

Shifting Between Hegemony and Dominance? A Neo-Gramscian Analysis of the EU as a Structural Foreign Policy Actor: The Singular Case of the Cariforum-EU Economic Partnership Agreement

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A Neo-Gramscian Analysis of the EU as a Structural
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Abstract

The groundbreaking scope of the Economic Partnership Agreement (EPA) between the European Union (EU) and Cariforum (CF) irrefutably marks a substantive shift in trade relations between the regions and also has far-reaching implications across several sectors and levels. Supplementing the framework of analysis of Structural Foreign Policy (SFP) with neo-Gramscian theory allows for a thorough investigation into the details of structural embeddedness based on the EU's historic directionality towards the Caribbean region; notably, encouraging integration into the global capitalist economy by adapting to and adopting the ideals of neoliberal economics. Whilst the Caribbean – as the first and only signatory of a 'full' EPA – may be considered the case *par excellence* of the success of the EPAs, this paper demonstrates that there is no cause-effect relationship between the singular case of the 'full' CF-EU EPA and the success of the EPA policy towards the ACP in general. The research detailed throughout this paper responds to two SFP-based questions: (1) To what extent is the EPA a SFP tool aimed at influencing and shaping the structures in the Caribbean? (2) To what extent is the internalisation of this process reflective of the EU as a hegemonic SFP actor vis-à-vis the Caribbean? This paper affirms both the role of the EU as a hegemonic SFP actor and the EPA as a hegemonic SFP tool. Research into the negotiation, agreement and controversy that surrounds every stage of the EPA confirmed that through modern diplomacy and an evolution in relations, consensus is at the fore of contemporary EU-Caribbean relations. Whilst at once dealing with the singular case of the Caribbean, the author offers a nuanced approach beyond 'EU navel-gazing' by incorporating an 'outside-in' perspective, which thereafter could be applied to EU-ACP relations and the North-South dialogue in general.

Introduction: The EPA as an evolution in relations

The Economic Partnership Agreements (EPAs) are the European Union's (EU) latest foreign policy tools premised on defining its future relations with the African, Caribbean and Pacific (ACP) regions. The first and only 'full' EPA to-date was signed with the Cariforum (CF) states on 15 October 2008 and is currently undergoing its first five-year review. The successful agreement of a 'full' EPA with Caribbean states, as compared to their African and Pacific partners within the ACP grouping, has by default rendered the CF-EU EPA the example, *par excellence*, of the success of this new foreign policy. Yet, reading the early signing and consequent provisional application of the CF-EU EPA in particular, as the success of the EPA as a foreign policy tool in general, would generate a misleading cause-effect relationship. The current state of play of suspended, incomplete or interim EPA negotiations with all other regions of the ACP grouping draws us to the crux of the polemic debate surrounding the EPAs. It discredits any causal link that may be sought between successfully negotiating an EPA and the EPA as a successful foreign policy towards the ACP regions. Rather, it encourages a deeper interrogation into the specificity of the EPA as an evolution in the EU-ACP relationship and a redefinition of trade and development relations in the post-Cotonou framework.

The EPA was not conjured up in an economic or political vacuum but is a foreign policy tool which responds to both contemporary and historic discourses. Trade Commissioner Karel de Gucht summarised the challenges faced by the ACP countries in the following words: "as regards the economic fundamentals, the truth is that the current system has failed; that ACP countries have become increasingly marginalised in world trade, even with the generous tariff preferences since the Cotonou and Lomé agreements."¹ This statement raises pertinent issues which point to a trichotomous failure in EU-ACP relations: a systemic failure, a policy failure and a cognitive failure. Firstly, the systemic failure of the existing EU-ACP relations is openly recognised, albeit limited to the economic sector. This delimitation is misleading since economic issues permeate all others, especially in EU-ACP history. Even where economic matters may take precedence, in any case, they do not and should not be considered in isolation. This in itself would disrupt the harmonious functioning of

¹ "Karel De Gucht, European Commissioner for Trade EU-China Investment: A Partnership of Equals Bruegel Debate: China Invests in Europe Patterns Impacts and Policy Issues", Europa Press Release, Brussels, 2008, accessed 18 March 2013, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/08/1510&type=HTML>.

relations as a whole. Secondly, there is an evident policy failure, if the ACP countries have become marginalised as opposed to integrated in world trade, especially when they should have enjoyed the benefits of a preferential tariff regime. This outlines and underscores the unfortunate disparity in the policy theory and the operationalisation of the policy in practice. Thirdly, there is an implicit cognitive failure between the two camps of EU-ACP officials. Many ACP contributors to this debate whole-heartedly disagree that the preferential tariff regime was the reason for marginalisation in the world economy, but evoke other issues related to EU rules and standards.² This alternative viewpoint should facilitate a more nuanced analysis of the issues at play in the EPA debate.

