliberal ideas have come to be central to the European project itself and to its external projections specifically. Applying a similar argument to the existing literature on EU rule transfer and policy diffusion, I argued that new insights could be generated by examining the contingent processes through which EU preferences and policy prescriptions are translated into policy tools.

These conclusions suggest that links can fruitfully be drawn between the internal processes of EU policy formation and the external impact of these policies on the ground. I argue that in order to do this, EU external relations need to be seen in the light of the particular and historically embedded processes through which policy outputs are produced and articulated by reflexive agents. This relates to both the EU's external policy prescriptions and the tools that it uses to pursue them. This process of policy development and deployment may generate tensions and contradictions as policymakers' ideas, preferences and discursive strategies come up against path-dependent and embedded institutional structures. Such tensions may limit the reach of the EU's mechanisms for policy diffusion and open up space for the contestation of EU claims about the normative character of its policy prescriptions.

The programme of the remainder of this thesis with regard to this literature is to analyse the historical process of change in the EU's policy aims and tools from the Treaty of Rome through to the Lomé Convention, the Cotonou Agreement and the EPA negotiations. The aim is to explore the tensions and contradictions that emerged in and through this process of change and the way that these played out during the attempted implementation of the EU's ambitious EPA programme.

Part II

The Construction and Reach of the Economic Partnership Agreements

Chapter Four

Constructing a Successor to the Lomé Convention

4.1 Introduction

The Cotonou Agreement in 2000 marked the point at which the longstanding Lomé Convention – which had governed relations between the EU and the ACP countries since 1975 – was replaced with negotiations for comprehensive EPAs. This represented the completion of the EU's move away from the putative political neutrality of Lomé and towards an increased emphasis on the export of neoliberal development norms in EU-ACP relations. Much ink has been spilled over the history of the EU-ACP relationship (notable monographs, for example, include Brown 2002; Cosgrove Twitchett 1978; Grilli 1993; Ravenhill 1985) and the break with the past that came with the Cotonou Agreement.

In this chapter, however, I seek to address a specific puzzle that is raised by the recasting of the EU-ACP relationship in the late 1990s and that I will argue is not fully addressed in the existing literature on EU-ACP relations and the EPAs. This puzzle relates to the EU's dramatic about-face with regard to the legal defence of the Lomé Convention, followed by its decision to pursue EPAs that went far beyond the requirements of WTO rules. For much of the post-war period, the EU had defended the legality of the non-reciprocal trade preferences that it granted under the Lomé Convention. It was surprising enough, then, that in the mid 1990s the EU gave in to a series of challenges to its trade relationship with the ACP countries under the GATT and WTO and accepted that Lomé was in contravention of multilateral trade rules. What was more surprising, however, was that the EU proposed and then pursued EPAs that went far beyond the

requirements of WTO rules with regard to their interregional form and later attempts to incorporate a range of ‘WTO-plus’ issues into the deals. Furthermore, this ambitious agenda appeared out of proportion to the EU’s peripheral and declining commercial and strategic interest in the ACP countries.

Much of the literature written shortly after the signing of the Cotonou Agreement in 2000 interpreted the recasting of the EU-ACP relationship through the lens of various structural imperatives. These ranged from a shift in the EU’s independent political and commercial interests, to the legal challenges under the GATT and WTO, to a change in the institutional structures of the European Commission. The narrative that I present in this chapter seeks to refute these structural arguments. Moreover, I argue that the EU’s change of direction at the Cotonou Agreement was not simply a reflection of a conversion to a monolithic neoliberal orthodoxy amongst EU policymakers. Rather, drawing upon the theoretical arguments set out in Chapters Two and Three, I argue that an approach that emphasises the historically embedded and politically contingent nature of policymaking processes is able to provide a more nuanced and convincing explanation of the EU’s decision to recast the Lomé Convention as a set of ambitious and comprehensive free trade agreements. Furthermore, such an approach allows me to problematise the process through which the EU constructed the aims of the EPAs and the tools for their promotion, which will contribute to the understanding of their limited and uneven reach presented in subsequent chapters.

In this chapter I argue that the EU’s decision to recast the ACP relationship in the form of comprehensive regional FTAs was shaped by a distinctive set of ideas pursued by particular European actors in the context of historical patterns of EU-ACP relations and multilateral trade rules. The European actors that constitute the main focus of my analysis are policymakers within the European Commission. Institutionalist approaches to understanding EU trade policymaking have usually taken the relationship between the Commission and the member states in the European Council and 133 Committee to be the central dynamic of this process (Woolcock 2005b, see Chapter Two).

Here, I choose to focus instead on the ideas and actions of the Commission officials whose role it is to both propose new trade policy and carry out negotiations with external partners. This choice reflects the suggestion by Daniel Wincott (2004, p. 356) that constructivist accounts of EU policymaking should focus on those actors closest to the policymaking process. Furthermore, existing principal-agent accounts of the EPAs are supportive of the notion that the Commission enjoyed a relatively high degree of autonomy from the member states during both the proposal and negotiation stages of the agreements (Elgström 2009a; Elgström and Frenhoff Larsén 2010; Elgström and Pilegaard 2008; Orbie 2010). Of course, this analytical choice does not mean ignoring the role of the member states altogether. The expressed preferences of the member states formed an important part of the context in which Commission policymakers made decisions about the reform of the EU-ACP relationship. There were also times at which member states encroached upon the autonomy of the Commission through direct or indirect interventions in the policymaking and negotiating process. On this basis, reference to member state positions is made where appropriate but the primary analytical focus remains on the ideas and actions of Commission policymakers.

Following a brief review of the relevant existing literature, my argument in this chapter unfolds chronologically, as follows. By the early 1990s, belief amongst European Commission policymakers in the development model that underpinned the Lomé Convention had largely disappeared. This was replaced by a neoliberal consensus that emphasised exposure to the exigencies of the global economy as essential for development and located the cause of development failures within endogenous policy problems. A specifically European dimension to this neoliberal consensus stressed the importance of regionalism as a stepping stone to full integration into the global economy and the EU's unique qualifications for overseeing and promoting this. European actors were also committed to the principle of differentiation and the idea that development assistance should be targeted at the poorest developing countries. In this context, the Lomé Convention was adjudged – even before a series of adverse rulings under the

GATT and WTO – to be not only a failure but an obstruction to ACP development.

These GATT/WTO legal challenges were undoubtedly at the forefront of the minds of EU policymakers when they made the decision to recast the Lomé relationship. The EU's commitment to multilateralism was in itself a reflection of the changing ideological underpinnings of EU external relations. However, the way that the EU deployed strategic appeals to WTO rules – particularly Article XXIV of the GATT – in the recasting of the Lomé relationship was contingent and was underpinned by EU policymakers' more or less independent commitment to promoting trade opening in order to further ACP development. The GATT and WTO rulings, then, were used by the EU as a pretext on which to realign the EU-ACP relationship with a new set of preferences for ACP trade liberalisation, the external promotion of open regionalism, and the principle of differentiation in EU development assistance. These independent preferences drove both the EU's sudden abandonment of its legal defence of Lomé and its enthusiasm for an EU-ACP regime that went beyond the bare minimum of WTO compliance.

EU policymakers were, however, caught between the path dependent trajectories of two separate institutional arrangements. These were, on the one hand, historical commitments to partnership and the provision of trade preferences to the ACP countries as former colonies and, on the other, the idiosyncratic rules that had developed via the GATT and WTO's governance of multilateral trade liberalisation. In attempting to reconcile their independent preferences with these institutional path dependencies – and indeed to invoke multilateral rules as an imperative for ACP trade opening – European Commission policymakers generated important contradictions within the content of the Cotonou Agreement.

4.2 The Cotonou Agreement: A Puzzle for the Existing Literature

The primary aim of this chapter is to explain the EU's abandonment of its legal defence of the Lomé Convention in the mid 1990s and its subsequent decision to pursue a new EU-ACP trade arrangement that went far beyond the requirements

of WTO rules. Before setting out a response to this puzzle, I briefly review existing accounts of this shift.

First, the most widely cited trigger of change in the EU-ACP relationship – and the explanation of this change most commonly used by the EU itself (see, for example, Curran et al. 2008; European Commission 2008b; Mandelson 2007) – is the challenges to the Lomé trade regime under the auspices of the GATT and WTO in the 1990s. The argument advanced in these accounts is that the GATT/WTO challenges left little or no alternative to the wholesale reform of the EU-ACP relationship and its recasting on the basis of reciprocity. As I will show in the narrative that follows, the challenges posed by the GATT and the issue of WTO compatibility clearly played a central role in the thinking of various European actors with regard to EU-ACP relations in the 1990s and 2000s. However, it is equally clear that these legal issues cannot account alone for the reshaping of EU-ACP relations that followed.

There are a number of reasons for this. First, a number of commentators have outlined an array of alternative options for the future of the EU-ACP relationship following the GATT challenges (ActionAid 2005; Bilal and Rampa 2006; Trommer 2013). This includes some who have suggested that the EU could have negotiated further WTO waivers for the continuation of non-reciprocal EU-ACP trade preferences had it invested sufficient political capital in doing so (Heron 2013, p. 43; Stevens 2008, p. 214; Faber and Orbie 2009b, p. 54). Given that the EU had defended its ACP trade regime under Article XXIV of the GATT since the beginning of the Lomé Convention, and that it initially contested the GATT challenges to the regime, the EU's decision not to seek further legal justification for non-reciprocal trade preferences represented a break with the past.

Second, the European Commission itself outlined several options for rendering relations with the ACP countries WTO compatible. These were set out in a 1996 Green Paper on the future of EU-ACP relations and included normalising EU-ACP relations under the Generalised System of Preferences (GSP) and the negotiation of a single free trade agreement based on 'uniform reciprocity' between the EU and the ACP countries (European Commission 1996, p. 64-5).

As it turned out, neither of these options was pursued by the EU, but the Green Paper demonstrates that Commission officials acknowledged from the outset that policy alternatives to the EPAs were possible within the context of WTO rules.

A third source of evidence that the shape of Cotonou and the EPAs was not dependent solely on WTO compatibility comes from the fact that at their height the EPAs were far more ambitious in their content and scope than needed to be the case in order to satisfy WTO rules. The EU's decision to negotiate with ACP regions rather than individual countries was not necessary in order to satisfy WTO rules and has arguably made the EPA negotiations far more complex than they needed to be. Similarly, the EU's attempts go beyond WTO requirements in the inclusion of trade in services and an ambitious regulatory agenda also made the EPA process more complex and all encompassing than was required in order to satisfy WTO rules (see Chapter Five).

If compatibility with GATT rules was the first explanation for the reform of Lomé, a second is provided by post-2000 critical literature on the EU-ACP relationship. This argues that the EU's response to the legal challenges in the GATT was used as an opportunity to recast the Lomé regime in line with a set of European commercial interests (Farrell 2005, p. 22; Goodison 2007; Hurt 2003; Stoneman and Thompson 2007).

The ambitious and complex approach that the EU took to the EPA negotiations, however, took place at a time when the strategic and economic importance of the ACP countries was in decline. Following the end of the Cold War, the ACP countries had become less important as a strategic partner for Europe (Ravenhill 2004), the EU was preoccupied in its foreign relations with the newly independent states of Eastern and Central Europe, and the EU's reliance on trade with the ACP countries was limited and diminishing (Faber and Orbie 2009b). Enzo Grilli states this latter point starkly:

[By the early 1990s there was a] realization that Africa, far from remaining the natural economic complement to Europe, is of little economic value and has become a quasi-permanent burden for it. This is

a valuation not yet openly expressed at the official level, but one whose existence and implicit acceptance at the policymaking level in EC Europe is already quite evident (Grilli 1993, p. 344).

From a perspective that privileges European commercial self-interest, it appears incongruous that the EU should have chosen such an ambitious and complex approach to recasting its ACP relationship when other seemingly simpler and less costly solutions – for example normalising EU-ACP relations under the GSP – existed.

A third explanation of the recasting of the Lomé Convention comes from the rational choice institutionalist approaches discussed in Chapter Two. These suggest that the key to understanding the content of the Cotonou Agreement is the ‘turf wars’ (Stevens 2000) between functionally differentiated Directorates within the European Commission. According to this argument, the move to reciprocity at Cotonou and in the EPAs reflected a bureaucratic power shift towards DG Trade as the result of a reorganisation of the Commission and of responsibility for EU-ACP relations in 1999. This is supposed to have precipitated a substantive shift in the content of EU-ACP relations towards a deep and broad trade liberalisation agenda that was being pursued by actors within DG Trade (van den Hoven 2007; Elgström and Pilegaard 2008; Pilegaard 2009).

The problem with this explanation, as Gabriel Siles-Brügge (2014a, p. 140) points out, is that a shift in the EU’s approach to relations with the ACP countries had already been indicated – via the 1996 Commission Green Paper authored by staff from DG Development – prior to the reorganisation of the Commission in 1999. In other words, a shift in the preferences of European policymakers about the appropriate aims and tools of the ACP relationship seemed to have taken place across the Commission, regardless of any interdepartmental turf wars. This was the strong view of officials from DG DEVCO (the new name for DG Development) that I interviewed.¹⁶

¹⁶ Interview 5 (DG DEVCO).

Dominant understandings of the EPAs associate the break with the past at Cotonou with some underlying structural or institutional change, be this legal, commercial or bureaucratic. Social constructivist accounts of the EU's interregional relationships offer a more contingent view of European policy change (see Chapter Three and Söderbaum et al. 2005; Aggarwal and Fogarty 2004b; Telò 2007b; Grugel 2004; Hettne 2005; Börzel and Risse 2009). These accounts emphasise a set of normative underpinnings for the EU's decision to pursue reciprocal interregional trade relations as the successor to Lomé. These included such norms related to the virtues of regional integration; the power of European experiences as lessons for other parts of the world; and the idea that liberalisation and incorporation into the global economy are crucial for development.

The ideas that underpinned changing EU-ACP relations will play a crucial part in the empirical narrative that follows, which builds upon existing accounts of the EPAs in this vein (Brown 2004; Faber and Orbie 2009b; Gibb 2000; Hurt 2003). Where the approach taken here departs from the extant literature, however, is in its efforts to problematise the way that these ideas changed over time and were deployed through the specific aims and tools of the EPAs. Specifically, I eschew the notion that neoliberal ideas and preferences could relatively straightforwardly be operationalised as a set of policy prescriptions and tools. Rather, the way that particular European policymakers deployed neoliberal development norms was contingent and subject to change during the course of the recasting of the EU-ACP relationship. This was particularly evident, for example, when the content of the EU's EPA negotiating agenda was significantly widened during Peter Mandelson's tenure as EU Trade Commissioner (see Chapter Five). Further these ideas were translated into policy aims and tools within a path-dependent institutional context. Policymakers, then, had to contend not only with the legacies of past EU-ACP relations, but also the multilateral rules that governed the international trading system. The way that actors interpreted, acted within, and sought to transform these institutional constraints – as well as deploying them within strategic discursive strategies – was to have an important impact on the eventual shape of the trade and development prospectus for the EPAs.

4.3 Association, the Yaoundé Conventions and the Road to Lomé

European relations with Africa, the Caribbean and the Pacific have a long history, stretching back to the colonial and pre-colonial period (for a brief overview of this history, see Whiteman 2012). As is conventional in accounts of EU-ACP relations, the narrative in this chapter begins with the incorporation of the (former)¹⁷ colonies of the European Economic Community (EEC)¹⁸ member states into the Treaty of Rome in 1957. A timeline of the key events covered by the empirical narrative in this chapter is presented in Table 4.1.

The institutionalised relationship between the EEC and the former colonies of its member states was set in motion by the regime of ‘association’ under the Treaty of Rome. At a late stage in the negotiations, the French Government under President Charles de Gaulle used its veto power to force through the addition to the Treaty of an ‘association’ between France’s (primarily African) colonies and the six-member EEC (Brown 2002, p. 40). This was achieved despite the protestations of Germany and the Netherlands (Brown 2002, p. 40; Grilli 1993, p. 7). The association of France’s colonies to the EEC had three key aspects (see Brown 2002, p. 41). First, the associates would receive access to the EEC member markets at preferential tariff levels. Second, the EEC members would have the same trade access to the associated states, as well as rights of establishment and granting of contracts, as that of France. And third, the first European Development Fund (EDF) aimed exclusively at the associates was established. It is worth noting that the associates were shoehorned into the Treaty of Rome at the very last minute and were not consulted about their association (Brown 2002, p. 40-1; Grilli 1993, p. 7). Enzo Grilli suggests that by this manoeuvre:

¹⁷ Some colonies were yet to gain their independence at this point.

¹⁸ ‘European Union’ (‘EU’) is used for general references to the organization and specific references to the EU after the Maastricht Treaty (1992). For specific references to the organization before 1992, ‘European Economic Community’ (‘EEC’) is used.

Year	Event	Details
1958	Treaty of Rome	Established EEC and 'association' between members and (former) colonial territories
1963 1969	Yaoundé Convention I & II	Created bilateral FTAs between the EEC and each of the Associated African and Malagasy States (AAMS)
1973	UK accession to EEC	Posed question of how to incorporate states of the British Commonwealth into EEC association with former colonial territories
1975	Lomé Convention	Created the ACP group. Established 'partnership of equals' between the EEC and ACP in which the EEC provided unilateral trade preferences, the STABEX scheme for stabilising commodity prices, and a range of commodity protocols. Established a number of joint institutions to govern the relationship.
1979	Lomé II	Maintained the Lomé Convention in the same form with the addition of the SYSMIN scheme designed to stabilise prices for ACP mineral exports.
1985	Lomé III	'Policy dialogues' introduced to give the EU more say in the spending of EDF assistance.
1990	Lomé IV	14 percent of EDF set aside for structural adjustment.
1992	Maastricht Treaty	Created the EU and completed the Single Market. Enshrined a commitment to promoting developing country integration into the global economy and to supporting 'the most disadvantaged' countries.
1994	GATT ruling against EU banana regime	GATT ruled against the EU's claim that the Lomé Convention could be defended on the basis of Article XXIV of the GATT. EU was granted, a 5-year waiver for the Lomé Convention, later extended to end of 2007.
1995	Formation of the WTO	Created the Dispute Settlement Understanding and tightened rules for granting waivers.
1995	Mid-Term Review of Lomé IV	European Commission took over much of the responsibility for ACP development projects. Clauses related to democracy, human rights, good governance and the establishment of market economies inserted.
1996	European Commission Green Paper on the Future of EU-ACP Relations	Set out four options for the future of the EU-ACP relationship and offered a diagnosis of the failure of Lomé that emphasised ACP domestic policy failures.
1997	EU abandoned legal defence of Lomé	EU concluded that GATT and WTO rulings had undermined the principles of Lomé.
1999	Reorganisation of the European Commission	Responsibility for trade relations with the ACP countries moved from DG Development to DG Trade.
2000	Cotonou Agreement	Provided a roadmap for replacing Lomé with a series of interregional and reciprocal free trade agreements – the EPAs – and enshrined the principle of differentiation within this arrangement.

Table 4.1: Timeline of key events in the evolution of EU-ACP relations – Treaty of Rome to the Cotonou Agreement (source: author's interpretation)

France wanted to ensure free access to the Community for the exports coming from its former colonies and, eventually, to share with the EC partners the costs of providing economic assistance to France *d'outre mer* that it then shouldered (Grilli 1993, p. 7).

As more European colonies gained their independence in the 1960s, the associational relationship was maintained and extended through the Yaoundé Conventions (1963 and 1969). These created bilateral free trade agreements between the EEC and the 18 consenting members of the newly formed Associated African and Malagasy States (AAMS). According to Stevens (1983, p. 145), association under the Treaty of Rome and the Yaoundé Conventions followed the pattern of existing colonial relations closely and did little to alter the structure of trade relations between the EEC and the former colonies. The latter, then, remained highly dependent upon the export of a small number of primary commodities. While the institutionalisation of an EEC trade and aid relationship with the former colonies had been a relatively minor and late addition to Treaty of Rome negotiations – driven by the French government's desire to protect post-imperial ties with Africa while sharing the cost of this with the EEC – by the late 1960s, the Yaoundé Conventions had become a central feature in the landscape of North-South relations (Brown 2000, p. 372). Furthermore, Brown (2002) suggests that association under the Treaty of Rome 'presaged the ability of the African states to make claims on the former powers for a variety of forms of support, including direct aid and protection from full world market competition' (p. 41).

In understanding the transformation of the relationship inscribed under the Yaoundé Conventions into the more comprehensive and distinctive Lomé Convention (1975), historical context is crucial. The immediate trigger for change to the relationship was the accession of the United Kingdom to the EEC in 1973. Given that the former colonies of existing member states were already enshrined in a special relationship with the EEC, the question arose as to how the states of the British Commonwealth would be incorporated into this arrangement. It was decided that the EEC would negotiate a new agreement with the AAMS

countries and those Commonwealth countries that were considered ‘associable’ because they shared similar production structures with the AAMS (Grilli 1993, p. 21). From this point on, the AAMS and the associable Commonwealth countries were treated as a single group – the ACP countries. Table 4.2 outlines the evolving membership of the special relationship with the EEC, from association under the Treaty of Rome to the Cotonou Agreement.

A common theme of most discussions of the birth of the Lomé Convention is the unique global economic and geopolitical context in which the negotiations took place in the mid 1970s (see, in particular, Grilli 1993, p. 25-6). The first oil crisis in 1973 and the Organisation of Petroleum Exporting Countries’ (OPEC) assertive production strategy sparked fears that developing country producers of other primary products could use their ‘commodity power’ in a similar way (Cosgrove Twitchett 1981, p. 12). Kahler (1982, p. 209) suggests that this was of particular concern to the EEC given its dependence on former colonies for the supply of commodities. Similarly, Grilli asserts that, in the context of Europe’s dependence on imported commodities, the oil crisis, and a suddenly hostile developing world:

Past association with Africa, colonial and post-colonial, came to be seen as fixed point on which to anchor a strategy for lessening a serious structural weakness of Europe (Grilli 1993, p. 26-7).

It is possible, however, to overstate the danger posed to European interests by the potential commodity power of ACP economies. There were few commodities for which the supply situation was similar to that of oil and therefore it is unlikely that developing countries could have driven up the prices of other commodities in the way that OPEC had done (Cosgrove Twitchett 1981, p. 12). Further, the EEC had a significantly greater degree of market and financial power than its ACP counterparts, reliant as the ACP countries were on aid from the EDF and on exports to the EEC. The EEC absorbed 50.4 percent of total ACP exports between 1974 and 1976 (Grilli 1993, p. 162). Although imports from the ACP were of some importance to the EEC, these were only 7.5 percent of total EEC

Treaty of Rome (1957)	Yaoundé I and II Conventions (1963 and 1968)	Lomé Conventions I, II, III and IV (1975, 1980, 1985, 1990)	Cotonou Agreement (2000)
<p>French West Africa (Dahomey [now Benin], French Guinea [now Guinea], French Sudan [now Mali], Ivory Coast, Mauritania, Niger, Senegal, Upper Volta [now Burkina Faso])</p> <p>French Equatorial Africa (Chad, Gabon, Middle Congo [now part of Republic of Congo, Central African Republic and Gabon], Ubangi-Sari [now Central African Republic])</p> <p>Belgian Dependent Territories (Belgian Congo, Rwanda-Burundi)</p> <p>Italian Territory (Somaliland)</p> <p>Netherlands Dependent Territory (New Guinea)</p> <p>Other French Dependencies (Comoros, French settlements in Oceania, French Somaliland, Madagascar and dependencies, New Caledonia and dependencies, Southern and Antarctic Territories, St Pierre and Miquelon)</p>	<p>Yaoundé I The African and Associated Malagasy States (Burundi [formerly part of Rwanda-Burundi], Cameroon, Central African Republic, Chad, Congo [Brazzaville], Dahomey, Democratic Republic of Congo, Gabon, Ivory Coast, Madagascar, Mali [formerly part of French Sudan], Mauritania [formerly part of French Sudan], Niger, Rwanda [formerly part of Rwanda-Burundi], Senegal, Somalia, Togo, Upper Volta)</p> <p>Yaoundé II As above, plus Mauritius (joined 1972)</p>	<p>Lomé I, as in Yaoundé I and II, plus: British Commonwealth Countries (Bahamas, Barbados, Botswana, Fiji, Gambia, Ghana, Grenada, Guyana, Jamaica, Kenya, Lesotho, Malawi, Nigeria, Sierra Leone, Swaziland, Tanzania, Trinidad and Tobago, Tonga, Uganda, Western Samoa, Zambia)</p> <p>Other African countries (Ethiopia, Liberia, Sudan, Guinea, Equatorial Guinea, Guinea-Bissau)</p> <p>Lomé II As above, plus Cape Verde, Comoros, Djibouti, Dominica, Kiribati, Papua New Guinea, St Lucia, Sao Tome and Principe, Seychelles, Solomon Islands, Surinam, Tuvalu, Zimbabwe</p> <p>Lomé III As above, plus Angola, Antigua and Barbuda, Belize, Mozambique, St Kitts and Nevis, St Vincent and the Grenadines, Vanuatu</p> <p>Lomé IV As above, plus Dominican Republic, Haiti, Namibia</p>	<p>African Countries (Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Djibouti, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe)</p> <p>Caribbean Countries (Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Surinam, Trinidad and Tobago)</p> <p>Pacific Countries (Cook Islands, East Timor, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu)</p>

Table 4.2: Geographical Reach of EEC association with former colonies – Treaty of Rome to the Cotonou Agreement (Source: Bartels 2007)

imports in the same period (Grilli 1993, p. 162). Undoubtedly, however, there was a perception within EEC institutions and member states at the time that Europe's supply of raw materials was threatened, and this played a significant role in the renegotiation of the EEC's relationship with the former colonies of its member states in the 1970s.

An even more important factor than the perceived material constraints associated with the oil crises for the narrative presented here was the ideational context in which the first Lomé negotiations played out. The accession of the United Kingdom to the EEC in 1973 and the start of the Lomé negotiations coincided with the high point in developing country diplomatic cooperation and calls for a new international economic order (NIEO) in the United Nations General Assembly – claims which were themselves bolstered by the oil crisis. Developing country calls for reform of the international economic system were influenced by radical theories of underdevelopment, which highlighted the negative implications of international economic interdependence for developing countries (Woods 2011, p. 251). In particular, developing countries' claims built on the conclusions of Hans Singer (1950), Raúl Prebisch (1950) and a group of economists working under Prebisch within the UN Economic Commission for Latin America. These economists argued that underdevelopment was a result of the position of developing countries within the system of international trade and in particular the deteriorating terms of trade to which commodity producers were subject.

As a result of new theories of underdevelopment that gained prominence between 1964 and 1973 the United Nations Conference on Trade and Development (UNCTAD) took a lead role in campaigns for increased market access for manufactured exports from developing countries, the stabilization of international commodity prices and increased development aid (O'Brien and Williams 2004, p. 283). In 1970, UNCTAD published radical conclusions that stated that reciprocity in trade relations between industrialised and developing countries was inappropriate (Cosgrove Twitchett 1978, p. 150). The organisation's conclusion was that developed countries should offer non-reciprocal tariff preferences to developing countries in order to address the

structural imbalances that characterised international trade. These non-reciprocal tariffs were intended to give developing countries the space to adopt interventionist approaches designed to foster the growth of infant industries (Piening 1997, p. 173). The period from 1973 to 1979 marked the height of the salience of calls for an NIEO in North-South diplomacy (O'Brien and Williams 2004, p. 283). Towards the end of the Yaoundé period and into the Lomé negotiations, the ACP countries – which, at this time, were acting with an unprecedented degree of unity – worked with UNCTAD to raise the profile of NIEO goals in negotiations with the EEC (Grilli 1993, p. 22).

While the claims made by ACP countries shaped the Lomé negotiations to some extent, the asymmetry of market and financial power between the negotiating parties meant that it was crucial that these claims were met with a receptive response from key European actors. Payne and Phillips (2009, p. 60-1) note that the structuralist accounts of underdevelopment that had come to influence calls for an NIEO stemmed from the same Keynesian economic consensus that had shaped the post-war European political economy. As Rapley (2007) puts it, this was a time when many academics and policymakers believed ‘the end of ideology’ had come and ‘everyone agreed that market economies, harnessed to an interventionist state, were the wave of the future, that left and right had met up and become one’ (p. 17).

This is not to say, however, that EEC member states necessarily bought into structuralist accounts of underdevelopment or that they were sympathetic to calls for an NIEO. For example, with the exception of France, most governments of industrialised nations inside and outside the EEC remained sceptical of the need for and benefits of mechanisms for commodity price stabilisation, which were being called for by developing countries (Grilli 1993, p. 23). Leadership by the European Commission, however, was decisive in pushing member states to make concessions to ACP demands during the Lomé negotiations (Hewitt and Whiteman 2004, p. 140).

The negotiations with the ACP countries were led by DG VIII, then responsible for development. Unlike the majority of member states, its head, Claude

Cheysson, was receptive to arguments about the structural impediments to development. In a document entitled, 'Development Aid: Fresco of Community Action Tomorrow', released by Cheysson in 1974, the Commission made implicit reference to a number of issues raised by developing country calls for an NIEO. The document stated:

If it is truly resolved to take part in the development of the third world, the industrialized world must be ready [...] to make the necessary sacrifices to open its markets wide, to make access to them easier, to encourage the manufacture of products from raw materials to an increasing degree of processing, and finally to stabilize as far as possible, the purchasing power corresponding to this export income (European Commission 1974, p. 9).

Furthermore, during the Lomé negotiations, Cheysson referred to arguments associated with a structuralist understanding of the causes of underdevelopment, stating, 'the economic world order as it stands does not allow developing countries to compete on equal terms in world markets' (Cheysson 1974). He even went so far as to call for world-wide mechanisms that would bring about constant and increasing purchasing power for developing countries in relation to industrialised nations (Cheysson 1974). Cheysson and the Commission, then, put pressure on EEC member states to make concessions to ACP demands and to sign an agreement that acknowledged and, to some extent, aimed to address perceived structural impediments to development (Gruhn 1976, p. 254; Hewitt and Whiteman 2004, p. 140). While developing country demands for an NIEO were rejected at the multilateral level in the 1970s, they were given 'some limited accommodation' (Brown 2000, p. 372) in the first Lomé Convention, signed in 1975.

The central message here is that the aims and tools associated with Lomé were oriented around an understanding of development that emphasised the structural, rather than domestic, causes of underdevelopment. Crucially, then, Lomé was premised on the principle of 'ideological neutrality' (CEC-DG VIII 1992, 16,

cited in Brown 2000, p. 368), with the assertion that ACP countries had the right to determine their own development strategies.

This right to self determination was reinforced by Cheysson in his statement at the first session of the Lomé Consultative Assembly, when he said, ‘Development is something that one has to build for oneself [...] we do not have a model to offer’ (Cheysson 1976). In addition the structural origins of underdevelopment were acknowledged in the preamble to the agreement. This stated a commitment to creating ‘a new model for relations between developed and developing states’ and moving ‘towards a more just and balanced economic order’ (ACP-EEC 1975). The intention at Lomé, then, was not to promote the diffusion of a particular set of policies to ACP countries, but instead to address, if only in a limited way, the perceived structural impediments to the development of ACP economies.

This emphasis on structural barriers to development is borne out in the core modalities of the first Lomé Convention. Primary amongst these was the abandonment of the reciprocity that had been a feature of the Yaoundé Conventions in favour of non-reciprocal preferential access to the EEC market for ACP countries. The introduction of non-reciprocal trade preferences was in line with the recommendations made by UNCTAD in 1970 and the demands of the ACP countries.

In addition, the Lomé Convention introduced the STABEX scheme, designed to stabilise ACP countries’ revenues from commodity exports. This was accompanied by a series of lucrative commodity protocols for bananas, beef, rum and sugar, which offered eligible ACP states guaranteed prices in excess of those available on the world market. These measures amounted to an endorsement of the idea that the existing structure of the international economy and the effect of deteriorating terms of trade were hampering ACP development efforts. In addition, the Lomé Convention increased the amount of aid on offer to ACP countries under the EDF and determined that this was to be administered ‘jointly’ – that is, ACP countries would have some right to determine its use

(Brown 2000, p. 372) – and with relatively few conditionalities in comparison to later iterations of the EU-ACP relationship.

Another way in which the Lomé Convention is crucial to the narrative of this chapter is in its establishment of the ACP as a regional entity and the institutionalisation of its relationship to the EEC. The Convention took the form of a legally binding contract that emphasised the principles of equality, mutual respect and interdependence, and established a set of joint institutions through which the agreement would be administered. This represented a departure from the ‘master-suppliant atmosphere’ (Stevens 1983, p. 145) of the Yaoundé Conventions and the imperial power-colony relationship of association under the Treaty of Rome. Not only this, but the form of the agreement constituted the ACP as a region for the first time. Although the promotion of regional integration within the ACP group was not an explicit central theme of the Lomé Convention, Holland (2006) described the Lomé relationship as a case of “‘imagined’ interregionalism’ because the ACP region was effectively created by the EEC in order to negotiate the agreement (see also Bretherton and Vogler 1999, p. 126; Hardacre and Smith 2009). The Lomé Convention constituted the ACP group as a unified – if disparate and heterogeneous – region. Furthermore, the privileged partnership created between this group and the EEC both cemented the place of the ACP within the EU’s system of external relations and provided a strong set of incentives for the ACP countries to seek to maintain this privileged position and the lucrative set of trade preferences that came with it.

The fact that the Lomé Convention constructed the ACP countries as a region was also of importance for the way that the EEC justified the Lomé Convention under multilateral trade rules. The EEC argued that the Lomé regime was rendered legal under Article XXIV of GATT 1947 (free trade areas and customs unions) combined with Part IV of the GATT (trade and development). The suggestion was that the trade provisions of the Lomé Convention amounted to an interregional free trade area as allowed under GATT Article XXIV. Article XXIV:8(b), however, made it clear that FTAs should liberalise ‘substantially all trade’ between contracting parties, the implication of which was that these arrangements should be reciprocal. The EEC argued, however, that Lomé’s non-

reciprocal preferences were allowed by GATT Article XXXVI:8, which permits non-reciprocity in the provision of special treatment to developing countries (Onguglo and Ito 2003, p. 13). Other GATT contracting parties disagreed, arguing that the provisions under Lomé did not meet GATT rules because they neither extended to all developing countries nor fulfilled the requirement of reciprocity in order to be considered an FTA (Onguglo and Ito 2003, p. 13). The EU continued to argue that the Lomé Convention was compatible with multilateral trade rules up to the 1990s, although this was never tested with a formal challenge during this period (Grilli 1993, p. 12).

