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Asymmetric bargaining and development trade-offs in the CARIFORUM-European Union Economic Partnership Agreement

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of developing countries in relation to a whole range of 'WTO-plus' North-South regional

and bilateral FTAs. On this basis, the article stands back from the complex details of the agreement to analyse its wider significance, especially in terms of the presumed trade-off between the immediate economic benefits of improved and more secure market access, against the longer term costs of sacrificing the regulatory autonomy, or policy space, deemed necessary to pursue the type of trade and industrial policies deployed successfully in the past by both developed and (some) developing countries. Put simply, the article seeks to ascertain why ultimately CARIFORUM signed an agreement, what it gained from the negotiations and at what cost.

Q KEYWORDS: African, Caribbean and Pacific group asymmetric bargaining; CARIFORUM economic partnership agreements European Union policy space

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Notes

1. The Caribbean Community (CARICOM) was established in 1973. It is a regional organisation of Caribbean states. CARICOM's main objective is to promote economic integration and development among its members. CARICOM is a signatory to the CARIFORUM – European Union Economic Partnership Agreement (EPA). CARICOM members include Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Suriname and Trinidad and Tobago. CARICOM members have generally refused to sign only to do so five days later on 20 October. Haiti, which qualifies for EU

unilateral trade preferences as a Least-Developed Country (LDC), signed on 11 December 2009.

2. Cotonou Partnership Agreement, Article 36.1.

3. The rest of the article draws extensively on interviews and background briefings with CRNM staff, government officials, representatives of private sector and other relevant non-governmental organisations, conducted in the Caribbean in January–February 2009. It also draws on a series of follow-up interviews conducted by Matt Bishop with EU and Caribbean officials in Brussels and Geneva in February 2009. I would like to thank Matt for very kindly giving me access to the transcripts from these interviews. At the request of interviewees, all subsequent references made to the interviews are anonymous.

4. World Trade Organisation (WTO), 'Regional trade agreements', http://wto.org/English/tratop_e/region_e/region_e.htm (accessed 16 June 2009).

5. Many of these coalitions are cross-cutting in membership and policy objectives. In terms of the issues explored in this article, it is notable that through membership in these coalitions Chile, Colombia, Costa Rica, El Salvador, Guatemala, Mexico and Peru have all fought against the Singapore issues while simultaneously agreeing to such measures in FTAs with the US. Likewise, members of CARICOM at various points in the run up to the Cancun Ministerial met to discuss the Singapore issues of the same issues with the US. CARIFORUM

6. This has been the case between the G. W. Bush administration and the Caribbean Community of 'fast track' or 'flexibilities in the 'rule of law' stipulations. The Caribbean Community would be entitled to the revised version of the Singapore issues. It could have been resolved in the Caribbean, hence providing an opportunity. See, for more



7. In the case of the 1975 Sugar Protocol (SP), for example, the ACP benefited from a complex system of supply-side management, domestic-price support, export subsidies and import protection, which created guaranteed export prices for eligible sugar producers approximately three-times higher than average world market prices. On the reform of the SP, see fn. 12.

8. As John Ravenhill ([2004](#): 120) explains, the main rationale for the creation of the ACP was to find a means of accommodating Britain's former colonies but to somehow exclude the Asian Commonwealth, because the economies of India and Pakistan, even though classified as low-income, were comparatively large and sufficiently diversified to be perceived as a threat by import-competing interests in Europe. The happy coincidence of geography and development thus provided a solution, on the grounds that the economies of Africa, the Pacific and the Caribbean were of a 'comparable economic structure' and unlike the larger and more diversified economies of South Asia. The demarcation was hardly ideal, however, since it led to the bizarre situation where the Bahamas was included on development criteria but not Bangladesh! (Ravenhill, [2004](#): 145, fn. 4).

9. In November 2007, the five countries of the East African Community (EAC) - Burundi, Kenya, Rwanda, Tanzania and Uganda - broke away from the East and Southern Africa 'region' and signed a separate interim agreement with the EU, thus creating a seventh ACP group.