Before delving into the crux of the analysis, it is worthwhile to spell out what the EPA is and how it came to define the EU's foreign policy towards the Caribbean. European Commissioners for Development and Trade at the time, Louis Michel and Peter Mandelson, recognised that

[t]he trade preferences of the Cotonou agreement, while well intentioned, have not succeeded in their objective of helping to integrate the ACP countries into the world economy, nor protected our trade relationship with the ACP from challenge by others in the WTO.³

In this light, DG Trade explains that “[t]he EPAs set out to help ACP countries integrate into the world economy and share in the opportunities offered by globalisation”.⁴ Indeed, the CF-EU EPA has been heralded as “the first genuinely comprehensive North-South trade and development agreement in the global economy”.⁵ The EPA strategically overcomes the tension borne in the Cotonou Partnership Agreement between the EU and ACP countries by building on the

² Van Genderen-Naar notes, “According to the European Commission in its Greenpaper 1996, COM(96)570 final, [...] it was clear that ACP States had not benefited from the EU trade preferences as the market share of ACP states fell back from 6.7 % in 1976 to only 2.8% in 1997. The ACP countries did not agree and said that the complex rules of origin, EU procedures and standards were the major reason they could not benefit from the non reciprocal trade preferences.” See *The Cariforum-EU EPA Five Years After*, accessed 26 March 2013, <http://www.normangirvan.info/wp-content/uploads/2012/12/NAR-Development-Content-of-CF-EPA-Nov-12.pdf>.

³ Economic Partnership Agreements: drivers of development, European Communities, 2008, p. 2, accessed 26 December 2012, http://ec.europa.eu/development/icenter/repository/EPA_louis_michel_en.pdf

⁴ European Commission, “Economic Partnerships”, 2011, accessed 26 December 2012, http://ec.europa.eu/trade/policy/countries-and-regions/development/economic-partnerships/index_en.htm.

⁵ “EU and the Caribbean seal economic partnership with ground-breaking trade deal”, Europa Press Release, Brussels, 2008, accessed 26 December 2012, http://europa.eu/rapid/press-release_IP-08-1510_en.htm.

special exemption of the World Trade Organisation's (WTO) Most Favoured Nation (MFN) principle. Article XXIV of the General Agreement on Tariffs and Trade (GATT) provides for derogation from the MFN principle for integration purposes insofar as relations are based on either a customs union or a free trade area (FTA).⁶ The EPA therefore departs from previous relations, as not only does it include liberalisation of "substantially all trade in goods" (Art. XXIV GATT) but even goes beyond WTO law to include reciprocal trade agreements on the contested 'Singapore issues'. The EPA clearly marks a substantive shift in the depth and width of its scope as it innovates beyond existing agreements and sets the bar as the most advanced international trade agreement between developed and developing groups of states. The EPA is therefore reflective of the EU as a foreign policy actor in the international scene, adhering to, whilst contemporaneously bypassing WTO law. This is evidenced in the 'WTO+' and 'WTO-X' elements of the agreement,⁷ which in turn are indicative of the sheer ambition of the EPA as a foreign policy tool and the EU as a foreign policy actor.

This paper adopts a Structural Foreign Policy (SFP) approach and shall analyse the structural implications of the EPA at all relevant sectors and levels. Yet, as it was noted earlier, the specific 'economic' nature of the partnership is nonetheless all-pervading. For this reason, it is worth emphasising why economic arguments continually come to the fore of this debate, despite the interplay of several other factors which are analysed in the following sections. This reason is intrinsically rooted in the genesis of the EU as, above all, an economic entity, which secured peace on the European continent, as a necessary precursor to economic prosperity and growth. This economic consciousness is evidenced in the foundations of the European Coal and Steel Community up to the internal market today and it remains at the fore of policy decisions, including in the area of external relations. In this regard, it encourages integration into the global capitalist economy by adapting to and adopting the ideals of neoliberal economics. This investigation enquires into the persistence of the structures identified in the SFP framework by using a neo-

⁶ P. Eeckhout, *External Relations of the European Union: Legal and Constitutional Foundations*, Oxford, Oxford University Press, 2004.

⁷ Horn, Mavroidis and Sapir explain, 'WTO plus' (WTO+) are "commitments binding on those already agreed to at the multilateral level, eg a further reduction in tariffs" and 'WTO extra' (WTO-X) are "commitments dealing with issues going beyond the current WTO mandate altogether eg on labour standards" See H. Horn, P.C. Mavroidis & A. Sapir, *Beyond the WTO? An anatomy of the EU and the US preferential trade agreements*, *Bruegel Blueprint series*, Brussels, 2009, p. 10.

Gramscian lens to explain the contemporary situation of EU-CF relations. A neo-Gramscian lens fundamentally allows for a deeper appreciation and normalisation of the inherent disparity in power relations in a non-trivial manner. From this perspective, we begin from the view that “the economic life of subordinate nations is penetrated by and intertwined with that of powerful nations. This is further complicated by the existence within countries of structurally diverse regions which have distinctive patterns of relationship to external forces”.⁸

This paper examines the EU as a foreign policy actor vis-à-vis the Caribbean based on the case of the EU-CF EPA from a neo-Gramscian perspective by responding to two fundamental SFP-based questions: Firstly, to what extent is the EPA a SFP tool aimed at influencing and shaping the structures in the Caribbean? And, secondly, to what extent is the internalisation of this process reflective of the EU as a hegemonic SFP actor vis-à-vis the Caribbean?

The answers to these two central questions are detailed in the following sections of this paper. The second section is dedicated to sketching out the operationalisation of supplementing the framework of analysis of the SFP approach with a neo-Gramscian analysis. The third section presents an assessment of the SFP sectors of the EPA, which impacts the conceptualisation of the role and influence of the EU in these relations. The fourth section sums up the sectoral implications across the relevant SFP levels to present the degree of internalisation, which directly impacts the sustainability of the EPA. Finally, the conclusion illuminates the findings of this study and details the structural foreign policy role the EU has vis-à-vis the Caribbean in the case of the CF-EU EPA.