4.4 Creeping Conditionality and the Demise of Lomé

Not long after the ink was dry on the first Lomé Convention, the consensus that formed its ideological underpinning began to erode. From the early 1980s, the New Right project associated with premierships of Margaret Thatcher in the UK and Ronald Reagan in the USA had a profound impact on development thinking the world over. This was not just a technical response to changed economic circumstances in the face of the oil shocks and stagflation. Rather, it was part of a political project with an ideology combining a liberal desire for a small state with a conservative emphasis on national discipline (Gamble 1994). The industrialised nations, particularly the United States, had huge influence in the International Financial Institutions – the World Bank and International Monetary Fund (IMF). The neoliberal turn at the national level in these countries was associated with a similar shift in these multilateral organisations (Cafruny 2003, p. 290). The Reagan government was a key driver in the World Bank's turn towards structural adjustment programmes as its primary mode of development support (Brown 2004, p. 19). Structural adjustment programmes made financial support conditional upon the privatisation of national industries, the devaluation of currencies, measures to curb inflation, cuts to public spending, and the reduction of budget deficits (see Williamson 1990). This marked a radical break from previous World Bank policies, which had focussed on large scale project funding with a strong state focus (Brown 2004, p. 19). Charles Gore (2000) suggested that this new development thinking combined a normative globalism, epitomised by the argument that participation in the global economy was

necessary for development, with a methodological nationalism that claimed that development failures stemmed from endogenous problems at the national level (see also Payne and Phillips 2009, p. 92). Structuralist claims that trade between developed and developing countries disadvantaged the latter were rejected (Rapley 2007, p. 70-1).

This neoliberal revolution had important effects on the EEC. Attempts by the French government to continue to use Keynesian policies ended in capital flight, exchange crisis and the famous policy U-turn of Socialist President Mitterrand in 1983 (Rapley 2007, p. 70-1). This had a profound effect on the EEC, serving to:

Redirect the embryonic European transnational class toward a neoliberal strategy under the leadership of Jacques Delors, who, as Mitterrand's finance minister, had experienced the full force of international speculative attacks on the Franc (Cafruny 2003, p. 288).

While the policy orientation of the European Commission was deeply affected by the French experience and the neoliberal revolution more broadly, the application of neoliberalism in the EEC took on a distinctly 'European' flavour. As Commission President from 1985 to 1994, Delors strove to implement 'regulated capitalism' (Hooghe 2001, p. 132). This, while liberal in its outlook, placed greater emphasis on governing capitalism through strong regulation than the more ad hoc approach that dominated across the Atlantic in the United States (Abdelal and Meunier 2010, p. 350).

As neoliberal ideas permeated the European Commission in general, they also influenced DG VIII's approach to development relations. As a result, the uniqueness of the Lomé arrangement was gradually undermined by concessions to structural adjustment and the 'good governance' agenda in the renegotiations that took place in 1985 and 1990 (Brown 2004). At Lomé III in 1985, 'policy dialogues' were introduced to give the Commission a greater say in how aid would be spent in the ACP countries. At Lomé IV in 1990, the Commission set aside 14 percent of the EDF specifically for structural adjustment (Lister 1997, p. 115). Further changes reflected a growing consensus in development policy

communities in the early 1990s about the importance of good governance for development. The Commission proposed at the Mid-Term Review of Lomé IV in 1995, that it should take over much of the responsibility for development projects from ACP governments, that aid should be granted in performance-related tranches, that an increased proportion of the EDF budget should be spent on institutional reforms, and that a range of political conditionalities should be attached to the benefits associated with Lomé (Arts and Byron 1997, p. 77). These changes clearly represented a shift away from ‘ideological neutrality’ (Brown 2000, p. 368-74) and the idea that the ACP countries should be ‘masters of their programmes’ (Crawford 1996, p. 509).

Despite these reforms, inspired by the growing neoliberal consensus, some key and distinctive features of the Lomé Convention – non-reciprocal trade preferences in particular – remained in place into the 1990s. Lomé’s persistence in the context of a geopolitical situation in which the growing voice of developing countries in the 1970s had given way to debt crisis and the ‘lost decade’ of the 1980s has been explained elsewhere as the result of a logic of institutional path dependence. As Ravenhill (2004) describes, the institutionalisation of the EU-ACP relationship in the unique ideational and geopolitical context of the 1970s later served as a ‘reference point that constrained how the relationship could evolve’ (p. 137).

The Lomé Convention had clearly created a powerful set of incentives for the ACP countries to seek to preserve the preferential access to the EU market that they received under it (see Ravenhill 1993). Likewise, those working within DG VIII in the Commission may have perceived an interest in maintaining the special relationship with the ACP countries, which provided in large measure the *raison d’être* of their Directorate. While path dependencies certainly played their part as an institutional anchor that resisted the drift to neoliberalism, it is also worth noting that within this context some European actors expressed continued enthusiasm for key aspects of the Lomé arrangement and EU-ACP relations.

It is important to note, then, that there were initial doubts amongst European Commission policymakers about the move to integrate emerging neoliberal

development norms within the EU-ACP relationship. The changes that were made to the Lomé Convention in the 1980s were contested from within the Commission by the former Development Commissioner, Edgard Pisani (1988), who said, 'Lomé will not be Lomé if it concerns itself with adjustment. Lomé was made for development.' Further, Manuel Marin, the Development Commissioner from 1989 to 1994 expressed some early doubts about the merits of structural adjustment (Grilli 1993, p. 174). Commission officials also insisted in the run up to the Lomé IV negotiations that adjustment under Lomé would avoid the coercive practices of the World Bank and IMF; protect provision of long-term project aid; and preserve the ACP countries' right to determine their development priorities (Brown 2000, p. 374-5; 2004, p. 21). While Brown (2000, p. 375) suggests that the EC failed to live up to these promises, the point remains that up to the 1990s, at least some within the European Commission seemed to retain a commitment to some of the underlying principles of the Lomé Convention.

It is widely accepted that by the early 1990s the EEC had lost much of its earlier interest in the ACP countries (see, *inter alia*, Cosgrove 1994; ECDPM 1996; Grilli 1993). The end of the Cold War and the move towards market economies in the former Soviet Union had refocused EEC foreign relations on the countries immediately to its east. Furthermore, the declining economic fortunes of many of the ACP countries – alongside the rise of the East Asian 'tigers' – left the ACP in a position of less economic significance to the EU as both an export market and a source of raw materials than it had been in 1975 (Faber and Orbie 2009b). It also seemed that the process of European enlargement had diluted the influence of those countries – especially France – that wished to maintain a special relationship with their former colonial territories. As Heron (2011) suggests, 'Spain, Portugal and the Nordic countries [...] saw little logic in a pro-development policy based on targeting aid, for the most part, at countries with strong colonial links to certain member states while excluding other, equally, or even more poor, countries without this historical connection' (p. 338). It is very likely that these were all important influences upon policymakers' thinking about the future of EU-ACP relations. It is worth remembering however, that the puzzle as I have framed it is about why, within the context of these ostensibly

declining European material and institutional interests in the ACP countries, the EU eventually adopted a policy prospectus in the Cotonou Agreement and beyond that devoted considerable resources and political capital to pursuing an ambitious regional integration and liberalisation agenda in relation to these countries.

The contention here is that at least as important for understanding the eventual form of the Cotonou Agreement as these material and institutional changes, was the fact that any remaining commitment within the European Commission to the ideas that had underpinned the Lomé Convention appeared to be disappearing by the early 1990s. Not only this but the Lomé regime was increasingly at odds with other elements of the EU's external economic relations, underpinned by an emerging multilateralist, regionalist and broadly neoliberal consensus.

Of particular importance in relation to the EU's approach to the ACP relationship in the 1990s was the Commission's relatively new enthusiasm for multilateralism – and, in addition, interregionalism – as a way of governing global trade and managing relations with strategic partners. In line with Commission President Delors' commitment to 'regulated capitalism', from 1985 the EC eschewed its earlier scepticism towards a new multilateral trade round (Woolcock 1999, p. 32) and began pursuing a policy known as 'multilateralism first' (Elsig 2007a, p. 15-16). Throughout the 1990s, the EU's primary external trade policy priority was the pursuit of further multilateral trade liberalisation, particularly with regard to 'new' trade issues such as competition policy, investment policy, intellectual property rights and technical barriers to trade (later known as the 'Singapore issues') (Evenett 2007, p. 20). Driven forward by the liberal stance of Trade Commissioner Leon Brittan (Barker 2012) the EU sought to build a multilateral trade system based on the set of trade and trade-related rules that governed Europe itself, and with Europe at its centre.

Following the completion of the Single European Market in January 1993 – and in the context of a global proliferation of new and renewed regional projects (see Gamble and Payne 1996) – the EU began to place more emphasis on interregional cooperation as a stepping stone to multilateral liberalisation

(Solignac Lecomte 1998, p. 7). For the first time, in the early 1990s, the EU adopted the external promotion of regional integration as an explicit policy aim in its relations with its Mediterranean neighbours, the Common Market of the South (MERCOSUR) and the Association of Southeast Asian Nations (ASEAN). The EU engaged in cooperation with these regions that included political dialogue, technical assistance, financial support and trade cooperation (see Bilal 2005; Börzel and Risse 2009; Farrell 2009; Santander 2005). The Lomé Convention has been seen by some as a precursor to these interregional relations (Hardacre and Smith 2009, p. 169). It now, however, seemed somewhat out of step with the EU's emphasis on interregionalism as a stepping stone to multilateral liberalisation. This was because Lomé's non-reciprocal preferences allowed ACP countries to maintain relatively protective trade regimes.

Further, the fact that Lomé granted preferential treatment to the ACP countries based on historical colonial ties appeared to contradict an emerging norm within the EU that development assistance should be targeted at the poorest developing countries. This had been enshrined within the Maastricht Treaty (1992), which highlighted the importance of development support for 'the most disadvantaged' developing countries.

Opinions within the Commission had also hardened against the development modalities of the Lomé Convention *specifically* by the early 1990s. Importantly, this had begun to happen *before any formal challenge to Lomé within the GATT had materialised* (see below). At this time, there was a growing consensus amongst Commission policymakers that the Lomé Convention had failed to achieve its development aims. This conclusion was supported by aggregate figures that showed a decline in the ACP share of total EU imports from 7.5 percent to 4 percent between 1974 and 1989 (Grilli 1993, p. 162). Some commentators saw this decline as evidence of the ineffectiveness and unimportance of Lomé preferences to ACP countries (Davenport 1992). Others suggested that these aggregate figures obscured a more complex picture. McQueen and Stevens (1989) concluded from a country- and product-level analysis that ACP trade performance would have been much worse without preferential access to the EU market (see also Gibb 2000; McQueen et al. 1998;

Panos 1998). McQueen and Stevens (1989) also reported that certain non-traditional ACP exports had grown relatively quickly under Lomé and that a small number of countries – especially Mauritius, Jamaica and Zimbabwe – had managed to exploit trade preferences to achieve significant diversification in their export profiles. Despite these qualified and limited successes, by 1992, the European Commission was reporting that ‘for a large group of developing countries (the less developed countries) development efforts have ended in *complete failure*’ (European Commission 1992, p. 1, emphasis added).

By this point, critics within EU policymaking circles had concluded that ‘Lomé was part of the problem rather than the solution’ (ECDPM 1996, p. 9). The same 1992 Commission publication that had adjudged the EU’s development efforts a failure, asserted that ‘external aid is effective only when it backs sound development strategy’ (European Commission 1992, p. 1). Integration into the global economy on a liberal basis was now seen as central to such a sound development strategy, and had been written into the Maastricht Treaty (Heron 2011, p. 338). In line with the international neoliberal consensus outlined above, the Commission also concluded that domestic policy problems were at least in part responsible for the poor development performance of many countries and that economic restructuring should be a key long-term priority, particularly in Africa (European Commission 1992, p. 6).

Increasingly, then, where developing country protectionism and intervention in the domestic economy had previously been encouraged – or at least permitted – under the Lomé Convention, this was now seen as a barrier to development (Parfitt 1996, p. 55). The trade preferences provided under the Lomé Convention were viewed as perpetuating patterns of dependence on the EU rather than fostering the supply-side reforms that needed to be undertaken in order to further ACP development aims (ECDPM 1996, p. 9). As Cosgrove put it at the time:

Within Europe, Africa’s failures are increasingly viewed as endemic and indigenous. This has helped to foster a view throughout the European Community that Africa’s failure to demonstrate any kind of economic

advancement has eroded the credibility of the previous special relationship (Cosgrove 1994, p. 245).

Meanwhile, Grilli (1993, p. 174) suggested that by 1993 a ‘new orthodoxy’ about the determinants of Africa’s export failure under Lomé had led Commission officials to conclude that ‘structural’ reforms within ACP countries were of paramount importance.

4.5 The Bananas Wars

As I have already noted, the EU’s own explanation for the recasting of the EU-ACP relationship suggested that rulings against the Lomé Convention in the GATT and WTO were the key driver behind this decision. These rulings, however, originated not in a dispute about Lomé itself, but rather about the creation of the single banana market in 1993 (Heron 2013, p. 28).

On 1 July 1993 the EU adopted a Council Regulation on the common organisation of the market in bananas (Regulation 404/93) (Petersmann 1997, p. 207). This replaced a variety of member state import systems with a single harmonized system based on the Lomé banana regime and made necessary by the Maastricht Treaty of 1992. The tariff system within this applied differentially to ACP and non-ACP countries. Latin and Central American banana exporters claimed they were adversely affected by the scheme and requested that a GATT Panel find the regime in breach of GATT’s non-discrimination principles (Spiegel 2000, p. 222).

In February 1994 a GATT panel (EEC Bananas II DS38/R) found that the EU’s banana regime contravened the Most Favoured Nation (MFN) principle that guarantees non-discrimination between states in market access. In addition, it ruled against the EU’s claim that the Lomé regime could be defended as a free trade area on the basis of Article XXIV of the GATT (Heron 2013, p. 28). This was because Article XXIV:8(b) states that free trade areas must eliminate ‘substantially all the trade between the constituent territories’. In the discussion of Article XXIV the panel found that:

Only agreements providing for an obligation to liberalize the trade in products originating in *all* of the constituent territories could be considered to establish a free-trade area within the meaning of Article XXIV:8(b) (EEC Bananas II 1994, p. 48, emphasis added).

The non-reciprocal nature of Lomé preferences meant that they did not meet this requirement. The panel also concluded that the Enabling Clause, which allows for preferential treatment for developing countries on a non-discriminatory basis, was not applicable to the Lomé regime because it excluded many developing countries. Finally, the panel ruled that because Part IV of the GATT (which deals with special and differential treatment) did not mention Article XXIV (on free trade agreements), the two could not be combined in order to justify an exemption for Lomé from the MFN principle (Heron 2013, p. 28).

By mobilising its forces amongst GATT members, the EU gained the necessary two-thirds majority to obtain a waiver from the ruling until the end of the of the Lomé IV regime in 2000 (Spiegel 2000, p. 225). This waiver allowed the Lomé regime to continue to operate in the interim period but did not prevent further legal challenges to the Banana Protocol (Heron 2013, p. 28).

The EU response to the GATT Panel decision angered Latin American banana producers and the US launched a further complaint in the name of the US banana producer, Chiquita. A 1997 WTO Dispute Panel ruled that the EU banana regime violated WTO trade rules (Spiegel 2000, p. 225-7). The banana dispute rumbled on for another eleven years. Despite modifications by the EU, in 1999 the WTO ruled that the banana regime was still in breach multilateral trade rules, by which time the US had already imposed sanctions of \$520 million on EU imports (Spiegel 2000, p. 228).

On 29 December 2000, the EU applied for a further two waivers – one designed to protect existing banana preferences and the other to protect Lomé-equivalent preferential arrangements under the transitional Cotonou regime. These were eventually achieved at the Doha Ministerial Conference (2001). The first waived

Article XIII of the GATT for a transitional regime on the import of bananas until 31 December 2005 and the second waived Article I of the GATT in relation to the continuation of Lomé preferential tariff treatments as specified in the Cotonou Agreement until 31 December 2007 (Feichtner 2012, p. 116-7). The EU applied for a further waiver for the banana regime in 2005 but this was declined in the face of Latin American opposition (Feichtner 2012, p. 118-9).

The case of the Banana Wars is emblematic because the EU had contested challenges to the banana regime and Lomé Convention, pitted itself against the USA, and risked reputational damage by being found repeatedly in contravention of WTO rules. Having initially defended the legal status of the Lomé Convention, however, by 1997 the European Commission came to the conclusion that the GATT and WTO's rulings had 'undermined the principles underpinning Lomé trade preferences, in particular those of non-reciprocity and stability' (European Commission 1997, cited in Gibb 2000, p. 468). As such the EU indicated that rather than applying for a further extension to the waiver that related to non-reciprocal ACP preferences, it would seek to recast the Lomé relationship in a way that was WTO compatible (Heron 2013, p. 29). The reason that the EU gave for this decision was the tightening of rules for the granting of waivers under the WTO, which by that time required a 75 percent rather than a two-thirds majority (Heron 2013, p. 29). As I argued at the beginning of the chapter, however, this decision – and the EU's subsequent pursuit of ambitious EU-ACP FTAs that went beyond the requirements of WTO rules – appears something of a puzzle unless the changing ideas of Commission and other EU policymakers are considered.

4.6 WTO Compatibility and the Cotonou Agreement

The issue of WTO compliance is raised by almost all critical accounts of the EPAs (Heron and Murray-Evans 2013, p. 13; see Gibb 2000; Hurt 2003; Ravenhill 2004; Goodison 2007; Faber and Orbie 2009b). The key argument here is that Lomé could have been rendered WTO compatible without the need for reciprocity. Tony Heron (2011, p. 29), for example, argues that during the

Banana Wars the chief concern of those who challenged the EU's trade practices was its discriminatory banana regime, rather than Lomé trade preferences *per se*. Further, while the EU had been refused in its application for a further waiver for the banana regime, numerous precedents existed for waivers granted for non-reciprocal trade regimes similar to Lomé (Heron 2011, p. 29).

Achille Bassilekin (2007), Advisor to the Permanent Delegation of the ACP Group in Geneva, suggests that a waiver for the continuation of Lomé-equivalent non-reciprocal preferences might have been possible beyond 2007, but that this faced considerable obstacles. These included, 'a rather heavy atmosphere in the Goods Council' (p. 6) in the context of the Banana Wars; the need to get Latin American banana producers on side; and the requirement to offer enough sweeteners to countries like Thailand, the Philippines and Indonesia in order to buy off their opposition (Bassilekin 2007). As Gerrit Faber and Jan Orbie (2009b) put it, 'Obtaining a new waiver for non-reciprocity towards the ACP [was] a matter of political negotiations rather than legal requirements' (p. 54).

In this context, Christopher Stevens (1999, cited in Gibb 2000) argued that WTO-compatibility had become central to the recasting of Lomé precisely because the EU had placed it there 'by arguing that a continuation of the waiver negotiated for Lomé is unviable for the longer-term future' (p. 468). In line with the argument developed earlier in this chapter, Heron says:

The deeper point was that these matters were themselves being shaped by a fundamental shift in the ideological underpinnings of global economic governance in general and the EU's external relations with the developing countries in particular (Heron 2013, p. 29).

It should be recalled from the argument presented above that this ideological shift within the European Commission in particular had begun to be cemented even before the GATT challenges to the Lomé regime in the mid 1990s.

Following the banana rulings, the Lomé status quo was not sustainable without significant political wrangling on the part of the EU. However, once the EU had

decided that it was no longer willing to defend Lomé's legal status, the shape of Lomé's successor was not fully determined by WTO rules. There were two main ways in which the EU-ACP relationship could be rendered WTO compatible (see Gibb 2000, p. 469). First, the EU could seek to protect non-reciprocal preferences by extending them to all ACP countries at a specified level of development, in order to comply with the Enabling Clause. Second, the EU could abandon the practice of non-reciprocity and instead seek reciprocal free trade agreements with individual or groups of ACP countries under article XXIV (Gibb 2000, p. 469).

Within this context, the Commission published its landmark *Green Paper on Relations between the European Union and the ACP Countries* in 1996. The Green Paper insisted that a new EU-ACP arrangement must 'achieve respect for the relevant WTO rules' (European Commission 1996, p. 22). It identified four options for the future of the EU-ACP relationship: the maintenance of the status quo; the integration of the ACP into the existing GSP; the negotiation of a single free trade agreement based on 'uniform reciprocity' between the EU and the ACP countries; or the negotiation of 'differentiated' reciprocal free trade agreements between the EU and 'homogeneous regional groups of ACP countries' or individual ACP countries (European Commission 1996, p. 64-5).

Despite identifying this range of alternative options for the future of the EU-ACP relationship, the Green Paper also marked the point at which any lingering commitment to the preservation of the 'ideological neutrality' of Lomé gave way to a fuller embrace of the neoliberal orthodoxy that centred on the need to expose developing countries to the global economy. Furthering the narrative presented within earlier Commission documents (see above), the policy diagnosis of Lomé offered by the Green Paper placed heavy emphasis on the role of 'supply-side' blockages. It declared that the 'state of institutions and economic policy in the recipient country have often been major constraints' on the effectiveness of trade preferences (European Commission 1996, p. iv; Heron and Murray-Evans 2013, p. 16). The document also stressed the EU's growing focus on *interregional* relations with developing countries and its own role as a 'model of cooperation and regional integration' (European Commission 1996, p. 6)

Further, responses to the Green Paper from member states revealed a broad consensus that the Lomé Convention – although in essence a useful arrangement – had failed to achieve its development aims (Posthumus 1998). The consultation following the publication of the Green Paper also revealed broad support for the idea that fostering exposure to the global economy should be a key priority of future EU-ACP relations (Posthumus 1998). In line with the EU's emphasis on supporting the poorest developing countries – enshrined within the Maastricht Treaty – most EU member states also favoured some form of special and differential treatment for the most vulnerable ACP countries (Posthumus 1998).

There was a broad consensus within the Commission and amongst member states, then, that the new EU-ACP relationship should foster ACP exposure to the global economy, promote regional integration, and offer special treatment to the poorest developing countries.¹⁹ In this context, the European Commission had the task of building a coherent mandate for the negotiations for the Cotonou Agreement. In so doing, however, Commission policymakers were caught between two separate sets of path dependent institutions. These were, (a) historical commitments to partnership and the provision trade preferences to the ACP countries as former colonies; and (b) the idiosyncratic rules that had developed via the GATT and WTO's governance of multilateral trade liberalisation. It was here, then, that EU policymakers deployed the GATT and WTO banana rulings – and Article XXIV of the GATT in particular – as a pretext for the implementation of a policy based on the EU policymakers' more or less independent preference for broad, differentiated and region-based ACP trade opening. The Commission's proposed mandate for the Cotonou Agreement

¹⁹ Where there was disagreement amongst the member states, this was focused less on the core aims of EU development relations – poverty reduction through differentiated integration into the global economy – and more on the strategy for their achievement. Central to this debate were concerns about the continued relevance of the ACP group (given the trend towards targeted development assistance); the speed and extent to which ACP countries should be encouraged to liberalise their trade regimes; and the subdivision of the ACP group into smaller regions for the purpose of negotiating the new relationship (Posthumus 1998; Solignac Lecomte 1998, p. 9-10).

– and the content of the Agreement itself – was heavily influenced by this strategic move.

The negotiating mandate for the Cotonou Agreement that was proposed by the Commission in 1997 and approved by the Council in June 2008 relied upon *both* the Enabling Clause and Article XXIV as means of establishing WTO compatibility (Gibb 2000, p. 469). Article XXIV and the creation of free trade agreements, however, was placed front and centre by the Commission. The Commission's proposed mandate for the negotiations stated:

In the long run, the [...] proliferation of economic cooperation agreements compatible with the WTO, and in particular GATT article XXIV on free-trade areas, would ultimately mean that the EU's future trade arrangements were perfectly in line with WTO provisions and require no exceptions (European Commission 1997, p. 25).

The content of article XXIV made it quite clear that any free trade agreement between the EU and ACP would need to be reciprocal to the extent that 'substantially all trade' would be liberalised. Taking this article as the basis for the recasting of Lomé, then, appeared to be a neat way of reconciling WTO compatibility with the new consensus within the European Commission that development within ACP countries would only be served if these countries were encouraged to undergo economic restructuring and liberalisation.

The move to reciprocity can be seen not so much as a necessary outcome of the GATT challenges to the Lomé regime, but rather part of the EU's contingent strategy to deploy the constraints imposed by WTO compatibility in such a way as to render its desired reform agenda a necessary condition for the continuation of ACP preferences. Article XXIV, then, became a fixed point onto which the EU could pin its insistence on ACP trade reforms and render the continuation of trade preferences conditional upon ACP trade liberalisation. This was reflected in the trade component of the Cotonou Agreement (2000), which mandated that Lomé would be replaced with a number of reciprocal FTAs.

Alongside reciprocity, the principle of regionalism was central to both the EU's negotiating mandate and the eventual Cotonou Agreement. The proposed negotiating mandate placed the promotion of regional integration as a key priority and stated:

This type of operation is specific to the Community, enabling other countries to benefit from the experience of building Europe and the know-how accumulated in a number of areas [of regional integration] (European Commission 1997, p. 18-9).

Following this, the Cotonou Agreement determined that the reciprocal FTAs that were to replace Lomé would be negotiated between the EU and a number of ACP sub-regions. Articles 28-30 of the Cotonou Agreement also pledged the EU's commitment to providing capacity-building support for regional institutions and national governments in matters of regional integration.

In theory a new EU-ACP relationship based on GATT Article XXIV did not require a region-based solution, in that a single ACP FTA or a series of bilateral agreements between the EU and individual ACP countries might have been proposed instead (Heron and Murray-Evans 2013, p. 17). To some extent, regional agreements were presented as a practical solution to negotiating free trade agreements with the large and diverse ACP group (see Siles-Brügge 2014a, p. 142). However, the decision to pursue a region-based arrangement also clearly reflected the growing commitment amongst Commission policymakers to the external promotion of regional integration (see above and European Commission 1995; 1996). When asked about why a region-based model was chosen for the post-Lomé settlement, interviewees from the Commission stated the belief that regional integration had been an instrument for economic growth in Europe and that it could be useful elsewhere as well. Furthermore they believed that the EU was in a unique position to export its regional experiences and that these could be particularly useful in the ACP context where economies are small and (particularly in Africa) borders are sometimes arbitrary.²⁰

²⁰ Interview 5 (DG DEVCO).

Although there is evidence from earlier Commission documents that the EU had some idea about the shape the EPA regional configurations would take (see Solignac Lecomte 1998, p. 8), all that was stated in the Cotonou Agreement was that the EPAs would build on the regional integration initiatives of ACP states (Article 35.2). The evidence suggests, then, that at this stage the EU's new enthusiasm for supporting processes of regional integration beyond its borders was viewed as compatible with practical concerns about rendering the large and diverse ACP group manageable for the purposes of negotiating WTO-compatible reciprocal free trade agreements under Article XXIV.

These elements of the post-Lomé settlement – reciprocity and regionalism – did not incorporate the growing consensus amongst European policymakers and member states that development assistance should be targeted at the most disadvantaged countries. Under the Enabling Clause, the EU could legally offer preferential treatment to a group of developing countries at a specified level of development. This could be deployed in one of two ways. These were, (a) a unilateral offer of improved market access to UN classified Least Developed Countries (LDCs); or (b) the extension of this offer to all developing countries under the EU's GSP (Bartels 2008, p. 12). The latter option, however, would have meant extending improved preferences to over 50 non-ACP countries. Here, EU policymakers were constrained by the history of the EU-ACP relationship. ACP countries opposed the extension of improved preferences to all developing countries under the GSP because this would significantly reduce their preferential margins (Gibb 2000, p. 471). Furthermore, the unilateral nature of the EU's GSP was deemed contrary to the longstanding character of the Lomé Convention as a partnership of equals (Gibb 2000, p. 471).

In this context, the only legally robust way in which differentiation could be offered within the Cotonou Agreement was by granting non-reciprocal trade access to those countries formally classified as LDCs (Heron 2013, p. 120). The group of LDCs included roughly half of the ACP as well as nine non-ACP countries (Gibb 2000, p. 471). The EU had already granted Lomé-equivalent non-reciprocal market access to non-ACP LDCs in 1997 (Orbie 2007, p. 33).

Article 37.9 of the Cotonou Agreement went a stage further, stating that the EU would provide duty free access for ‘essentially all’ LDC products at the latest by 2005. The agreement also pledged – without clear basis in WTO rules – ‘to take due account of the vulnerability of landlocked and island ACP countries’ and ‘to take into consideration the needs of countries in post-conflict situations’ (Article 84.1) in the EPA negotiations.

The EU’s aim then, had been to deploy WTO rules – and particularly Article XXIV – as an imperative to recast the EU-ACP relationship in line with a more or less independent set of preferences for a development policy that emphasised region-based and differentiated ACP liberalisation. These preferences help to explain both the EU’s decision to end its legal defence of the Lomé Convention and its subsequent decision to recast the EU-ACP relationship in a way that went beyond the minimum requirements of WTO rules. Some of the tensions within this strategy, however, were already evident.

There was a clear tension between the EU’s aim of using conditionalities associated with reciprocity to leverage trade reform in the ACP regions on the one hand, and its commitment to differentiation on the other. It remained unclear within the Cotonou Agreement how and to what extent asymmetry and differential treatment would be enshrined in the EPAs. This was particularly problematic in the context of the EU’s aim of negotiating the EPAs on an interregional basis and the questions that this raised about how differential treatment for LDCs and other vulnerable states might be incorporated into such an arrangement. This problem was compounded by the fact that while Special and Differential Treatment provisions are enshrined elsewhere in the legal texts of the GATT and WTO, Article XXIV makes no mention of this or of how a free trade agreement might be rendered ‘development friendly’ (Heron 2013, p. 28).

The EU’s ambition to retain some elements of its historic privileged partnership with the ACP countries raised its own problems. The Cotonou Agreement made little acknowledgement of the fact that the existing contours of the ACP group did not offer a good geographical fit with any of the existing regional integration projects on which the EU hoped to base the EPAs. These interregional

agreements would have to be reached in advance of the 2007 expiry of the WTO waiver that had been granted to allow the continuation of Lomé preferences during the EPA negotiation process. This left little time in which to make the necessary adjustments in regional memberships and to build capacity within ACP regions for the complex negotiations.

These cracks could be papered over before the EPA negotiations got under way. However, the difficulties of reconciling the legacies of an existing set of trade relationships, the EU's shifting aims and priorities for cooperation with the ACP, and its commitment to and discursive invocation of WTO rules became more evident from 2002 onwards.

4.7 Conclusion

This chapter began with an empirical puzzle. Why did the EU abandon its legal defence of the Lomé Convention in the mid 1990s and instead pursue the recasting of the EU-ACP relationship in the form of ambitious interregional FTAs?

Extant explanations of this puzzle appeal to legal imperatives, European commercial interests, bureaucratic divisions within the EU, and normative commitments to trade liberalisation and the promotion of regionalism. The account presented here sits closest to the last of these explanations. However, it seems that even the literature that is most explicit in identifying the ideological thrust of the EU's approach to the Cotonou negotiations (Hurt 2003; Gibb 2000) makes an assumption – not borne out by the EPA negotiations to date – that the neoliberal beliefs held by powerful actors could be relatively unproblematically translated into substantive policy tools and outcomes.

By contrast, this chapter has begun to develop an understanding of the complex processes of historical change that characterised the evolution of the EU's approach to relations with the ACP countries and the roles of path dependency and contingency in these. Taking account of this complexity allows a more

nanced understanding of the forces that shaped the content of the Cotonou Agreement. It also reveals a series of tensions that emerged in the making of Cotonou that ultimately limited the reach of the EU's material leverage in the EPA negotiations and opened the EPAs to discursive contestation from a variety of actors.

This chapter has stressed the importance of incremental change in the ideas that had provided the foundation for the EU-ACP relationship under the Lomé Convention, culminating in the abandonment of the principle of non-interference in ACP development strategies in the 1990s. This coalesced into a consensus that the primary obstacles to ACP development were endogenous and a shared commitment to liberalisation, differentiation and regionalism, both as ways of addressing these problems and as principles for the governance of the international system.

After the banana rulings, the Lomé status quo was perhaps no longer legally and politically sustainable. The EU, however, used the rulings as a pretext to deploy WTO rules – Article XXIV in particular – as an imperative for ACP trade opening. Furthermore, the EU's proposal for comprehensive and interregional EPAs went beyond the requirements of WTO rules. The decision to pursue the EPAs, then, reflected a more or less independent set of EU policy preferences for comprehensive and region-based ACP trade opening. The way that these preferences were translated into a concrete policy agenda, however, was shaped by the strategic invocation of WTO rules as well as path-dependent features of EU-ACP relations.

Clearly, reconciling the exigencies of WTO rules (as interpreted and deployed by European actors) with the historical legacy of the EU-ACP relationship on the one hand, and with the preferences of EU actors for deep regional trade reform on the other, was more problematic than perhaps it seemed at first. By the time the Cotonou Agreement was signed in 2000, the EU had set in motion a replacement for the Lomé Convention that it justified on legal, normative and practical grounds. The EPAs would, by virtue of reciprocal free trade areas, meet the requirements of Article XXIV of the GATT while also fulfilling European

normative preferences for the reform of ACP trade regimes. Regionalism provided a practical basis on which these negotiations would be conducted while also supporting the EU's normative aim of fostering regional integration beyond its borders. Meanwhile, differentiation would be enshrined in the EPAs in order to satisfy European calls for protection of the most vulnerable developing countries. However a series of tensions – between reciprocity, regionalism, differentiation and WTO compatibility – were becoming apparent and it is to these that I now turn.

Chapter Five

The EPAs and the Limits of EU External

Economic Action²¹

5.1 Introduction

In 2000, when the Cotonou Agreement was signed, the plan to replace the Lomé Convention with reciprocal FTAs between the EU and ACP sub-regions seemed justified on legal, normative and practical grounds. Not only this, but the EU's preponderance of market and financial power vis-à-vis the ACP countries – along with the latter's vulnerability to the loss of Lomé-equivalent preferences – led those writing on EU-ACP relations at the time to conclude that the outcomes of the negotiations were likely to reflect EU preferences for the reciprocal and comprehensive liberalisation of ACP trade regimes (Farrell 2005; Goodison 2007; Stoneman and Thompson 2007; Brewster et al. 2008). However, the expiry of the WTO waiver on 31 December 2007 – the putative deadline for the conclusion of the negotiations – came and went without a single comprehensive agreement having been signed (Heron and Murray-Evans 2013, p. 17).

The conclusion of a comprehensive EPA between the EU and CARIFORUM the following year provided grounds for optimism that other ACP regions would eventually fall into line (Heron and Murray-Evans 2013, p. 17). Yet despite the precedent set by the CARIFORUM EPA, to date it remains the only agreement of its kind. Indeed, by 2011, only 34 out of 79 ACP states had signed even the

²¹ This chapter draws on a co-authored paper written by Tony Heron and myself and presented at the Sheffield Political Economy Research Institute (SPERI) Annual Conference, *Beyond Austerity versus Growth*, 1-3 July 2013 (Heron and Murray-Evans 2013). The material presented here is based on my own research, or, where it draws on Tony's previous research and publications, these are referenced as appropriate.

more limited ‘goods only’ interim EPAs, while the European Commission was reporting that only 18 (only four outside CARIFORUM) had taken significant steps to ratify and implement these agreements (Bilal and Ramdoo 2011; Heron and Murray-Evans 2013, p. 12). At the time of writing (July 2014) two more regions – West Africa and SADC-minus – have recently agreed to conclude EPAs. These agreements came in the wake of a number of significant concessions from the EU and the removal of binding clauses on most of the controversial ‘WTO-plus’ issues (trade in services, government procurement, trade facilitation, investment and competition) from the final texts.

