

The Caribbean EPA Affair: Lessons For The Progressive Movement¹

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Introduction

In October 2008 14 members of the Caribbean Community (Caricom) and the Dominican Republic signed an 'Economic Partnership Agreement' (EPA) with the European Union that will govern relations between the two regions for the indefinite future. The signing came after one of the most intense and divisive public debates in the recent history of Caricom. The debate over the pros and cons of the EPA was not just about trade policy: it raised wider issues of Caribbean development policy and strategy, the role of regional integration and the manner of engaging with globalisation. These issues will continue to have currency as the region grapples with EPA implementation, with other trade negotiations and with the future of its own integration movement.

This paper explores the lessons of the EPA affair for the regional progressive movement. It is particularly concerned with issues of ideology, power, governance and politics. It argues that the EPA institutionalises a relationship of asymmetrical power with the European Union based on the principles of neoliberal globalisation; that it was secured through the manipulation of a highly asymmetrical power relationship and the use of neoliberal thinking to provide theoretical cover for commercial motives; and that the affair threw into sharp relief certain deficiencies in Caricom governance as well as the political weakness of the regional progressive movement. The title of the paper highlights three techniques which were employed to great effect to bring about the desired result. *Technification* refers to the conduct of the negotiations in technical terms inaccessible to the general public, hence serving as instrument of political exclusion; *sweetification* describes the process by agreement is presented to decision-makers and the general

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public as one likely to generate substantial economic benefits; and *treatyfication* refers to incorporation of the agreement into a legally binding international treaty with muscular enforcement machinery, hence circumscribing the actions of present and future governments.

1. Power and Ideology in the Caribbean EPA

The establishment of the World Trade Organization (WTO) in 1995 signalled the eventual demise of the one-way trade preferences granted to the members of the African-Caribbean-Pacific (ACP) group of countries by the European Community (EC) under the Lomé Convention². The WTO instituted a multilateral ‘rules-based’ regime of world trade based on neoliberal principles of market liberalisation, deregulation and reciprocity of market access. Following several successful legal challenges from the United States (on behalf of its multinational corporations) with the support of Latin American banana exporters, in 1999 the WTO ruled that the Lomé preferences were in violation of WTO rules. In 2000 the Lomé Convention was replaced with the Cotonou Partnership Agreement (CPA,) which mandated the negotiation of ‘WTO-compatible’ trade arrangements, in the form of ‘Economic Partnership Agreements’ between the EC and the ACP. In place of the all-ACP trade arrangement of Lomé there would now be separate EPAs with different ACP regions in Africa, the Caribbean (with the ‘Cariforum’ Group³) and the Pacific. The EPAs were to be negotiated over 2001-2007; and the EU and the ACP secured a waiver from the WTO membership to allow the Lomé preferences to remain during that period.

In the ensuing negotiations the European Commission Directorate for Trade (ECDT) placed EPAs in the context of its global trade policy objectives. These were spelt out formally in its ‘Global Europe’ strategy document (European Commission 2006b). The policy calls for the EU to “pursue bilateral trade agreements (BTAs) aimed at securing favourable conditions for European businesses in with major emerging economies

² The Lomé Convention, which lasted from 1976 to 2000, gave duty free access to the European market for the majority of ACP exports. See European Commission (2006a)

³ i.e. the 14 member states of Caricom and the Dominican Republic,

(Seattle to Brussels Network 2008). ECDT officials came to define delivery of the ‘sustainable development’ promised in the Cotonou Agreement in terms of incorporation of the Global Europe agenda into EPAs (European Commission 2008). The ECDT’s main negotiating objectives in EPAs were (a) to ensure duty free treatment for EU exports in ACP markets, (b) secure legally binding commitments from ACP governments to reform their customs and trade administration systems in order to facilitate trade with Europe, (c) securing enhanced access to ACP natural resources including energy, mineral resources and forestry, (d) secure access to ACP services industries beyond that provided by the WTO, (d) expanding the scope of EPAs beyond that of the WTO agreement to include rules on Investment, Government Procurement and Competition and detailed regulations for service industries. The Europeans called these ‘Full’ or ‘Comprehensive’ EPAs, implying that any agreement falling short of this would be an inferior instrument.