Structural Foreign Policy and Neo-Gramscian Theory

“Structural foreign policy can be defined as a policy which, conducted over the long term, seeks to influence and shape sustainable political, legal, economic, social, and security structures on various relevant levels (from the individual to the global level), with the degree of internalisation influencing this sustainability.”⁹ The EPA fits this definition. The EPA will be implemented over twenty-five years, after which, it is hoped, it will be used to define EU-Caribbean relations over the long term.

⁸ Gramsci quoted in S. Gill (ed.), *Gramsci, Historical Materialism and International Relations*, Cambridge, Cambridge University Press, 1993, p. 59.

⁹ S. Keukeleire, “Structural Foreign Policy” (forthcoming).

The Agreement is expected to influence and shape the different structures due to its far-reaching nature and it is assumed that the effect will be sustainable.

Keukeleire provides a concrete example of SFP: "The best example of a (successful) structural foreign policy was the American policy towards Europe [...] creating new structures [...] establishing a new world order."¹⁰ It may not be far-fetched to suggest that by replacing 'American' with 'European' and 'Europe' with the 'Caribbean', this anecdote applies suitably to the history of EU-Caribbean relations. Drawing on the specificity of these relations, based on continuum, neo-Gramscian theory can be useful to enhance the SFP framework. There are similarities, or outright replications in SFP and neo-Gramscian terminology. For example, the key terms, 'structure' and 'embeddedness' are found in both sets of literature. These terms infer the fundamental process of internalisation and either hegemony or dominance, for SFP and neo-Gramscian theory respectively. On structure, Keukeleire notes that

[s]tructures entail both relatively permanent organising principles [...] and the operationalisation of these principles through a complex constellation of institutions, rules, customs etc. [...] The purpose of structural foreign policy is to change or strengthen these specific constellations [...] – or more far-reaching and ambitious – to promote the adoption of new organising principles [...] and the subsequent operationalisation of these principles.¹¹

In a similar vein, the neo-Gramscian perspective underlines the fact that structure and embeddedness are part of a dialectic by focusing on "the degree of embeddedness of world orders in socio-political structures at the national or transnational levels".¹² Here, the noun and the adjective – 'embeddedness' in neo-Gramscian literature and being 'embedded' in SFP – refer to the same process and shall be used interchangeably as both invariably lead to the same phenomena. In SFP jargon, they result in internalisation. Thereafter, by converging SFP and neo-Gramscian theory, internalisation is either the result of hegemony or dominance. Gill explains that

[t]he movement towards hegemony, Gramsci says, is a "passage from the structure to the sphere of the complex superstructures," by which he means passing from the specific interests of a group or class to the

¹⁰ *Ibid.*, p. 9.

¹¹ *Ibid.*, p. 13. See also S. Keukeleire & T. Delreux, *The Foreign Policy of the European Union*, Basingstoke, Palgrave Macmillan, 2014, p. 28 (on 'structural foreign policy' see pp. 28-31 and 328-332).

¹² S. Gill, "Epistemology, ontology and the 'Italian School'", in Gill (ed.), *op.cit.*, p. 30.

building of institutions and elaboration of ideologies. If they reflect a hegemony, these ideologies will be universal in form, i.e. they will not appear as those of a particular class, and will give some satisfaction to the subordinate groups while not undermining the leadership or vital interests of the hegemonic class.¹³

Keukeleire equally explains, “[t]he internalization process will also be facilitated if the promoted structures and structural changes are at least to some extent embedded in and take into account indigenous processes and preferences in the target country, society or region”.¹⁴

By introducing the neo-Gramscian term of hegemony into this debate, it is possible to conceptualise the type of influence the EU has on Caribbean structures:

A world hegemony is thus in its beginning an outward expansion of the internal (national) hegemony established by a dominant social class. The economic and social institutions, the culture and technology associated with this national hegemony become patterns for emulation abroad. Such an expansive hegemony impinges on the more peripheral countries as a passive revolution. [...] These countries have not undergone the same thorough social revolution, nor have their economies developed in the same way, but they then try to incorporate elements from the hegemonic model without disturbing old power structures.¹⁵

Here, the qualification of the term hegemony is refined to the EU vis-à-vis the Caribbean purely because of the uniqueness of their historic and contemporary relations.¹⁶ Nonetheless, throughout the analysis there may be evidence of hegemonic behaviour, wherein the hegemonic foreign policy actorness may be extrapolated or multilateralised. Theoretically speaking, had the EPAs been ratified by all ACP countries, the EU would have managed to secure a substantial part of the world economy in the most advanced type of FTA to-date, penetrating existing EU-ACP relations and creating deeper structural embeddedness.

Hegemony should be understood as neither a reference to dominance or to imperialism, nor is it a euphemism for imperialism.¹⁷ Rather, hegemony is

a special case of dominance: it defines the condition of a world society and a state system in which the dominant state and dominant social

¹³ *Ibid.*, p. 57-58.

¹⁴ Keukeleire, *op.cit.*, p. 15. See also Keukeleire and Delreux, *op.cit.*, pp. 29-30.

¹⁵ R. Cox, “Gramsci, hegemony and international relations: an essay in method”, in Gill (ed.), *op.cit.*, p. 61.

¹⁶ See E. Williams, *Documents of West Indian History: 1492-1655 from the Spanish Discovery to the British Conquest of Jamaica*, Port-of-Spain, PNM Publishing Co., 1963.