In more recent times – prompted by the limited progress in the EPA negotiations – scholars have paid more attention to the contingencies of the EPA process than previously (Bilal and Stevens 2009; Collier 2012; Del Felice 2012; Hurt et al. 2013; Siles-Brügge 2014a; Stevens 2006; Trommer 2013). One variant of this literature highlights the uneven reach of the EU’s material leverage over the ACP countries in order to explain the refusal of a large number of countries to sign even an interim EPA (Bilal and Stevens 2009; Collier 2012; Stevens and Kennan 2006). Another variant of this literature – which is of particular relevance to this chapter – draws attention to non-material aspects of the EPAs. This literature focuses on the role of transnational coalitions (ACP governments, sceptical European member states, NGOs and activists) in rebutting the EU’s depiction of the EPAs as ‘non-coercive’ and ‘development friendly’ and, instead, portraying them as coercive, driven by commercial self-interest and potentially deeply damaging to the ACP countries (Heron and Murray-Evans 2013, p. 3). In this vein, both Celina Del Felice (2012) and Stephen Hurt and his colleagues (2013) claim that the discursive tactics employed by these actors had a significant bearing upon the EPAs by persuading EU policymakers to make concessions on the most controversial elements of the agreements. Similarly, in a recent paper, Silke Trommer (2013) highlights the way that ACP governments in the West African regional configuration were able to challenge the EU’s agenda by seizing on legal ambiguities in frameworks governing the international trading system.

In this chapter, I argue that both of these sets of literature analyse and draw out important features of the EPA negotiations. The materialist literature, for

example, demonstrates how the incentives associated with the EPAs placed more pressure to sign an EPA on some ACP countries than others. However, this literature is less forthcoming on the origins of this set of skewed incentives and the processual construction of the EU's EPA strategy. I also contest the idea that the EPA decisions of ACP countries can be understood solely in terms of their vulnerability to the loss of trade preferences (see Murray-Evans 2013). And while I recognise the role played by transnational NGO coalitions in discursively presenting counter narratives of the EPAs and the viability of alternative policy options (Del Felice 2012; Hurt et al. 2013; Trommer 2013), I attempt to go beyond the limited existing exploration of ideational elements of the EPA negotiating dynamics. Specifically, I ask why it was that the EU's own extensive and well-resourced rhetorical action appears to have – at least in most cases – failed to persuade the ACP of the merits of comprehensive EPAs (Heron and Murray-Evans 2013, p. 4).

In Chapter Four I began to build an argument about the constructed and contingent nature of the EU's ACP policy preferences and the policy tools for achieving these. In particular, I argued that the Cotonou Agreement was shaped by an emergent EU development consensus focussed on encouraging the exposure of the ACP countries to the global economy. To a considerable extent, the operationalisation of this consensus was linked to the strategic discursive invocation of the unfavourable WTO rulings in the EU banana case, which were portrayed as an external imperative for the reform of EU-ACP relations. In redesigning the EU-ACP trade relationship, the EU proposed a set of agreements that met the reciprocity and anti-discrimination requirements of GATT Articles I and XXIV. Policymakers also shaped the proposed recasting of the relationship in such a way as to meet their aim of opening up ACP trade regimes on a regional and differentiated basis. In this way, the EU's discursive strategy was to portray comprehensive region-to-region free trade agreements as not only desirable, but necessary in order to comply with shared institutional rules.

As Tony Heron and I have argued elsewhere, this strategy relied on the ability of the EU to maintain a plausible level of convergence between its aims and preferences for the EPAs and intersubjective understandings of the constraints

imposed by WTO law (Heron and Murray-Evans 2013). That is, the EU had to be able to make a convincing case that the particular EPA model that it proposed was indeed necessary in the light of ambiguous international trade rules (see Chapter Two). In this chapter, I will suggest that three tensions emerged within this discursive strategy over time. These tensions were caused by incompatibility between European preferences and path-dependent features of WTO rules; the difficulty of reconciling the aim of WTO compatibility with the existing geographical and historical features of ACP regions; and the EU's changing policy preferences and their divergence from the trajectory of ongoing WTO negotiations. These tensions resulted in the uneven reach of the EU's material sanctions within problematic ACP negotiating regions. They also opened up the EU's normative arguments in favour of comprehensive EPAs to damaging criticism from a range of actors. As such, these tensions contribute to an explanation of the limited and partial success of the EU's attempts to export a comprehensive model of liberal regional governance through the EPAs.

This chapter proceeds by examining each of the tensions highlighted above in turn, before discussing the way that these tensions were reflected in the outcome of the EPA negotiations to date. Table 5.1 offers a timeline of key developments in the EPA negotiations that are referred to in this chapter.

5.2 The WTO, the EPAs and Differentiation

The EPA negotiations got under way in September 2002. Even before they had started, a key tension was being exposed. This related to the reconciliation of WTO rules with the EU's commitment to the provision of development support and trade protection to the poorest and most vulnerable ACP countries. The position of LDCs and the EU's handling of differential treatment for these countries have been controversial features of the EPA negotiations. Much of this debate is centred around the decision by then European Trade Commissioner, Pascal Lamy, to grant duty free and quota free access to the EU market for all goods from LDCs under the Everything But Arms (EBA) arrangement

Year	Event	Details
2000	Cotonou Agreement	Provided a roadmap for replacing Lomé with a series of interregional reciprocal free trade agreements – the EPAs – and enshrined the principle of differentiation within this arrangement.
2001	Everything but Arms	EBA brought forward the commitment made in the Cotonou Agreement to grant duty free and quota free access to the EU market to all LDCs.
2002	Start of EPA negotiations	Negotiations began with an all-ACP phase that achieved little of substance.
2003	Regional EPA negotiations begin	The European Commission was eager to begin negotiations with regional groupings of ACP countries as early as possible. Little of substance was achieved in the early stages of the regional negotiations.
2003	WTO Cancun Ministerial	WTO negotiations suffered an acrimonious collapse. The most controversial of the Singapore issues – competition policy, government procurement and investment – were removed from the multilateral agenda.
2004	Mandelson becomes EU Trade Commissioner	Mandelson succeeded Pascal Lamy as Trade Commissioner. This coincided with a more aggressive turn in the EU's EPA strategy and an increasing emphasis on the inclusion of the Singapore issues within the EPA negotiations.
2007	Expiry of the WTO waiver and interim EPAs	EPA negotiating activity increased in 2007. It became clear by October that the ACP regions – with the exception of CARIFORUM – would not be ready to sign full EPAs when the WTO waiver expired at the end of that year. The EU offered the option for countries from these regions to sign 'interim' goods only agreements and introduced Market Access Regulation 1528 which would preserve market access for those countries that did this. By early 2008, 34 out of 79 ACP countries had initialled or signed a full or interim EPA.
2008	Ashton becomes EU trade Commissioner	Following the controversial climax to the EPA negotiations at the end of 2007, Ashton struck a more conciliatory tone and made some progress repairing damaged EU-ACP relationships. Nonetheless, all deadlines for the completion of full EPAs were missed.
2010	De Gucht becomes EU Trade Commissioner	Karel De Gucht became Trade Commissioner (following a brief occupation of this role by Benita Ferrero-Waldner) and reportedly took a more pragmatic approach to the EPA negotiations, aiming to bring them to a swift conclusion.
2011	Commission announces expiry of MAR 1528	By 2011 the position remained that only 34 out of 79 ACP countries had signed a full or interim EPA and only 18 of these (four outside CARIFORUM) had taken sufficient steps to ratify and implement the agreements. The Commission announced that the remaining countries would cease to benefit from access to the EU market under MAR 1528 should they fail to ratify and begin implementation of the EPAs by 1 January 2014 (later extended to 1 October 2014).
2014	West Africa and SADC-minus EPAs agreed	Early in 2014, negotiators from the SADC-minus (except Angola) and West Africa EPA groupings agreed to conclude EPAs that covered trade in goods but not the majority of the EU's controversial WTO-plus agenda. The EU also offered concessions on the MFN clause, export taxes and reciprocity.

Table 5.1: Timeline of key events in the EPA negotiations – Cotonou Agreement to mid 2014 (source: author's interpretation).

(see a number of contributions in Faber and Orbie 2007; Collier 2012). This decision was taken only three months after the Cotonou Agreement was concluded.

At first sight, Lamy's decision appears puzzling in the context of the EPAs because EBA effectively removed the incentive for LDCs to sign a reciprocal agreement with the EU. Under EBA, the LDCs – which included 39 of the 79 ACP countries – would continue to receive preferential access to the EU market regardless of whether they signed an EPA. As Tony Heron (2013) suggests, EBA 'appeared to have been designed with only the most cursory attention to how it might impact on the realization of the remainder of the post-Lomé settlement' (p. 64).

The market access commitment made under EBA, however, can be seen firmly within the context of the negotiations for the Doha Round in the WTO (Heron 2013, p. 64). As one of my interviewees noted, EBA was clearly an attempt by Lamy to signal the EU's commitment to making the Doha negotiations a 'development round'.²² The decision to introduce the EBA scheme, coupled with a relative lack of progress in the EPA negotiations during Lamy's tenure, might signal a preoccupation with WTO negotiations under Lamy, who a colleague referred to as a 'multilateralist at heart'.²³ Indeed, Lamy amplified the EU's commitment to 'multilateralism first' (see Chapter Four) during his tenure by placing a moratorium on new bilateral trade negotiations (see Elsig 2007a; Heron and Siles-Brügge 2012).

It is also possible to argue that EBA stemmed from a deeper contradiction in the EU's EPA agenda. This tension emerged out of attempts to combine WTO-compatible FTAs with development-oriented differentiation. The origin of this contradiction was in the WTO's idiosyncratic treatment of Special and Differential Treatment and the EU's invocation of a strict interpretation Article XXIV of the GATT as a pretext for the EPAs.

²² Interview 5 (DG DEVCO).

²³ Interview 3 (DG Trade).

As I discussed in Chapter Four, differentiation and the targeting of development assistance at the most vulnerable developing countries was a core element of EU development policy introduced in the 1990s. As such, it had been enshrined in the Cotonou Agreement even before Lamy introduced EBA. Article 37.9 of the Cotonou Agreement stated that the EU would provide duty free access for ‘essentially all’ LDC products at the latest by 2005. EBA simply brought forward this commitment. The problem with EBA was not so much that it had been introduced without due attention to its impact on the EPA negotiating process, but rather that this offer of differential treatment was made outside of the EPA negotiating process. More importantly, there was no legally robust way of incorporating this commitment to differential treatment within the EPAs themselves.

The problem here was the legal ambiguity surrounding Special and Differential Treatment itself. The more the EU’s case for reform relied on appeals to WTO compatibility, the more it rested on the GATT’s particularistic take on special and differential treatment. Amrita Narlikar argues that at the heart of these rules:

Lies a major and unsustainable discrepancy: extreme legalization in the enforcement of the rules [...] and an inordinate reliance on *de facto* improvisation in the making of those rules (Narlikar 2005, p. 42).

Eligibility for trade preferences was never clearly addressed, either under the GATT or the WTO, and was instead allowed to develop as a series of *ad hoc* concessions (Heron 2013, p. 74). As such, the EU’s appeal to WTO rules in this context was on less solid ground than perhaps it made out. Specifically, the only legally robust category on which special and differential treatment could be based was in relation to UN designated LDCs (Heron 2013, p. 74). During the Cotonou negotiating process, it was suggested that the EU might have offered improved preferences to all developing countries covered by its GSP (Bartels 2008, see Chapter Four). However, once this option had been rejected, the EU was restricted to offering differential treatment to LDCs only. Other groups that had been identified as particularly vulnerable by the Cotonou Agreement – landlocked and island countries and states in post-conflict situations – could not

be offered similar differential treatment while the EU continued to insist that the new arrangement must adhere strictly to the principles enshrined in WTO rules.

Debate continued throughout the early stages of the EPA negotiations about how LDCs could be incorporated into the EPAs in a way that allowed region-based agreements but also reflected the principle of differentiation. In 2005, the UK House of Commons recommended that LDCs be allowed to join an EPA without having to offer the reciprocity required of their non-LDC regional partners (Bilal 2007, p. 212). A report from the House of Commons Select Committee on International Development in 2005 stated:

Peter Mandelson [EU Trade Commissioner] has now promised that he will seek to ensure that it is possible in the WTO to allow special and differential treatment for LDCs within an Economic Partnership Agreement (House of Commons Select Committee on International Development 2005, p. point 39).

The SADC-minus negotiating group proposed a similar position in its EPA offer to the EU (SADC 2006).

Both of these suggestions were ultimately rejected on the grounds that they were incompatible with WTO rules.²⁴ The problem here was that while special and differential treatment provisions are enshrined elsewhere in the legal texts of the GATT and WTO, Article XXIV makes no mention of this (Heron 2013, p. 28). As such, Article XXIV provides no guidance as to how ‘development friendly’ free trade agreements might be rendered WTO compatible beyond the simple matter of reciprocity (Heron and Murray-Evans 2013, p. 18). The EU’s privileging of Article XXIV as the primary legal basis on which to build the recasting of the Lomé regime (see Chapter Four) meant that the EPAs lacked a clear principle through which differentiation could be incorporated.

²⁴ Interview 12 (South Africa government),

The way that differentiation had been enshrined in the Cotonou Agreement and deployed under EBA actually made the EU's pursuit of the EPAs harder. The EPAs rested on the ability of the EU to exercise leverage afforded by the ACP's dependence on preferences to impose trade liberalisation as well as an ambitious range of other reforms (see below). Under GATT Article XXIV, in order to retain these trade preferences, ACP countries would have to liberalise 'substantially all' of their import tariffs in relation to EU goods. EBA effectively removed this incentive in relation to LDCs. Furthermore, the EU's insistence on a strict interpretation of WTO rules had prevented it from enshrining this differential treatment within the EPAs. Consequently, LDCs could only receive non-reciprocal trade preferences if they adopted EBA *instead of* signing an EPA.

This compounded an already existing problem that related to the EU's deployment of the threatened removal of trade preferences as a stick with which to drive the EPAs forward. This problem was that the extent to which ACP countries had developed a dependence on Lomé preferences over the course of the Convention's existence varied to a considerable degree (McQueen et al. 1998; McQueen and Stevens 1989). Some countries, then, were much more exposed to any loss of preferences than others. This, along with EBA, created highly uneven incentives at the *national* level, which in turn hampered EU attempts to foster *regional* agreement in the EPAs.

5.3 The WTO, the EPAs and Regionalism

The unevenness of the EU's material leverage was not the only problem that hampered the EU's ability to reach agreement on interregional EPAs. In Chapter Four, I argued that the decision to base the post-Lomé EU-ACP relationship on article XXIV of the GATT did not necessitate a region-based set of agreements. Rather the decision to negotiate the EPAs on a regional basis was driven by two separate motivations. First, the ACP group was large and heterogeneous and some of its members had limited technical and institutional capacity for complex trade negotiations. Consequently, the European Commission deemed region-based negotiations to be the most practical way of implementing EPAs in time

for the expiry of the WTO waiver at the end of 2007. Second, the Commission claimed to be able to offer ‘added value’ (European Commission 1996, p. xii) in comparison to other donors in the area of regional integration and it was argued that regional EPAs would give the EU an opportunity to provide valuable support to existing integration projects in ACP regions. However, once the negotiations got under way, tensions between these two dynamics emerged.

This tension can be summarised as follows. On the one hand, the EU’s aim – driven by the exigencies of WTO compatibility and the waiver expiration timetable – was to base the EPA negotiations on regions that would incorporate all of the ACP countries and that would be able to swiftly conclude reciprocal FTAs with the EU. The EU presented the 2007 deadline created by the expiry of the waiver as immovable, which gave a sense of urgency to the negotiations. On the other hand, the EU’s aim was to provide support for a set of existing regional integration projects that had developed through historical processes quite separate from the EU-ACP relationship (see Chapters Six and Seven). The geographical scope of these regions and the ACP group was not coterminous in any of the proposed EPA regions (see below).

The EPA negotiations officially began in September 2002. They were structured to take place in two stages, the first between the EU and the ACP group and the second between the EU and the ACP sub-regions, on which the final agreements would be based. The ACP preference was for a legally-binding framework for the EPAs that tackled the majority of contentious issues at the first stage (Bilal and Laporte 2003) and for only a few issues, such as individual tariff phase-down schedules, to be resolved at the regional level.²⁵ By contrast, the Commission argued that the Cotonou Agreement provided the legal framework for the negotiations and was eager to push ahead at the sub-regional level, going so far as to invite ACP regions to begin informal discussions before the first all-ACP phase had been concluded (Bilal 2006, p. 17). Ultimately, the all-ACP stage only lasted until October 2003. The official ACP-EU communiqué at the conclusion of this stage of the negotiations dryly noted:

²⁵ Interview 28 (ACP).

The meetings held during the first phase of EPA negotiations have allowed the parties to converge on a number of issues. However, divergent views remain. Both parties therefore agree to continue discussions at the all-ACP – EC level (ACP-EC 2003, p. 7).

The Cotonou Agreement had not prescribed the configuration of the ACP regions for the EPA negotiations and this was an issue that needed to be resolved before the talks could proceed. The Cotonou Agreement specified that the shape of regional configurations was a choice to be made by the ACP countries (Article 37.5).²⁶ In 2001, however, the Commission released a communication stating that the regional configurations were ‘not entirely at the discretion of the ACP’ (European Commission 2001, p. 3) and setting out the criteria by which a regional group would qualify to negotiate an EPA. This document specified that the EPA groups should be functioning regional integration projects that were ‘effectively engaged in an economic integration process’ (European Commission 2001, p. 9), that ACP countries could be members of one regional configuration only, and that the regional negotiations should take place in one setting and lead to one agreement.

The problem with these requirements was that there was not one existing regional integration project in Africa, the Caribbean or the Pacific that easily matched the contours of the ACP group.²⁷ It was fairly obvious from the outset of the negotiations that because of their geographical separation from the rest of the ACP, the Caribbean and Pacific ACP countries would each form a negotiating group (which is not to say that these groupings were unproblematic). The form of the African groups was much less clear given the multitude and

²⁶ The regional impact studies commissioned by the EU in 1998 – on UEMOA, CEMAC, EAC, SADC, CARICOM plus Dominican Republic, and the Pacific ACP countries – suggested that the Commission had some idea about the shape the regions should take (Bilal 2002, p. 20).

²⁷ The EAC group, which was formed in 2007, became the only EPA region to match an existing regional project in terms of geographical scope.



Figure 5.1: African Regional Economic Communities as possible bases for EPAs (source: author’s interpretation)

complexity of overlapping regional organisations with conflicting mandates on the continent.

Within Africa there were five ‘regional economic communities’ (RECs) – pillars of the African Economic Community – that contained mostly ACP countries and had economic integration as a central aim. These were therefore potential bases for an EPA negotiating group. These groups were: The Common Market for Eastern and Southern Africa (COMESA), The East African Community (EAC), The Economic Community of Central African States (ECCAS), The Economic Community of West African States (ECOWAS), and the Southern African

Development Community (SADC) (see Figure 5.1).²⁸ There was also a range of other smaller regional initiatives that overlapped with these RECs. This ‘spaghetti bowl’ (Bhagwati 1995) of overlapping regional institutions is often cited as a sign of the dysfunctional nature of African regionalism and a primary obstacle to deeper and more effective regionalism on the continent (Draper et al. 2007, see Chapter Six). The European Commission saw the EPAs as a way to encourage African countries to address this issue and end overlapping memberships.²⁹ Choosing coterminous regional negotiating configurations, however, was a considerable challenge given the institutional path dependencies of extant overlapping regionalisms (see Chapter Six).

The European Commission insists in public that ACP countries chose the EPA configurations (within the parameters set by the 2001 Commission document). However, Officials concede in private that they sought to persuade ACP countries to form configurations that were deemed viable in terms of their ability to negotiate and implement an EPA before the expiry of the WTO waiver in December 2007.³⁰

The eventual set of configurations (see Table 5.2) was problematic for a number of reasons. In some cases – for example the Dominican Republic and Mauritania – ACP countries were not part of any eligible regional integration process. In other cases, existing regional groups contained non-ACP countries that were excluded from the EPA negotiations. These included Australia and New Zealand, which play a dominant role in the Pacific Islands Forum (Scollay 2010, p. 4); Egypt, which is a member of COMESA; and South Africa, which was only

²⁸ The other RECs of the African Economic Community either contain a number of non-ACP countries (Community of Sahel-Saharan States [CEN-SAD] and Arab Maghreb Union [UMA]) or focus primarily on security and political dialogue (Intergovernmental Authority on Development [IGAD]).

²⁹ Interview 3 (DG Trade).

³⁰ For example, a confidential interview with a former DG Trade official (interview 3) revealed that the Commission argued the case for the Democratic Republic of Congo – a member of three separate RECs – to be part of the Central Africa EPA configuration to give this region more market potential. In 2007, the Commission also insisted that Tanzania leave the SADC-minus group and join the EAC group instead (a customs union of which it was a member).

EPA Regional Configurations, 2004					
CARIFORUM	West Africa	Central Africa	SADC-Minus	Eastern and Southern Africa	Pacific
Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Surinam, Trinidad and Tobago	Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo	Cameroon, Central African Republic, Chad, Congo, DR Congo, Equatorial Guinea, Gabon, Sao Tome and Principe	Angola, Botswana, Lesotho, Mozambique, Namibia, Tanzania, Swaziland	Burundi, Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Uganda, Zambia, Zimbabwe	Cook Islands, East Timor, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu

EPA Regional Configurations, 2007						
CARIFORM	West Africa	Central Africa	SADC-Minus	Eastern and Southern Africa	Pacific	East African Community
Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Surinam, Trinidad and Tobago	Benin, Burkina Faso, Cape Verde, Ivory Coast, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo	Cameroon, Central African Republic, Chad, Congo, DR Congo, Equatorial Guinea, Gabon, Sao Tome and Principe	Angola, Botswana, Lesotho, Mozambique, Namibia, South Africa, Swaziland	Comoros, Djibouti, Eritrea, Ethiopia, Madagascar, Malawi, Mauritius, Seychelles, Somalia, Sudan, Zambia, Zimbabwe	Cook Islands, East Timor, Fiji, Kiribati, Marshall Islands, Micronesia, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu	Burundi, Kenya, Rwanda, Tanzania, Uganda

Table 5.2: Regional EPA configurations, 2004 and 2007 (Source: adapted from a figure originally made by the author for Heron 2013, p. 65)

allowed to join the SADC-minus group at a late stage in the negotiations (see Chapter Seven). Countries that were not part of any existing regions were made to fit into the nearest configuration; non-ACP members of existing regions were excluded from the negotiations; and in Eastern and Southern Africa existing regions were split into as many as three (and later four) negotiating groups (see Chapter Seven).³¹ The reality of the configurations, then, was far from the ideal set out by the EU, that the EPA groups should all constitute regions ‘effectively engaged’ in economic integration (European Commission 2001, p. 9).

The reality of this complex set of existing regions was that they provided a poor fit with the vision of discrete interregional FTAs. This was particularly the case given that in order to comply with the WTO waiver, interregional agreements had to be completed by the end of 2007. Various options existed to resolve this tension. For example, the EU might have negotiated regional EPAs in those cases where there was an appropriate existing region and negotiated bilaterally with those countries that did not fit with any existing region. The EU might also conceivably have sought an extension to the WTO waiver (although success in this endeavour was dependent upon the EU’s willingness to pursue a number of political bargains, see Chapter Four). This would have allowed more time to address the problems with existing ACP regional configurations in a more satisfactory way before commencing interregional negotiations. The EU might have done this, for example, through dialogue to address overlapping memberships and capacity building measures to improve the negotiating capacity of existing regions. However, the EU’s decision to make all of the 79 ACP countries fit into six discrete regions, and to pursue the completion of the agreements as quickly as possible, reflected the sense of urgency that had been engendered by its strict adherence to the end of the WTO waiver as the final deadline for the EPAs. In a dilemma between providing support for existing ACP regional initiatives and pursuing the timely completion of WTO-compatible agreements, EU policymakers came down firmly on the side of the latter.

³¹ The SADC REC members were initially divided between the SADC-minus, Central Africa, and Eastern and Southern Africa EPA groups. Tanzania later joined the EAC EPA, dividing the SADC REC into a fourth EPA group.

This resolution, however, can be seen as storing up problems for the later stages of the negotiations. All of the ACP regions – with the possible exception of CARIFORUM – had problems developing the institutional capacity and political will for joint regional negotiations. Under the pressure of competing national perceptions of the value or otherwise of signing an EPA – particularly in the context of the skewed incentives discussed in the previous section – this lack of a coherent regional institutional negotiating capacity and identity contributed to the fracturing of a number of the negotiating groups when the negotiations reached a head in late 2007.

5.4 The WTO, the EPAs and 'Global Europe'

One of the most controversial parts of the EPA negotiating process relates to the inclusion of trade in services and a series of issues that came to be known as the 'Singapore issues'. The latter were first elaborated at the WTO Singapore Ministerial Conference in 1996 and included government procurement, customs issues, and rules on investment and competition. Trade in services and the Singapore issues had a profound effect on the EPAs in part because the EU began to more strongly espouse their inclusion within the agreements at the same time as three of the four Singapore issues were dropped from the WTO negotiating agenda. Furthermore, Article XXIV required only that substantially all trade *in goods* be liberalised in order to justify an exemption for an FTA from the MFN principle. In this sense, the inclusion of these issues within the EPAs went beyond the requirements of WTO rules (they were 'WTO-plus' issues). Their inclusion within the EU's negotiating agenda, then, undermined the EU's continuing discursive claims that WTO-compatibility was the external imperative for the EPAs.

The Cotonou Agreement covered trade in services but negotiations on these was not made compulsory. Dirk te Velde and his colleagues concluded that under Cotonou:

In principle the ACP is not obliged to start negotiations, but the EU and the ACP agree to extend their partnership to encompass the liberalisation of services in accordance with the provision of GATS [General Agreement on Trade in Services] (te Velde et al. 2004, p. 2).

The Commission had stated in its draft mandate for EPA negotiations that the EU ‘should be prepared to further postpone the start of the negotiations [in services]’ (European Commission 2002, cited in Siles-Brügge 2014a, p. 130). In the first phase of the EPA negotiations, the main services issue raised was in relation to GATS mode 4 (the supply of a service through the presence of natural persons), which was a defensive issue for the EU (Siles-Brügge 2014a, p. 130; te Velde et al. 2004, p. 2). The Cotonou Agreement also made somewhat vague reference to the Singapore issues. These were included, however, in sections on support for ACP regional and national economic development, rather than as explicit issues for binding negotiation (Siles Brügge 2012, p. 159).

At the point in time at which the Cotonou Agreement was being negotiated, the inclusion of the Singapore issues within the prospectus for the EPAs – albeit in vague and tentative fashion – appeared in line with the broad direction of travel within the WTO. Their inclusion in multilateral talks had been pursued at successive Ministerials in the late 1990s and early 2000s by the EU, Japan and Korea (Ferguson 2008, p. 20). The issues were, however, opposed by most developing countries and received a lukewarm reception from US negotiators (Ferguson 2008, p. 20). Negotiations on these issues at the Cancún Ministerial in 2003 reached a stalemate. Following this, the three most controversial Singapore issues (government procurement, investment and competition) were dropped from the Doha Development Round agenda by a Framework Agreement in July 2004 (Ferguson 2008, p. 20).

The European Commission’s response was to launch its Global Europe trade strategy in 2006 (European Commission 2006). This had as its central feature a more aggressive external trade stance that would complement the domestic ambition of the Lisbon Agenda. The Lisbon Agenda itself had been launched in 2000, with the express aim of creating an EU that was ‘the most competitive and

dynamic knowledge-based economy in the world by 2010' (European Council 2000). Both Global Europe and the Lisbon Agenda were underpinned by a discourse of 'global competitiveness' through which policymakers had asserted the need for neoliberal restructuring within the EU (Heron 2013, p. 77; see Hay 2007; Rosamond 2002; Tsoukalis 1997).

Global Europe centred on the pursuit of bilateral free trade agreements and reiterated its commitment to including the 'Singapore issues' within these even if, as the document noted, the issues remained 'outside the WTO at this time' (European Commission 2006, p. 11). It stated:

FTAs should also tackle non-tariff barriers through regulatory convergence wherever possible and contain strong trade facilitation provisions [...] stronger provisions for IPR [Intellectual Property Rights] and competition [...] and should] seek to include provisions on good governance in financial, tax and judicial areas where appropriate (European Commission 2006, p. 11).

Global Europe's attention was very much focussed on emerging markets (India, Russia, China, Korea) and trade organisations (ASEAN, Mercosur, the Gulf Cooperation Council) in Asia, Latin America and the Middle East (European Commission 2006, p. 11). Mention of the ACP countries in the Global Europe document (European Commission 2006) was limited to a passing sentence (p. 10-11); a reference to sustainable development (labour standards and environmental protection); mention of the 'development needs of our partners' (which concerned primarily the preference-eroding effects of FTAs, p. 12); and broad support for 'openness and integration' (p.10).

The appointment of Peter Mandelson as EU Trade Commissioner in the aftermath of the Cancún debacle coincided with a growing focus on trade in services and the Singapore issues in the EPA negotiations (Heron and Siles-Brügge 2012). The Commission strongly denies suggestions that it put pressure on ACP countries to sign up to 'WTO-plus' regulatory components of the EPA in the latter stages of the negotiations, asserting only that it sought to persuade

ACP negotiators that such components would support development (European Commission 2008b; Mandelson 2008). However, complaints from ACP states,³² NGOs and even EU member states (Beattie 2006) suggest that the Commission placed a considerable amount of pressure on the ACP countries to include binding commitments on investment, competition, and even public procurement (which was only mentioned in passing in the Cotonou Agreement) in the final EPA deals.

Gabriel Siles-Brügge (2014a, p. 137-46) makes a convincing argument about the reasons for the inclusion of trade in services and the Singapore issues in the EPAs under Mandelson. He says that this did not stem from a direct European commercial interest in accessing ACP markets (although there was an implied sense that the EPAs would support European competitiveness as well as ACP development). Instead, it was the result of the convergence of the EU's commercial and development-oriented trade narratives. This was the product of a positive-sum view of free trade, which underpinned the Commission's commitment in the 1996 Green Paper to development through trade liberalisation, but which became even clearer in the narrative of win-win regulatory liberalisation that emerged in relation to Global Europe and the EPAs in the mid 2000s.

In this phase of the EPAs, Siles-Brügge (2014a, p. 141) contends that the EU, in line with its more aggressive approach to liberalisation through bilateral negotiations, became more 'activist' in its EPA stance. The Cotonou Agreement had initially suggested that the feasibility of negotiating on the EU's WTO-plus regulatory agenda was limited due to the ACP countries' lack of capacity in these areas. The Commission now stressed that these capacity issues should be addressed *through the EPA negotiations*. This shift towards a more activist stance can also be seen in the role of regionalism in the EPA project under Peter Mandelson. Here, regional 'deregulatory liberalisation [was seen] as part and parcel of a broader neoliberal agenda' (Siles-Brügge 2012, 176). Since the EPA

³² Weller (2008, p. 2) reveals that amongst 13 ACP negotiators questioned on their experiences of the EPA process, 11 felt they had been put under pressure to negotiate on trade-related issues by the European Commission.

configurations were not based precisely on existing regional initiatives, part of the negotiation process would now be to encourage the EPA configurations to become liberal regions with harmonised regulatory structures. The Commission even went so far as to attach conditions related to intraregional trade liberalisation – in the form of a ‘regional preference clause’ – to the only full EPA to be signed to date, between the EU and CARIFORUM (Girvan 2008). The EU’s support for regional integration, then, went from being a foundation on which to base the EPAs, to an *aim* of the conditionality associated with the agreements.

In the context of this shift in approach, and as the negotiations entered a high-pressure phase in 2006 and 2007, the Commission continued to insist that the expiry of the WTO waiver in December 2007 presented an immovable and external constraint. Indeed, the Commission used this deadline to ramp up the pressure on ACP countries and regions to agree to the EPAs in order to preserve existing levels of market access. For example, Mandelson stated in September 2007:

We are committed to replace Cotonou trade preferences with a new trade regime that does not unilaterally discriminate against non-ACP developing countries. We have to do this by 1 January 2008. As our experience with bananas shows, other developing countries are unlikely to hesitate to challenge us. It is a gross irresponsibility to pretend otherwise (Mandelson 2007).

These discursive appeals, however, were undermined by the divergence between the EU’s EPA strategy and the trajectory of WTO negotiations (see Heron and Murray-Evans 2013). More clearly than ever, the EU was seeking to push the EPAs beyond what was required in order to satisfy WTO rules.

In addition to the EU’s continued insistence on trade in services and the Singapore Issues as a part of the EPAs, the costs of compliance were steadily increasing as a plethora of other requirements was introduced onto the agenda in November 2007 (Heron and Murray-Evans 2013, p. 22). These included a

controversial ban on export taxes and an MFN requirement, which mandated that ACP countries must extend to the EU any more favourable treatment granted to another major trading partner (see Chapter Seven).

The EU attempted to justify these new measures by arguing that it wanted to avoid being disadvantaged after it had granted benevolent EPA terms to the ACP countries. On the motivation behind the MFN clause, Development Commissioner Louis Michel conceded:

The European Commission and our member states provide 56 percent of all development assistance in the world. It is difficult to say that Europe should let our partner countries treat our economic adversaries better than us. We are generous but not naïve (quoted in IPS Correspondents 2008).

Furthermore, a former DG Trade Official granted in an interview that the Commission's demand for a ban on export taxes was introduced because the EU could not accept the principle that raw materials might be deliberately withheld and sold to the EU's trade competitors.³³ All of this gave the impression that despite official protestations to the contrary, the EU was keen to protect some 'offensive interests' in the negotiations.

Overall, the increasing prominence of trade in services, the Singapore issues and a range of other technical clauses in the negotiations after Cancún undermined EU negotiators' ongoing references to the exigencies of WTO rules and the finality of the waiver expiry deadline. This meant that Commission officials now had to rely more and more on making a normative case that would persuade the ACP countries of the *desirability* (as opposed to *legal necessity*) of the EPAs (Heron and Murray-Evans 2013, p. 22).

Where the EU's earlier norm-based narrative had emphasised the importance of differentiation and using the limited flexibility allowed under WTO rules, the narrative under Mandelson's tenure stressed that deep and comprehensive

³³ Interview 3 (DG Trade).

regional trade liberalisation would benefit *all* ACP countries regardless of their level of development or degree of vulnerability. While the Commission was keen to stress that the Singapore issues would only be included in the EPAs if the ACP countries wanted them to be – a claim contested by ACP countries and NGOs (see above) – regulatory liberalisation now became a core element of the ‘development focus’ of the EPAs (Mandelson 2005a). For example, Mandelson commented in 2008:

I also hear a lot about the EU using this final phase of the EPA negotiations to push the so-called “Singapore” issues back onto the table – the questions of investment, competition and procurement – as well as services. I can’t and won’t crowbar these issues into final deals. But I am in no doubt that these are development issues (Mandelson 2008).

Indeed, the Commission’s way of selling the EPAs to LDCs in particular – which did not need to sign an EPA in order to maintain their preferential access to the EU market – was to stress that the real development component of the EPAs was the package of trade and regulatory reforms that these agreements would help to lock in, providing an environment in which competition would flourish.