The EPA negotiations took place in a context of a highly unequal power relationship. The 27-nation, 500 million population EU is the world’s largest trading bloc and claims to be the largest provider of development aid in the world; the 76-nation ACP contains many of the world’s poorest countries. The ECDT commands resources in the negotiations process that are vastly superior to those of the ACP. Hence, the EU aid programme for the ACP⁴, and access to the European market for ACP exporters, were manipulated by European officials to secure ACP compliance with their negotiating objectives. A variety of ‘divide and conquer’ and ‘carrot and stick’ strategies and tactics were brought into play. Intra-ACP divisions were created and encouraged: the EU insisted that separate EPAs would be negotiated with six different regional groups, which undermined ACP collective bargaining power. When resistance to European demands was encountered by one country in a regional group; European officials by-passed it and negotiated with a

⁴ In 2006 the European Commission promised EU 22 billion to the ACP for the years 2018-2013 (European Commission 2006a). Although this money is supposed to be available whether or not a country signs an EPA, in practice the Caribbean allocation has been tied to EPA implementation (see European Commission 2008b: 41, 22) The EU is also giving ‘direct budgetary support’ to Caribbean Governments (Jamaica 2008: 9-10); and promised that 50 percent of the funding from its ‘Aid for Trade’ (AfT) initiative will be allocated to the ACP (European Commission 2008b: 22) on a ‘first come, first served’ basis—an invitation to ACP states to compete among themselves for the limited aid pie.

sub-group or with individual countries. The Least Developed Countries, an internationally defined category that includes the world's poorest countries, were granted duty free access to the EU market in 2001, hiving them off from their respective regions and increasing pressure on non-LDCs⁵ to conclude EPAs so as not to be disadvantaged. European officials also hinted that groups that showed readiness to negotiate 'Full' EPAs would get priority in EU aid allocations; and flattered cooperative ACP negotiators.

European officials relied on neo-liberal reasoning to justify their demands for 'Full' EPAs. Basically their argument was that trade and investment liberalisation would be ipso facto good for growth, which would lead automatically to sustainable development and poverty reduction⁶. These arguments have been widely rebutted on empirical and theoretical grounds (Chang 2002; UNDP 2003; Stiglitz and Charlton 2005; Thomas 2008c; Brewster 2008b). The scepticism was shared by senior ACP officials. Early in the negotiations the chief Cariforum EPA ministerial spokesperson stated the region's position (that) "neither trade nor market access by themselves are sufficient to promote development" (Miller 2005:1)⁷. In December 2007 the ACP Council of Ministers declared that in the EPA negotiations "The European Union's mercantilist interests have taken precedence over the ACP's developmental and regional integration interests" (ACP 2007:1). Most African and Pacific countries opposed the ECDT's demands to negotiate 'Full' EPAs or dragged their feet in the negotiations.

A critical development, however, was the agreement of the Cariforum group to negotiate a 'Full' EPA and the substantial progress made by negotiators in arriving at an agreed text on those aspects of the agreement that went beyond the scope of the WTO agreement. Cariforum negotiators reasoned that, by being the first to sign a 'Full' EPA, the region would have the leverage to obtain significant development assistance (CRNM 2007a). It was also argued that there would be increased opportunities for the export of

⁵ In the Cariforum group only Haiti is classified as an LDC.

⁶ European Commission documents refer to the EPAs as providing for 'progressive (removal) of barriers to trade' and 'enhancing cooperation in all areas relevant to trade'; and made assertions that 'EPAs (are) an instrument for development... by establishing a stable, predictable and transparent framework for economic and trade relations between the ACP countries and the EU' (European Commission 2002).

⁷ Minister Miller went to point out that 'countries suffering from capacity constraints and institutional inadequacies will not be able to make the best use of market access, even under preferential terms'.

services; in which the Caribbean has a major interest (CRNM 2007b); and that investment liberalization would serve to attract additional foreign investment. The last point is similar to the arguments presented by the European Commission⁸.