¹⁷ Gramsci, cited by R. Cox in Gill (ed.), *op.cit.*, pp. 59-60. Canterbury refers to the EU as a modern day imperialist bloc. See D.C. Canterbury, *European Bloc Imperialism*, Leiden, Brill, 2010.

forces sustain their position through adherence to universalised principles which are accepted or acquiesced in by a sufficient proportion of subordinate states and social forces.¹⁸

It is worth recalling the roots of Gramsci's hegemony:

Gramsci took from Machiavelli the image of power as a centaur: half man, half beast, a necessary combination of consent and coercion. To the extent that the consensual aspect of power is in the forefront, hegemony prevails. Coercion is always latent but is only applied in marginal, deviant cases. Hegemony is enough to ensure conformity of behaviour in most people most of the time.¹⁹

Neo-Gramscian scholars identify five criteria for establishing hegemonic actorness, which is useful for interrogating the EU as a hegemonic actor vis-à-vis the Caribbean: (1) hegemonic actors embody the rules which facilitate the expansion of the hegemonic world orders; (2) they are themselves the product of the hegemonic world order; (3) they ideologically legitimate the norms of the world order; (4) they co-opt the elites from peripheral countries and (5) they absorb counter-hegemonic ideas.²⁰ By adopting a neo-Gramscian perspective, much of the criteria to be a hegemonic actor is fulfilled and made explicit in the Treaty of the European Union (TEU), particularly in Article 21 TEU. Some criteria may be normatively fulfilled – i.e. the European project was operationalised due to Marshall funds from the USA and is therefore the product of the hegemonic American world order (criteria 2).²¹ Yet, other criteria, such as co-opting elites (criteria 4), may be harder to explain. However, recalling that hegemony is built on consent, the use of positive foreign policy instruments must be considered in our analysis. In this regard, Article 21(1) para. 2 TEU may be conceptualised from a neo-Gramscian perspective as exemplar of the EU's vocation to co-opt third country elites, couched in neutral or positive terms such as developing relations or building partnerships. This is inevitably a corollary to absorbing counter-hegemonic ideas (criteria 5), which may be the case for other EU policies, such as enlargement²² or the European Neighbourhood Policy (ENP).

¹⁸ R. Cox in Gill (ed.), *op.cit.*, pp. 57-58.

¹⁹ *Ibid.*, p. 52.

²⁰ *Ibid.*, p. 62.

²¹ Mazower refers to the USA as 'the boss', see the chapter "Building the People's Democracy", in M. Mazower, *Dark Continent, Europe's Twentieth Century*, Penguin Books, 1999.

²² See Y. Williams, "A Far-Fetched Convergence: EU Actorness in the Case of Enlargement and the Economic Partnership Agreements with the ACP States", Master's thesis, Bruges, College of Europe, 2013.

Defining the hegemonic timeframe is the next fundamental step in the analysis. Neo-Gramscian scholars explain, "it becomes important to determine when a period of hegemony begins and when it ends, [...] roughly, 1845-1875, 1875-1945, 1945-1965 and 1965 to present".²³ I would like to suggest that we conceptualise the next and current hegemonic period as beginning at the turn of 1994 and the start of 1995 to the present date. 1994/1995 seems appropriate, as not only is it the birth of the WTO but it also represents a critical moment entrenching the principle of reciprocal trade preferences in Article 1 GATT.²⁴ Indeed, the reciprocal trade preferences are a crucial part of the analysis and point of contention in EU-ACP relations. Having identified the hegemonic period of this analysis and having conceptualised and completed the theoretical foundations of this investigation, this paper shall continue by applying a SFP analysis, supplemented by neo-Gramscian theory to the case of the CF-EU EPA.

Sector-by-Sector Analysis of the CF-EU EPA

This section presents an assessment of the SFP framework of analysis – the political, legal, economic, social, and security structures – supplemented by neo-Gramscian theory to ascertain the role the EU plays vis-à-vis the Caribbean in the case of the CF-EU EPA.

Political Sector

The 'partnership of equals' has been the *de facto* defining feature of EU-ACP relations since its conception in Lomé. It has been systematically and strategically used to reinforce the notion of partnership based on equality but also to progressively re-entrench the political foundations of the EU-ACP relationship.²⁵ Despite its centrality and formal recognition today, previously, the most poignant part of this relationship was its historicity: "*de nouveau, tabula rasa*, where history bears down as nowhere else".²⁶ Recalling the history of the West Indies and their

²³ 'Present' is taken to be the date the book was published, 1993. See R. Cox, in Gill (ed.), *op.cit.*, p. 60.

²⁴ Van Genderen-Naar, *The Cariforum-EU EPA*, *op.cit.*

²⁵ See "Towards a Stronger Political Partnership", European Centre for Development Policy Management, 2002, accessed 26 December 2012, http://www.ecdpm.org/Web_ECDPM/Web/Content/Navigation.nsf/index2?readform&http://www.ecdpm.org/Web_ECDPM/Web/Content/Content.nsf/0/FA90272ACC55B0FAC1256C76003D3D16?Opendocument.

²⁶ Lecturer at the University of the West Indies (UWI), Interview, St. Augustine (T&T), 2 August 2011.

inherently intertwined development based on consistent structural influence from European powers, one can thus conceptualise the evolution of these relations today as a sort of 'historic inevitability'.²⁷ The subsequent inclusion in the ACP grouping is thus merely reflective of the EU's strategic response of organising its relations with its ex-colonies. Or, a redefinition of relations, from one between coloniser and the dominated colonised peoples, to what has become common place in rhetoric, a partnership of equals. If we apply our neo-Gramscian lens, the EU maintains its historic relations with the regions and concretely formalises it consensually.