The Commission argued that allowing LDCs to join the EPAs while being exempted from reciprocity and other trade reforms would remove the incentive for reforms that provided the development component of the EPAs. These reforms would facilitate the tackling of ‘behind-the-border’ regulatory issues in ACP countries and regions, which would in turn help them to improve their export competitiveness in international markets and create an attractive environment for inward investment (Bilal 2007, p. 208; European Commission 2005). In confidential interviews, Commission officials expressed puzzlement at the idea that LDCs might not wish to sign up to comprehensive EPAs that included agreement on various WTO-plus issues. They argued that it was cooperation in these very areas that would provide the most significant

development support through the inward investment that such reform would attract.³⁴

Through the narrative at the heart of the Lisbon Agenda and Global Europe, then, European competitiveness and ACP development had come to be portrayed as two sides of the same coin. In other words, what was good for the EU – the fostering of competitiveness through liberalisation and regulatory convergence – was also good for the ACP countries by virtue of the same logic of positive-sum trade liberalisation. This new narrative, however, came at the expense of undermining the EU's discursive case for the legal necessity of the EPAs. Furthermore, as I will aim to show in the next section, the effect of the divergence between the EU's EPA strategy and the trajectory of developments in the WTO was to expose the EU to a rhetorical barrage from various critics – ACP governments, sceptical EU member states, NGOs and activists. These actors mobilised a counter-narrative that rebutted the European Commission's depiction of the EPAs as 'non-coercive' and 'development friendly' (Heron and Murray-Evans 2013, p. 3).

5.5 The Conclusion of Interim EPAs and the Continuing Negotiations

In 2005, Peter Mandelson (2005b) stated that the EPA negotiations would lead to 'a single trade regime at the regional level, with common and modern customs procedures.' The reality immediately following the expiry of the WTO waiver at the end of 2007 looked quite different. Chapters Six and Seven offer a fine-grained analysis of the outcome of the EPA negotiations using the SADC-minus region as a case study. Here, I offer an overview of the way that the tensions outlined in this chapter played out across the ACP regions.

In 2006 and 2007 it became clear that the EPA negotiations were going nowhere fast in most of the ACP regions. As the deadline approached, the Commission increased the pressure on ACP regions to sign comprehensive EPAs that included commitments to regional regulatory harmonisation and the reciprocal

³⁴ Interview 8 (EEAS).

liberalisation of trade in goods and services with the EU (Drieghe 2008, p. 50). Its primary tool for achieving this was to invoke the expiry of the WTO waiver at the end of 2007. Mandelson (2006) stated, 'We should not flaunt the deadline, but equally we have no magic alternatives to offer, and it is politically unrealistic to think WTO members would agree to extend the current waiver'.

By early 2007, it became clear that negotiations had barely begun on the detail of the EPAs in most regions, and that not enough time remained before the expiry of the waiver to reach agreement on full regional EPAs (Stevens 2008, p. 212). As the clock ticked down to the waiver deadline, the Commission proposed a solution in October 2007 for those countries not ready to sign a full EPA. Under this, individual countries and sub-regions would be encouraged to sign 'interim EPAs'. These were WTO compatible, goods-only agreements (European Commission 2007). They were intended to serve as a stepping stone to full EPAs and were open to countries which did not sign initially to join at a later date.

The Commission ensured that market access would not be interrupted immediately following the waiver deadline by introducing Market Access Regulation (MAR) 1528, which unilaterally provided duty free and quota free access to the EU market to all ACP countries that initialled an interim EPA (European Council 2007). Any country that did not initial or sign an agreement would revert to access to the EU market through either EBA or the GSP. While the decision by the EU to offer interim EPAs relieved some of the pressure to conclude full agreements by the deadline, it did not relieve pressure on preference-dependent non-LDCs to come to an agreement with the EU on trade in goods at the very least (Bilal and Stevens 2009, p. 44).

The decision to offer interim EPAs to the ACP countries meant that the EU had to, at least temporarily, sacrifice its regional and WTO-plus agenda. That policymakers were willing to do this after they had invested so much effort in securing comprehensive and interregional EPAs appears initially as a puzzle. Following the argument pursued throughout this chapter, however, it seems less surprising. The EU had consistently deployed the WTO waiver as a goad to action and a way of legitimising the pressure that it placed on the ACP countries

to sign an EPA. When it became clear that ACP countries were not ready or willing to sign full EPAs, the EU became ‘entrapped by its own rhetorical strategy’ (Drieghe 2008, p. 49). In order to avoid losing credibility in the negotiations the EU was obliged to stick by its earlier EPA timetable (Drieghe 2008, p. 52). The decision at Cotonou to use the WTO as an external imperative for the reform of ACP trade regimes – a strategy that had later been (imperfectly) adapted to include regulatory issues – made it difficult for the Commission to later abandon its commitment to WTO compatibility and the timetable imposed by the WTO waiver.

Who Signed and Why?

The arrival of the December 2007 deadline brought a rush to sign interim EPAs. By early 2008, 19 of the 79 ACP countries had signed or initialed an interim EPA and 15 Caribbean countries had signed the full CARIFORUM EPA (see Table 5.3).³⁵ The East African Community – members of which had broken away from their original negotiating configurations (Eastern and Southern Africa and SADC-minus) in late 2007 to form a new EPA region – signed a regional interim, goods-only agreement. In all of the other EPA regions, some countries signed or initialled an interim agreement, while others took the decision not to sign and to revert to the next best preference scheme for which they were eligible (EBA or GSP). Where more than one member of these regions has signed a single EPA text, because of their very different trade sensitivities (Stevens 2006), each country opted for a different liberalisation schedule and a different package of sensitive products (Bilal and Stevens 2009, p. 4).

Dominant explanations of this pattern of uptake of the EPAs at the time of the expiry of the WTO waiver use materialist arguments about market access (Stevens 2008; Bilal and Stevens 2009). The assumption here is that whether or not a particular ACP country was willing to sign an EPA was a function of its

³⁵ Two of the 79 – Somalia and East Timor – took no part in the negotiations (Stevens 2008, p. 223, footnote 11).

	Signed Full EPA	Signed Interim EPA	No EPA Signed
CARIFORUM	Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti*, Jamaica, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and Grenadines, Surinam, Trinidad and Tobago		
Central Africa		Cameroon	Central African Republic*, Chad*, Congo, DR Congo*, Equatorial Guinea*, Gabon, Sao Tome & Principe*
EAC		Burundi*, Kenya, Rwanda*, Tanzania*, Uganda*	
Eastern and Southern Africa		Madagascar*, Mauritius, Seychelles, Zimbabwe	Comoros*, Djibouti*, Eritrea*, Ethiopia*, Malawi*, Somalia*, Sudan*, Zambia*
Pacific		Fiji†, Papua New Guinea	Cook Islands, East Timor, Kiribati*, Marshall Islands, Micronesia, Nauru, Niue, Palau, Samoa*, Solomon Islands*, Tonga, Tuvalu*, Vanuatu*
SADC-minus		Botswana, Lesotho*, Mozambique*, Namibia†, Swaziland	Angola*, South Africa
West Africa		Ghana†, Ivory Coast	Benin*, Burkina Faso*, Cape Verde, Gambia*, Guinea*, Guinea-Bissau*, Liberia*, Mali*, Mauritania*, Niger*, Nigeria, Senegal*, Sierra Leone*, Togo*

*LDCs

†Country initialled but did not sign interim EPA

Table 5.3: EPAs – Who signed in 2007/2008? (source: adapted from a figure originally made by the author for Heron 2013, p. 66)

vulnerability (or lack thereof) to the loss of EU preferences. That is, those countries that agreed to sign (interim) EPAs at the end of 2007 were those which were: (a) dependent on existing preferential access to the EU market, and (b) were non-LDCs and therefore not eligible for EBA (see Stevens 2008).

Clearly this distinction between preference dependent non-LDCs and other ACP countries reflects an important dynamic in the negotiations. Indeed, 26 out of 40 non-LDCs signed a full or interim EPA compared to only 8 out of 39 LDCs (only one of the 15 CARIFORUM signatories, Haiti, was an LDC). Further, Stevens (2008, p. 217) underlines that those non-LDCs that refused to sign an agreement – Democratic Republic of Congo, Gabon, Nigeria, South Africa and seven Pacific Islands – either do not export a large number of products affected by high tariffs to the EU, or possess an existing trade agreement that gives them preferential access to the EU market.

I argue however, that this type of materialist account only tells part of the story about the outcome of the EPA negotiations and masks a more complex process of contestation and the role of the EU's rhetorical action in this. Specifically, there are clear outliers in the pattern of responses to the EPAs highlighted by Stevens. These include preference-dependent non-LDCs that were reluctant to sign and implement an EPA (for example, Namibia) and LDCs that chose to sign an agreement (Haiti, Burundi, Rwanda, Tanzania, Uganda, Lesotho, Mozambique, Comoros and Madagascar, as cited by Stevens 2008, p. 217). In addition, CARIFORUM's decision to go far beyond what was legally required to secure EU market access by signing a full EPA that included trade in services and the Singapore issues, constitutes something of a puzzle for the materialist perspective (see Heron 2011). I argue that EPA responses, rather than following a straightforward materialist logic, can be linked to the set of tensions that I have identified in the discursive case for the EPAs made by the EU.

Once the problematic nature of the EU's regional agenda and the uneven leverage associated with the threat of lost preferences had been revealed, the EU became increasingly reliant on norm-based argument to persuade the ACP countries of the merits of the EPAs. Further, the increasing prominence of the

Singapore issues in the negotiations from 2004 onwards meant that the EU could no longer hide behind the pretext of ‘WTO compatibility’ (Heron and Murray-Evans 2013, p. 22) and it came to rely even more on norm-based argument. However, the divergence of the EU’s negotiating agenda from the trajectory of WTO negotiations also exposed the EU’s norm-based case for the EPAs to an onslaught from a coalition of critics that included ACP governments, EU member states and NGOs and activists. Furthermore, the convergence of the EU’s commercial and development agendas opened the EU up to claims that its pursuit of the EPAs was motivated by commercial self-interest as much as concern for ACP development.³⁶

Opposition from civil society to the EPAs began almost as soon as the talks got underway in September 2002 (see, for example, Traidcraft 2003) but there is no doubt that this became more pronounced after 2004. At this point, the inclusion of the Singapore issues in the negotiations became a stick with which transnational activists could beat the EU. These organisations pointed out that these measures went far beyond what was required for WTO compatibility and questioned in the strongest terms EU claims that these measures would support ACP development. For example ActionAid stated:

In seeking agreement on investment, government procurement and competition policy under EPAs after developing countries collectively rejected such agreements at the WTO, the European Commission is pursuing a self-interested market-access agenda without due consideration to the development needs of African countries. Agreements on these issues would create lopsided rules that would disproportionately benefit EU investors at the expense of domestic African investors, leading to the economic exploitation of African producers, workers, small-scale and medium-level processors (ActionAid 2004, p. 23).

³⁶ This was a common theme in interviews with NGO and ACP representatives in the interviews conducted for this thesis. It was mentioned explicitly in Interview 14 (South Africa Government), Interview 27 (ACP), and Interview 37 (civil society).

And Oxfam put this sentiment in equally strong terms:

In the Economic Partnership Agreements [...] Europe is proposing competition rules that work in favour of large corporations instead of development. Neither the WTO regime nor the Cotonou Agreement requires negotiation on competition policy in EPAs (Oxfam 2007, p. 11).

The EU's continued discursive appeals WTO compatibility and the 2007 deadline led civil society groups and ACP countries alike to accuse the EU of using bullying tactics in pursuit of its own self-interested ends (see, for example, Oxfam 2006; 2007; Traidcraft 2007a). In addition, these alleged bullying tactics were frequently criticised for increasing tensions between ACP countries in the same region and disrupting existing regional integration projects, with particular reference to Africa (EcoNews Africa et al. 2007; ActionAid 2004; Oxfam 2006; Traidcraft 2007b).

Another strand of the transnational activists' discursive challenge to the agreements has been highlighting the ambiguity of the WTO rules that the European Commission was so keen to present as a clear set of limitations on the future of EU-ACP relations. In June 2007, the Overseas Development Institute laid out a number of alternative options in the event that agreement on full EPAs could not be reached by the end of the year. This included the possibility that the EU could seek an extension to the waiver at the WTO, or that it could offer a better 'fallback, interim regime' than existed under the GSP (Overseas Development Institute 2007, cited in Stevens 2008, p. 4). A number of civil society organisations also picked up on the idea that WTO rules were a good deal more ambiguous – and offered a larger range of options for the future of the EU-ACP relationship – than the EU was willing to admit (see, inter alia, ActionAid 2005; Oxfam 2007).

Those writing on this discursive contestation (Del Felice 2012; Hurt et al. 2013; Trommer 2013) suggest that these activist coalitions shifted the EU's position, forcing officials to reconsider particularly controversial aspects of the

negotiations. This, however, seems only to have been the case very recently, when the EU made considerable concessions in the negotiations in early 2014 (see Hurt 2013; Murray-Evans 2013). What is more interesting is the way that this contestation was utilised by some ACP policymakers in weighing up decisions to sign EPAs or not. Stephen Hurt and his colleagues (2013, p. 70) argue that contestation of the EPA agenda encouraged ACP countries to adopt norm-based counterarguments and to resist signing agreements out of kilter with their development aims. Of great significance for this thesis is the way in which the tensions that emerged in the EU's justification of its EPA goals provided the discursive space for this contestation and gave it particular bite.

Silke Trommer (2013), for example argues that the West African EPA grouping was able to seize on the ambiguity in WTO rules in order to challenge the EU's interpretation of the degree of market opening required in order to comply with article XXIV of the GATT and make a lower market access offer than the EU had demanded. Namibia, too, has made extensive efforts to lobby the European Parliament in order to encourage EU negotiators to offer the maximum flexibility allowed under article XXIV.³⁷ Further, those countries that signed an (interim) EPA in 2007 – with the exception of those in CARIFORUM – for the most part refused to include binding agreements on the WTO-plus aspects of the EU's trade agenda. Instead, they opted for so-called 'rendezvous clauses' which put off the negotiation of these issues until a future date. Some rejected the inclusion of such rendezvous clauses altogether.

Beyond those countries vulnerable to the removal of Lomé-equivalent preferences, elite responses to the EU's normative case for the EPAs were crucial in determining whether or not ACP countries signed a full or interim EPA. The tensions within the EU's normative case help to explain a generalised pattern in which this normative argument found limited purchase amongst ACP elites. However the extent to which ACP governments were or were not receptive to the EU's arguments about the development benefits of comprehensive EPAs also helps to explain the outliers in this pattern (see also Chapter Seven).

³⁷ Interview 13 (Namibia government).

The only full EPA to date was signed between the EU and CARIFORUM in 2008. It seems that CARIFORUM negotiators were persuaded by the EU's case that the conclusion of a reciprocal agreement was essential to safeguarding EU trade preferences (Caribbean Regional Negotiation Machinery 2008; Heron and Murray-Evans 2013). This does not explain, however, why CARIFORUM agreed to go beyond the requirements of the WTO to sign an agreement that included trade in services as well as a range of regulatory issues. Tony Heron (2011) suggests that Caribbean elites believed that a comprehensive EPA might improve access to the EU market and encourage diversification away from increasingly uncompetitive agricultural commodities. Matthew Bishop and his colleagues (2013), argue that CARIFORUM's 'convergence of thinking with the EU' (p. 104) reflects a neoliberal narrowing of 'the terrain upon which development has been both theorised and practised in the region' (p. 82). It appears then that the EU's rhetoric found receptive ears in the Caribbean due to both a desire to diversify Caribbean economies and the grip of neoliberalism in the region.

Beyond the Caribbean, the EU's normative arguments have had some purchase in the handful of LDCs that have signed interim EPAs (including in the SADC-minus region, which is examined further in Chapters Six and Seven). Not least of these is the case of the East African Community, where four LDCs – Uganda, Tanzania, Burundi and Rwanda – joined Kenya (a non-LDC) in signing a regional interim EPA. Again – in line with the EU's normative argument – the EAC members cite the creation of 'a transparent and predictable trade regime [which will] increase FDI inflows' as a motivation behind signing the EPA (East African Community 2012, p. 5). Further empirical research on this case would be a valuable addition to the literature but is beyond the scope of this thesis.

After 2007 – EPA Negotiations Continue

Following the expiry of the WTO waiver at the end of 2007 the EU had lost the leverage that had been associated with that deadline. The market access

regulation (MAR 1528) extended to those countries that signed or initialled an interim EPA stipulated that these countries must ratify and begin implementation of the agreements within ‘a reasonable period of time’ (European Council 2007, p. Art 2.3 [b]) but provided no clear deadline for this.

In an attempt to repair some of the damage done to EU-ACP relations by the EU’s perceived bullying tactics in the run up to the deadline, the new Trade Commissioner, Catherine Ashton, struck a conciliatory tone in communications about the EPAs. Although she did not go so far as to apologise for the EU’s approach to the negotiations, Ashton (2009) acknowledged that ‘The run-up to the December 2007 WTO deadline for interim EPAs has given rise to an impression of steamrolling of ACP concerns.’ She also made assurances that the EU’s WTO-plus agenda would not be forced upon unwilling ACP countries, stating:

And while we should be ambitious there must also be no imposed dialogue, which is why issues like government procurement have already been removed from some negotiations. [...] The explicit right of the ACP to regulate their own markets will be recognised (Ashton 2009).

While Mandelson had made similar assurances that the Singapore issues would not be forced upon the ACP regions, Ashton’s approach signalled a genuine shift in tone. Interviews with ACP government actors in Southern Africa revealed a consensus that Ashton’s approach was more flexible and sympathetic to ACP concerns than that of the acerbic Mandelson.³⁸ Ashton, however, was in office for just over a year and a number of interviewees mentioned that this was not long enough to significantly alter the trajectory of the EPA negotiations.³⁹ Despite Ashton’s more sympathetic approach to the negotiations, deadlines set by the interim agreements for the completion of full EPAs in December 2008

³⁸ Interviews 11 and 12 (South Africa government); Interviews 17, 18 and 20 (Namibia government); Interview 21 (Angola government); Interview 28 (ACP); interview 3 (DG Trade).

³⁹ Interview 11 (South Africa government); Interviews 17, 18 and 20 (Namibia government); Interview 21 (Angola government); Interview 28 (ACP).

(EAC) and July 2009 (Eastern and Southern Africa) came and went without further agreement.

One interviewee suggested that Ashton's successor, Karel de Gucht, was unwilling to spend a disproportionate amount of effort on negotiations with the ACP group as this had little commercial interest to the EU.⁴⁰ De Gucht tried to recapture some of the leverage that had been lost after the expiry of the WTO waiver in order to bring the negotiations to a conclusion. On 30 September 2011, the Commission revealed that of the 36 countries that had signed or initialled an EPA, only 18 (and only four outside the Caribbean) had ratified the agreement (DG Trade 2011). The Commission announced that those countries that had failed to ratify and begin implementation of the agreement by 1 January 2014 (later extended to 1 October 2014) would cease to benefit from market access through MAR 1528 (Bilal and Ramdoo 2011, p. 1). Commission officials insisted publicly that the new deadline was simply designed to clarify an uncertain and temporary legal situation that existed under MAR 1528, but privately some conceded that this was a last ditch attempt by the EU to bring the EPA negotiations – which by that point had stretched for over nine years – to a conclusion.⁴¹

This attempt to wrestle back leverage in the EPA negotiations, however, displayed many of the problems that plagued its earlier stages. Once again, those most vulnerable to the EU's threat of downgrade to alternative preference schemes were preference-dependent non-LDCs. Further, it remained the case that WTO-compatible agreements could be reached without ACP countries signing up to any of the EU's more ambitious services and regulatory agenda. Commission officials continued to pay lip service to the aims of promoting regional integration and agreement on regulatory issues. In private, however, they conceded that if whole ACP regions were not willing to sign up to full EPAs by the new 2014 deadline the Commission would accept bilateral and sub-

⁴⁰ Interview 8 (EEAS).

⁴¹ Interview 6 (EEAS). This was also suggested in interviews with ACP national representatives: Interview 20 (Namibia government); Interview 14 (South Africa government).

regional agreements with willing ACP countries.⁴² These would be left open to others in the region to join at a later date, in order – the Commission claimed – to avoid disruption to processes of regional integration and to allow for a ‘variable geometry’ approach to further integration within ACP regions.⁴³ The acceptance of this outcome was a far cry from the aggressive and ambitious project to promote regional liberalisation and regulatory harmonisation through comprehensive trade deals that was promoted by the EU in earlier stages of the negotiations.

At the time of finalising this thesis two more regional EPAs – between the EU and West Africa (February 2014) and SADC-minus (July 2014) respectively – were initialled. Early indications suggest that these deals have been considerably watered down in comparison to the EU’s earlier ambitions. Isabelle Ramdoo and San Bilal (2014) report that in the West African case, tariffs are to be liberalised in relation to 75 percent of West African imports from Europe (rather than the 80 percent that the EU had earlier claimed was the minimum value that would meet the requirements of WTO law). Further the agreement includes only one of the Singapore issues (trade facilitation) as a binding clause, while others are dealt with by rendezvous clauses (EC-WA-ECOWAS-WAEMU 2014).⁴⁴ Further details of the SADC-minus deal, where there have also been notable concessions from the EU, are discussed in Chapter Seven.

The general picture from these two recent agreements is one in which the EU has had to amend its negotiating stance in order to persuade ACP regions to sign the EPAs, in which the former’s ambitious WTO plus agenda has been largely rejected by ACP countries, and in which the looming deadline for the completion of WTO compatible agreements – the expiry of MAR 1528 on 1 October 2014 – has again been the driving force in persuading ACP countries to sign an EPA. While the EU was somewhat successful in deploying WTO compatibility as an imperative for these agreements, then, it was not able to incorporate its

⁴² Interview 8 (EEAS).

⁴³ Interview 4 (DG Trade).

⁴⁴ I would like to thank Gabriel Siles-Brügge for pointing me towards this information.

comprehensive agenda for ACP regional integration and trade opening in these agreements (see Chapter Seven for a more detailed assessment).

5.6 Conclusion

In conclusion the outcome of the EPAs demonstrates both the EU's uneven leverage across the ACP regions and the limited reach of its norm-based arguments about the desirability of the agreements. It has been argued that this limited reach is linked to the contingent, constructed and path-dependent nature of EU policy formation and projection. The approach used here to analyse this policy formation allows linkages to be made between the internal processes through which policies are constructed and their external impact.

In Chapter Four, I made the case that the EU's invocation of WTO rules as an impetus for ACP reforms shaped the Cotonou settlement to a considerable extent. In this chapter, I have charted how tensions in the EU's argument about the legal necessity of these reforms caused the EU's case for the agreements to unravel. These tensions were caused by incompatibility between EU aims and preferences and existing WTO rules, the difficulty of reconciling the aim of WTO compatibility with historical patterns of ACP regionalism, and the divergence between changing European preferences and ongoing WTO negotiations. It was this unravelling that opened up space for sustained contestation of the EU's EPA narrative by a coalition of actors that included large international NGOs, national and regional social movements, and ACP states and regions. These actors were able to use weaknesses in the EU's discursive case for the EPAs in order to portray the EU as a self-interested and coercive actor that was trying to use its overwhelming market power to force concessions from the ACP countries.

With regard to the take up of EPAs, the broad trend has been that preference-dependent ACP countries have tended to sign full or interim EPAs in order to preserve market access, while LDCs and those not dependent on preferences have proved less likely to do so (Bilal and Stevens 2009). However, departures

from this overall trend suggest the influence of ideational factors that cut across material incentives. These differentiated outcomes can be traced back to the way that the set of tensions identified in this chapter have played out in different geographical and historical contexts and to the contingent responses of ACP elites to the EU's norm-based case for the EPAs. It is to the specificity of such responses that we now turn in Chapters Six and Seven, which offer a more fine-grained analysis that both furthers my more general argument and reveals the detail of how the EPAs played out in Southern Africa.

Part III

Case Study of the SADC-Minus EPA

Chapter Six

History and Agency in the SADC-Minus EPA

6.1 Introduction

The negotiations for an EPA between the EU and the Southern African Development Community EPA group (SADC-minus) have been long and difficult. For a long time during the negotiations, countries within the region were divided over the EPA: at the end of 2007 four had signed the interim agreement whilst the other three were very reluctant to follow suit. More recently, in mid 2014, the region (with the exception of Angola) initialled a revised version of the EPA following a number of concessions from the EU. Much has been written about the potential for these fraught negotiations to cause disruption to the region's already fragmented pattern of overlapping regional integration projects (see, for example, Bertelsmann-Scott 2006; Stevens 2008; Tekere 2006; Walker 2009) as well as the potential for the EPA to 'lock in' a pattern of neoliberal development in the region (Hurt 2012). For the purposes of this chapter and the next, however, the focus is on the process and outcome of the negotiation and what this reveals about the discursive underpinnings and contestation of the EU's comprehensive EPA agenda.

According to supporters and even some critics of the process, the reason that the EU's comprehensive EPA agenda did not take root in Southern Africa, was the lack of institutional capacity in place for such complex negotiations.⁴⁵ It has been suggested that this was particularly the case with regard to the architecture of regional integration in Southern Africa, which consisted of a series of

⁴⁵ Interviews 1 and 3 (DG Trade); Interview 29 (commentator).

overlapping regional organisations with conflicting mandates. In addition, European negotiators cited the resistance, and even irrationality, of Southern African elites as key barriers to the completion of full EPAs.⁴⁶ Elements of this interpretation clearly represent important dynamics of the EPA negotiations in SADC-minus. However, to dismiss the resistance of SADC-minus and other ACP actors as ‘irrational’ masks the contested nature of the EPAs and the ideas that underpinned EU attempts to export a particular model of liberal regional governance to the ACP countries. Furthermore, explanatory appeals to a lack of negotiating capacity tell us little about the specific and divergent responses of SADC-minus countries to the EPA.

The thesis has already revealed the emergence of a set of internal contradictions within the aims and policy tools deployed by the EU in the context of the EPAs. It has already hinted that the way particular ACP regions received the EU’s discursive case for the EPAs was crucial in shaping the outcome of the negotiations. The questioning of materialist accounts of the EPAs within this thesis, then, suggests a need to explore the contestation of the EU’s case for the EPAs more fully. This chapter and the next take a more fine-grained approach to exploring these patterns of ideational contestation between the EU and ACP and the way that they shaped the EPA negotiating process and outcome in the case study region.

My argument is that the distinctiveness of responses to the EPA within ACP regions was not just a result of technical issues of capacity or material issues of preference dependence. Rather, this distinctiveness was brought about by the way in which the contradictions within the EU’s discursive case for the EPAs were revealed in the particular context of each region.

The argument proceeds as follows. Both regional integration and national development strategies within the ACP regions constitute historically embedded processes. These processes are inherently political and contested and embody particular ideas about the proper aims and tools of regionalism and development,

⁴⁶ Interview 1 (DG Trade).

which are not necessarily in line with those promoted by the EU. Furthermore, within this context, and despite their weak position of structural power, national and regional ACP elites were able to exercise agency in the way that they interpreted and responded to the choices on offer under the EPAs. A contingent process of contestation over the EPAs, then, took place within each of the ACP regions.

This chapter explores the way in which the wider theoretical approach offered by this thesis can be deployed in order to generate insights about this process of contestation. Specifically, it looks for synergies between the logic of explanation developed in Chapter Two and existing literature on Africa in International Relations, particularly with reference to 'African agency'. The empirical focus of the chapter is on the historical context in which the process of EPA contestation in Southern Africa was embedded, while it is the job of Chapter Seven to explore the detail of the way in which this contestation played out.

This chapter makes the case that the historical processes of regional integration and development in Southern Africa represented a problematic fit with EU ambitions for comprehensive intra- and inter-regional liberalisation through the EPAs. Specifically, the claimed link between regionalism, economic liberalism and development that underpinned the EU's model of regional development governance differed from the development model(s) and political strategies that had informed the historical evolution of regional integration in Southern Africa. In particular, a commitment to functional differentiation and an interventionist model of development had underpinned processes of regionalism in Southern Africa in their early stages. Furthermore and in contrast to the EU, processes of regionalism in this part of the world have not undergone a full-scale neoliberal conversion. Instead, regional projects seek to accommodate a range of liberal and interventionist national development strategies; to bolster jealously guarded state sovereignty; and to attract external funding through the projection of a commitment to compliance with donor policy agendas.

At the national level the chapter also illuminates a lack of consensus within the region about the desirability or effectiveness of neoliberal development

strategies. Indeed, development trajectories and strategies within the Southern African region exhibit considerable variety. These differences are embedded within diverse colonial histories and the brute facts of resource endowment and geographical size and position. They are also heavily conditioned by the dominant economic position of South Africa within the region. Yet these differences also reflect the contested development strategies of reflexive and purposeful agents and the particularity of their path-dependence as both constraints on and opportunities to action. Historically embedded development trajectories within the region range from Angola's oil-dependent strategy of state-led accumulation and import substitution, to Botswana's embrace of liberalisation, deregulation and aspiration to build an economy based on financial services.

This chapter begins by offering some brief theoretical reflections on the place of African history and agency within the broader narrative of the thesis. It then analyses the historical processes in which the contestation of the Southern African EPA was embedded. This is done firstly in relation to processes of regional integration in Southern Africa and secondly with regard to national development trajectories and strategies in the SADC-minus countries.

6.2 Ideas, Institutions and African Agency

In its theoretical approach, this thesis stresses a logic of explanation in which political processes are viewed as embedded within path-dependent institutional structures that are made and remade by purposive and reflexive agents (see Chapter Two). Ideas, beliefs and shared understandings both condition and provide the tools that actors use to interpret and develop responses to their institutional context.

The core focus of this thesis is on EU external economic action and the internal sources of the limited and uneven reach of the EPAs. For this reason, I have so far applied the logic of explanation referred to above to EU-led processes of policymaking and the tensions that emerge from these. The EPAs were, however,

negotiations between two or even three parties – the EU, the ACP regions and the individual ACP countries. There is a danger, then, that focusing exclusively on the EU side of this equation feeds into narratives that treat developing countries as the relatively inert receivers and bearers of politics and policies produced elsewhere. Various authors criticise such tendencies in relation to the treatment of Africa in the international relations literature (see Bayart 2000; Brown 2012; Brown and Harman 2013a; Cornelissen et al. 2012a; Dunn and Shaw 2013; Harman and Brown 2013; Lonsdale 2000).

Furthermore, I have argued previously that a series of tensions within the EU's discursive case for the EPAs served to undermine its plausibility within the ACP regions. The logical corollary of this argument – which stresses that purely materialist approaches struggle to explain the implementation of the EPA policy – is a need to explore more fully how the policy ideas and rationalisations that lay behind the EPAs were received and contested within the ACP countries and regions. In order to do this, we must acknowledge the historically embedded agency of ACP actors and their ability to interpret and respond to the choice set on offer under the EPAs in a purposive and reflexive manner.

In relation to the case study of the EPA negotiations in Southern Africa there are long-standing debates about the place of Africa within the international economic system and, particularly, a more recent literature on 'African agency'. There is insufficient space here for a comprehensive review of these important literatures. Rather, some brief reflections are offered on the theoretical implications of applying the logic of explanation developed in Chapter Two to the issue of African engagement with the EPAs. I firstly consider the implications of this approach in the context of the literature on African extraversion and the neopatrimonial state. And secondly I suggest that recent reflections on African agency and the neopatrimonial state literature offer a particularly good fit with the theoretical approach pursued in this thesis.

The Neopatrimonial State and African Extraversion

Theories of the neopatrimonial African state began to emerge in the late 1970s with the work of Jean-François Médard (1979, cited in Bach 2012, p. 27) on underdevelopment in Cameroon. Since then, these theories have been highly influential in discussions of the African state (see, inter alia, Jackson and Rosberg 1982; Sandbrook 1985; Jackson 1990; Bayart 1993; Bratton and van de Walle 1994; Bach and Gazibo 2012; for a recent critical review, see Erdmann and Engel 2007). Drawing on Weberian understandings of the modern state, the concept of neopatrimonialism suggests the coexistence of formal institutions of a legal-rational regime of authority and legitimacy (to a greater or lesser extent) in African states with continued reliance by African leaders on personal relationships and the distribution of patronage in order to sustain their authority.

Various authors have considered the external dimensions of the prevalence of neopatrimonial regimes within sub-Saharan Africa and its implications for the positioning of African states within international politics. In his seminal *Africa in the International System*, Christopher Clapham (1996) explores the international conditions, as well as strategies of African elites, that have brought about the survival of weak African states in the post-colonial era. Put simply, Clapham's analysis concludes that many African states possess 'negative' sovereignty (see Jackson 1990) – the formal legal sovereignty ascribed to them by other states – but lack the 'positive' sovereignty of effective control over society (Clapham 1996, p. 15). This means that African rulers have had to resort to building 'shadow states' behind a façade of formal statehood. Through these, they conduct personal survival strategies based on patronage through the distribution of funds gained via the control of state apparatuses (Clapham 1996, p. 56-60).

Other authors have offered a similar understanding of Africa's place within the international system through the concept of 'extraversion' (Bayart 2000; Taylor 2004; 2010; Taylor and Williams 2004). This argues that the formal sovereignty granted to African states at independence has helped to maintain their status as weak states lacking effective internal control. African state elites have used a

strategy of extraversion – the use of external resources in order support networks of influence through patronage – to maintain their position of power. The international system, then, is complicit in a charade in which ‘many state elites in Africa use the mantle of sovereignty not to promote the collective good but to bolster their own patronage networks and to weaken those of potential challengers’ (Taylor 2010, p. 6).

These works that call the African state into analytical question have contributed much to understandings of African countries’ interaction with their external environment. In particular, they provide a counterpoint to narratives of African marginalisation by stressing the linkages between African states and the international system. As such they challenge structuralist accounts of underdevelopment that offer little room for the exercise of agency by African actors. Furthermore, these approaches point to a central dynamic of the operation of many African states – that is, the existence of political authority based on personalised networks of patronage alongside formal political institutions.

Caution is required, however, because there is a danger that the ubiquity of neopatrimonial arguments (see Bach 2012, p. 33) gives rise to characterisations of the African state that are overly generalised, pessimistic and perhaps even derogatory. Thandika Mkandawire, for example, stresses the impact that this literature has had on dominant understandings of the African state:

By the late 1990s, the African state had become the most demonised social institution in Africa, vilified for its weakness, its over-extension, its interference with the smooth functioning of markets, its repressive character, its dependence on foreign powers, its ubiquity, its absence (Mkandawire 2001, p. 293).

There is also a problem with a lack of effective historicisation in some of the neopatrimonial state literature. This applies more in some cases than others. Clapham (1996), for example, is careful to ground his analysis of the African state and its role in international relations in a detailed historical narrative that emphasises different outcomes in different African countries.

Others are prone to present a homogeneous and undifferentiated view of African states. Taylor's (2004) article in *Global Governance*, for example, makes broad generalisations about the nature of power and the state in Africa. He says, 'Power in Africa must be understood in terms of the systemic exercise of patronage as a fundamental operating framework for politics' (Taylor 2004, p. 412). He goes on:

The malady affecting the continent is not simply, or even primarily, economic, nor is it external. It is political and endogenous and can be located in the behaviour of the continent's governing elites; any policies, whether neoliberal or dirigiste, will be exploited by elites for private or political advantage (Taylor 2004, p. 414).