The strongest weapon in the European arsenal was the threat to impose punitive tariffs on ACP countries that did not reach agreement by the stipulated deadline of December 31, 2007. The legal basis of this threat was the expiry of the WTO waiver but, as observers have pointed out, the European Commission had several options available other than the one it chose to employ (Stephens 2007; Bartels 2007). The threat was in direct breach of an undertaking in the Cotonou agreement; it was in fact a cynical manoeuvre that took advantage of the naivety of ACP countries in continuing to believe in the good faith of EU officials in spite of evidence in the contrary. In the case of Cariforum, the threatened tariffs would have resulted in significant economic dislocation in several industries including bananas, sugar, rice and light manufactures; which are major employers of labour and well-organised politically. This was the decisive factor in the capitulation of Caricom leaders to European demands on the outstanding issues⁹ at their meeting in December 2007¹⁰. The Cariforum 'Full' EPA text was initialled on December 16, 2007¹¹. 18 other non-LDC ACP countries signed 'Interim' EPAs, by which the EU agreed not to impose tariffs on their exports on condition that they agree to continue negotiations for 'Full' EPAs. As an expert in international trade law put it, the deadline of December 31 2007 had been 'manufactured' (Bartels 2008). Nothing much had changed since a UK

⁸ "The Parties agreed to investment liberalization in the EPA, in order to establish rules that facilitate the easier flow of investment across the borders of the European Union and all CARIFORUM countries and a reduction in discriminatory treatment of foreign investors within their respective territories, and greater predictability and transparency. Such an agreement will benefit CARIFORUM countries in terms of transfer of technology, creation of jobs, quality products and services; while creating a more favourable investment climate for their investors in the European Union". (CRNM 2008b)

⁹ The remaining points of disagreement concerned the percentage of Cariforum imports to be liberalised and the European demand for inclusion of a 'Most Favoured Nation' clause that would give the EU the same treatment as that afforded in any future trade agreement with China, India, Brazil and other large South economies.

¹⁰ See the letter of 25 November 2007 from the President of the European Commission to Caricom leaders threatening disruption of their trade with the EU if agreement were not reached within a matter of weeks (Barroso 2007).

¹¹ The documents containing the EPA are available at www.crn.org and at <http://www.normangirvan.info/official-text-of-the-epa/>. For further details see select references to this paper.

Parliamentary Committee had reported being “appalled at the cynical, manipulative way the EU was handling the (EPA) negotiations”¹². In the words of Clive Thomas, the Cariforum EPA had been obtained ‘through a mixture of blatant bullyism, bribery, cajolery, deception, intellectual dishonesty and plain bluff’; the EU ‘had ‘worked’ a monumental deception on the region’ (Thomas 2008a).

III. The EPA controversy, 2008

During most of the period of the negotiations the EPA received only limited and sporadic media attention. Caribbean NGOs had organised anti-EPA demonstrations in some countries as early as 2004, but these were relatively small, were not region-wide and were not sustained. However, a major controversy emerged as the EPA negotiations were finalised towards the end of 2007, reaching its peak in the period between the initialling of the negotiated text in December 2007 and the ministerial signing of the EPA in October 2008.

The issues in the EPA controversy were both about the process by which the agreement had been made and the substance of the agreement itself. The pro-EPA camp included officials of the Caribbean Regional Negotiating Machinery (CRNM), heads and ministers of regional governments, other government officials, export industry representatives, media commentators and senior European Commission officials. EPA critics and protestors included at least one head of government, senior academics, former senior Caribbean officials, civil society representatives, labour unions, several Parliamentary Opposition parties, media commentators; and several international NGOs, ‘think tanks’ and experts¹³. The exchanges were at times marked by extreme animosity, with one Prime Minister accusing the critics of ‘mendicancy’. In the post-colonial period in the Anglophone Caribbean the EPA affair was virtually unprecedented in exhibiting a public

¹² Report of the Select Committee on International Development of the UK Parliament on progress of the EPAs (2004-2005); cited by Thomas (2008b),

¹³ Media tracking of the debate by this writer at <http://www.normangirvan.info/epa-in-the-media/> shows a total of nearly 400 items between January 2008 and April 2009.

fracturing of consensus among the region's elites on the future direction of the region's development and the manner of its engagement with the global economy¹⁴.