The rhetoric holds that "sovereign states are equal, the principle of sovereignty is important in the international sphere and vital for integrity".²⁸ After all, the "modern practice of competition constructs actors as formerly equal".²⁹ Yet, this may be more difficult to uphold in reality, especially when reference is made to important quantitative and qualitative differences of the regions.³⁰ This inevitably has implications on balances of power, despite diplomatic terminology. Indeed, an ACP official has pointed to the difficulty to accept the partnership of equals when there is development financial support. This removes equality since the person providing has influence: 'he who pays the piper calls the tune'.³¹ This saying is often repeated in ACP circles.³² Firstly, it infers that financial independence is a precursor to a veritable 'partnership of equals'. Secondly, this raises questions with regard to the EU financing of the negotiators of the Caribbean Regional Negotiating Machinery (CRNM) in the CF-EU negotiations. Thirdly, it suggests the centrality of being a strong partner to partnership agreements. This is echoed in the particular case of the Caribbean where it is recognised that "the Caricom needs to come together for the Caricom to go to the EU".³³ As such, a strong regional grouping, standing on its own two feet

²⁷ Primary research reinforced the historicity that links the two regions, which allows for the understanding that inter-regional cooperation is very likely. I call this historic inevitability.

²⁸ Trinidad and Tobago Ministry of Foreign Affairs official, Interview, Port-of-Spain, 2 August 2011.

²⁹ N. Inayatullah & D L. Blaney, *International Relations and the Problem of Difference*, London, Routledge, 2004, p. 130.

³⁰ S. Keukeleire & J. MacNaughtan, *The Foreign Policy of the European Union*, Basingstoke, Palgrave Macmillan, 2008, p. 200.

³¹ ACP official, Interview, Brussels, 27 March 2013.

³² Two separate interviewees representing ACP countries recited this saying.

³³ This interviewer makes reference to the Caricom as it is the formal regional grouping in the Caribbean. The Cariforum is a singular entity for the EU EPA only. Caribbean Ambassador, Interview, Port-of-Spain, 27 December 2012.

stands a better chance of living up to the rhetoric of 'partnership of equals'. Indeed, this is a point that unites those divided in the EPA debate.

One CRNM negotiator explained his preference for the concept of 'parity of equals', highlighting the 'relationship as partnership but not of equals'.³⁴ Explaining one of the reasons for the Caribbean being the only region to sign a comprehensive EPA, this CRNM negotiator underlined that "partnership of equals is multilayered; garnering respect is important. [...] The EU has a purported superior knowledge but we were well-prepared by something that failed - the FTAA".³⁵ One trade expert additionally highlighted the necessity to differentiate 'asymmetrical power and size and negotiating capacity', wherein the EPA marks a coming of age and qualifies the process of negotiation as one of equals.³⁶ However, the CRNM's directionality has been severely criticised, especially amongst the Caribbean community and diaspora. The controversy of the CRNM has certainly marked Caricom: pursuant to the signing of the EPA the Caricom changed its position on third party funding of international trade negotiations; the CRNM was consequentially re-branded the Office of Trade Negotiations (OTN) and thereafter subsumed within the Caricom Secretariat in 2009. This is largely perceived as evidence (in the Caribbean) that the CRNM acted semi-autonomously.³⁷ Indeed, it has been well summed up that,

some seem to feel that the CRNM exceeded its mandate and thereby killed itself, others seem to be of the view that the negotiators did a good thing but in a bad way and as such, they were a force for forced integration as opposed to a motor for integration.³⁸

Another CRNM negotiator stated that "the decision of negotiation was a European decision [... as] imposition rather than negotiation",³⁹ as such reaffirming the perceived domineering or 'big-stick' tactic of the Commission.⁴⁰ However, it is somewhat ironic that critique within Caribbean circles overwhelmingly lies in the paradoxically exogenous perception of change. This critique surrounding the EPA is intrinsically linked with the perception of the role the EU plays vis-à-vis third countries.

³⁴ CRNM negotiator, Interview, Brussels, 25 March 2013.

³⁵ *Ibid.*

³⁶ Trade Expert, Interview, Bruges, 2 April 2013.

³⁷ CRNM negotiator, Interview, Port-of-Spain, 8 August 2011. See also T. Heron, "Asymmetric bargaining and development trade-offs in the CARIFORUM-European Union Economic Partnership Agreement", *Review of International Political Economy*, 2010, pp. 82-110.

³⁸ Caribbean Ambassador, Interview, *op.cit.*, 5 August 2011.

³⁹ Anonymous, Interview, T&T, 2011.

⁴⁰ "OP-ED: Tenth Anniversary of EPA Negotiations: Not a Time for Celebration", *Huntington News*, 2012, accessed 22 March 2013, <http://www.huntingtonnews.net/45124>.