The implication here seems to be that the particular character of African states stems from the endogenous venality of African elites. Chabal and Daloz' (1999) view that the clientelist character of the African state stems from a common set of ethnic social relations is couched in a similar vein. Such approaches obscure the cultural diversity of sub-Saharan Africa and fall back on a form of cultural determinism that negates the possibility of future transformation. This deployment of neopatrimonialism has led to some commentators to condemn it for its 'violent and objectifying discourses' (Wai 2012, p. 28; see also Hill 2005).

In addition, there seems to be little room in the neopatrimonial state literature for *contingency* and role of *ideas*, which I have argued are inherent in the exercise of agency (see Chapter Two). Much like the rationalist theories of agency that underpinned Western donors' structural adjustment agendas, the neopatrimonial state literature appears to assume that African elites will act in ways oriented towards personal enrichment and power rather than societal interests.

Whitfield and Fraser (2009) point out that the dominant view that portrays African elites as 'driven by innate conditions to act in neopatrimonial ways' might be overly pessimistic and obscure the differences between the development visions and priorities African governments and aid donors. This

precludes the conclusion that these differences can and do ‘emerge from legitimate disagreements about the best strategies of political and economic management to advance national development’ (Whitfield and Fraser 2009, p. 14). Similarly, Mkandawire (2001) contends that ‘although many writers assume that African leaders’ objection to structural adjustment programmes (SAPs) was because these programmes would undermine their rent seeking and clientelistic *chasse gardée* [literally ‘private hunting ground’], there are well-documented developmental arguments against SAPs’ (p. 296).

Here, I do not assume that African elites are necessarily oriented towards personal enrichment or the maintenance of power rather than societal goals. Rather I argue that the ideas, assumptions and aims that inform African agents’ actions should be the subject of empirical investigation.

African Agency

A more optimistic ‘African agency’ literature has emerged in the last decade that is in part a response to the neopatrimonial state literature and is in part driven by empirical developments. This literature suggests that:

Broad-brush characterizations of the African state as fragile, weak or disconnected from a wider geo-economic order misrepresent an important evolving reality on the continent (Cornelissen et al. 2012b, p. 8).

Its proponents have sought to explore the role of African actors in shaping international relations in a range of issue areas (Adebajo et al. 2007b; Harman and Brown 2013; Lee and Smith 2010; Lee 2012; Whitfield 2009) and to engage theoretically with these trends through the concept of ‘African agency’ (Brown 2012; Brown and Harman 2013a; Leftwich 2010; Lonsdale 2000). This literature has the laudable aim of redressing the tendency amongst approaches that range from Marxist and dependency theories to modernisation theory to view Africa as an inert receiver of political decisions taken elsewhere. Meanwhile, it also offers

something of a corrective to neopatrimonialism, remaining more agnostic about the form of African states and the motivations of African agents.

However, associations between the African agency literature and ‘Africa rising’ narratives (for example Roxburgh et al. 2010; *The Economist* 2011; *The Observer* 2011) have led to criticisms that this literature tends to minimise African countries’ still weak structural position in the international system. Stefan Andreasson (2013, p. 143), for example, concludes that the endurance of patterns of weak state agency suggests that African states have failed to translate the potential opportunities associated with the emergence of a multipolar international order into improved positions in the international system. Stephen Hurt (2013) challenges the “‘optimistic’ discourse’ about Africa’s rise, which in his view fails to acknowledge ‘the persistence of wider structures (both material and ideational) that set the parameters of Africa’s engagement in the global political economy’ (p. 52).⁴⁷

However, the best of the literature on African agency acknowledges the highly asymmetrical character of the international system and calls for historically situated empirical investigation of the way that African actors enact their agency within this (see Brown 2012; Brown and Harman 2013b). When African agency is carefully defined, then, it has much in common with the theoretical approach advanced within this thesis and provides a useful way of framing African engagement in asymmetrical political processes.

William Brown argues, following Wight, that agency is not ‘the faculty or state of exerting power’ (Wight 2006; cited in Brown 2012, p. 1894) but rather ‘the ability to exercise subjective freedom of action’ (Brown 2012, p. 1899). In this view, African agents who engage in negotiations or other interactions in the international arena possess agency to the same extent as agents from anywhere else in the world, in spite of the fact that they are often placed in highly

⁴⁷ I have argued elsewhere that this criticism stems from a conflation of agency (an ontological presupposition that actors can respond to structures in subjective ways) and power (an empirical claim about the structural position of particular actors and their ability to bring about particular outcomes) (for an extended discussion, see Murray-Evans 2013).

disadvantageous structural positions. As such, their actions are not fully determined by their positions within international (or indeed, regional, national or sub-national) institutional structures. Rather, they have the capacity to negotiate and contest these structures and possibly to transform them, albeit in ways that are limited and partial.

The most relevant contributions to the African agency debate also take account of the historically embedded nature of this capacity for agency. Brown suggests that we need two historical registers in order to understand African agency:

First, by assessing the current historical conjuncture and what agents seek to do with such subjective freedom as exists. Second, by situating this within the longer-term historical trajectories of state formation and insertion into the international system that continue to inform many of the constraints on that agency (Brown 2012, p. 1900-1).

Brown concedes that the latter register will inevitably focus more on structural constraint than the former, but that both involve the interplay of structure and agency. He suggests that the longer-term trajectory that confronts today's African agents can be broadly characterised by 'underdevelopment, lack of diversification, marginalisation from key markets and reliance on volatile primary product exports' (Brown 2012, p. 1901).

Brown also draws upon the work of Clapham (1996) to suggest that the analysis of this longer-term trajectory needs to be situated in the particular incorporation of African states into the international system:

The search for revenue and external political support, whether for national development projects or to oil the wheels of power, is a constant feature of African (and maybe all) international relations but assumes critical importance for those regimes that are more dependent on clientelist-type political relationships (Brown 2012, p. 1902).

This approach notes the presence of neopatrimonial structures and practices of extraversion within some African states, but stresses that its analysis must be historically and contextually situated. In this sense the historical legacies of particular states can be viewed as the contingent product of the specific interactions of structure and agency. The agents occupying ‘the current historical conjuncture’ (Brown 2012, p. 1900) can challenge, as well as reinforce, embedded practices and legacies.

This chapter and Chapter Seven, which present the case study of the EPA negotiations in Southern Africa, speak to Brown’s two historical registers in turn. This chapter deals with the longer-term trajectory of the Southern African region and its political and economic organisation. Here the focus is on the accumulation of the institutional structures that were to provide the context in which the contestation of the EPA in Southern Africa played out. As Brown suggests, the focus here is inevitably more upon structural and institutional constraint than agency and ideas. However, I stress that these processes of institutional accumulation were political, contested and embodied particular ideas, beliefs and policy orientations regarding the aims of regionalism and development. Chapter Seven moves on to examine the more recent historical conjuncture and in particular the contestation of the EPAs through the actions of reflexive and purposive agents in SADC minus and its constituent countries.

6.3 Regionalism in Southern Africa

In explaining the difficulties that dogged the SADC-minus EPA negotiation, EU officials cited a range of issues that related to the capacity of regional organisations in Southern Africa to carry out such negotiations.⁴⁸ These included the presence of a set of overlapping regional organisations with conflicting mandates and a lack of political will for the pooling of sovereignty that was considered to be a necessary condition for region-to-region trade negotiation. My interviews revealed that there was optimism amongst Commission officials during the early stages of the EPA negotiations that the incentives that the EPA

⁴⁸ Interviews 1 and 3 (DG Trade); Interview 29 (commentator).

created for regional cooperation and the support for capacity-building on offer could help to resolve some of these perceived problems.⁴⁹

These problems have proved more intractable than Commission officials expected and they represented key features of the negotiations between the EU and the SADC-minus grouping (see Chapter Seven). This section of the chapter argues that these problems stemmed from a deep-seated incompatibility between the EU's proposed model of regional economic governance and the way in which a specific understanding and achievement of 'regionalism' had occurred in Southern Africa.

On the one hand, the EU's model of regional integration stressed links between comprehensive trade liberalisation, the promotion of inter- and intra-regional competition and development processes. On the other, the Southern African model of regionalism had been based historically on an interventionist development strategy and functional differentiation between regional organisations with a range of different political and economic aims and competencies. With regard to market integration, most regional organisations in Southern Africa have now incorporated this into their aims, but it remains highly contested within Southern African regional projects. The particular dynamics and architecture of regionalism in Southern Africa are a far cry from European-style market integration. These differences are difficult to understand based on generic appeals to problems of capacity building. Rather, Southern African regions have been, and continue to be, 'constructed by certain actors for certain purposes' (Söderbaum 2004a, p. 422; see also, Gibb 2012; Sidaway and Gibb 1998; Söderbaum 2004b) through a set of deliberate but contested and contradictory regional strategies carried out by Southern African elites and cemented over an extended period of time.

The complex network of overlapping regional projects and their set of conflicting and overlapping mandates is cited as a key issue in most analyses of regionalism in Southern Africa (see, *inter alia*, Draper et al. 2007; Draper 2012; Dzinesa et al.

⁴⁹ Interviews 3 and 4 (DG Trade).

2012; Gibb 2012; Malewezi 2001; Mills and Sidiropoulos 2001; Nagar 2012; Zarenda 2001). Southern and Central Africa are home to members of at least seven – SADC, SACU, COMESA, EAC, ECCAS, CEMAC and IOC⁵⁰ – regional initiatives. To add to the potential confusion, most countries in the region are members of more than one of these groupings and several countries are members of three or more. The paradox here is that most of these overlapping regions have made formal commitments to the formation of customs unions – which are logically incompatible with overlapping memberships – while seemingly making little effort to rationalise the regional architecture in line with this aim. While these patterns of regionalism are frequently condemned as irrational, less consideration has been given to their historical genesis and the political strategies that sustain them, particularly in the context of the EPA negotiations (with the notable exceptions of Østergaard 1993; Qualmann 2006; Tekere 2006).

Most of the regional initiatives that cover Southern Africa were founded during the ‘second wave’ of regionalism in the 1970s and early 1980s (with the exception of SACU, which is the world’s oldest customs union, founded in 1910) (Hurrell 1995; Breslin and Higgott 2000). These initiatives tended to be state-led and inward looking (Akokpari 2008, p. 90) and were characterised by functional differentiation (Østergaard 1993; Qualmann 2006; Tekere 2006). That is, some of these organisations targeted the integration of regional markets, others were focussed on political cooperation and solidarity, and others still focused on cooperation and intervention in particular economic sectors.

For example, COMESA had its origins as a preferential trade agreement and economic integration project. SADC, on the other hand, was the successor to the organisation of anti-apartheid ‘Frontline States’ and as such was oriented

⁵⁰ These acronyms stand for: Southern African Development Community (SADC), Southern African Customs Union (SACU), Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Economic Community of Central African States (ECCAS), Economic and Monetary Community of Central Africa (CEMAC), and the Indian Ocean Commission (IOC). Note that some of these regional initiatives are not RECs of the African Economic Community. This is the reason that they were not mentioned in my discussion of African regionalism in Chapter Five.

primarily towards political solidarity and sectoral development projects designed to lessen its members' economic dependence on South Africa (Anglin 1983; Hill 1983; Khadiagala 2012; Sidaway and Gibb 1998; Takirambudde 1999). SACU, meanwhile, was originally a tool of the apartheid regime designed to control and exploit South Africa's immediate neighbours (Lee 2002, p. 7; Gibb 2012; Sidaway and Gibb 1998).

Although SADC, SACU, COMESA and other regional projects overlapped from the start – and while there was some conflict between the regions (Sidaway and Gibb 1998, p. 171) – their functional differentiation meant that this overlap was not, in itself, a problem. The problems with this situation emerged, however, with the wave of market-oriented regionalism that began in the 1990s and the associated convergence of most of the regional initiatives in Southern Africa on a market integration agenda, particularly where the ostensible aim was to convert them into customs unions (Qualmann 2006).

The reluctance of Southern African countries to resolve these overlapping memberships in order to pursue the completion of customs unions is partly explained by the path dependency of these functionally differentiated and overlapping regional projects. This reluctance was in part due to the way in which a number of countries had developed and reinforced their political and economic ties in multiple regions through membership of overlapping organisations. Tanzania and Zambia are cases in point. Tanzania was a founder member of the EAC, but when the original incarnation of this organisation collapsed in 1977 the country's foreign policy shifted towards Southern Africa. At this point Tanzania and Zambia co-founded the Mulungushi Club, which would later become the Southern African Development Coordination Conference (SADCC, the precursor to SADC) (Khadiagala 2012, p. 26-7). As founder members of the organisations that led the external liberation struggle against apartheid South Africa, Tanzania and Zambia retain key political ties of solidarity in Southern Africa. However, both countries also have economic and political ties in other regional organisations. Tanzania again became a key member of EAC when it was reformed as a customs union in 2000 and Zambia not only has strong ties of identity to COMESA, but also hosts its headquarters in

Lusaka. Elites in countries like Tanzania and Zambia appear, then, to have decided that maintaining the economic and political ties that emerged over time in particular regions is more important than ending overlapping regional memberships in order to complete the process of market integration and form customs unions.⁵¹

On top of this, external funders play a key part in bankrolling African regional initiatives. For example, 72 percent of the funding for SADC came from external sources in 2011-12 (Buzdugan 2013, p. 922). Leaving a particular regional grouping, then, might also mean sacrificing access to lucrative external funding. Some African countries have chosen to protect their funding flows by maintaining formal membership in multiple regions even if they have allowed their active participation to lapse (Sidaway and Gibb 1998, p. 171).

If, as suggested above, some Southern African states wish to maintain their membership in multiple regional organisations we might ask why it is that African countries and regions have made, and continue to make, formal commitments to the formation of customs unions. This question speaks to a wider criticism of African regionalism, in which it is claimed that African leaders ‘are good at professing commitment to projects and even better at renegeing’ (Akokpari 2008, p. 104). This claim, moreover, has been linked to criticisms of African leaders’ jealous protection of their national sovereignty and unwillingness to cede any authority to supranational institutions (see, for example, Oliver and Oliver 2004, p. 355; Dzinesa et al. 2012, p. 17; Mbuende 2012, p. 52-3).

The suggestion from a number of European officials and other commentators interviewed for this thesis was that the seeming lack of commitment to the implementation of pledges made on regional integration was the result of poor or ‘irrational’ leadership.⁵² By contrast, I argue that the process by which African

⁵¹ In a confidential interview, a SADC official cited these ties as a key reason why a number of SADC countries had found it so difficult to decide which EPA group they would become part of (Interview 25, SADC).

⁵² Interview 3 (DG Trade); Interviews 34 and 35 (commentators).

elites make commitments to market integration that are never fulfilled, along with their unwillingness to cede sovereignty to supranational institutions, constitutes a political strategy underpinned by particular ideas about the purpose of regionalism.

One explanation of unfulfilled regional commitments links the issue to the supposed prevalence of neopatrimonial states in Africa. The argument goes that region building is a way of ‘performing’ sovereignty and lending legitimacy to weak African states that lack the ‘positive sovereignty’ (Jackson 1990) of authority within their borders (Harrison 2004; Sidaway and Gibb 1998; Söderbaum 2004a; 2004b). Sidaway and Gibb (1998) suggest that, ‘a formal commitment to, and participation in, “integration” might be read as part of the set of processes by which *sovereignty is confirmed*’ (p. 178, emphasis in original). This confirmation of sovereignty is dependent on formal and symbolic elements of regionalism – such as the attendance by leaders at regional summits and the production of formal regional integration declarations – rather than the day-to-day implementation of these commitments. This, it is argued, helps to explain a lack of commitment to the nitty gritty of implementing regional agreements.

As such, the precarious nature of state sovereignty in many parts of sub-Saharan Africa means that regional institutions become ways of confirming sovereignty rather than acting as supra-national organisations in which sovereignty can be shared or transferred. Regarding the example of Angola during its civil war, Sidaway and Gibb state:

At a SADC summit, Angolan ministers are uncontested embodiments of the Angolan government’s sovereignty. But within the geopolitical space called Angola, government forces, the insurgent movements of UNITA and FLEC, foreign oil companies, mercenaries and, at various times, Cuban and South African troops have all invoked sovereign authority (Sidaway and Gibb 1998, p. 178-9).

Regional institutions in Southern Africa, then, provide a space in which some African elites seek to boost their internal and external legitimacy. This is

particularly the case where the legacies of colonial rule – and, in Angola’s case, decades of civil war – have led to the creation of very weak state structures.

However, weak and ineffective states that require constant external confirmation of their sovereignty are not as prevalent in Southern Africa as elsewhere on the continent (Bauer and Taylor 2005, p. 2; Tsie 2001, p. 141). Draper (2012, p. 73) suggests that there are at least three states in the region – Botswana, Namibia and South Africa – that function reasonably effectively, if not unproblematically. However, in the context of broad understandings and mobilisations of sub-Saharan African regionalism, strong commitments to the principle of national sovereignty and non-intervention can be seen as an important feature of the political discourse *even* in those African countries where stronger states have emerged. As Gwinyayi Dzinesa and his colleagues (2012, p. 7) point out, many of the key states in the SADC region are still governed by parties that led armed struggles against colonialism and apartheid. As such, these parties’ ideological commitment to sovereignty – having fought hard to secure it – is particularly strong. A strong commitment to this particular view of sovereignty as non-intervention was a theme that emerged in my interviews with officials from Namibia and Botswana (two of Draper’s supposedly more effective states).⁵³

Another key to understanding unfulfilled commitments to market integration in Southern Africa is the relationship between the external donors and elites in Southern African countries. As at the national level, there has been considerable pressure from donor countries and organisations on African regions to follow market-led development strategies. The turn to market-based integration across African regions in the early 1990s has been widely attributed to the influence of structural adjustment programmes within member states (Odén 2001) and external pressure for market reforms on regions themselves (Buzdugan 2013). Various authors have concluded that the role of external donors in African regionalism has left these organisations with relatively little policy autonomy (see, for example, Buzdugan 2013; Lee 2002).

⁵³ Interview 19 (Namibia government); Interview 22 (Botswana government).

However, others have argued that African regions have to some extent been able to “play” the game’ of market reform by making rhetorical commitments and selecting some aspects of market-led regionalism to implement while subverting and ignoring others and maintaining the flow of support from donors (Harrison 2004, p. 243). A pessimistic assessment of this game-playing is that it is driven by the self-interested actions of state elites who ‘are prepared to endorse the neo-liberal strategy as long as it facilitates their personal economic enrichment’ (Cheru 1997, p. 239). While this appears to be plausible in some countries,⁵⁴ it is also the case that the partial adoption and subversion of market integration in Southern Africa is the result of principled disagreement about the most appropriate forms of regionalism in the Southern African context.

In support of this principled opposition, Østergaard (1993) cites a ‘vast literature’ that councils against the application of market-driven models of regionalism in Africa. Similarly, Lee (2002, p. 1) concludes that this form of regionalism has failed miserably on the continent and Tsie (2001, p. 136) argues that neoliberal regionalism has ‘little to offer’ Africa in terms of the promotion of diversification or the resolution of regional inequalities. Meanwhile, John Ravenhill points to the historical legacy of production structures developed under colonialism as a barrier to the success of development strategies based on market integration. He states:

Benefits from the creation of free trade areas arise only when tariffs have been a major impediment to inter-territorial trade. Amongst most LDCs, and in Africa in particular, this is rarely the case. The problem is not so much a matter of tariff barriers but the inability of states to produce the goods which satisfy the import needs of their neighbours (Ravenhill 1980, cited in Østergaard 1993, p. 33).

That is, African states weighed down by their colonial legacy struggle to see the benefits of market integration when they and their neighbours produce goods that by and large are not oriented towards local regional markets. There is by no

⁵⁴ For an exploration of ‘shadow regionalism’ in Southern Africa, see the work of Frederik Söderbaum (2004a; 2004b).

means, then, an academic, let alone political, consensus that market integration is an appropriate form of regionalism in Africa.

While some African leaders (for example Thabo Mbeki, see below) seem to have genuinely bought into neoliberal claims about the benefits of market integration, this has not been the case across Southern Africa (see Taylor 2011). Stephen Buzdugan (2013) collected a set of revealing quotes in an interview with a high-level SADC official in 2006. These suggested that state-led development policies of the ‘newly industrialised countries’ might provide a ‘better alternative’ (p. 130-1) for regionalism in Southern Africa, but that SADC did not pursue such a strategy as a result of the preferences of its international partners for market integration. The official argued that market integration was ‘not necessarily [in line with strategies for regionalism] perceived in the region’ (Buzdugan 2013, p. 130-1).

Buzdugan (2013) cites this as evidence of the lack of autonomy of regional elites. However, such (partial) acquiescence to donor agendas might also be read as a deliberate political strategy designed to appease international donors without necessarily implementing liberalisation plans that are viewed as contrary to national interests or inimical to a particular view of the role of regionalism in the promotion of development. The embeddedness of the patterns of regionalism that had emerged over time in Southern Africa had several implications for the EPAs. First, the pattern of overlapping regional memberships was much more entrenched than the EU’s strategy – which offered only a short amount of time for these to be resolved into mutually exclusive regional negotiating configurations – had allowed. Second, the EU’s proposal that ACP regions should negotiate the EPA as unitary actors took no account of the fact that in regions like Southern Africa there simply was not the political will to grant supranational negotiating authority to a regional body. This was a situation not helped by the absence in the SADC-minus case of any appropriate existing regional body that could effectively take on a coordinating role in the negotiations (see Chapter Seven). Third, with the exception of the small SACU formation, none of the existing regional integration projects in Southern Africa had yet successfully completed a customs union, let alone developed the capacity

to negotiate and implement agreements on the complex range of regulatory issues that the EU hoped to include within the EPAs. Finally, and most fundamentally, while regions in Southern Africa had converged upon market integration as a central aim during the 1990s, there appeared to remain a distinct lack of consensus amongst their constituent members that the sort of liberal regional project that the EU sought to promote and extend through the EPAs was either appropriate or desirable in the African context.

6.4 Country Development Strategies

This chapter now turns to the individual development strategies and trajectories that emerged over time in the countries of the SADC-minus EPA grouping – South Africa, Botswana, Lesotho, Namibia, Swaziland, Angola and Mozambique.⁵⁵ The reason for exploring national as well as regional political and economic formations is that in the absence of any supranational negotiating machinery for the SADC-minus region, much of the contestation and decision-making with regard to the EPAs operated at the national level (see Chapter Seven).

South African regional dominance provides the backdrop for the country-level analyses presented here. While this dominance in terms of economic power is clear, it is less so with regard to political and ideational influence. Indeed, one of the key points that arises from the analysis in this section concerns the diversity of national development strategies and trajectories within the Southern African region. These differences are embedded in different colonial histories, material resource endowments and geographical sizes and positions. But these differences also reflect the contested and normative nature of development strategies pursued by reflexive and purposive agents within particular historical and ideational contexts (something that is often neglected by materialist accounts of the EPAs).

⁵⁵ These were the countries that were members of the regional group when key decisions were made in 2007 about whether or not to sign an interim EPA and that continue to be members of the group until the time of writing. South Africa joined the group late, in 2006, having initially been excluded from the negotiations. Tanzania was an original member of the group but left during 2007 to join the breakaway EAC EPA grouping.

In terms of congruence or fit with the model implicit in the EPAs, some of the development visions articulated within Southern African historical trajectories were much closer than others. As I will show in Chapter Seven, this was to have consequences for the way that contestation of the normative content of the EPAs played out in Southern Africa.

The country profiles presented here are necessarily brief. The extent to which the role of particular agents, their ideas and actions can be emphasised within this context is limited and a nuanced constructivist account of the trajectories of each of these countries is unfortunately beyond the scope of this thesis. Given these limitations, however, it is possible to suggest that various ideational elements were at play within this diverse range of countries. Specifically, the negotiating strategies, framing of policy problems and opportunities, and intellectual tools used to interpret and respond to these EPAs (see Chapter Seven), were developed in and through quite different policy contexts in which different orientations towards the aims and tools of development had been embedded over time. The overviews here provide a flavour of this historical and ideational context in which the EPA in Southern Africa played out.

I first consider the national and regional dimensions of South Africa's development trajectory before considering each of the smaller SADC-minus members in turn. The salient points in relation to each country overview are summarised at the end of the section.

South Africa: Industrialising State

South Africa is categorised by Graham Harrison (2004, p. 227) as one of only two truly 'industrialising states' in sub-Saharan Africa (the other being Mauritius). He notes that industrialisation, where it has occurred in sub-Saharan Africa, commenced in the 1950s and was driven by the state during the 1960s and 1970s under an import-substitution model of industrialisation. This involved tight trade controls, investment in infrastructure, and the integration of the

development of natural resources with industrial development (Harrison 2004, p. 228). In addition to this more general trend, industrialisation in South Africa under apartheid was driven by a racist and authoritarian state which used oppressed black labour to foster the emergence of a significant mineral-industrial complex (Harrison 2004, p. 229).

There is not sufficient space here for a detailed review of South Africa's post-apartheid development policies and trajectories. Extensive literature on this topic is available elsewhere (see, for example, Marais 2001; 2011; Fine 1997). Perhaps a first important point to note, however, is the African National Congress' (ANC) conversion to what has widely been described as a neoliberal model of development in the two years that followed its rise to power in the first majority elections in South Africa in 1994 (Peet 2002; Weeks 1999; Williams and Taylor 2000). This culminated in the Growth, Employment and Redistribution (GEAR) programme, introduced in 1996. In this, the government adopted an orthodox macroeconomic policy comprising tight monetary policy and commitment to deficit reduction. This was accompanied by an enthusiastic embrace of trade opening, of which South Africa's Trade Development and Cooperation Agreement (TDCA) with the EU was part.

South Africa's trade relations with the EU up to this point had followed a rather different path to that of the rest of the countries in the region. The European Community had adopted economic sanctions towards the South African apartheid regime in 1986 – including a ban on the import of gold coins, iron and steel – and began to lift these in the early 1990s in response to the South African government's moves to dismantle the apartheid regime (Riding 1991).

At this time the EU was the new Republic's most important trading partner, taking more than 40 percent of South African exports (Perry 2000, p. 5). In this context, the South African government sought preferential access to the EU market through accession to the Lomé Convention's trade provisions. In response, the EU proposed a twin-track approach, under which South Africa would be allowed to join Lomé as a 'qualified' member, with trade relations to be governed under a separate FTA (Perry 2000, p. 7). The EU's rationale for this

was South Africa's status as a 'developed' country under WTO law, and thus the possibility that its accession to Lomé's trade provisions would threaten the regime's legal status. In addition, there was concern that South Africa's accession to Lomé would dilute the benefits that accrued to other ACP members (Perry 2000, p. 6), coupled with obvious resistance from import-competing European agricultural interests.

The FTA between the EU and South Africa, the TDCA, was eventually concluded in 1999 and entered into force in 2004. It has since been characterised as a 'raw deal' (Greenberg 2000) for South Africa, primarily because protectionist interests within Europe had placed limits on the extent of EU agricultural market opening. Specifically, 27 percent of South Africa's agricultural exports were excluded from the final deal (Perry 2000, p. 11). At this point, however, under the auspices of GEAR, the South African government had been relatively happy to undertake reciprocal trade liberalisation in relation to the EU.⁵⁶

A turning point away from South Africa's neoliberal trajectory under GEAR and towards a more interventionist development strategy occurred in December 2007 when Jacob Zuma won the presidency of the ANC from Thabo Mbeki. Adam Habib (2013, p. 108) suggests that under the influence of this policy shift, in the final years of Mbeki's presidency economic policy took a strong neo-Keynesian leftward turn that was continued by Zuma. This clearly affected trade policy, which became more interventionist from the early 2000s onwards.

In the context of poorer than expected economic performance and continually high levels of unemployment, the powerful Congress of South African Trade Unions (COSATU) played a key role in forcing the government to consider the employment effects of its trade strategy (Hurt 2014, p. 97). Furthermore, interviews that I conducted pointed to the negative effect of trade opening, particularly with regard to jobs in the garment industry following the conclusion

⁵⁶ Interview 12 (South Africa government).

of the WTO's Uruguay Round. This concern emerged as a key driver of a more interventionist turn in South African trade policy.⁵⁷

This emphasis on employment concerns and trade activism was linked to calls for trade policy to be married to a 'robust industrial policy' in the Department of Trade and Industry's 2007 policy framework (Department of Trade and Industry 2007, cited in Hurt 2014, p. 97). More recently, the South African government has reiterated its commitment to a 'developmental' trade policy in which trade instruments are put at the service of a broader industrial strategy designed to encourage and upgrade value-added, job-creating industrial production (Vickers 2014; South African Department of Trade and Industry 2013). Interviewees reported that the South African government also adopted a very defensive position with regard to trade in services and trade-related issues during this period, in spite of calls from some areas of business to adopt a more aggressive offensive strategy in this regard.⁵⁸

In the context of this activist trade policy stance, South African officials came to the view that they had given too much away in terms of tariff reduction in the TDCA without receiving sufficient access to the EU market in return.⁵⁹ This perception left the South African government keen to extract further market access concessions from the EU during the EPA negotiations but reluctant to offer any further liberalisation of its own market beyond what had already been agreed under the TDCA (see Chapter Seven).

South Africa: Regional Power

The apartheid regime not only undertook the brutal and deliberate destabilisation of neighbouring countries during the 1980s but based its entire industrialisation strategy on the racially constituted exploitation of oppressed black labour from across the region (Harrison 2004, p. 229). To this extent, development for white

⁵⁷ Interviews 15 and 16 (South Africa business/agriculture).

⁵⁸ Interviews 15 and 16 (South Africa business/agriculture).

⁵⁹ Interview 12 (South Africa government); and interview 16 (South Africa business/agriculture).

citizens of South Africa had been predicated on the underdevelopment and exploitation of other parts of the region. Meanwhile, South Africa's neighbours, as part of the organisation of Frontline States, had focussed their efforts on co-operation in opposition to apartheid South Africa and only began to 'normalise' relations with South Africa in the 1990s (Simon 1998, p. 4). All of this left a stark pattern of economic inequality and to some extent mistrust within the region.

South Africa's economic dominance within Southern Africa is clear. South Africa accounts for around 80 percent of the GDP of the wider 15-member SADC region (Adebajo et al. 2007a, p. 21). Meanwhile, patterns of trade in goods within SADC and particularly between South Africa and the countries of the SADC-minus EPA negotiating group – Botswana, Lesotho, Namibia, Swaziland, Angola and Mozambique⁶⁰ – are uneven (see Table 6.1). While

		Proportion of Total Exports Bound for South Africa (% , 2004- 12)	Proportion Total Imports that Originate from South Africa (% , 2004-12)	Proportion of South Africa's imports from world (% , 2004- 12)	Proportion of South Africa's exports to world (% , 2004-12)
SACU Members	Botswana	12.0	74.1	0.7	5.6
	Lesotho	64.6*	90.2*	0.4*	1.7*
	Namibia	27.8	74.2	1.6	5.4
	Swaziland	45.4†	83.1†	1.1†	2.4†
Non-SACU Members	Angola	3.2	5.2	1.9	1.2
	Mozambique	16.8	33.2	0.5	1.9

*limited data available, figures are for 2008-2010

†limited data available, figures are for 2004-2007

Table 6.1: South African trade with SADC-minus members (source: author's calculation based on data from International Trade Centre 2013)

⁶⁰ Although Tanzania was originally part of the SADC-minus group, it is excluded here because it later went on to join the breakaway EAC negotiating group.

the extent of trade integration with South Africa amongst the SADC-minus countries varies, South Africa accounts for upwards of 70 percent of the import markets of all of the SACU members – Botswana, Lesotho, Namibia and Swaziland (BLNS). As the destination for over 18 percent of the country's total exports, the SADC-minus group amounts to a significant export market for South Africa, but the trade relationship remains highly uneven.

SACU – the oldest customs union in the world and a longstanding feature of the region under apartheid – helps to perpetuate a relationship of dependence between South Africa and the region's smaller members, BLNS. While SACU was reformed following the end of apartheid to lessen the inequality of its institutional arrangements (see Sidaway and Gibb 1998), BLNS remain heavily reliant on the transfer of import revenues from South Africa under SACU's revenue sharing pool. These account for a significant portion of government revenue in all of BLNS⁶¹ and provide leverage for South Africa in the region. In addition, South Africa dominates the region in terms of services and investment. It boasts a more developed financial services sector, transport infrastructure, and greater capacity for research and development than its neighbours (Gibb 2012, p. 153; Tsie 2001, p. 134). Moreover, it provides around 85 percent of FDI in the SADC region (Nagar 2012, p. 139).

While this pattern of South African economic dominance is clearly significant, I argue in this chapter and the next that these material factors did not determine the process and outcome of the EPA in any straightforward manner. Instead, I suggest that South Africa has often failed to exercise political and ideational dominance to match its economic power. Furthermore, its economic dominance has at times bred regional mistrust, as was the case during the early part of the EPA negotiations (see Chapter Seven).

Following the brutal regional history of the apartheid regime, the first majority government of South Africa under the ANC had little choice but to engage with

⁶¹ In 2008, the SACU revenue pool provided 69 percent of Swaziland's government revenue, 50 percent of Lesotho's, 25 percent of Namibia's and 12 percent of Botswana's (Soko 2008, p. 67).

the region with a degree of humility (Adebajo et al. 2007a; Alden and Soko 2006; Landsberg 2007; Odén 2001). As President, Nelson Mandela stressed the need for peaceful regional cooperation and mutual economic benefit (Simon 1998, p. 4). Meanwhile, his successor, Thabo Mbeki, emphasised the establishment of multilateralism and ‘rules of the game’ for regional engagement (Landsberg 2007, p. 195-6). In spite of these affirmations, Mbeki’s key foreign policy projects – the New Partnership for Africa’s Development (NEPAD) and the African Renaissance – were highly controversial. These projects were characterised as an attempt by South Africa to export the neoliberal conversion that had taken place within the ANC after 1994 to the rest of the region (Adedeji 2007; Alden and Soko 2006; Landsberg 2007).

Academics and African leaders alike suggested that the prescriptions associated with NEPAD and the African Renaissance were more likely to exacerbate already large regional inequalities than address them. As Landsberg puts it:

South Africa and Nigeria have borrowed heavily from certain conventional, neoliberal economic and political orthodoxies that are seriously unpopular in some African quarters, and this has in turn created many legitimacy problems for NEPAD and other South-African inspired continental initiatives (Landsberg 2007, p. 197).

As well as ideological disagreement with the South African government’s neoliberal conversion, there was also concern that the programmes inspired by this regional vision were driven by South African self interest, serving as they have to spur trade and investment by South African firms on the continent (Alden and Soko 2006, p. 21). There has been much suspicion and resentment of the activities of South African firms – such as Vodacom, MTN and Shoprite – on the rest of the continent and especially in Southern Africa (Adebajo 2007, p. 231; Nagar 2012, p. 139).