On process, the critics argued that, given the agreement's wide scope, legally binding nature and indefinite duration; was inadequate public education and understanding of the agreement among stakeholders and the general public. They called for a process of public education, consultation and review; for extending the duration of negotiations to allow more time for these processes to take place; for renegotiation of the initialled text; and for building and consolidating alliances with the ACP group and sympathetic voices in Europe to bolster the Caribbean's bargaining position. Finally, they lobbied for a mandatory review provision to be inserted into the agreement at the time of signature. The CRNM, on the other hand, pointed out that national consultative committees had been formed in Caricom member states and consultative groups established in key industries such as sugar, manufacturing and services. Numerous meetings of consultative bodies had been held, providing feedback into the negotiations. Governments had been kept informed and had approved negotiating positions taken at every stage. Finally, it would be unwise and impractical to re-open the initialled text for renegotiation, as Cariforum could end up with a less advantageous agreement.

The agreement itself was presented to the Caribbean public as being the best deal possible under the circumstances, containing several innovative and advantageous features. Defenders argued that 'the era of preferences is over' and that the WTO rules require reciprocity. The good thing is that had 'locked in' duty free quota free (DFQF) access to the EU market; while the region had obtained permanent exclusion from duty free treatment of 13 percent of its imports from Europe, including many sensitive agricultural items; with an extended period of liberalisation lasting up to 25 years for the

¹⁴ The summary which follows draws on the numerous documents related to the Cariforum EPA on the website of the CRNM www.crn.org, and at <http://www.normangirvan.info/cariforum-ec-economic-partnership-agreement-epa/> including the 'Open Letter' to Caricom Heads by Havelock Brewster and others; statements by 'Concerned Citizens, The Caribbean Policy Development Centre (CPDC), and the Caribbean Labour Congress (CLC); papers by Havelock Brewster, Norman Girvan, Vaughan Lewis and Clive Thomas, and on media articles and reports on statements by Dennis Pantin, Prime Minister Bruce Golding, President Bharrat Jagdeo, Sir Shridath Ramphal, Sir Ronald Sanders, Rickey Singh and other newspaper commentaries posted at <http://www.normangirvan.info/epa-in-the-media>

remainder. The region's future lay in the export of services; and the EPA provides access to the European market under the EPA for in 29 categories of services exports for firms and 11 categories for self-employed professionals; unprecedented in the WTO and in the EU's bilateral agreements. The EPA had strong 'development dimension', with the first chapter devoted to a trade partnership for sustainable development, and provisions for development cooperation running through other chapters including agriculture, tourism, innovation and the environment. In concluding the agreement Cariforum would be 'first in the line' to access EU Aid for Trade. The EPA would support regional integration by bringing the Dominican Republic into a common regime with Caricom in trade in goods and services, movement of capital, and 'trade-related policies' and would boost completion of the Caricom Single Market and Economy. Several exceptions, safeguards and flexibilities had been built into the agreement to protect Caribbean interests.

The critics' concerns covered several areas. First, development assistance provisions in the EPA were not quantified and time-bound, and therefore not monitorable or legally enforceable. This fell far short of the resources needed to support adjustment and transformation of regional economies to respond to liberalization of trade and investment with the much larger and more developed regional economies. Second, the agreement should contain concrete plans and programmes to help equip Caribbean firms to cope with competition, synchronised with the phasing of import liberalisation. Third, the right of regional governments to protect the market position of Caribbean firms and to foster their development was limited by provisions requiring equality of treatment for EU firms. Fourth, DFQF access for the majority of Caribbean exports to Europe had existed since 1976; but non-traditional exports had hardly grown; due to other barriers to entering the European market which had not been adequately addressed by the EPA. These included restrictive 'Rules of Origin' and limited ability to compete because of small size and limited capital and technology. Fifth, export of services to the EU was likely to be frustrated by the stringent eligibility requirements laid down in the agreement.