A neo-Gramscian analysis of negotiating the EPAs underlines that “great powers have relative freedom to determine their foreign policies [...]; smaller powers have less autonomy”.⁴¹ This is somewhat closer to the crude reality: negotiation is about creating a win-win outcome. Yet, recalling that hegemonic control is also based on co-opting elites (criteria 4) may serve to explain the consensual agreement from a more critical perspective:

Elite talent from peripheral countries is co-opted into international institutions in the manner of *trasformismo*. Individuals from peripheral countries, though they may come to international institutions with the idea of working from within to change the system, are condemned to work within the structures of passive revolution. At best they will help transfer elements of 'modernisation' to the peripheries but only as these are consistent with the interests of established local power.⁴²

Commenting on the EU-ACP relationship, Keukeleire and MacNaughtan note: “If this relationship can be understood as a partnership, it is a heavily unequal one. It is not the ACP countries that create or discontinue their relationship with the EU, nor that provide the terms of evolution of this relationship.”⁴³ The partnership addressed here may therefore be understood “not [as] a partnership of equals but still *bona fide*”,⁴⁴ wherein its continued existence today is evidence of its continued consensual foundations.

Legal Sector

The existing EU-ACP legal relationship is defined by the internationally legally binding commitment of the Cotonou Agreement. DG Trade describes this as a “broad agreement” and explains that “all EPAs have their origins in the trade chapter of the Cotonou Agreement”.⁴⁵ Writing on the CF-EU EPA negotiations, ex-CRNM negotiator Lodge has succinctly described the Cotonou Agreement as a *sui generis* trade and development agreement.⁴⁶ Both conceptualisations underscore that the EPA is part of the evolution of relations under Cotonou and thus should proceed in a

⁴¹ Gramsci quoted in R. Cox in Gill (ed.), *op.cit.*, p. 59.

⁴² *Ibid.*, p. 63.

⁴³ Keukeleire & MacNaughtan, *op.cit.*, p. 216.

⁴⁴ DG Trade Official, Interview, Brussels, 7 November 2011.

⁴⁵ See African, Caribbean and Pacific, Countries and Regions, accessed 26 March 2013, <http://ec.europa.eu/trade/policy/countries-and-regions/regions/africa-caribbean-pacific>, accessed 26 March 2013

⁴⁶ J. Lodge, “A Trade Partnership for Sustainable Development”, in A. Zampetti & J. Lodge (eds.), *The Cariforum-EU Economic Partnership Agreement, A Practitioners’ Analysis*, The Netherlands, Kluwer Law International BV, 2011, p. 24.

complementary manner. It has also been importantly recognised that the negotiation and consequent implementation of the EPA should take into consideration the end of the Cotonou Agreement in 2020.⁴⁷ However, the legal commitment of Cotonou has received much critique for binding the ACP countries into an agreement that does not bring about the purported development benefits. One CRNM negotiator explained, "Cotonou was inherently contradictory: duty-free and quota-free market access to spur export diversification has been muted by preferential agricultural arrangements, for instance, the Common Agricultural Policy: prices above world market prices [...] and in any case, it did not provide for services."⁴⁸

This critique addresses the crux of the incoherent impact of internal and external policies and underlines that neither can be assessed in isolation. Rather, it has been clear that the internal policy of CAP has negatively impacted EU external relations with the ACP, by having a distortionary effect on world markets. In other words, the internal policies of the EU are not solely internal but can have a huge impact externally. To a large extent, the EPA is a tool to rectify this. Yet, unless there is coherence in the future development of EU policies, history risks repeating itself.

Whilst DG Trade recognises that the EPAs are rooted in the Cotonou Agreement, many officials contend that WTO law is the *status quo* and *de facto* reasoning behind the change of partnership. Indeed, contentious issues lie at the heart of the depth of influence induced by adhering to Article XXIV GATT and the MFN principle. For critics of the EU's approach, the 'WTO argument does not sell' due to the "incoherences of Art. XXIV as an article that was designed for developed groups and not developed-developing groups".⁴⁹ This echoes the point that often arises as third party critique of EU directionality: the EU uses a two-pronged approach to achieve what it wants, or in the words of Bhagwati, when it cannot take the multilateral highway, it opts for the bilateral country road.⁵⁰ This is certainly the case with the conceptual disparity between Article XXIV GATT and its relation to the

⁴⁷ Van Genderen-Naar, *The Cariforum-EU EPA*, *op.cit.*

⁴⁸ CRNM negotiator, Interview, *op.cit.*

⁴⁹ ACP official, Interview, *op.cit.*

⁵⁰ Bhagwati uses this anecdote for the USA, here I apply it to the EU. J. Bhagwati, *Free Trade Today*, Princeton, Princeton University Press, 2002, p. 118.

Enabling Clause, as each side of the EPA debate uses it for its own purposes.⁵¹ Yet, since the EU exercises greater structural influence in this relationship, this may be an increasingly prevalent example of the EU adhering to, whilst contemporaneously bypassing, the WTO. Thus, exercising the power to influence and shape structures to foster commercial regulatory convergence insofar as possible.

Whilst the CF-EU EPA was signed on the premise that it would bring about structural advances through dynamising the process of regional integration, it is important to highlight two points. Firstly, ACP officials remain highly critical of the EU's insistence on the legal framework and highlight the disparity in EU and third country priorities. It is often repeated that the EU "should remind them, but not push".⁵² Secondly, it is important to recall the fundamentally slow process of regional integration in the Caribbean, evidenced by the slow advance of the Caribbean Court of Justice (CCJ). This is linked to the reality that in practice, the Privy Council in London is still the final court of appeal for many Caribbean countries. It is also perhaps a lesson on replicating models without veritable implementation force, in any form that it may take: the EPA, in a similar vein, risks replicating the same implementation deficit, beyond any embeddedness in law.