Additionally, South Africa’s relations with the rest of the region are complicated by its huge and continuing internal problems. The ‘developmental’ turn within South African trade policy (see above) – spurred by internal pressure – has led to

accusations of mercantilism from South Africa's regional partners. Meanwhile, since Mbeki's departure from office, the regional agenda has tended to be overshadowed by domestic concerns (Tsie 2001; Odén 2001).⁶² There have also been suggestions that South Africa's internal move away from neoliberalism and towards a more interventionist approach to economic governance has not been matched by a retreat from neoliberalism on the regional front, where South African firms stand to gain from further liberalisation (Landsberg 2007, p. 205).⁶³

Despite attempts by South African leaders and officials to portray their engagement with the region as motivated by solidarity and a spirit of mutual benefit, they have been accused of both promoting a hegemonic neoliberal project and, paradoxically, of pursuing self-interest through their disengagement with the region.

Strong opposition to South Africa in the region has led a number of authors to question South Africa's political influence. As Ian Taylor (2011) puts it, 'the idea that South Africa is some sort of "norm entrepreneur" within the region is fanciful, to say the least' (p. 1236; see also Alden and Soko 2006, p. 42-3; Qobo 2012, p. 260-1; Schoeman and Alden 2003). Taylor (2011, p. 1238) suggests that South Africa's inability to exercise leadership in the region stems from the dominance of neopatrimonial state structures within South Africa's neighbours, which by their very nature stand to be undermined by Pretoria's calls (under Mbeki) for good governance, democracy and liberal economics. While this may be part of the story, as I suggested above, this chapter questions the argument that neopatrimonialism is necessarily the dominant state form in Southern Africa. Rather, as Taylor (2011, p. 1233) himself acknowledges, political cultures, histories and economic strategies in the region are diverse. While neopatrimonial

⁶² Interview 29 (commentator).

⁶³ Qobo (2012, p. 257), however, suggests that South Africa's regional policies have shifted in a more interventionist direction in line with its internal development strategy. This is supported by South Africa's most recent *Industrial Policy Action Plan*, which articulates a commitment to a 'developmental regional integration agenda' that seeks to combine and coordinate national industrial strategies (South African Department of Trade and Industry 2013, p. 54-5).

structures may play a part in opposition to South Africa's engagement with regional politics, there also exists principled opposition to the strictures of neoliberal development as well as a deep-seated suspicion of South Africa's motives and a sense that the country has not done enough to repay its neighbours for their sacrifices in the anti-Apartheid struggle (Adebajo 2007, p. 226; see also Adebajo et al. 2007a; Alden and Soko 2006; Odén 2001).

Botswana

Botswana's economic growth and degree of social and political harmony is widely heralded as something of an exception in sub-Saharan Africa (Samatar 1999; Werbner 2004). These successes have been variously attributed to:

The colonial practice of 'parallel rule' and retention of the *kgotla* and other traditional legal institutions after independence, a relative ethnic homogeneity, remarkable leadership skills on the part of early presidents and a largely (at first) expatriate civil service, the discovery of diamonds after independence, and the wise and judicious use of diamond revenues by a developmental state (Bauer and Taylor 2011, p. 93).

Whatever the cause, Botswana's progression from very poor developing country at the time of its independence in 1966, to a country with one of the highest growth rates in the world during the 1980s (Hwedi 2001, p. 21), is quite remarkable.

Botswana historically made significant use of preferential access to the EU market, particularly for beef exports. By 2007, however, beef accounted for only 1.3 percent of Botswana's exports to the EU and agriculture accounted for only 2.5 percent of GDP (Stevens et al. 2007a, p. v). Yet, these figures understate the ongoing social and cultural importance of beef production in Botswana. The capital intensive nature of diamond production means that the country's dominant industry provides few jobs in the formal economy (Taylor and Mokhawa 2003, p. 263). Agriculture remains an important source of rural

employment, and one dominated by the beef sector (Stevens et al. 2007a, p. v). Livestock rearing is also of important cultural significance in rural Botswana.⁶⁴ For these reasons, the government has expressed a strong commitment to maintaining beef production at existing levels (Overseas Development Institute 2007, p. 12).

Meanwhile the government of Botswana acknowledges that its mineral base provides an unsustainable foundation for future development and in 1997 produced a long-term development strategy, *Vision 2016*, that sets out the country's ambitious development aims. In order to achieve these, *Vision 2016* asserts that 'the ongoing liberalisation and deregulation of the economy will have to be pursued with more tenacity and vigour' and calls for the creation of 'a climate of stable and predictable policies' and a lean public service that is 'business friendly and supportive of private enterprise' (Botswana National Vision Council 1997, p. 51).

Central to this strategy is diversification of Botswana's economy away from dependence on the export of diamonds and into manufacturing and services, with the particular aim of creating a centre for financial and banking services in the region (Botswana National Vision Council 1997, p. 39). In this context, Botswana has made investment in public education a priority and has established an international financial services centre supervised by the Bank of Botswana as well as welcoming a growing number of foreign banks (Johnson 2003). While Botswana has been heralded in the academic literature as Africa's only 'developmental state', its most recent development policy vision appears relatively close to the liberalisation agenda advanced by the EU through the EPA.

Namibia

Namibia is a 'settler state', characterised by a large agricultural sector and by a history in which prime areas for farming were controlled by European (later

⁶⁴ Interview 22 (Botswana government).

South African) commercial farmers (Harrison 2004, p. 226-7). Namibian independence from South Africa came only in 1990 and after protracted armed conflict. Under colonial rule, Namibia had been characterised by a 'dual' structure in which, at independence, 73 percent of farmland was owned by 4,450 white farmers, while 100,000 communal and primarily subsistence farmers were restricted to 27 percent of farmland (Jauch et al. 2011, p. 195; Elkan et al. 1992, p. 17).

Mining, commercial agriculture and fishing remain mainstays of the Namibian economy (Bauer and Taylor 2011, p. 252). The European Union is a key export market for these commodities and Lomé preferences have played an important role in maintaining Namibia's competitiveness in this market. This is particularly the case with regard to beef exports, for which Namibia receives a highly significant preferential margin. In spite of investment in beef production within the northern communal areas of the country (see Stevens et al. 2007b) the beef export market continues to be dominated by white commercial farmers (Bauer and Taylor 2011, p. 253).

Addressing the colonial legacy of rural inequality has been a central concern for the Namibian government. In this context, one of the government's key aims since independence has been to foster diversification of the economy away from primary agricultural exports and into manufacturing. In 2004, Namibia's third national development plan, *Vision 2030 Namibia*, set out the country's highly ambitious plan to become an industrialised upper-income country by 2030 (Government of Namibia 2004).

One of the main policy tools employed to encourage industrial development has been an extensive set of tax incentives to encourage investment in manufacturing within export processing zones (World Trade Organization 2009b, p. x). In this way, Namibia has sought to take advantage of preferential access to the United States market under the African Growth and Opportunity Act (AGOA) and succeeded in attracting investment from a number of large Asian-owned textile factories in the early 2000s (Bauer and Taylor 2011, p. 252). However, trade preferences under this scheme were soon eroded by the end of the Multi Fibre

Arrangement in 2004 (see Heron 2013, p. 114) resulting in the closure of factories and the loss of thousands of jobs (Mwilima 2007). Namibia's ambitious industrialisation strategy also employs more traditional forms of trade intervention, using import tariffs to protect certain agricultural products (World Trade Organization 2009b, p. x) and deploying export duties in order to encourage value addition prior to export.⁶⁵ This latter approach to development is at odds with the EU's calls for development via trade liberalisation.

Swaziland

Swaziland and Lesotho are examples of microstates with very small populations and, as a consequence of their size, very little autonomy from the global political economy (Harrison 2004, p. 232). These countries face the added challenge of being engulfed within the boundaries of South Africa, entirely so in the case of Lesotho. Table 6.1, above, demonstrates the extensive degree of trade integration between these countries and South Africa and their dependence on financial transfers via the SACU revenue sharing pool has already been outlined. In this context, though, Swaziland and Lesotho have followed quite different development trajectories.

Tony Heron (2013, p. 115) notes two key features of the Swazi political economy in addition to its high degree of integration with South Africa. First is the country's dependence on agriculture and the highly unequal way in which its agriculture is organised, wherein most productive land is set aside under a title deed system for capital-intensive agriculture (primarily sugar production). Second, manufacturing has played a negligible role in the Swazi economy and the country has an 'historically acute reliance on Lomé preferences, the Sugar Protocol specifically' (Heron 2013, p. 115).

Swaziland's *Vision 2022* development plan, produced in 1997 states a commitment to the 'free-enterprise nature of the Swazi economy' and puts forward a development vision based on 'sound economic management' and 'the

⁶⁵ Interview 17 and 18 (Namibia government).

creation of an attractive macroeconomic environment to increase investor confidence' (Government of Swaziland 1997, p. 5). Beyond this, the document is rather short on details about the precise content of this development strategy. The Swazi government has, however, demonstrated some commitment to this liberal development model through financial services liberalisation and the opening of the telecommunications market to competition (World Trade Organization 2009b, p. x).

The Swazi government also achieved some success in the early 2000s in attracting external investment in the production of garments for export to the USA under AGOA. As in Namibia, however, this success proved short lived following the end of the Multi Fibre Arrangement and the consequent erosion of AGOA preferences (Heron 2013, p. 115-6). Up to the time of the EPA negotiations, then, the Swazi economy and development strategy remained highly dependent on sugar exports and the preferential access and guaranteed prices that it received for these under the Lomé Convention and the Sugar Protocol (see Richardson 2009; Richardson-Ngwenya and Richardson 2014). While it is classified as a 'lower-middle-income country' Swaziland's small size and acute preference dependence made it highly vulnerable to any loss of Lomé-equivalent preferences in the recasting of Lomé.

More recently, the country has suffered economic crisis and social unrest following the decline of financial inflows from the SACU revenue sharing pool (England 2011). South Africa approved a bail-out loan in 2011, to which conditionalities related to fiscal reforms, democracy and human rights were attached (England 2011). Meanwhile, activists suggested that not enough was being done by South Africa to put pressure on Swaziland to adopt political reforms. Swaziland is Africa's last absolute monarchy and activists protest that King Mswati 'enjoys a lavish lifestyle and runs his country of about 1M people as a fiefdom while many ordinary people struggle with poverty and unemployment' (England 2011).

Lesotho

Tony Heron (2013) describes Lesotho as ‘a tiny, mountainous, landlocked country blighted by HIV/AIDS with a declining population, falling incomes, few natural resources or much in the way of arable land’ (p. 114). As such, it is remarkable for the successes it has achieved with its garment manufacturing industry. This industry steadily expanded from the early 1980s and came to constitute 84 percent of the value of the country’s exports by 1993 (Love 1996, p. 75). The garment industry’s growth was driven by the arrival of South African – and later Chinese and Taiwanese – companies. These were attracted to Maseru by cheap labour and good links to the port at Durban, as well as the opportunity to avoid sanctions on exports from South Africa and to take advantage of Lesotho’s special exemption from the Lomé Convention’s rules of origin (Heron 2013, p. 113; Gibbon 2003, p. 316).

This influx of investment was also attracted by active government policy. The government of Lesotho had come to the conclusion during the 1980s that the best way to promote development within the country was by attracting FDI. It therefore pursued an active and very effective strategy to attract external investment. This included, marketing the country as a stable and attractive investment destination, aggressive investment promotion by the Lesotho National Development Corporation, reforms to the granting of visas and business licenses, and the introduction of tax incentives for investors (Manoeli 2012, p. 7-9).

In this context, Lesotho became one of the very few ACP countries to increase its share in the EU market for both imports as a whole and for manufactures in the period up to 1992 (Imani Development 1998, p. 81). Even before the introduction of AGOA, however, the balance of Lesotho’s exports was shifting away from Europe and towards the US market (Heron 2013, p. 113). When AGOA was introduced in 2000, Lesotho’s garment industry experienced explosive expansion (Heron 2013, p. 113-4), while the EU received only 0.2

percent of Lesotho's garment exports by 2005 (Bennet 2006, p. 170).⁶⁶ Again, a large proportion of these trade gains were lost as a result of the end of the Multi Fibre Arrangement in 2004.

In its *Industrialisation Master Plan* of 2007, the government of Lesotho acknowledged that the US clothing market was likely to become even more competitive, and Lesotho's preferential access to this market further eroded, in the immediate future (Government of Lesotho 2007, p. iv). The Plan, therefore, outlines a vision to create an 'enabling environment' for development led by the private sector (Government of Lesotho 2007, p. iii). Specifically, the plan states an aim to redevelop trade with the EU and to use the EPA negotiations to seek improved rules of origin for access to the EU market, a crucial issue for the export of garments (Government of Lesotho 2007, p. iv).

More recently, the government of Lesotho has given clear indications that it wishes to lessen the country's economic dependence on South Africa. This was particularly the case in the context of declining flows from the SACU revenue sharing pool and falling remittances from migrant workers in South Africa in the wake of the 2008 financial crisis (England 2013a). This left unemployment rates within the country at more than 24 percent (England 2013b). On the country's relationship with South Africa, the prime minister, Thomas Thabane, commented, 'I want to be interdependent rather than a one way traffic thing, [... the dependency] has to be reduced' (quoted in England 2013b).

Angola

Following independence in 1975, Angola suffered a long civil war that ended in 2002. The country's rich endowment of natural resources – diamonds and, primarily, oil – is often cited as a cause of the protracted nature of this conflict, providing both an incentive and a source of funds to keep fighting (Bauer and Taylor 2011, p. 154; Reno 2000). Since the end of the civil war, Angola has been

⁶⁶ This can be explained as the result of more restrictive rules of origin that governed access under EU preferences compared those under AGOA.

able to draw upon its resource wealth to promote steady growth – it is now the third biggest sub-Saharan economy (Burgis and White 2012) – but continues to face significant economic and governance challenges.

The ruling People’s Movement for the Liberation of Angola (MPLA) moved to adopt market reforms and accept IMF loans during the 1990s, but following the end of the civil war announced that it wanted no more loans from the international financial institutions (Bauer and Taylor 2011, p. 177). Rather, the country has developed strong oil-export and inward infrastructure-investment links with China and India and strong relations with Moscow (White 2012; Burgis 2012). Instead of pursuing a neoliberal development strategy based on structural adjustment, then, the Angolan government in 2002 formulated a reindustrialisation strategy based on import-substitution (World Trade Organization 2006, p. viii). As of 2006, the Angolan state continued to operate over 50 enterprises in various sectors, including the dominant oil and diamond extractive industries (World Trade Organization 2006, p. ix-x). Meanwhile, the Angolan government maintains an interventionist trade policy stance and has been reluctant to liberalise import tariffs, even in line with those commitments made under its participation in SADC regional integration.⁶⁷

A significant growth in the country’s oil revenues since the end of the civil war has largely failed to improve the vast economic inequalities in the country or to address the country’s position at the bottom of the scale for most socioeconomic indicators (Bauer and Taylor 2011, p. 175-7). According to the *Financial Times*, the elite within Angola ‘rules with a tight grip and has amassed fabulous wealth’ while oil ‘breeds corruption and chokes sectors [agriculture and manufacturing] that could create growth’ (Burgis and White 2012). In 2012, oil accounted for 97 percent of exports and 75 percent of government revenues but only employed one percent of the workforce (Burgis and White 2012). Meanwhile, in 2012 a programme of luxury hotel construction was underway in Luanda – reportedly the world’s most expensive city (Redvers 2012) – while three quarters of the

⁶⁷ Interview 25 (SADC).

city's population continued to live in informal settlements (Burgis and White 2012).

Mozambique

Since the end of the country's civil war in 1992, Mozambique has developed a reputation – in contrast to fellow former Portuguese colony, Angola – as a 'darling' of western donors, feted for its peace, stability and growth in the post-conflict period. It should be noted that this praise has come amongst a range of criticisms that suggest that the country's elite have used aid and adjustment projects for personal enrichment rather than broad-based development (Bauer and Taylor 2011, p. 145; de Renzio and Hanlon 2009).

A WTO Trade Policy Review of Mozambique in 2009 attributed the country's high economic growth in the 2000s to trade and economic governance reforms pursued since 2001, as well as growing FDI and public spending financed by foreign aid (World Trade Organization 2009a, p. vii). These reforms appear to reflect a broadly neoliberal development strategy. They include, a commitment to prudent fiscal and monetary policies, efforts to reduce the country's public deficit, the adoption of a restrictive monetary policy with price stability as the primary goal, unilateral trade liberalisation, the creation of a general policy on competition and new government procurement legislation (World Trade Organization 2009a, p. vii-x).

Paolo de Renzio and Joseph Hanlon (2007) suggest that Mozambique has managed to attract high levels of aid inflows precisely because members of the ruling party, the Mozambique Liberation Front (FRELIMO), 'have developed advanced skills at managing complex relations with a diverse range of international agencies, juggling their different priorities and demands, and positively responding to their agendas' (p. 4). Although there are signs that FDI may be beginning to dwarf aid inflows as a result of new mineral finds (Ramdoos 2012; Financial Times 2014), Mozambique remains highly aid dependent. The European Union is a significant contributor of aid to the country, with €634

million made available during the period from 2008 to 2013 (Republic of Mozambique - European Community 2007).

The significance of all of this for the purposes of the EPA is that Mozambique was highly dependent upon aid distributed by the European Union. Not only this, but its leaders appeared to receptive to the sort of development agenda – based on a comprehensive liberalisation – that the EU sought to promote through the EPA.

Summary

By way of a summary of the historically embedded development trajectories and strategies in the seven SADC-minus countries, it is possible to conclude the following.

Botswana's development vision, with its emphasis on liberalisation and deregulation and especially its aim of building an economy with a strong financial services dimension, was probably closest to the view of development articulated by the EU in its EPA agenda. The government of Lesotho's long-term commitment to the goal of building a regulatory environment that was attractive to foreign investors also seemed relatively compatible with the EU's emphasis on regulatory reform, trade openness and the promotion of competition. Mozambique, meanwhile had adopted a development strategy based on aid dependence and receptiveness to the neoliberal policy agendas of Western donors. Swaziland appeared to be yet to articulate a coherent strategy to move beyond its acute dependence on sugar preferences. This dependence itself, however, appeared likely to be enough to secure the country's signature of an EPA.

The compatibility between the EU's comprehensive liberalisation agenda and the embedded development strategies in other countries appeared much more problematic. In the case of Namibia, the country's aim of fostering rapid industrialisation, and using interventionist trade policy tools to do so, was at odds

with the EU's trade liberalisation agenda. This was similarly the case in South Africa, where the commitment to a 'developmental' trade and industrial policy agenda appeared to preclude further commitments to the liberalisation of trade in goods and services in relation to the EU. In Angola, the disconnect with the EU's development vision was even more stark. Here, extensive state ownership within key industrial sectors, high import tariffs, a commitment to import-substitution industrialisation and strong links with China and Moscow were completely at odds with the EU's arguments about the importance of trade openness and competition for development.

6.5 Conclusion

This chapter is the first in a two-part case study of the EPA in the SADC-minus region. The overall aim of the case study is to take a more fine-grained approach to exploring the process and outcome of the EPA negotiations in a particular historical context, and especially the patterns of ideational contestation that shaped this process. In this chapter, I focused on the historical dimension of this endeavour and aimed to reveal the contested and path-dependent processes of regionalism and development within Southern Africa. These provided the institutional context – both in terms of formal structures and embedded ideas – within which the contestation of the SADC-minus EPA would play out.

I began with some theoretical reflections on the place of African history and agency within the broader narrative of this thesis. The point developed here was that the questioning of materialist accounts within the thesis requires not only the examination of the *ideational drivers and articulation* of the EU's EPA project, but also *the way that this was contested* by ACP actors as it was put into action. In exploring this contestation within the context of the Southern African case, there are obvious linkages with existing literatures on Africa within the international system. By way of brief reflection on these linkages, I offered a sympathetic critique of the literature on the neopatrimonial state and African strategies of extraversion. The key point here was that while I acknowledge the presence of neopatrimonial structures within African states, I seek to avoid the

tendency within this literature to make generalised and ahistorical assumptions about the motivations of African agents. In making this argument, the chapter draws out the similarities between the theoretical approach adopted within this thesis and a more recent set of literature on African agency.

In the remainder of the chapter, I explored the historically embedded patterns of regionalism and development within the Southern African context, with an eye to their contested normative content and their implications for the EPA negotiations. With respect to regional integration in Southern Africa, the central argument was that the historical development of regionalism in this part of the world was based on a different set of normative foundations to those articulated in relation to regionalism, liberalisation and development within the EPAs. In particular, the forms of regional integration in Southern Africa can be explained through a set of historical circumstances and contexts (colonial production structures, the dominance of apartheid South Africa, civil war and aid dependence) and the evolution of deliberate political strategies by differentiated and specific Southern African elites within this context.

Over time these forms of regional co-operation have been cemented into a system of overlapping regional formations characterised by the uneven implementation of their market integration commitments. On the one hand, a system of formalised but flexible regionalism has been constructed that allows member states to exercise continued sovereignty over their national territories while providing symbolic confirmation of this sovereignty and attracting funds from donors keen to support regional integration efforts. On the other, a regional political economic strategy has emerged – in SADC, at least – in which commitments to ‘developmental regionalism’, sector-based regional industrial strategies, and overlapping memberships have been placed alongside detailed timescales for the completion of customs unions.

As an approach to the political economy of regionalism, these different strategies and commitments are fraught with contradiction (see Dzinesa et al. 2012; Mbuende 2012; Østergaard 1993; Tsie 2001). Nevertheless, they reflect a strategy designed to secure the ongoing support of donors with a strong

preference for market integration and to bolster weak sovereignty while accommodating an array of preferences and development strategies being pursued within the region.

At the national level, the chapter reveals a wide range of development trajectories and policies. These were embedded within particular historical and material contexts. Within this, however, the chapter also aims to offer a flavour of the range of development ideas that prevailed within Southern African countries and that were cemented within their policy orientations. Of course, these are somewhat difficult to reveal without a more detailed study of the historical paths that these different countries have followed than the constraints of this thesis allow. However, my aim was to demonstrate that the policy orientations within Southern African countries exhibited considerable variety. Furthermore, a number of these – particularly in South Africa, Namibia and Angola – reflected a rather more interventionist and state-led development prospectus than that articulated and promoted by the EU through the EPAs. These contrasting ideas about the appropriate aims and tools of development were to be reflected in the contestation that took place within the EPA negotiations.

Chapter Seven

Negotiating the SADC-Minus EPA: Material Sanctions and Normative Contestation

7.1 Introduction

The negotiations for an EPA between the EU and SADC-minus, until very recently, threatened to split the group apart. The group itself was based upon a problematic negotiating configuration, which included fewer than half of the wider SADC region and was not represented by a supranational negotiating machinery. Within this, four countries – Botswana, Lesotho, Mozambique and Swaziland – were not only relatively enthusiastic about signing an interim EPA, but also responded positively to the EU’s comprehensive trade agenda. These countries actively pursued negotiation on trade in services and investment, even though this was not required in order to reach WTO compatible agreements with the EU. The remaining three countries – Angola, South Africa and Namibia – for a long time refused to sign the interim EPA and resolutely declined to negotiate on trade in services or the other components of the EU’s WTO-plus agenda. More recently, following significant concessions from the EU, the region (with the exception of Angola) initialled a modified and less comprehensive version of the earlier interim EPA.

What is most interesting about the process and outcome of the EPA negotiations in SADC-minus is that they are not amenable to materialist explanations in any straightforward sense. Specifically, the chapter makes the case that the negotiating orientations of the SADC-minus countries, as outlined above, could not be read off based on their vulnerability to the loss of EU preferences alone. That the region was ultimately able to extract significant concessions from the

EU in the context of its relatively weak position within highly asymmetrical negotiations represents a further puzzle.

In Chapter Six, I set out the theoretical and historical background for a fine-grained exploration of the process of contestation that characterised the EPA negotiation within the SADC-minus context. Specifically, I drew attention to the network of overlapping regional formations in Southern Africa and its embeddedness within the particular politics and strategies of regionalism in this part of the world. Furthermore, the chapter identified a range of historical trajectories and entrenched development strategies within the SADC-minus countries, some of which were much closer to the model of economic governance promoted by the EU through the EPA than others. In this chapter, I pick up this thread and focus on the way in which these historical structures – and the actions of agents within them – interacted with the EU's EPA strategy once the negotiations got under way. My claim is that such an approach can help to draw new insights about the specificities of the otherwise puzzling process and outcome of the SADC-minus EPA, as outlined above.

This chapter lends support to the analysis that I advanced in Chapter Five. My argument there was that once the problematic and uneven nature of the EU's legal argument and material leverage had been exposed, the EU's strategy for reaching agreement on the EPAs was dependent on the receptiveness and responses of ACP elites to its norm-based case for the agreements. This norm-based argument had itself been compromised by the elision of the EU's development agenda into its more commercially-oriented Global Europe ambitions, at the same time as its espousal of the Singapore issues was increasingly at odds with the direction of travel of the WTO.

Here, my focus is on the way in which the tensions within the EU's EPA rhetoric opened up space and, in some cases, provided the tools for a range of critical responses and negotiating positions from actors within Southern Africa. And, indeed, the way in which some countries within the region reacted relatively positively to the EPA in spite of these tensions. Here, what was important was the interaction between the EU's norm-based argument for the EPAs and the

ideas through which SADC-minus representatives interpreted, analysed and attempted to reconstruct and modify the choices available to them. That is, the contextually constrained responses of African agents, situated within the EU's contradictory and controversial negotiating strategy, were important in shaping the outcome of the EPA.

There are four parts to this chapter. In the first part, I outline the EPA negotiating process in Southern Africa up to 2007, including the process by which a problematic regional negotiating configuration was chosen. Second, I set out the choices made by the countries in the region at the time of the expiry of the WTO waiver in 2007 and examine the puzzles that these raise for conventional understandings of ACP motivations in the context of the EPAs. The third part draws on the data collected during fieldwork in Brussels and Southern Africa in 2011 and 2012. I use this to develop a fine-grained analysis of the way in which the SADC-minus countries interpreted and responded to the interim EPA in 2007. The final section traces the role of contestation – particularly by South African negotiators – within subsequent developments in the negotiations.

7.2 The formation of the SADC-Minus EPA Group

As I pointed out in Chapter Six, at the start of the EPA negotiations in 2002, there were at least seven overlapping regional integration projects – SADC, SACU, COMESA, EAC, ECCAS, CEMAC and IOC – that included central, eastern and southern African countries. According to the Cotonou Agreement, the EPAs aimed to build upon *existing* regional integration initiatives of ACP states and the EPA process was designed to provide capacity-building support for national governments and regional institutions in matters of regional integration (see Chapter Five). The European Commission (2001) had later specified that in order to take part in an EPA negotiation: a regional grouping must be effectively engaged in an economic integration process; negotiations must take place in a single setting and lead to a single agreement; and countries that were part of overlapping regional groupings must choose one group through which to negotiate an EPA.

Customs unions were considered the preferable basis for EPA negotiations but FTAs – as long as they were actively pursuing economic integration – were also considered suitable. Where there was a customs union at a more advanced stage of integration within a larger FTA – as is commonly the case in African regions⁶⁸ – the Commission’s preference seemed to be for negotiating with the wider group so long as it met the EU’s other criteria.

While the EPA configurations were ostensibly at the discretion of the ACP countries, EU negotiators were keen to ensure that EPA regions were viable in terms of their market size and their capacity to negotiate and implement an agreement (see Chapter Five). Particularly in Africa, EU officials believed that the EPA negotiations could be used to resolve and rationalise overlapping memberships.⁶⁹ The point has already been made that there were considerable time constraints on forming regional EPA configurations, imposed by the expiry of the WTO Cotonou waiver at the end of 2007. Given the deeply embedded nature of overlapping regionalism in Southern Africa, a resolution of these patterns probably required more time than was available. Furthermore, it was not clear given the complex politics of regionalism within Southern Africa, and the range of motivations that encouraged elites to maintain overlapping memberships (see Chapter Six), that there was sufficient political will within the region to resolve these perceived tensions.

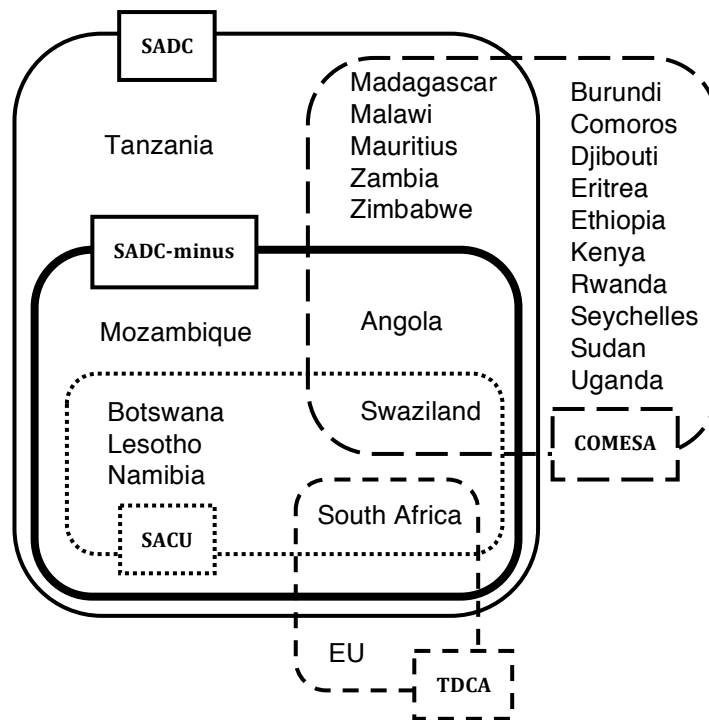
In the end three EPA groups were formed in Southern and Central Africa based on SADC, COMESA and ECCAS.⁷⁰ These three broad overlapping FTAs included all of the ACP countries in this region. Those countries that were members of more than one of these organisations had to choose an EPA configuration in which to be a member.⁷¹ While the EPA configurations in

⁶⁸ For example SACU within SADC, EAC within COMESA, CEMAC within ECCAS, and UEMOA within ECOWAS.

⁶⁹ Interview 3 (DG Trade).

⁷⁰ The EPA configurations that correspond to these regions are known as SADCC-minus, Eastern and Southern Africa, and Central Africa, respectively.

⁷¹ Interview 3 (DG Trade).



Key

COMESA	Common Market for Eastern and Southern Africa
SADC	Southern African Development Community
SADC-minus	SADC-minus EPA Group
SACU	Southern African Customs Union
TDCA	Trade, Development and Cooperation Agreement

Figure 7.1: SADC-minus EPA configuration and overlapping regional organisations and trade agreements, 2007 (Source: author’s interpretation).

Southern and Central Africa did not themselves overlap, neither did they resolve the underlying issue of overlapping memberships, nor match up to existing regional organisations – as the European Commission had claimed they would. Neither did they seem to build in any clear way upon regions ‘effectively engaged in an economic integration process’ (European Commission 2001). Rather, the EPA configurations were overlaid on top of existing patterns of regional integration, which did not, for the most part, make any adjustments in membership in order to reflect the new EPA configurations.

In all, the SADC-minus group contained only seven of the 15 SADC members (see figure 7.1). Vickers (2011, p. 189) reports that the ‘gravitational pull’ of the more organised COMESA Secretariat attracted the governments of a number of

anxious smaller SADC countries. Meanwhile, the members of SACU (initially with the exception of South Africa, which only joined the negotiations in 2007) formed the kernel of the SADC-minus group. Three non-SACU members – Angola, Mozambique and Tanzania – also joined SADC-minus. Mozambique and Tanzania were not members of COMESA and their governments did not want to become members,⁷² so did not have the option to join the alternative grouping based on this region. Tanzania soon left the grouping to join Kenya, Uganda, Rwanda and Burundi in the separate EAC configuration. Angolan officials, meanwhile, felt closer to the SADC region than COMESA as a result of particularly strong historical, political and economic links to South Africa.⁷³

The inclusion of three (later two) non-SACU countries in the SADC-minus configuration, along with the fact that over half of the SADC region was negotiating in alternative groupings, made representation of the configuration in the negotiations and the formation of common positions extremely difficult. The non-SACU countries could not be represented by the SACU Secretariat and the SADC members refused to fund the negotiations through the SADC Secretariat since half of them were negotiating in other configurations. This situation was resolved with the creation of a SADC EPA Unit housed within, but formally separate to, the SADC Secretariat in Gaborone, Botswana.

This institution was granted only a handful of staff⁷⁴ and its role was ultimately limited to facilitating negotiations and providing technical assistance to the SADC-minus member states.⁷⁵ This was a reflection of the reluctance of members of the SADC-minus group to delegate responsibility for the negotiations to a supranational authority, which was in turn an expression of the suspicion with which elites within the region regarded any threat to their national sovereignty (see Chapter Six). Trade ministers from SADC-minus member states, then, retained overall competence for the negotiations. As a result of this, the SADC-minus group struggled to form a coherent regional negotiating

⁷² Interview 3 (DG Trade).

⁷³ Interview 21 (Angola government).

⁷⁴ At the time of the fieldwork for this thesis, the EPA unit had been reduced to just one full time employee (Interview 26, SADC).

⁷⁵ Interview 26 (SADC).

strategy for the EPAs; the negotiations were characterised by intra-regional mistrust (Vickers 2011, p. 188); and national strategies prevailed over regional considerations, at least until very recently.

The situation in the Caribbean (the only region to have thus far agreed a full regional EPA) was very different. Here, the underlying regional organisation, the Caribbean Community (CARICOM), was a better fit with the EU's proposed regional negotiating group (with the exception that the former excluded the Dominican Republic) and the region also possessed a supranational negotiating machinery. Not only this, but also there was relative ideological consensus between elites within this machinery and European Commission officials with regard to the appropriate aims and tools of regional integration and development (Bishop et al. 2013). This greatly facilitated the negotiations and their outcome, which was characterised by a much greater degree of regional unity than in Southern Africa (Heron 2011; Bishop et al. 2013).⁷⁶

The key point here is that the EU's insistence that the EPA could both build on and support regional integration in the ACP regions *and* provide a practical basis on which to swiftly bring about WTO compatible FTAs failed to sufficiently take into account the poor fit of the EU's regional prospectus with existing regions in Southern Africa. Furthermore, this was not simply a technical or capacity issue. The historical trajectory of regionalism within Southern Africa was not based in any straightforward way on the commitment to open regionalism and comprehensive liberalisation that was enshrined in the EU's norm-based vision for the EPAs. Within this context, regional EPAs offered a poor fit with the existing institutional architecture of regionalism within Southern Africa. They also clashed with the ideas and political strategies of agents working in and through these structures, whose priority was not necessarily to resolve overlapping memberships or construct open and effective regional regulatory regimes (see Chapter Six).

⁷⁶ Interview 27 (ACP).

7.3 SADC-Minus Negotiates Interim EPAs

Once the SADC-minus EPA group had been formalised, albeit in less than satisfactory fashion, the negotiations began in earnest in 2004. At the request of a joint strategic framework negotiated between the SADC-minus countries, South Africa was admitted to the EPA process as a full negotiating party in early 2007, with the caveat that it would receive a more limited market access offer from the EU than its neighbours. The group's other demands – for non-reciprocity for the three non-SACU LDCs⁷⁷ and non-binding cooperation on the EU's WTO-plus trade agenda – were rejected by the European Commission (Vickers 2011, p. 190). The Commission continued to insist that reciprocity was necessary for WTO compatibility and that comprehensive EPAs would support ACP development aims, even in the case of LDCs.⁷⁸ By mid 2007, a range of controversial issues remained to be negotiated and it was clear that the region would not be ready to sign a full EPA before the expiry of the WTO waiver. Faced with this reality, the European Commission decided that individual ACP countries and sub-regions would be allowed to sign WTO-compatible goods only 'interim' EPAs (see Chapter Five).