Sixth, the 'WTO-plus' scope of the EPA was unnecessary to meet WTO rules; would limit the development policies of Caricom governments and would pre-empt the rules to

be laid down in completing the CSME. These provisions would also undermine the negotiating position of the ACP and the developing country bloc in the WTO; and compromise future negotiations by Caricom with other trade partners. Seventh and relatedly, the EPA would marginalise the CSME and foreclose the strategy of consolidating the regional economy as a platform for engaging with the world economy. Eighth, the EPA's 'Most Favoured Nation Clause' would hinder development of trade relations with emerging economies of the South including China, India and Brazil. Ninth, the Regional Preference clause of the EPA would effectively abolish the special treatment granted to the Caricom's 'Less Developed Countries' (LDCs, principally the members of the Organization of East Caribbean States O.E.C.S) provided under the Caricom treaty and the Caricom-Dominican Republic Free Trade Agreement. Finally, it was argued that the EPA's implementation machinery contained a degree of supranationality not even present in Caricom's own governance machinery; in that decisions taken by the Joint Cariforum-EC Council are legally binding on the Caricom member states.

The criticisms developed into a protest movement with objectives coalescing around (a) postponing the initialling and, later, the signing of the agreement, to permit greater public consultation and review; and (b) renegotiating the agreement with aim of removing its objectionable features and improving its development impact. In November 2007 four prominent academic and civil society representatives had directed an 'Open Letter' to Caricom leaders to delay the finalisation of negotiations. Although this call failed to elicit widespread public support it served notice of rumblings of dissatisfaction with the EPA within elite circles. Shortly after the initialling of the negotiated EPA in December 2007 signs of major divisions within Caricom governments surfaced when President Jagdeo of Guyana publicly contradicted the claims being made on behalf of the agreement by some of his colleagues, stating that 'we got nothing from the EPA'. This elicited a stinging rejoinder from Prime Minister Golding of Jamaica, who accused critics of the EPA of 'mendicancy'. President Jagdeo's statement, however, catalysed the organisation of on-line petition by 'Concerned Citizens' calling for a public explanation and review of the negotiated text; and two senior regional academics published critiques of the agreement. CRNM officials responded with vigorous defence of the agreement; portraying their

version of the EPA as ‘Fact’ and that of the critics as ‘Fiction’. Dissatisfaction of the manner in which the negotiations were conducted also surfaced at a meeting of the Caricom Council for Trade and Economic Development (COTED); and the Caricom Secretariat was tasked with commissioning a review of the process. The media debate heated up; and in March three of the EPA’s most prominent critics publicly petitioned the governments to ‘renegotiate the EPA’ along four main points. The proposal was strongly critiqued by the CRNM and in effect rejected by the heads of government.

Postponement of the ministerial signing of the EPA however, provided additional time for public seminars and media discussion; and concerns refused to go away. In June 2008 the Caribbean Policy Development Centre, a regional network of civil society organisations, launched a public campaign for the EPA to be renegotiated to meet four objectives. This appeal was adopted by the Caribbean Congress of Labour, a regional network of labour organisations. By August, Parliamentary Opposition Parties in Jamaica, Trinidad and Tobago, Antigua and Barbuda, St. Lucia and Dominica had come out against the agreement in its existing form and some governments were reported privately to be not entirely happy with the agreement. At Caricom’s July Summit a split among the leaders was apparent; and Guyana asked for additional time before signing the EPA in order to conduct a public consultation. Guyana’s consultation was held in August and the private sector, civil society and the Parliamentary Opposition all agreed to support renegotiation to limit the scope of the EPA to merchandise trade and other subjects covered in the current WTO agreement, a so-called ‘goods only’ EPA.

Guyana’s proposal was, naturally, resisted by the European Commission. More importantly, it was not supported by other Caricom governments; thereby isolating Guyana. . Meantime, the threat of withdrawal of duty free access to the European market continued to be hung over the heads of the governments by European officials; while the carrot of EDF and AfT funding was dangled. In the end Guyana reluctantly agreed to sign the negotiated EPA (October 2008); but wrung an important concession in the form of a Joint Declaration providing for a ‘mandatory review’ of the agreement within the first five years and thereafter at five-yearly intervals. The mandatory review opens the

possibility of an assessment of the developmental and socio-economic impact of the EPA and of a comprehensive renegotiation by 2013. It was therefore, the main achievement of Guyana's stand and more broadly, of the EPA protest movement. However, it should be emphasised that the use of the mandatory review in this way is only a possibility, not a certainty. The same or similar issues, intra-Caricom differences and external pressures that marked the EPA controversy are likely to arise in the future...