Legal aspects are not explicitly inherent in the Gramscian analysis. Nonetheless, it has been recognised that "[t]he concept of hegemony deserves broader consideration from the legal academy because it is a critical tool that generates profound insights about the law's ability to induce submission to a dominant world view".⁵³ As such, the legal system may serve to maintain and advance SFP, as a means of ensuring hegemony and containing coercion by having a lock-in effect and ensuring *de jure* consensus across different sectors. Yet, *de facto* this is no guarantee. George, from a practitioner's perspective, recalls Adam Smith's mistrust:

The proposal of any new law or regulation of commerce which comes from this order [those who live by profit] ought always to be listened to with great precaution, and ought never to be adopted till after having

⁵¹ For those who advocate that "the Enabling Clause instead 'enables' what has become a basic tenet of the international economic legal order, namely special and differential treatment of developing countries". See "Time is up to stop the EU-ACP EPAs negotiations", accessed 26 March 2013, www.solidarite.asso.fr.

⁵² ACP official, Interview, *op.cit.*

⁵³ D. Lowritz, "Gramsci, Hegemony and the Law", *Brigham Young University Review*, 05/06, 2000, p. 516.

been long and carefully examined, not only with the most scrupulous, but with the most suspicious attention.⁵⁴

This underscores the attention received from critics of the EPA who have highlighted legal implications, even loopholes regarding the subsequent provisional application of this agreement. Van Genderen-Naar explains that the “national laws and constitutions of CARIFORUM States [...] do not provide for provisional application of international agreements, which means that they can not provisional apply the CF EU EPA as long as the ratification procedures have not been completed”.⁵⁵ The fact that not all signatory countries have ratified the EPA, even after five years into the process of provisional application, renders the signing of the EPA a hollow act if it is not confirmed in law.⁵⁶ This will necessarily impact the process of implementation from a policy perspective and the process of internalisation from a theoretical perspective.

Economic Sector

The CF-EU EPA is deemed to be reflective of the particular economic advances and qualitative difference of the Caribbean region at the heart of the ACP. Yet, despite the supposed advances of Caricom in comparison to other ACP regions, both the CRNM and the Commission reaffirm that the ‘more developed country’ (MDC) status does not overcome structural problems in the region. Lodge explains,

[i] A number of analyses highlight the structural challenges facing small economies that mute the impact of trade liberalisation. (...) [ii] However, their intrinsic economic openness also means that properly crafted trade policy can have a beneficial impact on their development. [iii] In order to harness such opportunities, modulated tariff liberalisation should be accompanied by EU-funded development support to reap the desired results.⁵⁷

This raises three pertinent and inter-related points, which are addressed in turn. Firstly, whilst structural challenges can hinder the process of trade liberalisation, there is no guarantee that trade liberalisation can correct the existing structural challenges.

⁵⁴ Adam Smith, quoted in C. George, *The Truth About Trade: The Real Impact of Liberalisation*, London, Zed Books, 2010, p. 3.

⁵⁵ *The Cariforum-EU EPA Five Years After*, *op.cit.* See also, the CARIFORUM-EC, *Economic Partnership Agreement*, *Official Journal of the European Union*, 31.12.2008, L 352/62.

⁵⁶ Two officials emphasised that this is the current state of play of Suriname and Haiti: ACP Legal official, Interview, Brussels, 26 March 2013; and DG Trade Official, Interview, *op.cit.*, 25 March 2013.

⁵⁷ Enumeration is authors own. J. Lodge, in Zampetti & Lodge (eds.), *op.cit.*, p. 22.

Expanding the free trade agenda can, however, innovate beyond the existing regulatory structures and 'renovate' the existing framework in place. Yet, assuming that further trade liberalisation can act as a corrective remedy to the existing structural challenges refers to the general assumption that neoliberal economics can benefit the Caribbean economies, particularly concerning the 'WTO+' and 'WTO-X' provisions.⁵⁸ Yet, there is a consistent critique stemming from ACP circles in regards to the nature of investment liberalisation provisions in these trade agreements. This is emphasised in a radical point on investment that was noted over forty years ago: "we have been posing the wrong questions regarding economic backwardness [...] For it is clear, foreign investment is the cause, and not a solution, to our economic backwardness."⁵⁹ More recently, an ACP official echoed this statement by confirming that it is still true today: "FDI is about 'them' doing more business, more than 'you' doing more business; similarly having the capacity and legal framework is also for 'them'."⁶⁰ This type of argument is still prevalent nowadays and underscores an unfortunate continuum in critique of the ACP-EU relationship. Rodney asked this question in 1972, but it may be necessary to pose it again today:

[B]y distorting our economies to fit in with the demands of the world market, the demands of which are not always compatible with the demands of our own development, are we not, in the process, depriving our economies of the capacity for a self-sustaining growth which is a precondition for development?⁶¹

Secondly, this brings into question whether the EPA as a policy tool is the right means for this end: achieving the dual objective of improving trade and development. An official from the Delegation to the Cariforum (DCAR) Committee in the European Parliament highlighted two crucial points that serve to render this analysis all the more meaningful. On the one hand, the EU has "new ambitions and diminishing funds",⁶² that is, new ambitions vis-à-vis emerging countries, but it also has to deal with the structural shocks induced by the financial crisis. Indeed, the effects of the economic and financial crisis should not be underestimated for both regions and could be a critical factor in the rate and enthusiasm of implementation of the

⁵⁸ Cariforum has 14 'WTO-X' categories; competition and innovation are only found in the Cariforum EPA. See H. Horn, P.C. Mavroidis & A. Sapir, *op.cit.*, pp. 30-39.