The key decision for SADC-minus at this point was whether all or part of the region was willing to sign an interim EPA. Reciprocity was not particularly controversial for the SACU members. These countries were already *de facto* implementing reciprocity via the TDCA (South Africa's FTA with the EU, see Chapter Six) by virtue of their membership in a customs union with South Africa. However, the trade liberalisation required under reciprocity had a bigger potential impact for the non-SACU countries: Angola and Mozambique. In addition, at issue for all the SADC-minus countries was the EU's strong preference for the inclusion of binding commitments for further negotiations on trade in services and the Singapore issues, as well as the inclusion of a range of

⁷⁷ At this time, Tanzania was still included in the SADC-minus configuration.

⁷⁸ Interview 12 (South Africa government).

controversial technical provisions. The latter included an MFN clause,⁷⁹ a ban on export taxes, and texts on infant industry protection and national treatment.

Of course, the EU's primary lever for encouraging ACP countries to sign at this time was the threat of being downgraded to a less generous preference scheme. In SADC-minus the threat of lost market access was felt most keenly by Botswana, Namibia and Swaziland. These were the non-LDCs that would be downgraded to GSP should they refuse to sign an EPA. As I suggested in Chapter Six, some of these countries had come to be more reliant on EU trade preferences than others over time (see Table 7.1). Namibia and Swaziland were particularly vulnerable to any loss of Lomé-equivalent preferences. In the case of Namibia, 36 percent of the country's exports between 2004 and 2012 were destined for the EU and of these around 31 percent constituted exports that would be affected by a rise in tariffs should Namibia be downgraded to GSP status (Overseas Development Institute 2007). In the case of Swaziland, only 6 percent of the country's exports in the same period were destined for the EU but of these 87 percent were potentially affected by a tariff hike if the country refused to sign an EPA (Overseas Development Institute 2007).

On this basis, Botswana seemed somewhat less exposed. Although 67 percent of the country's exports were destined for the EU, these exports were almost entirely dominated by diamonds – which did not receive a preferential advantage under the old Lomé system. Only 1.5 percent of Botswana's exports to the EU would be affected by a tariff rise if the country were downgraded to GSP. Meanwhile, Angola, Mozambique and Lesotho, as LDCs, were eligible for duty-free access to the EU market through EBA even if they refused to sign an EPA. Likewise, South Africa's preferential access to the EU market under the TDCA would be unaffected if it chose not to sign an EPA.

⁷⁹ The MFN clause was designed to prevent ACP countries from offering superior preferential access to any of the EU's major trade rivals, including the emerging economies of Brazil, India and China.

Country	LDC Status	Proportion of Exports Destined for EU, 2004-2012 (%)*	Proportion of Exports to EU subject to a tariff rise if downgraded to GSP treatment (%)**	Key exports to the EU, 2004-2012 (% of exports to EU)*
Angola	Yes	12.8	-	Mineral fuels, oils etc (94.1%); pearls, precious stones etc (4.5%)
Botswana	No	67.0	1.5	Pearls, precious stones etc (96.5%); meat and offal (1.3%); apparel (1.1%)
Lesotho	Yes	1.0***	-	Pearls, precious stones etc (76.3%); apparel (16.3%)***
Mozambique	Yes	44.8	-	Aluminium (71.5%); tobacco (6.2%); fisheries products (4.4%); sugars (3.4%)
Namibia	No	35.6	30.5	Pearls, precious stones etc (44.2%); zinc (10.3%); fisheries products (22.0%); copper (6.6%); ores, slag and ash (6.6%); salt, sulphur, lime, cement etc (2.9%); meat and animal products (2.1%)
Swaziland	No	6.0	86.6	Sugars (78.3%); vegetables, fruits, nuts etc (14.2%)

*Source: International Trade Centre (2013)

**Source: Overseas Development Institute (2007). Data is only available for non-LDCs.

***Limited data. Figure covers 2008-2010.

Table 7.1: SADC-minus countries' exposure to a loss of Lomé-equivalent trade preferences

Under the intense pressure of the final months of negotiation before the expiry of the WTO waiver – and having been unable to transform the terms of the EU's offer into a form acceptable to the region as a whole – the SADC-minus region was divided over how to respond. The decisions made by the various countries are summarised in Table 7.2. By the end of 2007, the governments of Botswana,

Lesotho, Swaziland, Mozambique and Namibia initialled an interim EPA, the latter attaching a statement of its reservations about the agreement (Republic of Namibia Ministry of Trade and Industry 2007). This was enough to preserve market access for the short term under the EU's stopgap measure, MAR 1528 (see Chapter Five). The Namibian government subsequently refused to sign the interim EPA when the other four countries that had initialled did so in June 2009. South Africa and Angola both refused to initial or sign the EPA. South Africa and Namibia opted out of further negotiations on the EU's proposed WTO-plus services and regulatory agenda (Vickers 2011, p. 191), while the four signatory countries of the interim EPA made commitments to continued negotiations on these issues and were actively involved in negotiations on services and investment, at least up to 2009.

What is most significant here is that these choices by SADC-minus countries present a puzzle for approaches that consider market access issues as the key determinant of EPA compliance (Bilal and Stevens 2009; Stevens 2008). First, Namibia's refusal to sign the agreement that it had initialled in 2007 is striking

Country	EPA Outcome
Botswana, Lesotho & Swaziland	<i>Initialled interim EPA in 2007, signed in 2009. Committed to further negotiations on WTO-plus regulatory issues. Pursued services and investment negotiations up to 2009.</i>
Mozambique	<i>Initialled a separate EPA in 2007, signed in 2009. Committed to further negotiations on WTO-plus regulatory issues.</i>
Namibia	<i>Initialled interim EPA with letter of reservation in 2007, refused to sign in 2009. Opted out of further negotiations on WTO-plus regulatory issues.</i>
South Africa	<i>Refused to initial or sign interim EPA over market access and technical concerns. Opted out of further negotiations on WTO-plus regulatory issues.</i>
Angola	<i>Refused to initial or sign interim EPA. Peripherally involved in ongoing negotiations but unlikely to sign a full or interim EPA.</i>

Table 7.2: Outcomes of the SADC-minus EPA by country, 2008 (source: author's interpretation).

given the country's dependence on preferences for a number of key exports. This is particularly so when the approach of Namibian trade officials is contrasted with those from Botswana. The latter were rather more enthusiastic about the EPA even though Botswana's preference-dependent commodities are of marginal economic significance compared to those of Namibia. Second, the signatures of two of the region's LDCs – Lesotho and Mozambique – were puzzling as these countries were able to secure duty-free market access via EBA. Third, the decision by the governments of Botswana, Swaziland, Lesotho and Mozambique to commit themselves to further negotiations on trade in services and investment is noteworthy. After all, agreement on these issues was not necessary for WTO compatibility and these countries could have secured market access (at least temporarily) without adopting binding commitments on these aspects of the EU's comprehensive agenda.

The pattern of uptake of the EPAs in SADC-minus, therefore, was not a straightforward reflection of the uneven reach of the EU's levers of material conditionality. In Chapter Six, I hinted at the different visions of development that were bound up within the existing development trajectories and strategies of SADC-minus countries. In this context, I now turn to the detail of how these countries interpreted and contested the normative content of the EPAs.

7.4 Contesting the Interim EPA

As I showed in Chapter Five, a number of the more recent contributions to the EPA debate have stressed the activism of a coalition of ACP representatives and development NGOs in an attempt to explain the surprisingly effective resistance of many countries to the EU's EPA agenda (Del Felice 2012; Hurt et al. 2013; Trommer 2013). These contributions have called attention to the ways in which this discursive activism was able to exert an influence over the EU's negotiating position. However, they have paid less attention to the interaction between the EU's norm-based and legal argument for the EPAs and the ideas through which SADC-minus representatives interpreted, analysed and attempted to modify the choices available to them. In Chapter Five, I argued that the opening up of the

case for the EPAs to criticism and contestation was linked to weaknesses in the EU's own discursive strategy. Clearly the receptiveness of national and regional ACP elites to the claims in this strategy were also important, but so to were the analytical frameworks they developed to both understand the EU's intentions and construct and negotiate their aims and preferences within the constraints of a marked asymmetry of trade power.

In order to understand the outcome of the EPA negotiation in Southern Africa to date it is useful to divide the countries of the SADC-minus region into EPA sceptics, including South Africa, Namibia and Angola, and EPA enthusiasts (even if this enthusiasm was relative) including Botswana, Lesotho, Swaziland and Mozambique (see Table 7.3).

	Countries	Negotiating Position
EPA Enthusiasts	Botswana Lesotho Mozambique Swaziland	Saw the EPAs as a potential 'win-win'. To some extent bought into the EU's argument that the inclusion of services and investment within the EPAs would 'lock in' regulatory reform and serve to attract inward investment. Strong desire to lessen dependence on South Africa for trade and investment. Willing to sign interim EPA even in the absence of strong immediate market access incentives.
EPA Sceptics	Angola Namibia South Africa	Saw the EPAs as a trade off between 'policy space' and access to the EU market. Did not believe that open regionalism, trade liberalisation and regulatory harmonisation would have the positive development effects claimed by the EU. Challenged EU claims that its approach to the EPAs was non coercive and development oriented. Opposed to comprehensive EPA and to inclusion of a number of technical issues, including MFN clause and ban on export taxes.

Table 7.3: SADC-minus – EPA sceptics and enthusiasts (source: author's interpretation).

Interviews with and documentary evidence from the sceptics suggest that they questioned the necessity of the EPAs as a condition of WTO rules and that they shared many of the concerns about the EPAs voiced by the transnational group of anti-EPA activists. These chiefly revolved around the EU's perceived coercive behaviour in the negotiations, the loss of trade policy autonomy associated with the agreements, and the commercial interests that supposedly drove the EU's approach to the negotiations.

The enthusiasts, relative or otherwise, were positive about the developmental effects that deep and comprehensive trade agreements would have on their economies by opening them to competitive pressures and improving their inward investment appeal. For Botswana, Lesotho and Swaziland in particular, this had much to do with their position of extensive trade and investment dependence on the dominant regional figure, South Africa, and their desire to lessen this position of dependency. Nonetheless, officials in these countries were of the opinion that EPA-based trade liberalisation and regulatory reforms did indeed represent an opportunity for diversification into the services sector and the attraction of inward investment from beyond South Africa. In these countries, even where there was little immediate market access incentive to sign an EPA, there was rather more enthusiasm both for the interim agreement and for further negotiations on investment and trade in services.

At first blush, the division between EPA sceptics and enthusiasts within the ACP regions might appear to reflect plain material interests (Bilal and Stevens 2009; Stevens 2008). By contrast, it is important to note that the two groups delineated here *cut across* the lines of market access concerns outlined above. The chapter now draws attention to the way that the countries within these groups deployed different ideas and development frameworks in order to understand the EU's motivations and develop responses to the EPA that was on offer.

South Africa

It is difficult to understand the outcome of the SADC-minus EPA without analysing South Africa's role as a leading EPA sceptic. Officials from the South African Department of Trade and Industry joined a chorus of NGOs and commentators (see, *inter alia*, ActionAid 2004; Elliott 2005; Monbiot 2008; Oxfam 2006; 2007; see also Del Felice 2012) in heavily criticising the EU's approach to the EPA negotiations. South African negotiators questioned the development motives behind the EPAs and challenged claims by Commission officials that there were no offensive European interests at stake in the talks.

The EU's insistence on the inclusion of the Singapore issues became a focal point for such criticisms (see also Chapter Five). Shortly after the interim EPA had been initialled by five SADC-minus countries, South African Trade Minister, Rob Davies, made public his view that the EU's WTO-plus agenda was linked to 'global strategies to promote offensive interests of European companies around the world' (Davies 2008a). In confidential interviews, South African officials voiced similar views about the EU's motivations for including the Singapore issues in the EPA negotiations and drew links between this and the EU's commercial trade agenda in the WTO and bilateral trade negotiations.⁸⁰

These claims about the commercial drivers of the EPAs also fed into an argument that the EPAs would not support development in the ways claimed by the European Commission. South African representatives expressed particular concern about the potential for the EPAs to limit development 'policy space'. By this they meant the shutting down of options to use activist trade policy tools and to pursue heterodox development strategies.

Given this concern about policy space, South African officials were reluctant to be tied to legally binding positions in which trade with Europe would be liberalised even further than under the TDCA. This is not surprising as South

⁸⁰ Interview 12 and 13 (South Africa government).

Africa's broad trade strategy at the time combined an activist approach to trade governance with a robust industrial policy. Rob Davies (2008b) said, 'The EPAs [...] contain legal provisions that limit the state's policy space to promote agricultural and industrial development, and to diversify trade relations with other key economies.'

Officials were concerned by a number of the technical issues that were introduced into the EPA process in late 2007. For example, South Africa has considered placing export taxes on diamonds and chrome in order to promote the addition of value to these commodities in the domestic economy. Consequently, officials did not welcome the news that the EU was including a ban on export taxes within the EPA framework.⁸¹ This disagreement over the prohibition of export taxes in the EPA continued over an extended period of time and South Africa's chief trade negotiator, Xavier Carim, recently reiterated the importance of these measures as part of Africa's development policy mix:

Africa's overriding economic objective is [...] to move off its current growth path based on consumption and commodity exports to one of sustainable development using the continent's natural resource base as a platform for diversification and industrialisation. African governments and leaders have committed to this transformation, which will require a range and mix of new policy measures including the possibility to utilise export taxes to support industrialisation (Carim 2014, p. 7).

Amongst these technical issues, the MFN clause was also a major sticking point. South African officials were concerned that agreeing to this issue would prevent the diversification of the country's export markets, particularly towards emerging economies.⁸² The EU's inclusion of the MFN clause was also used by South African negotiators to suggest that EU positions in the negotiations were driven by self interest.⁸³

⁸¹ Interview 11 (South Africa government).

⁸² Interview 12 (South Africa government).

⁸³ Interview 12, 13 and 14 (South Africa government).

The South African government and labour organisations were also strongly opposed to negotiations on services and the Singapore issues.⁸⁴ Negotiators expressed concerns that if South Africa signed up to an agreement with the EU that included rules on public procurement and investment, the state's ability to pursue key domestic policy aims – including Black Economic Empowerment, a key policy in the context of the continued legacy of apartheid – would be compromised.⁸⁵ The official reason given for rejecting negotiations on services and other WTO-plus issues was a lack of prior regional agreement on these issues and a lack of capacity to negotiate them effectively.⁸⁶ However, it has also been suggested that South Africa was keen to protect its dominant position in the regional services market from external competition (see Chapter Six).⁸⁷ Whatever the underlying motivation, the South African government consistently expressed scepticism about the claimed benefits of 'locking in' trade reform through the EPAs, preferring instead to maximise its trade policy autonomy while seeking market access gains from the EU.

Existing levels of South African access to the EU market were secure under the TDCA but negotiators felt that they could get a better deal under an EPA, particularly on agricultural market access, than the one they had negotiated several years earlier.⁸⁸ South Africa's starting position in the negotiations was a request for the same duty free and quota free access to the EU market that was on offer to the other ACP countries that chose to sign an EPA (SADC 2006, p. 3). As with the earlier TDCA negotiations, European negotiators insisted that South Africa was not a typical ACP country and therefore could not receive the same level of market access as that on offer to the rest of the ACP group (Vickers 2011, p. 190). The EU insisted that in order to receive an improvement on the terms of the TDCA South Africa would have to reciprocate by offering improved market access to EU exporters.

⁸⁴ Interview 15 (South Africa business).

⁸⁵ Interview 11 (South Africa government).

⁸⁶ Interview 12 (South Africa government).

⁸⁷ Interview 3 (DG Trade).

⁸⁸ Interview 12 (South Africa government).

Apart from South Africa's objections to various technical provisions, and its refusal to negotiate on the EU's WTO-plus measures, issues of market access dominated much of the negotiations between South Africa and the EU. Given that existing levels of market access are guaranteed under the TDCA, South Africa would only consider signing an EPA if it represented a significant improvement on these terms at minimal perceived cost. South Africa (along with the rest of SACU) and the EU exchanged market access offers in June 2007 but could not reach an agreement before the expiry of the WTO waiver at the end of that year. In particular, South Africa was not satisfied with the concessions on agricultural tariffs offered by the EU, nor was it willing to make concessions in relation to most of the agricultural products of interest to the EU.⁸⁹ Under these circumstances, South Africa was not willing to initial the interim EPA at the end of 2007. Moreover, in the context of attempts by the EU to force the Singapore issues onto the EPA agenda, its aggressive use of the WTO waiver expiry as a deadline for the EPAs, and the convergence of its developmental and commercial agendas, South African negotiators were able to justify their resistance to the EPA on the grounds of claims about the EU's self-interested and coercive behaviour.

Namibia

Namibian officials shared South African scepticism about the development benefits of the proposed EPAs. Interviews revealed that the loss of policy space deriving from EPA commitments was a central concern for Namibian officials.⁹⁰ They also believed that the EU's attempts to include the Singapore issues in the agreements were a direct reflection of European commercial interest and a cynical attempt to bypass the WTO, where these issues had been rejected.⁹¹

The reservations expressed by the Namibian Ministry of Trade and Industry when it initialled the interim EPA in 2007 included the MFN clause, the freezing of export taxes, the abolition of quantitative restrictions on imports, and

⁸⁹ Interview 24 (SADC).

⁹⁰ Interviews 17, 19 and 20 (Namibia government); see also a report by Agritrade (2010).

⁹¹ Interview 19 (Namibia government).

inadequate provisions for infant industry protection (Republic of Namibia Ministry of Trade and Industry 2007). Namibian officials believed each of these would unduly restrict the country's ability to pursue an activist industrial strategy, the key post-independence aim of which was the creation of wider employment opportunities in the context of a divided settler society (see Chapter Six). They were particularly concerned that signing an EPA would bring an end to strategies currently in play to protect key sectors of the Namibian market from external competition and to encourage domestic value-added processes. These included export taxes used by the Namibian government to encourage value-addition and quantitative restrictions on agricultural imports (for example wheat) at certain times of the year.⁹²

Within the EPA sceptics group, it was only in Namibia that the EU's threat to downgrade Lomé beneficiaries to the significantly inferior GSP found any leverage. The imperative created by the expiry of the WTO waiver forced Namibia to initial the interim EPA in order to preserve market access for its preference dependent fish, grape and beef exports at the end of 2007. While the Namibian government was keen to promote diversification away from dependence on commercial beef production (see Chapter Six), this remained a mainstay of the economy at that point in time and negotiators made the judgement that preferential access to the EU market for this commodity needed to be protected.⁹³

Namibian negotiators were also keen to exploit opportunities to challenge the EU's agenda for the EPAs and to avoid signing an agreement that went beyond the requirements of WTO compatibility. In confidential interviews, Namibian negotiators stressed the degree of flexibility in WTO rules and Namibian officials have lobbied the European Parliament to try to persuade the EU to act on the basis of this flexibility (on similar tactics in West Africa, see Trommer 2013).⁹⁴ For a long time, this tactic drew only small concessions from the EU. However, by initialling but not signing the interim EPA in 2007, Namibia

⁹² Interviews 17 and 18 (Namibia government).

⁹³ Interviews 17 and 18 (Namibia government).

⁹⁴ Interviews 17, 18 and 19 (Namibia government).

managed for several years to retain preferential access to the EU market under the EU's MAR 1528 without making any binding commitment to, or implementing, any of the provisions of the EPA that officials believed would undermine the country's strategy for industrialisation.

Angola

The Angolan government – in a reflection of its import substitution development strategy and general reluctance to liberalise its trade regime (see Chapter Six) – has expressed similar objections to the EPA. Angolan officials attended EPA negotiating meetings but expressed unwillingness to sign any reciprocal FTA, instead endorsing an agreement with 'variable geometry', which Angola could possibly join at a later date.⁹⁵ Officials gave familiar reasons for this reluctance, stressing the need for Angola to retain the ability to implement protectionist trade measures in order to 'create production capacity before we open our markets'.⁹⁶

For a country like Angola, the decision not to sign an EPA was relatively straightforward. Given its status as an LDC with eligibility for EBA and the fact that its key export to the EU is oil and is not dependent on any preferential margin, Angola had little to gain from an EPA in terms of access to the EU market. Officials, therefore, perceived very little incentive to make the apparent sacrifices on policy space that would be required by the deal. This was particularly the case because, like the rest of the sceptics, the Angolan government remained unconvinced that a comprehensive EPA would spur economic diversification and development in the ways that the EU claimed.

In general, South African, Namibian and Angolan officials viewed the reforms attached to the EPAs as concessions to a self-interested EU agenda that would place limits on their development by reducing the policy space for interventionist trade measures. Far from the win-win liberalisation narrative expressed by the European Commission these countries viewed the EPAs as a process in which concessions in terms of policy space were traded off against continued and improved access to the EU market. In this light, these countries were suspicious

⁹⁵ Interview 11 (South Africa government); Interview 21 (Angola government).

⁹⁶ Interview 21 (Angola government).

of the claimed development orientation of the EPAs and aimed to challenge this by exploiting tensions within the EU's discursive case for the agreements. In particular, they focused attention on the seemingly coercive nature of the EU's negotiating tactics and the apparent convergence between its trade and development agendas. As the only one of the sceptics exposed to the EU's material leverage, Namibia also sought to challenge the EU's claims that comprehensive and reciprocal EPAs were the only way that trade preferences for non-LDCs could be placed on a firm legal footing under WTO rules.

EPA Enthusiasts: Win-Win Liberalisation

In contrast to EPA sceptics, other countries in the region can be characterised as more receptive to the EU's win-win narrative about the development benefits of the EPAs, at least up to the point when they signed the agreement in 2009. The aim here is not to divorce the analysis of responses to the EPAs from material considerations. Clearly, there were material incentives at play in the case of each of these countries: sugar preferences for Swaziland, beef preferences and the possibility of gains in the area of trade in services for Botswana, rules of origin for garments in the case of Lesotho, and the possibility of accessing EPA-related adjustment funds for Mozambique. The point, rather, is that the way that these material incentives were perceived was itself contingent on particular interpretations of the choices on offer under the EPAs. For example, an agreement on services was only perceived as a material incentive by Botswana officials because they had committed themselves to a development model that privileged diversification into service provision via liberalisation of that sector of the economy.

Moreover, notwithstanding these perceived specific material gains, actors within these countries were more open to the EU's proposition that comprehensive EPAs, and the liberalisation that these entailed, would bring development benefits associated with more competitive markets and greater levels of integration into the global economy. Rather than viewing the EPAs as a trade-off between market access and concessions to an offensive EU agenda, these

countries were more inclined to view the comprehensive liberalisation entailed by the EPAs as a boon to development in itself. This was particularly the case in the context of a desire amongst these countries – especially Botswana, Lesotho and Swaziland – to diversify away from an overreliance on services and investment from South Africa.

Botswana

Trade negotiators from Botswana were the most important advocates of the EPA in SADC-minus. Immediately following Botswana's decision to sign the interim EPA, the country's Trade and Industry Minister, Neo Moroka, asserted that the primary motivation for doing so was the protection of Botswana's immediate commercial interests, specifically its preferential market access for beef exports (van der Merwe 2009). Preferences for beef exports were also cited as a foremost concern by all of the Botswana officials that I interviewed for this thesis.⁹⁷ As already noted above, these amounted to only a very small proportion of the country's exports to the EU. Furthermore, one interviewee conceded that the cost of meeting European sanitary and phytosanitary (SPS) requirements – particularly in the context of frequent outbreaks of foot and mouth disease in the region – considerably lessens the value of these preferences.⁹⁸ Interviewees stressed, then, that the decision to sign an EPA in order to protect these beef preferences was motivated by a government commitment to maintain beef exports at existing levels within the context of an acknowledgement of the cultural and social significance of cattle farming, as much as its overall economic importance (see Chapter Six).⁹⁹

In addition, the reasons for Botswana's enthusiasm for the EPA went beyond immediate market access concerns. Indeed, the EU's argument about the development benefits of the EPAs found receptive ears in a Botswana

⁹⁷ Interviews 22 and 23 (Botswana Government); Interview 26 (SADC/former Botswana government).

⁹⁸ Interview 26 (SADC/former Botswana government). Another interviewee claimed that the cost of meeting SPS requirements rendered the benefits of preferential access to the EU market negligible (Interview 40, civil society; see also Scoones and Wolmer 2008).

⁹⁹ Interview 22 (Botswana government).

government that was already committed to a liberal development strategy that prioritised competitiveness in the international economy and diversification into the service sector (see Chapter Six). In explaining why Botswana was keen to negotiate an EPA that included not only trade in goods, but also trade in services and investment, negotiators from Botswana cited the desire to diversify the economy beyond the export of commodities and the belief that a deal on services with the EU could help to achieve this.¹⁰⁰ A senior official also cited the current high cost of electricity, water and transport services in the country and the desire to bring down these costs through liberalisation of the services market.¹⁰¹ These issues were quite different to those expressed by the EPA sceptics, whose primary consideration within the negotiations was the maintenance of space for the pursuit of activist and interventionist policy tools.

The regional political and economic dynamics of this part of Southern Africa also played a key role in the decision by Botswana – as well as the other enthusiasts – to sign the interim EPA and to seek to go beyond the requirements of WTO compatibility in the scope of their agreement. A wide range of interviewees in Southern Africa cited political tensions between South Africa and Botswana as a key dynamic of the EPA negotiations.¹⁰² Interviewees reported that members of the Botswana government saw the country as a key counterweight to South African power in the region.¹⁰³ Meanwhile, reports suggest that ‘in some South African government quarters Botswana is viewed as a Western, particularly British, client’ in the region (Draper and Khumalo 2009). Botswana officials were suspicious of South Africa’s desire to avoid the liberalisation of the regional services market and saw this as driven by self interest. Such suspicions may have contributed to Botswana enthusiasm for the EPA and for inclusion of services and investment within the proposed agreement.¹⁰⁴

¹⁰⁰ Interviews 22 and 23 (Botswana government).

¹⁰¹ Interview 23 (Botswana government).

¹⁰² *Inter alia*, Interview 29 and 35 (commentator); Interview 9 (EEAS); Interview 41 (civil society).

¹⁰³ Interview 30 and 34 (commentator).

¹⁰⁴ Interview 9 (EEAS).

Lesotho

Trade with the EU formed only a tiny part of Lesotho's export profile (see above). While Lesotho was not dependent on existing preferences, however, its government had made re-establishing garment exports to Europe a key strategic priority following the erosion of preferential margins within the US market (see Chapter Six). In this context, then, officials perceived the opportunity to access more beneficial rules of origin for access to the EU market under the EPA (in comparison to both Lomé and EBA) as a strong material incentive to sign the agreement (Walker 2009). Again, while material incentives were clearly at play here, they were only such in the context of Lesotho's particular development trajectory and contingent strategic decisions within this setting.

Moreover, like Botswana, Lesotho had made commitments to a development strategy based on integration into the global economy and the creation of a regulatory environment that would be attractive to external investors (see Chapter Six). The EU's claims about the development benefits of the EPAs were relatively compatible with the assumptions that underpinned such a strategy. Accordingly, interviews conducted by Tony Heron (2013, p. 128) revealed that a comprehensive EPA was seen by Lesotho officials as a means of stimulating FDI. Furthermore, as in Botswana, a comprehensive EPA was viewed as a way of 'lessening the Kingdom's acute dependence on South Africa for the supply of goods and services' (Heron 2013, p. 128), which had become a key policy priority in the late 2000s (see Chapter Six).

Swaziland

Unlike in Botswana and Lesotho, the market access motivation for Swaziland to join the EPA was clear cut. The country's ongoing dependence on sugar exports to the EU was acute, as was the threat that the loss of this market access posed (Heron 2013; Richardson-Ngwenya and Richardson 2014). However, here too Tony Heron (2013, p. 129) found that officials were keen to secure a move away from reliance on South Africa and that they saw the EPA as a tool for doing so. Swazi representatives even considered negotiating an EPA as part of the Eastern and Southern Africa grouping rather than SADC-minus – despite being a full member of both SADC and SACU – precisely for the reason that South Africa

was not part of this grouping (Heron 2013, p. 129). Furthermore, as in Lesotho, interviewees reported that Swazi officials appeared at least to some extent to have bought into the logic of the EPA negotiations, as sold by the EU's negotiators.¹⁰⁵ They expressed a belief, then, that a comprehensive deal in the EPAs would help to secure both a competitive business environment and an attractive climate for inward investment.

Mozambique

While the government of Mozambique was also willing to negotiate on the EU's services and regulatory agenda, its case should be read slightly differently. Mozambique's position was similar in some ways to that of Angola – both being non-SACU members and LDCs with considerable resource wealth – yet its response to the EPA could not have been more different. Where the Angolan government showed very little interest in signing the EPA, officials from Mozambique were some of the biggest EPA enthusiasts in the SADC-minus region and made one of the most generous market access offers to the EU (Bilal and Stevens 2009, p. 172-8). This offer went beyond even the country's commitments to liberalisation in relation to SADC regional integration.¹⁰⁶

To an extent, Mozambique's enthusiasm for a comprehensive EPA can be attributed to its status as a 'donor darling' and the internalisation of donor-promoted neoliberal development strategies by key elites within the FRELIMO ruling party (see Chapter Six and de Renzio and Hanlon 2009). In the light of this broader internalisation of neoliberal development norms, officials from Mozambique were more likely to be sympathetic to the EU's narrative about the development benefits of comprehensive trade opening. Mozambique had already liberalised protective trade measures in a number of sensitive sectors as a result of this strategy and therefore reciprocal liberalisation with the EU held less of a threat than it did for other ACP countries. In addition, as one of the most highly aid-dependent countries in sub-Saharan Africa, Mozambique was keen to benefit from any development assistance that was offered by the EU for EPA

¹⁰⁵ Interview 3 (DG Trade); Interview 35 (commentator).

¹⁰⁶ Interview 25 (SADC).

implementation.¹⁰⁷ While further research is needed to pinpoint the precise motivations of officials from Mozambique in signing the EPA, their calculation appears to have been that the best way to secure such assistance was to sign up to the EU's agenda for the EPAs at the broadest possible level.¹⁰⁸

The decision of these four enthusiasts to initial and later sign the interim EPA and to pursue further negotiation on trade in services and investment, is made even more remarkable because it came in the context of considerable pressure from South Africa to rebut the interim EPA at that time (see below). In fact, the dominance of the South African economy in the region and a desire by these countries to lessen their reliance on it, appears to have been a strong motivation to embrace the kind of comprehensive EPA that the EU had to offer. Furthermore, officials from Botswana, Lesotho and Swaziland tended to see the inclusion of services and investment within the EPAs as something of an opportunity for reform and diversification rather than a concession to European interests. In this sense, the EPAs were viewed not so much as a trade off between offensive and defensive interests, but rather – as the EU claimed – a win-win.

7.5 The Road to a Regional EPA

During the early stages of the negotiations, South Africa's dominant economic position had tended to work against the emergence of a common regional negotiating position, precisely because this dominance was a problem for other members of SADC-minus. However, in the period after the expiry of the WTO waiver, and particularly after the interim EPA was signed by four countries in 2009, the South African government more strongly exerted its regional leverage and leadership. That it was able to do so was not a straightforward function of South Africa's economic dominance. Rather this was a contingent outcome based on South African agents' ability to rhetorically invoke the integrity of SACU and the developmental needs of its smaller regional partners in order to undermine the EU's EPA ambitions.

¹⁰⁷ Interview 24 (SADC).

¹⁰⁸ Tony Heron (2011, p. 348) reports a similar tactic deployed by the Caribbean Regional Negotiating Machinery.

As outlined above, in the context of South Africa's activist trade and industrial policy, its primary aim for the EPAs was to gain concessions from the EU on agricultural market access while making few liberalisation commitments in return. The South African government also had no desire to negotiate on the WTO-plus elements of the EU's comprehensive agenda and wished to expel controversial technical issues such as the MFN clause and the ban on export taxes from the final EPA text. Commensurate with this, South Africa's strategy following its refusal to initial the interim agreement in 2007 was to persuade European negotiators that they would not be able to conclude any EPA in Southern Africa without making concessions to South Africa's agenda on market access.¹⁰⁹

Central to South African negotiators' strategy for doing this was their rhetorical invocation of the integrity of SACU and of the EU's own stated commitment to the promotion of regional integration and development through the EPAs. Following the initialling of the interim EPA in 2007, officials from the South African Ministry of Finance held various discussions with counterparts in Botswana, Lesotho and Swaziland in which these officials mooted the possible break-up of SACU in the event that the region remained divided over the EPA.¹¹⁰ When these countries went ahead and signed the agreement in 2009, South Africa stepped up this tactic. South African trade officials threatened to reinforce border checks on goods coming from those countries that had signed the EPA and fuelled media speculation that the EPA would lead to the breakup of SACU (Ensor and Le Roux 2009; Le Roux 2009). The effect of this strategy was twofold.

First, South African negotiators were able to place pressure on the other SACU members not to go ahead with the ratification of the interim EPA. They did this by suggesting that the integrity of SACU's common external tariff – and therefore the lucrative SACU customs pool (see Chapter Six) – would be threatened by the ratification of the agreement as it currently stood. Immediately

¹⁰⁹ Interview 24 (SADC).

¹¹⁰ Interview 24 (SADC).

following the signing of the interim EPA in 2009, South Africa's chief trade negotiator, Xavier Carim, said:

The impact of this has not been thought through yet, but there could be implications for the customs pool and the way customs revenue is shared, because the pool functions on the assumption that the common external tariff is intact (quoted in Ensor and Le Roux 2009).

This thinly veiled threat was based on a somewhat selective commitment on the part of South Africa to the integrity of the SACU common external tariff. South Africa had, after all, signed the TDCA with the EU ten years earlier without consulting or seeking the approval its fellow SACU members (Grant 2006). In this context, even resolute EPA enthusiast Botswana notified the EU that it would not begin implementation of the interim agreement without the support of its regional partners.¹¹¹ In this sense, then, South Africa did appear to be flexing its economic muscles in the region. This, however, does not fully explain how South Africa was able to extract concessions from the EU in order to reach agreement on a watered-down regional EPA.

Second and more importantly, then, South Africa was able to rhetorically invoke both the integrity of SACU and the development needs of its regional partners in order to contest the EU's negotiating strategy. South African negotiators were keen to stress that regional division was the result of the EU's comprehensive agenda and high-pressure negotiating tactics. For example, Trade Minister Rob Davies stated:

The region reached substantial agreement with the EU on the substance of a schedule for reciprocal liberalisation of trade in goods [...] well ahead of the deadline last year. In the SADC region, the major problems have in fact arisen from the EU's ambitions to move the EPAs beyond WTO compatible free trade agreements. [...In this context] two [countries] have not signed on at all to an arrangement, which, it must not

¹¹¹ Interview 24 (SADC).

be forgotten, is supposed in the first instance to enhance regional integration (Davies 2008a).