10. Interim trade agreements between the EU and the ACP groups are more numerous than the ones between the EU and the former colonies. In the context of the Cotonou Agreement, it is clear in this sense that the EU offers a more liberal trade regime than the one that it offers to the former colonies except arms and munitions. For instance, the Cotonou Agreement provides for the highest level of trade liberalisation, allows 'flexibility' in the sense that it seems like it allows for more liberalisation. It is pointed out that the Cotonou Agreement is more liberal than the one that the EU offers to the former colonies. (Ravenhill, [2003](#)). This is for WTO-Consistency Agreement.



11. Confidential interviews: Geneva, Switzerland, February 2009; Kingston, Jamaica, January 2009.

12. It is worth noting that, during the 30th Annual Conference of CARICOM Heads of Government, held in Guyana 2-4 July 2009, the decision was taken to rename the CRNM as the Office of Trade Negotiations (OTN) and to redefine its operational remit. Among other things, the OTN has now been re-incorporated into the CARICOM Secretariat. These changes are seen as a direct result of the fallout from the EPA negotiations, where the quasi-autonomous status of the CRNM was widely criticised in the region. The controversy surrounding the CRNM provides an interesting commentary on the EPA process as a whole, which is premised on using collective regional institutions to negotiate what are in effect a series of bilateral FTAs.

13. Confidential interviews with CRNM officials, Geneva, Switzerland, February 2009.

14. Confidential interviews, Jamaica, 29 January 2009.

15. Along with the justifications dealt with here, the CRNM (2008: 2) policy briefing also mentions the importance of EPA as a 'forceful signal - to both investors and development partners - of the earnestness of a [sic] Caribbean's programme of economic reform'.

16. In 2008, the Caribbean Community (CARICOM) and the European Union (EU) agreed to a new trade agreement that would have led to an immediate reduction in the final MFN tariff rate on one of the most important export prospects for the Dominican Republic. The Dominican Republic followed the announcement of the unilateral reduction of the domestic tariff rate by the Caribbean Community (CARICOM) (St. Kitts and Nevis), and the Dominican Republic approximated the ability



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to offset the effects of the price reduction by increasing the volume of exports is

tempered by the presence of an 'anti-surge' safeguard mechanism within the CARIFORUM agreement. Furthermore, Caribbean sugar producers have faced significant price competition since September 2009 when beneficiaries of the EBA became eligible for duty- and quota-free treatment, while the EPA does little to assuage the probability of further EU price reductions as part of the ongoing reform of the CAP.

17. Confidential telephone interview with a senior CRNM official, Kingston, Jamaica, 8 January 2009.

18. Confidential interviews, Geneva, Switzerland, 3 February 2009.

19. Confidential interviews: Geneva, Switzerland, February 2009; Kingston, Jamaica, January 2009.

20. Although Article 24 of GATT 1947 stipulates that FTAs must cover 'substantially all trade' (hence the need for reciprocity), in practice WTO members have been unable to agree on what in strict legal terms this actually means - to the extent that the Committee on Regional Trade Agreements has been unable to reach agreement on the legality or otherwise of any of the current crop of FTAs. In its previous FTAs the EU has adopted a quantitative interpretation of 90 per cent of all trade - thus enabling it to exempt much of agriculture from market opening commitments - and this seems to be the template that has been followed by CARIFORUM members. Since the EU has

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Singapore, Mexico, Taiwan, the Association of South East Asian Nations (ASEAN) and the Southern Common Market (MERCOSUR) without offering MFN treatment to the EU.

22. The 1984 CBERA stipulates that eligible countries must not provide preferential treatment to products of developed countries that are likely to have adverse effects on US commerce. It remains to be seen whether or not the CARIFORUM agreement falls into this category, but it is at least theoretically possible that US officials could invoke this provision to justify withholding preferences or, perhaps more likely, insist on reciprocal market access equivalent to EPA.

23. Confidential interviews, Ministry of Trade, Belmopan, Belize, 3-6 February 2009.

24. During the Hong Kong ministerial in 2005, the EU pledged to contribute €2 billion a year to the WTO's Aid for Trade fund by 2010 - half coming from the Commission and half from member states. This commitment is, however, far from assured: a 2008 European Commission report (cited in South Centre, [2008b](#): 22) acknowledged that while the Commission itself was close to reaching its annual €1 billion contribution, members states would need to increase their collective spending by approximately 56 per cent in order to match the Commission's contribution. It hardly needs to be added that the onset of the global financial crisis makes the likelihood of this happening even less likely.



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