4. Lessons

What lessons can be drawn? First, ACP and Caricom governments clearly handled the negotiations badly. They were, in the words of one (non-radical) observer, 'comprehensively outmanoeuvred' by the European Commission trade directorate led by Trade Commissioner Peter Mandelson (Jessop 2007). Even given that the ACP was forced to agree to six different negotiating groups in the Cotonou Agreement of 2000; tactical blunders were made at subsequent points along the way which testified to failure to maintain all-ACP unity on key negotiating issues. They include (a) how the 'development dimension' in EPAs would be operationalised; (b) the provision of additional development assistance specifically targeted at adjustment and transformation needs; (c) insistence on concrete measures in the EPAs to address non-tariff barriers to ACP exports in the European market; (d) the exclusion of WTO-plus rules that would restrict governments 'policy space' subjects from the scope of EPAs; (e) the provision of acceptable non-EPA alternatives for accessing the EU market; (f) the presentation of coherent regional development plans and strategies as the basis for EPA negotiations; and (g) the building of political alliances in EU governments and parliaments, the European parliament and civil society organisations.

Regarding Caricom, the limited diffusion of EPA information to the regional public deprived the governments of the option of appealing for broad public support in any confrontation with the EU. Further, Cariforum willingness to go along with the EU's EPA agenda effectively broke ranks with the rest of the ACP and with the developing country bloc in the WTO; in return for vague promises of benefits on which the

Europeans are perfectly free to renege, as in the past (e.g. Macdonald 2008; Thomas 2008a). The lessons of history were not applied; and the colonial mindset of ‘trusting the master’ remained alive and well.

Given the powerful weapons in the European arsenal and the vulnerability of Caribbean political elites; the protests came too late, were too technically formulated, and were too lacking in political support to secure the primary objective of renegotiation. Politically, they remained largely at the level and in the format of ‘intra-elite communication’; relying on a more or less technical discourse in the form of memoranda and blog postings sent to governments, media commentaries and opinion makers. But technical arguments by themselves were insufficient to sway the governments. The technical issues were often complex and inaccessible to non-specialists; the negotiators insisted that the critics were mistaken and that they (the negotiators) had more authoritative knowledge of the technical intricacies of the negotiations; and there were major political risks to the governments from changing course.

To have impacted decision-making, the protests would have had to command strong political support; such as massive street protests, defections from the ruling party in parliament, vocal opposition from the business community, or pressure from powerful external trading partner. However, the protests from Parliamentary Opposition Parties were relatively muted; and private sector organisations either went quiet or supported the EPA because of fears over loss of export markets and, in the case of service industries, the belief that the agreement opens up new export markets. The regional civil society network¹⁵ and the regional labour union network¹⁶ did not develop the kind of mass support capable of putting real pressure on the governments. The Petition, which aimed to secure 5,000 signatures, garnered less than 500.

¹⁵ Caribbean Policy Development Centre (CPDC). This network held an EPA consultation in June 2008 which resolved to campaign for renegotiation of the EPA.

¹⁶ The Caribbean Labour Congress (CLC), held a Workshop on the EPA with the support of the ILO in June 2008. The declaration from the Workshop called for EPA renegotiation along the lines of the CPDC petition; but the declaration did not receive tangible support from the member unions in the respective countries.

This may be contrasted with the Haitian experience. A similar petition in Haiti secured over 7,500 signatures (Haiti Support Group 2007)¹⁷. The Haitian Parliament was publicly lobbied by the “Stop EPA” campaign and so far the Haitian government has resisted signing the EPA. Two major factors differentiating the Haitian situation from the remainder of Caricom are the political importance of civil society organizations and the Haiti’s international status as a Least Developed Country. Since the fall of the Duvalier regime over 20 years ago Haitian CSOs have emerged and developed significant links with the mass of the population, a capacity for popular education and mobilisation, and an ideological understanding and critique of neo-liberal policies. This development has been made necessary by the struggles over the election of the first Aristide presidency in 1991; the subsequent coup d’état and repression of the popular movement in 1991-1994; the ensuing embrace of neo-liberal policies and their continuation during the resumed Aristide presidency of 1994-1996, the Preval Administration of 1996-2001 and the second Aristide Presidency of 2001--2004; and related struggles for democratisation, debt cancellation and alternative development strategies.