Insiders suggest that no such agreement on trade in goods had in fact been reached,¹¹² but the point of this statement was to mobilise a counterargument to the EPAs that highlighted the contradictions between the EU's claimed commitment to regional integration and its apparently aggressive and divisive negotiating agenda and tactics. If the EU was to honour its stated commitment to supporting ACP regional initiatives, it seemed it would have to make concessions to South Africa on market access and on the technical clauses to which South Africa objected.

Furthermore, South African negotiators expressed concern for the fate of their regional partners should a satisfactory agreement not be reached. Davies, commenting on the imperative to reach an agreement, said:

It would be an unfriendly anti-developmental act if anybody would block Namibian access to the EU. Hopefully that would not happen (quoted in Sauer 2009).

The intimation here was that the failure to reach a regional agreement would have serious implications for preference dependent countries within the region. In this context, as highlighted above, South African negotiators suggested that it was the EU's aggressive negotiating tactics and ambitious agenda that was preventing such an agreement from being reached. In fact, South Africa itself was also placing pressure on its regional partners to refuse to ratify the interim EPA without further concessions from the EU. Again, the point here was to expose a contradiction between the EU's claimed commitment to development and its aggressive negotiating tactics.

South African negotiators, then, took the position that they would only sign the EPA following concessions from the EU on market access and various technical

¹¹² Interview 24 (SADC).

issues, while doing their best to also prevent other countries in the region from ratifying the agreement in the absence of these concessions. At the same time, they made consistent rhetorical appeals to the EU's commitments to development and regional integration and the tensions between these and the EU's negotiating strategy. In this way, South African negotiators were able to exploit tensions within the EU's discursive case for the EPAs in pursuit of their own perceived interests within the negotiations.

In July 2014, a regional EPA between the EU and SADC-minus (excluding Angola) was initialled. At the time of writing, the full details of the agreement are yet to be released and a fuller analysis is beyond the scope of the thesis. It is notable, however, that first assessments of this agreement indicate that it is *less comprehensive* than even the interim deal that was agreed in 2007.

South Africa's chief negotiator indicated shortly before the agreement was signed that the EU had agreed that an EPA could be finalised without binding commitments on services and the rest of the EU's WTO-plus agenda (Carim 2014). Meanwhile, the Namibian Minister of Trade and Industry stressed that the agreement had come in the wake of a range of significant concessions from the EU including a reversal of the ban on export taxes and improved agricultural safeguard mechanisms (Tjihenuna 2014). In addition, the EU made concessions on the MFN clause, which meant that treatment offered to third parties in separate trade negotiations would no longer be automatically extended to the EU (Tjihenuna 2014). A press release from the South African Department of Trade and Industry trumpeted the market access concessions that the EU had offered in relation to 32 agricultural products, including wine, sugar and ethanol (DTI Republic of South Africa 2014). These were granted in exchange for an agreement on Geographical Indications on the part of South Africa (DTI Republic of South Africa 2014).

The South African government's invocation of the EU's commitment to regional integration ultimately, and somewhat ironically, served to water down the content of the final agreement that was reached in SADC-minus. Furthermore,

even those countries that were more enthusiastic about the EPA were prevented from signing up to the EU's comprehensive liberalisation agenda.

7.6 Conclusion

My main aim in this chapter was to trace in detail the way that the EPA negotiations played out in and were affected by the specificities of the Southern African region. While my argument in earlier chapters regarding contradictions in the EU's EPA policy helps to explain a generalised pattern in which the EPAs found limited purchase, it does not explain in detail the differentiation in country- and region-specific responses to the EPAs. My focus here was on the range of critical responses and negotiating positions that were developed by historically situated agents within Southern Africa in response to the EU's case for the EPAs.

I first traced the consequences of tensions between the existing regional institutions within Southern Africa and the model of comprehensive regional integration and liberalisation promoted through the EPA. Within this context, Southern African governments took a set of decisions that resulted in a highly problematic regional EPA configuration. Specifically, this configuration reflected the membership of neither the smaller SACU region nor the larger SADC, and provided no supranational regional negotiating machinery.

In this context, governmental actors within the region developed different understandings of the threats and opportunities posed by a range of EPA options, as well as different critical responses to the EU's case for the agreements. In order to illustrate this dynamic, the chapter made the somewhat crude but analytically useful distinction between EPA sceptics and enthusiasts within the SADC-minus region. The responses from these countries to the interim EPA ranged from outright rejection of the deal by Angola, demands for greater market access in exchange for fewer concessions from South Africa, Namibia's decision to initial but later refuse to sign the interim EPA, to Botswana, Lesotho,

Swaziland and Mozambique's choice to sign the interim agreement and pursue further negotiation on services and investment.

In the context of these divided preferences, the dominant position of South Africa in the early stages of the negotiations tended to militate against regional unity, precisely because its dominance was a source of concern for its smaller regional partners. That it was able to later exert its leadership to prevent the emergence of a comprehensive WTO-plus EPA that was clearly favoured by some members of the group, is testament less to South Africa's economic might and more to the discursive strategy with which it contested the EU's position in the negotiations. In effect, South Africa's appeal to the sanctity of regional unity and development aims over the EU's WTO-plus agenda was to rather hoist the EU with its own petard.

The responses to the EPA in the SADC-minus region are clearly the result of very specific regional arrangements and material and ideational forces and capabilities. However, it is also possible to link the limited and uneven reach of the EPA process back to that broader set of tensions within the EU's formulation of its policy aims and tools for the EPA negotiations, as elucidated in earlier chapters of this thesis. It was within the context of these tensions that those countries sceptical of the development benefits of a comprehensive EPA – and especially South Africa – were ultimately able to rebut the more controversial elements of the EU's trade and development prospectus.

Part IV

Concluding Remarks and Appendix

Chapter Eight

Conclusion

8.1 Aims and Research Puzzles

I began this thesis by highlighting a shift in the contours of EU trade and development policy towards the ACP countries in the 1990s. At this time, the principle of political neutrality that had characterised the previous EU-ACP regime was replaced with an increasing emphasis on the promotion of neoliberal development norms – in particular comprehensive trade opening – pursued via policy conditionalities attached to EU market access. This shift culminated in the Cotonou Agreement of 2000 and the launch of negotiations for EPAs with regional groups of ACP countries in 2002.

In relation to this development – and the subsequent exposure of the limitations in the EU's ability to effectively deploy policy conditionality in this way – the thesis posed two related research puzzles. First, the EU's decision to seek to recast its relationship with the ACP countries in WTO-compatible form in the mid 1990s constituted a marked departure from its earlier defence of the legality of the Lomé Convention. Not only this, but the EU proceeded to propose and pursue EPAs that went far beyond the requirements of WTO rules in their content and regional scope. This ambitious policy agenda appeared out of kilter with the EU's declining strategic and commercial interests in the ACP countries. The question for this thesis, then, was why the EU chose not only to abandon its legal defence of Lomé's non-reciprocal trade preferences, but also to pursue a new relationship with the ACP countries that went significantly beyond the minimum requirements of WTO compatibility.

Second, the non-reciprocal nature of the Lomé Convention's trade provisions meant that the ACP countries had accumulated significant dependence on EU preferences, but had little leverage over the EU with which to counteract this dependence. The EU's superior market, financial and diplomatic resources appeared to guarantee that it would be able to shape the successor to the Lomé Convention as it saw fit. This was not, however, how the EPA negotiations played out. My second research question asked why the EU was able to achieve only limited and uneven success in reaching agreement with ACP countries on comprehensive EPAs.

My aim in this thesis was to explore these puzzles using a logic of explanation that combines constructivist and historical strands of institutionalism. This approach challenges rationalist understandings of EU external economic policymaking; seeks to develop a more thoroughly historicised understanding of the EU as a global actor, and aims to draw analytical linkages between the internal drivers of the EU's global projections and their external reach and contestation.

In these concluding remarks, I offer an outline of the central conclusions from each chapter. I then summarise these conclusions in relation to the research puzzles outlined above, highlight the wider theoretical contribution of the thesis, and consider how its insights might be deployed in relation to a set of emerging research agendas.

8.2 Chapter Outline

In Chapters Two and Three, I prepared the theoretical and analytical ground from which to conduct the empirical enquiries to address the thesis' two central puzzles. In Chapter Two, I proposed a way to move beyond rationalist accounts of the drivers of EU external economic policymaking. In so doing, I argued for an approach that gave greater prominence to the role of ideas and historically embedded institutions in accounts of EU external economic policymaking. In order to do this, I developed a logic of explanation that consisted of the following

central elements: path dependent but ambiguous institutional structures; reflexive and purposive agents; an emphasis on contingency and the role of ideas in shaping action within institutional contexts; and an evolutionary and endogenous conception of institutional change.

The key implications of this logic of explanation are twofold. First, the interaction between reflexive agents and indeterminate path-dependent institutions – located in the context of the wider and changing social system – gives rise to complexity, contradictions and tensions within these institutional structures and policy outputs over time. Second, actors operating in an uncertain environment can and do use discursive practices strategically. That is, they use them as part of an ends-oriented strategy in pursuit of particular goals based on their perceived interests. One such discursive strategy is to make rhetorical appeals to institutional structures in order to make a desired policy or action appear *necessary* in the context of this institutional constraint. This latter strategy, however, may become a hostage to institutional path dependencies that undermine its effectiveness.

In Chapter Three, I critically examined two sets of EU-related literature. These literatures discuss the role of the EU as an external actor and EU policy transfer and diffusion. Taking the existing social constructivist literature on the EU as a global actor as a starting point, I suggested that EU external relations neither reflect straightforward universal norms nor some unitary neoliberal set of ideas. Instead, they have emerged from the actions of identifiable actors, with particular ideas about the desirable outcomes of EU external relations, working within and through the constraints of EU institutions and past policies. My argument in Chapter Three, then, criticised the analytical separation of internal EU policy processes from their diffusion and implementation. By contrast, it advocated an approach that treated the EU's external projections as historically embedded and politically contingent. I argued that such an approach helped to bridge the gap between understanding the internal drivers and external impact of the EU's global actions. In particular, I suggested that the tensions and contradictions that arose as agents pursued their preferences within path-dependent institutional

structures helped to account for the limited and uneven reach of certain EU external projections.

Chapter Four outlined the historical development and antecedents of the EU's Economic Partnership Agreements, from the Treaty of Rome in 1957 to the Cotonou Agreement in 2000. In particular, I sought here to understand the motivations behind the recasting of the EU-ACP relationship through the Cotonou Agreement into a set of complex and comprehensive interregional relationships in place of the Lomé arrangement. As such, I analysed the complex processes of incremental historical change that characterised the evolution of the EU's relations with the ACP countries and the roles of path dependency and contingency in these processes. Taking account of this complexity allowed for a more nuanced understanding of the forces that shaped the content of the Cotonou Agreement and the subsequent EPA negotiations.

I argued that by the early 1990s, attitudes within the European Commission had hardened against the model of development assistance typified by the Lomé Convention. A consensus was emerging that Lomé had failed; that the primary obstacles to ACP development were endogenous; and that trade liberalisation and regional integration were the necessary elements to ensure the integration of ACP markets into the international economy. GATT and WTO challenges to the EU's banana preferences, and by extension to the Lomé region, provided an opportunity to set in motion the dramatic reform of the EU-ACP relationship. Following the banana rulings, the Lomé status quo was arguably no longer sustainable. The EU, however, used the rulings as a pretext to deploy WTO rules – Article XXIV of the GATT in particular – as an imperative for ACP trade opening. Furthermore, the EU's proposal for comprehensive and interregional FTAs went far beyond the requirements of WTO rules. The decision to pursue the EPAs, then, reflected a more or less independent set of EU policy preferences for comprehensive, regional and differentiated ACP trade opening. The way that these preferences were translated into a concrete policy agenda was, however, shaped by the strategic invocation of WTO rules as well as path-dependent features of past EU-ACP relations.

In Chapter Five, I examined the tensions that emerged from an historical and practical incompatibility between EU policymakers' ideas and preferences and existing WTO rules. These included the difficulty of reconciling differentiation with WTO compatibility; the tension between WTO-compatibility and historical patterns of ACP regionalism; and the divergence over time between the EU's ambitious agenda for the EPAs and the trajectory of WTO negotiations. These tensions opened up space for sustained contestation of the EU's EPA narrative. This was carried out by a coalition of actors that included large international NGOs, national and regional social movements, and ACP states and regions. These actors were able to mount their own discursive strategies that exposed weaknesses in the EU's case for the EPAs, instead portraying the EU as a self-interested and coercive actor mobilising its overwhelming market power to force the ACP countries to liberalise their economies.

The account that I presented here challenged a purely materialist reading of the outcome of EU attempts to install a liberal and regional model of economic governance in the ACP countries. In particular, I contested the idea that the EPA decisions of ACP countries could be straightforwardly read off from the vulnerability of particular countries to the loss of trade preferences. Rather, the tensions within the EU's EPA strategy provided space for a variety of critical responses from reflexive and historically situated ACP agents.

Chapters Six and Seven focused on the process and outcomes of EPA negotiations in Southern Africa. In Chapter Six, I brought to the fore and analysed the distance between the EU's EPA model based on an assumed link between regionalism, economic liberalism and development, and the evolution of regional integration and national development strategies over time in Southern Africa. I argued that regional initiatives in Southern Africa had developed in such a way as to support a range of contradictory and contested political aims. These included the accommodation of a range of liberal and state-led development strategies; bolstering jealously guarded state sovereignty; and attracting external funding through the projection of a commitment to compliance with donor policy agendas.

Within the parameters of broad Southern African regionalism, development trajectories and strategies at the national level also varied markedly. These differences arose from and were embedded in the brute facts of resource endowments, geographical size and diverse colonial histories. These included factors such as colonial production structures, the dominance of apartheid South Africa, civil war and aid dependence. These differences also, however, stemmed from the deliberate and contested strategies and actions of reflexive and purposive Southern African elites. Chapter Six concluded that while regions in Southern Africa had converged upon market integration as a central aim during the 1990s, there was a distinct lack of consensus amongst their constituent members with regard to the set of neoliberal assumptions embedded within the EU's EPA project.

In Chapter Seven, I examined the negotiations for an EPA between the EU and the SADC-minus regional grouping. In doing so, I made the somewhat crude but analytically useful distinction between SADC-minus EPA sceptics and enthusiasts. These countries had very different interpretations of the costs and benefits of an EPA. This in turn interacted with skewed material incentives to produce a diverse set of responses to the EPAs. Responses ranged from outright rejection of the deal by Angola, demands for greater market access in exchange for fewer concessions from South Africa, Namibia's decision to initial but later refuse to sign the interim EPA, to Botswana, Lesotho, Swaziland and Mozambique's choice to sign the interim agreement and pursue further negotiation on services and investment. The lack of any regional coordinating machinery which might have been able to promulgate and lead a shared vision and interpretation of the EPA process made this range of incentives and preferences even harder to reconcile into a regional agreement.

South Africa's economic dominance in the region worked against the emergence of a common position and understanding in the early stages of the negotiations precisely because its dominance was a concern for other members of SADC minus. I argued that its negotiators' ability to bring about agreement on a watered-down EPA later in the negotiations was testimony less to South Africa's economic dominance and more to its ability to rhetorically invoke the integrity of

SACU and the development needs of its partners in order to undermine the EU's EPA ambitions and rhetoric.

8.3 The Conclusions of the Thesis

Returning to the two research questions that this thesis posed, I propose two broad sets of conclusions. First the EU's decision to abandon its legal defence of the Lomé Convention and recast the ACP relationship in the form of comprehensive regional FTAs was shaped by the emergence of a new set of ideas amongst European trade and development policymakers. Broadly speaking, the belief within the European Commission in the development model that underpinned the Lomé Convention had been replaced by a neoliberal consensus that emphasised exposure to the exigencies the global economy as essential for development and located the cause of development failures within domestic policies. A specifically European dimension to this neoliberal consensus stressed the importance of regionalism as a stepping stone to full integration into the global economy and the EU's unique qualifications for overseeing and promoting this. European actors were also committed to the principle of differentiation and the idea that development assistance should be targeted based on objective development criteria. In this context, the Lomé Convention was adjudged – even before a series of adverse rulings under the GATT and WTO – to be not only a failure but an obstruction to ACP development.

These GATT/WTO legal challenges were undoubtedly at the forefront of the minds of EU policymakers when they made the decision to recast the Lomé relationship. The EU's commitment to multilateralism was in itself a reflection of the changing ideological underpinnings of EU external relations. However, the way that the EU deployed strategic appeals to WTO rules – particularly Article XXIV of the GATT – in the recasting of the Lomé relationship was underpinned by EU policymakers' more or less independent commitment to promoting trade opening in order to further ACP development. The later expansion of the EU's agenda for the EPAs to include trade in services and various other WTO-plus measures was associated with a commitment to European 'competitiveness' that

underpinned the Lisbon Agenda and the EU's Global Europe trade policy initiative. While this shift coincided with the EU's more commercial trade agenda, the promotion of WTO-plus measures within the EPA appeared to be driven by the idea that European competitiveness and ACP development were two sides of the same coin. Both of these aims, policymakers believed, would be supported by ACP trade opening.

Second, the EU achieved only limited and uneven success in reaching agreements with ACP regional groupings on the EPA agenda because of a range of tensions that emerged in the way the EU articulated its aims and tools for the EPAs. The EU was caught between the path-dependent trajectories of two separate institutional arrangements. These were, on the one hand, historical preferential commitments to the ACP countries as former colonies and, on the other, the EU's commitment to multilateralism and the idiosyncratic rules that had developed via the GATT and WTO's governance of increasingly free trade. In designing an EPA strategy that attempted to reconcile and strategically deploy these institutional imperatives in support of the new development policy consensus amongst European policymakers, EU actors generated a series of contradictions.

First, there was no way in which the principle of differentiation could be incorporated within WTO-compatible interregional FTAs. This rendered the EU's material leverage uneven and hampered attempts to persuade LDCs to join the EPAs. Second, in designing and implementing its EPA policy, the EU failed to take sufficient account of the particularity of different understandings and practices of development and regionalism in the ACP countries. Its timeline for the EPAs – dictated by its invocation of the expiry of the WTO waiver – also failed to take account of the embeddedness of ACP regional structures that were not amenable to the swift conclusion of interregional FTAs. Third, by pressing for the inclusion of trade in services and rules on competition, investment, public procurement and trade facilitation, the EU went against the direction of travel in WTO negotiations. This undermined its claim that the EPAs were driven by the exigencies of WTO rules. As a result of all of the above, the EU's strategy was riven with contradictions and tensions that allowed ACP countries, regional

representatives and NGO activists to mount successful campaigns of contestation and resistance to the EPA policy.

Overall then, the thesis concludes that while the EU occupies a position of structural power within the global economy – particularly in relation to the Global South – the way that it deploys this power in pursuit of particular external economic policy aims is highly contingent. Specifically, the EU's external economic policy aims and tools – both material and discursive – are the product of the strategic actions of purposive European policymakers acting within the context of path-dependent institutional structures and patterns of past relations with the outside world. As such, the reach and limitations of EU external economic actions are contingent upon the historical processes through which they are constructed and the understandings, strategies and alternatives that external partners bring to the negotiating table.

8.4 Theoretical Contribution

In this thesis, one of my central aims was to contribute to constructivist approaches to European trade policymaking. I did this by developing a logic of explanation that combines elements of ideational and historical institutionalist approaches. The main features of this logic of explanation are as follows. Human agents create institutions – organisations, rules, norms, shared understandings and patterns of behaviour – in order to lend order to an uncertain social world. These institutions, in turn, exhibit a path-dependent logic in which they structure the context of action for future agents in ways unintended by their original creators. Institutional contexts are also themselves ambiguous and leave space for various responses from purposive and reflexive human agents. It is the interaction between indeterminate institutional structures and human agents that produces contingent and evolutionary change over time.

This logic of explanation mounts a challenge, along with much constructivist theorising, to rational choice institutionalism as the dominant approach to understanding EU external economic policy. In doing this, it recognises that

while rational choice approaches are good at modelling the outcomes of rational behaviour within given contexts, their ability to account for complex processes of policy change are hampered by their reductionist assumptions about actor behaviour and their appeal to structural and exogenous determinants of change. The logic of explanation developed in the thesis is an incremental but important addition to existing constructivist approaches. I believe the logic of explanation developed here adds to the existing constructivist institutionalist and political economy literatures in two ways.

First, it highlights the way in which interactions between indeterminate but path-dependent institutional structures and purposive agents can produce contradictions within those institutions and their associated policy outputs over time. These are the product of tensions between actors' preferences, the path dependent trajectory of institutions, and the unexpected outcomes of actors' choices within a complex and ambiguous institutional environment.

Second, it operationalises the analytical distinction between strategic and reflexive discourse (Rosamond 2000b; Hay and Rosamond 2002) and explores the way in which particular discursive strategies can be more or less plausible in persuading actors to accept particular policies or actions as legitimate or necessary. Such strategic discursive appeals are more likely to succeed where the actors in question invoke shared institutional norms, rules or understandings as congruous with their desired outcome.

However, these insights combine to suggest that such discursive strategies can be and often are problematic. Whilst they may initially be projected in an apparently coherent and plausible way, appeals to institutional imperatives can all too easily fail to take account of path dependencies that shape eventual policy outputs in unintended and contradictory ways.

The insights developed above suggest new ways of looking at EU policy implementation, transfer and diffusion. In particular I draw attention to linkages between internal policy formation processes and their external impact. The thesis takes much from existing constructivist approaches to EU external action. I

suggest, however, that the contingent historical processes through which the EU's external projections are produced, operationalised and change over time need to be subject to greater interrogation and analysis. Similarly, the policy diffusion and transfer literature, whilst productive of insights about the impact of different types of EU policy mechanisms, tends to regard these as unproblematic rather than the product of contested processes of construction by historically embedded agents. Likewise, the contingent and often-contested nature of processes of policy implementation are often sidelined within the existing policy diffusion literature, particularly its rationalist variants. I have argued in this thesis that a theoretical approach that emphasises path dependence, contingency, agency and the role of ideas can produce more incisive accounts of policymaking processes and the consequent limitations of EU external action.

8.5 Future Research Agendas

The conclusions of this thesis suggest further research in the following broad areas: (a) empirical and analytical extensions of the research; and (b) refining and developing the theoretical tools employed within the thesis. I briefly outline some possible research agendas in these two areas below.

Empirical and Analytical Extensions

Recent calls have been made for studies of EU trade and development relations with the Global South to move beyond a narrow focus on the EPAs and the ACP countries (see Carbone and Orbie 2014). Insights delivered in this thesis may be useful in shaping and furthering this broader research agenda. Specifically, future research might take the existing constructivist literature on EU external action as a starting point and seek to interrogate the intellectual underpinnings of the model of liberal economic governance promoted by the EU through its external relations with the Global South and the evolution of this model and its associated policy outputs over time.

A comparative approach might be most interesting here. This would seek to draw out the tensions and complexities within the EU's approach to relations with the

wider the Global South and their implications for the external reach of the EU's policy projections. As I have suggested in this thesis, the EU's external relations are characterised by a variety of overlapping and potentially contradictory norm-based arguments, material conditionalities and institutional imperatives. Further, the EU's external projections are embedded within the particular historical trajectory of European integration. A comparative approach would aim to bring out the different ways that these tensions and contradictions are resolved within different aspects of EU relations with the Global South and to investigate the implications of this for the EU's ability to bring about policy and institutional changes in partner countries and regions. Specifically, future research might seek to compare the way in which the EU's external projections are articulated and pursued within a variety of contexts, including (a) different institutional configurations within the European Commission and different regional desks within the External Action Service; and (b) relations with different external partner countries and regions. This comparison could span a range of key EU partnerships, including EU-ACP relations, EU-Africa relations, the European Neighbourhood Policy, EU relations with the Horn of Africa, the Sahel and the Gulf of Guinea, and bilateral relations with key regional partners like South Africa and Nigeria (ECDPM 2013, p. 16).

In order to build upon the insights gleaned from my detailed case study of the SADC-minus EPA negotiations, such a comparative study might also consider the development trajectories and purposive decisions of agents in counterpart countries and regions. Further studies might ask what sort of discursive techniques and material incentives promote policy diffusion in these different contexts. As well as the discursive invocation of external institutional constraints, then, it might be useful to consider whether effective discursive action on the part of the EU requires its policymakers to tell stories that represent a good 'fit' with development trajectories and preferences in particular contexts within the Global South (see Broome and Seabrooke 2007; 2012).

On the other side of the equation, the theoretical insights developed in this thesis could be used to develop a contribution to the emerging literature on African agency (see Chapter Six). The findings of this thesis suggest that even in

situations characterised by a high degree of structural asymmetry, the actions of historically embedded African agents can have an important bearing on the outcome of international political processes. Further study might seek to extend this insight by comparing the strategies that African agents pursue in situations characterised by greater and lesser extremes of structural inequality and the outcomes that these produce. The focus of such a study would be upon (a) the implications of different historically embedded institutional structures within developing countries for these processes of international engagement, and (b) the strategies employed by strategic and purposive developing country agents and their success or otherwise.

In addition, the insights generated by this thesis might make a contribution to an important strand of research within EU studies and political economy that focuses on the impact of the global financial crisis of 2008, in particular in relation to the intellectual foundations of the European project. My argument in this thesis made little reference to the financial crisis, since the process by which the EU's agenda for the EPAs was challenged and undermined began before the crisis and seemed to operate somewhat independently of it. However, in the light of my suggestion that a neoliberal development model underpinned the recasting of the Lomé Convention, it would be interesting to investigate the extent to which this neoliberal paradigm still underpins the EU's external economic relations with the ACP countries and the broader Global South after the crisis. In this sense, we might provide a test of Colin Crouch's (2011) 'strange non-death of neoliberalism' thesis in relation to EU external relations. This stands in contrast to most research on the resilience of European neoliberalism, which concentrates on Europe's internal political economy and policy directions (see, for example, Schmidt and Thatcher 2013; for an exception, see Orbie and De Ville 2014).

Two important challenges to the neoliberal underpinnings of EU external relations after the crisis might be identified. First, the crisis exposed a number of frailties within the European model of economic governance and provoked doubts about its appropriateness as a template for economic governance elsewhere in the world. This is particularly the case with regard to the crisis in

the Eurozone and the doubts that this has cast over a number of African regions' plans to pursue European-style currency union (see, for example, Mbogo 2010). Second, the changing global distribution of power means that the EU faces increasing competition for influence in the Global South from countries that are potentially much more sympathetic to, or permissive of, heterodox development strategies. My discussion of the EPA negotiations after 2007 suggests a more pragmatic stance from the EU in this period, in that it was willing to grant concessions to ACP countries in order to draw a line under the EPA negotiations and bring them to a conclusion. However, interviews also suggested a continued European belief in the development benefits of comprehensive ACP liberalisation via the EPAs.¹¹³ Further research might centre on the European Commission's (2011) *Agenda for Change* development strategy, launched in 2011. This – despite its name – suggests a number of continuities in the EU's attempts to use trade, aid and diplomacy to promote a liberal model of economic governance beyond its borders.

Beyond empirical research aimed at extending the scope of the literature on the persistence of neoliberalism as a policy paradigm after the crisis, my theoretical insights might provide a wider contribution to this debate. Existing institutionalist accounts of the persistence of neoliberalism treat institutions primarily as a constraint on actor behaviour, preventing agents from exploring the alternatives to neoliberalism. My approach, by contrast sees institutional structures not only as path-dependent constraints, but also as ambiguous structures that might be deployed as a strategic discursive resource. In the case of the resilience of neoliberalism, we might consider the ways in which agents with a (perceived) interest in the continuation of neoliberalism as the dominant policy paradigm deployed strategic references to institutional structures in order to effectively make the case for the persistence of neoliberal policies. It would also be interesting to investigate tensions that might arise within such discursive strategies and thus possibilities that these create for the contestation of neoliberal practices, ideas and policies. One obvious issue-area where the merits of such an approach to understanding the resilience of neoliberalism might be explored is in

¹¹³ Interviews 1 and 3 (DG Trade); Interview 5 (DG DEVCO); Interview 8 (EEAS).

trade policy. Here, commitments to free trade have remained surprisingly robust in the face of the crisis (see Siles-Brügge 2014b) and it might be useful to consider the role of strategic appeals to WTO rules in bringing about this resilience.

Theoretical Extensions

In this thesis, I sought to build upon existing constructivist theoretical approaches by articulating a logic of analysis that combined insights from historical and ideational branches of institutionalist thought. This is an emerging research agenda and there is certainly more that could be done to refine and expand the theoretical insights and methodological approaches offered here.

For example, in the thesis I suggested that social institutions – rules, norms, shared understandings – are ambiguous and open to different interpretations and responses from purposive agents. It is clear, however, that some of these institutions are more taken for granted and cemented within intersubjective understandings than others. A future theoretical agenda might seek to further investigate the conditions under which shared understandings are amenable to interpretation and contestation and the conditions under which they acquire more fact-like and immutable status.

The addition of further intermediate analytical structures might contribute to the creation of a more nuanced and articulated analysis of the role of ideas and ideational elements in social process than that advanced through this thesis. According to Parsons' (2007, p. 96), ideational elements include practices, symbols, norms, grammars, models, beliefs, ideas, and/or identities. This thesis has referred very broadly to agents' ideas and has sought to highlight their role in policymaking processes. This focus on ideas might be disaggregated into a more subtle analysis of different ideational elements and their different roles in the construction and articulation of policy projections.

Finally, conducting this research has also demonstrated very clearly to me some of the challenges of ‘showing ideas as causes’ (Parsons 2002) within empirical political analysis. I sought in this thesis to go beyond existing constructivist analyses of ideas such as ‘neoliberalism’, ‘globalisation’ and ‘competitiveness’ at a very broad level of abstraction. Instead my aim was to investigate the concrete processes through which real actors deployed specific ideas within a complex policymaking process. I outlined in the introduction a range of methodological strategies for doing this. I hope that I have used these methods to successfully demonstrate that ideas played an important role in the design of the aims and tools of the EPA project and its contestation by ACP agents. However, the breadth of the empirical enquiry and material within this thesis (from the various Directorates involved in EU policymaking to the regional politics of Southern Africa) made it a challenge at times to focus in on the micro-level of ideational analysis. The continuing challenge for constructivist scholars, then, is to develop ways of tracing ‘ideas in action’ and their use by specific individual and collective actors, without losing sight of broader political processes and dynamics.

Appendix: List of Interviews

Interview Number	Description of Interviewees	Place	Date
European Commission – DG Trade			
1	DG Trade officials (x2)	Brussels	17 Oct 2011
2	Former DG Trade official	Gaborone	13 Mar 2012
3	Former DG Trade senior official	Brussels	10 May 2012
4	DG Trade officials (x2)	Brussels	10 May 2012
European Commission – DG DEVCO			
5	DG DEVCO officials (x3)	Brussels	25 Oct 2011
European Commission - EEAS			
6	EEAS official	Brussels	20 Oct 2011
7	EEAS official	Brussels	24 Oct 2011
8	EEAS officials, EU delegation (x2)	Gaborone	16 Mar 2012
9	EEAS official, EU delegation	Pretoria	20 Mar 2012
South Africa government			
10	SA Department of Trade and Industry senior official	Brussels	11 May 2012
11	SA Department of International Relations and Cooperation senior official	Pretoria	27 Mar 2012
12	SA Department of Trade and Industry senior official	Pretoria	20 Mar 2012
13	SA Department of Trade and Industry senior official	Pretoria	20 Mar 2012
14	SA Embassy official	Brussels	19 Oct 2011
South Africa business/agriculture			
15	Business Unity South Africa official	Johannesburg	23 Mar 2012
16	Member of Agriculture Trade Forum	Cape Town (by phone)	2 Apr 2012
Namibia government			
17	Namibia trade official	Brussels	21 Oct 2012
18	Namibia trade official	Brussels	21 Oct 2012
19	Namibia Embassy official	Brussels	8 May 2012
20	SADC official and former Namibian trade official	Gaborone	12 Mar 2012

Angola government			
21	Angola Embassy senior official	Brussels	11 May 2012
Botswana government			
22	Botswana Embassy official	Brussels	27 Oct 2011
23	Botswana Ministry of Trade and Industry senior official	Gaborone	16 Mar 2012
SADC			
24	Former SADC official	By email	25 Sep 2012
25	SADC official	Gaborone	15 Mar 2012
26	SADC official and former Botswana trade official	Gaborone	14 Mar 2012
ACP			
27	Former senior ACP representative	Brussels	24 Oct 2011
28	ACP Secretariat official	Brussels	9 May 2012
Commentators			
29	EPA experts – think tank (x2)	Brussels	10 May 2012
30	EPA expert – University of Cape Town	Cape Town	4 Apr 2012
31	Southern Africa expert – University of Cape Town	Cape Town	3 Apr 2012
32	EPA expert – think tank	Pretoria	26 Mar 2012
33	EPA expert – think tank	Pretoria	22 Mar 2012
34	EPA expert – think tank	Cape Town	27 Feb 2012
35	EPA expert – think tank	Cape Town	23 Feb 2012
Civil society			
36	Civil society representative	Brussels	18 Oct 2011
37	Civil society representative	Brussels	19 Oct 2011
38	Civil society representative	Brussels	27 Oct 2011
39	Civil society representative	Cape Town	5 Mar 2012
40	Civil society representative	Gaborone	16 Mar 2012
41	Civil society representative	Brussels	2 Apr 2012

List of Abbreviations

AAMS	Associated African and Malagasy States
ACP	African, Caribbean and Pacific (group of countries)
AGOA	African Growth and Opportunity Act
ANC	African National Congress
ASEAN	Association of Southeast Asian Nations
BLNS	Botswana, Lesotho, Namibia and Swaziland
CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum
CEN-SAD	Community of Sahel-Saharan States
CEMAC	Economic and Monetary Community of Central Africa
COMESA	Common Market of Eastern and Southern Africa
COSATU	Congress of South African Trade Unions
DG	Directorate General (of the European Commission)
DEVCO	(DG) Development and Cooperation
EAC	East African Community
EBA	Everything but Arms
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEAS	European External Action Service
EPA	Economic Partnership Agreement
EU	European Union
EEC	European Economic Community
ESA	Eastern and Southern Africa (EPA grouping)
FDI	foreign direct investment
FRELIMO	Mozambique Liberation Front
FTA	free trade agreement
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
GEAR	Growth, Employment and Redistribution (programme)
GSP	Generalised System of Preferences
IGAD	Intergovernmental Authority on Development
IMF	International Monetary Fund

IOC	Indian Ocean Commission
LDC	Least Developed Country (UN classification)
Mercosur	Common Market of the South
MFN	Most Favoured Nation
MPLA	People's Movement for the Liberation of Angola
NEPAD	New Partnership for Africa's Development
NGO	non-governmental organisation
NIEO	new international economic order
OPEC	Organisation of Petroleum Exporting Countries
REC	Regional Economic Community (of the African Union)
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference
SADC-minus	Southern African Development Community (EPA grouping)
TDCA	Trade, Development and Cooperation Agreement
UMA	Arab Maghreb Union
UNCTAD	United Nations Conference on Trade and Development
WTO	World Trade Organisation

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