The “Stop EPA” campaign of Haitian CSOs, therefore, was a logical outgrowth of the agitation against neo-liberal policies and for popular participation that had been taking place for many years. The document produced by this campaign succeeded in translating the EPA’s implications for ordinary people in accessible language in ways that the technical language of the EPA’s academic critics did not achieve. Moreover, Haiti’s status as an LDC mean that its exports would continue to have duty-free access to the European market under the EU’s “Everything But Arms” initiative for all LDCs, without signing the EPA. This robbed European negotiators of a powerful weapon which they employed to great effect with the rest of Caricom: the threat of disruption of export industries by imposing tariffs on Haitian exports entering the EU. Further, development aid and debt relief for Haiti is handled by a group of organizations and countries that is specially constituted for this purpose. As this is the subject of separate negotiations between Haiti and its donors, Haiti is not reliant on promises of EPA-related assistance

¹⁷ However Haiti was in a better position to do without an EPA; as a Least Developed Country, it has duty free access to the EU market.

from the EU. In short, in Haiti the ‘pressure from within’ against the EPA was greater, and the ‘pressure from without’ in favour of the agreement was smaller; than in the rest of Caricom.

The protests did register success in some areas. They helped to move the EPA into the domain of public debate and to expose it to wider scrutiny by professionals, stakeholders and the media. Civil society organisations became involved; major cracks in elite consensus were exposed; one government both helped to catalyse the protests and aligned itself with it; and the mandatory review undertaking opens opportunities to renegotiate the agreement in the future—providing civil society advocacy and governments are prepared to take advantage of it. One may also note—though this is problem is of a lesser order of magnitude—that the amorphous character of governance in Cariforum and Caricom poses special challenges for advocacy. Cariforum is not a regional inter-governmental organisation with a juridical personality and a transparent system of decision-making with which non-state actors can formally engage. Citizen interventions would need to take place through national polities and through Caricom organs; but Caricom governance institutions lack formal provision for citizen involvement, such as a parliament or similar forum.

There are also several overlapping structures of decision-making. The CRNM reported to the Caricom Prime Ministerial Subcommittee on External Economic Negotiations, the Caricom Council for Trade and Economic Development (COTED), and the Caricom Conference of Heads of Government. But the Dominican Republic is also a member of the CRNM, and the processes by which the negotiating positions of the Dominican Republic and of Caricom were harmonised within Cariforum were not transparent. The CRNM is generally perceived to have operated with a significant degree of autonomy in the negotiations process; which promoted a disconnect from the Caricom integration process and facilitated alignment with the European Commission negotiating agenda (Brewster 2008a; Thomas 2008b) CRNM dependence on donor funding may have contributed to this problem: the region must be prepared to finance its own negotiators if

they are to be truly independent. Language differences also posed a difficulty for cross-Cariforum political collaboration among civil society organisations.

One question that arises is why social movements opposed to neoliberal globalisation have not developed a popular base and impacted the politics of the Anglophone Caribbean to the degree that they have in Latin America. Latin American CSOs flourished in the aftermath of the fall of the region's military regimes in the 1980s; which ushered in an era of neo-liberal policies under the tutelage of the international financial institutions (IFIs) codified in the Washington Consensus. By the end of the 1990s Latin America had a 'lived experience' of two decades of neo-liberalism with limited improvement in the lot of the majority of the people, and disenchantment with these policies was setting in. In contrast in the Anglophone Caribbean the 1980s and 1990s witnessed 'the end of ideology' in regional politics. The end of Michael Manley's 'Democratic Socialist' experiment in 1980 and the collapse of the Grenadian Revolution in 1983 demoralised and decimated the Caribbean Left; while political space continued to be occupied by conventional political parties under the region's traditional two-party electoral democracies. These parties now embraced 'pragmatism'; which in practice meant policy convergence around the Washington Consensus. At the same time the one-way trade preferences granted to the region by Europe, the United States and Canada have until now shielded the Caribbean from the full effects of trade liberalization; although the phasing out of EU preferences for its banana exports during the 1990s was a signal lesson in effects of globalisation. Emigration, and the return flow of remittances that it generates, is also a safety valve for the Caribbean population that is not as present in Latin America. Hence criticisms of the EPA presented by the protest movement appeared as technicalities and abstractions, not yet grounded in lived experience. Whilst the feared negative economic impacts would be felt in the future, over a three to fifteen year period; the possible fall-out from not signing the agreement was easily understood and in the here and now.

At the outset of this article we referred to the threefold techniques of 'technification-sweetification-treatyfication' (TST) as means of securing political acceptance of the

EPA; techniques which may have wider salience in the politics of trade agreements. Technification of the issues language renders the meaning and implications of the agreement inaccessible to non-specialists and the general population, blocking effective participation in decision-making. Negotiators have an incentive to retain exclusive control over technical understanding of the agreement, as this maximises their power and provides a means of rebutting and discouraging critics. Technification also intimidates non-specialist professionals; who respect the expertise of professionals in other disciplines; which in turn is the condition of respect for their own expertise. Trade expertise then assumes the status of a 'high science' which reinforces the disempowerment of non-professionals... Political decision-makers are equally vulnerable to this syndrome, as the costs of erroneous decisions are high; which discourages risk-taking. 'Sweetification' is the presentation of the EPA to stakeholders in terms designed to win political acceptance; obligations which would operationalise the promised benefits are framed in non-specific, non-time bound terms that are not legally enforceable, such as 'best endeavour' language. Officials may also market the agreement using hyperbolic sound bites in a manner analogous to the use of 'spin' in political communication. Used in combination, technification and sweetification neutralise opposition, smooth the path towards acceptance and provide decision-makers with a lexicon of justification for an agreement whose full implications they themselves may not fully understand. Conclusion is justified as a 'leap of faith'; with neoliberal theory supplying the assertions that justify the elaborate rules of imposed liberalisation.

Discovery of the full implications of the obligations takes place in the implementation stage and over an extended period of time. Hence 'treatyfication' locks in government laws and policies with the force of international treaty law; buttressed by binding arbitration enforced by the threat of trade sanctions in the event of disputes. By this time governments' room to manoeuvre is highly circumscribed, as is the scope for the politics of protest. Governments may blame their predecessors, but believe they have no choice but to live with the agreement. Treatyfication therefore subverts democratic governance and national sovereignty. Believers in neoliberalism see this as a virtue; for governments cannot always be relied on to stay the course.

The TST syndrome can be countered by conscious efforts at technical demystification, popular education and political organisation. For the negotiating process to be liberated from dominance by ‘experts’, negotiating texts need to be liberated from technical jargon and translated into language categories that ordinary people can relate to their lived experience¹⁸. The “Stop EPA’ campaign of Haitian CSOs was noteworthy in this regard. Latin America’s CSO campaigns against the Free Trade Agreement of the Americas (FTAA) and bilateral trade agreements have registered many successes in demystifying trade agreements; as did the earlier campaign of the global civil society movement against the Multilateral Agreement on Investment. These campaigns are sometimes partly credited with the election of anti-neoliberal governments in several Latin American countries. In the Caribbean, the potential for overcoming the TST syndrome is demonstrated by the rapid progress made by the EPA protest movement in including a variety of stakeholders within a relatively short period of time. This is a development which needs to be built on.

Finally, one might mention the ‘participation dilemma’ affecting civil society in trade negotiations. Mechanisms for involvement need to be carefully assessed; in that they can provide an opportunity to impact outcomes; but they can also be a device for political co-optation and of legitimisation of bad outcomes. In the Cariforum EPA negotiations, civil society consultations took place within a negotiating framework that had been previously established; with embedded assumptions on the kind of agreement that would emerge at the end of the process (Thomas 2008c). Hence, objectionable subject areas were included in the negotiating template from the outset; whilst socio-economic issues of interest to civil society were not built into the architecture of the agreement. The answer to the dilemma is simultaneous participation at both the technical and political level and both within the negotiations process and in the public domain. Civil Society stakeholders will need to master the technical intricacies of negotiations, to translate the implications into socially meaningful categories, and to develop the kind of political weight capable of

¹⁸ Examples of translating EPA issues in to relatively simple accessible language are Haiti Support Group (2008) and Oxfam (2008)

impacting governmental decision-making. This will take time, but it is important for the effort to be sustained.

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