⁵⁹ A.M. Babu, Postscript in Rodney, *op.cit.*, p. 284.

⁶⁰ ACP Official, Interview, *op.cit.*

⁶¹ Rodney, *op.cit.*, p. 286.

⁶² Official of the Delegation to the Cariforum Committee in the European Parliament, Interview, Brussels, 26 March 2013.

agreement. On the other hand, the EPA guarantees a share of EU market and provides a long-term economic strategy, as after all, there is a limited option of alternatives, including the Generalised System of Preferences (GSP) and GSP+ (but in either case the EU has the monopoly of decision-making in these schemes).⁶³ Yet, the transition to provisionally applying the EPA and progressively liberalising trade, along with decreasing funds because of the principle of differentiation,⁶⁴ brings into question the nature of the EPA as a properly crafted trade policy. A DG Trade official has described this as evidence of 'poor timing' on the part of the EU and adds that "MDCs have every right to be annoyed".⁶⁵ This adds to the existing mistrust towards the EU, especially in terms of its selective use of protectionism, which seems inconsistent with its contemporary promotion of deep and comprehensive trade liberalisation. Echoing Rodney's development-underdevelopment dialectic, George explains that

Britain protected its industry and commerce from foreign competition until it was well on the way to achieving global dominance. [...] In consequence Britain's ownership of foreign assets expanded a hundred-thousand-fold between 1580 and 1930. Britain developed. The countries it invested in did not.⁶⁶

The EU's own development is not dissimilar.

Thirdly, the extent to which the opportunities of the EPAs may be harnessed is brought into question. The Caribbean region, except for Haiti, will no longer be eligible to receive development cooperation funding due to the 'Agenda for Change' principle of differentiation, which targets development funding to least-developed countries and, in turn, encourages other policies to spur development. Hence, in theory, the EPA is the policy tool to replace traditional development cooperation in the region. Although critics contest that there is no EPA implementation fund for the Caribbean, despite additional obligatory spending on EPA implementation. Indeed, implementation is a key indicator of the success of the EPA as a policy tool and will illustrate whether the dual goals of improving trade and

⁶³ DG Trade Official, Interview, *op.cit.*, 25 March 2013.

⁶⁴ See European Commission, Communication to the Council and EP, *Increasing the impact of EU development policy, An Agenda for Change*, COM(2011) 637 final, 13.10.2011. See also, "Agenda for Change in the Interest of the EU alone", Eurostep, 2012, accessed 22 March 2013, <http://www.eurostep.org/wcm/archive-eurostep-weekly/1764-agenda-for-change-in-the-interest-of-the-eu-alone-says-concord-director.html>.

⁶⁵ DG Trade Official, Interview, *op.cit.*, 25 March 2013.

⁶⁶ George, *op.cit.*, p. 46 & p. 69.

development can be achieved within these new structures. On this note Sir Ronald Sanders reminds

that the fortunes of Europe's riches were made on the plantations and other resources of the Caribbean states. Those states owe a duty of development to the Caribbean that was not fulfilled by preferential access to their markets for the narrow range of products such as sugar and bananas upon which they made the Caribbean dependent.⁶⁷

The failed economic history recognised by high-level EU-ACP officials, coupled with WTO imperatives, has provided ample impetus for changing EU-ACP relations. Although the Cotonou Partnership Agreement is often referred to as a source for the evolution of EU-ACP relations, it has already been highlighted that both regions often have a different opinion on the substance of the legal texts that bind them. Nonetheless, evidence from research shows that the EPA is a European SFP tool and is therefore nevertheless a continuation of the EU directing Caribbean development. Indeed, it may not be too far-fetched to ask to what extent the Caribbean is a sort of laboratory to test this new type of trade agreements?

The case of the Cariforum EPA, both in terms of negotiation and implementation, offers lessons with regard to the EPA as a policy tool towards the ACP regions. Since the signing of the CF-EU EPA, four years after the start of negotiations in 2008, and at the current stage of the five year implementation review, no other African or Pacific region has signed a 'full' EPA. Indeed, two observations can be made at this stage. On the one hand, it does not seem likely that the African regions or the Pacific will ever agree to a 'full' EPA. On the other, this has set a precedence that a 'full' EPA cannot be achieved in the near future and this has laid the path for the development of 'interim' EPAs (iEPA), or 'à minima' EPAs,⁶⁸ which are less ambitious in scope. Recognising this EPA history highlights the disparities in rhetoric and reality that gives weight to increasing critique that the EPAs are a flawed policy tool.⁶⁹ Nonetheless, recalling Gramsci, Mittleman explains that "the process of establishing hegemony however can never be complete because a

⁶⁷ Sir R. Sanders, "Last chance for a Better Agreement between Europe and the Caribbean", in R. Bernal, "The Challenge of Sustainable Implementation", in Zampetti & Lodge (eds.), *op.cit.*, pp. 242-243.

⁶⁸ Francophone sources have referred to these 'iEPAs' as 'à minima' agreements. See, Agence de Presse Sénégalais, 2014, 'L'UEMOA, la CEDEAO et l'UE trouvent un accord à minima sur les APE', accessed 8 February 2014. http://www.aps.sn/articles.php?id_article=124496

⁶⁹ F. Erixon, "The EC Communication on Trade, Growth and Development- Comment", in D. Willem te Velde (ed.), "The Next Decade of EU Trade Policy: Confronting Global Challenges?", *Overseas Development Institute*, London, July 2012, p. 16.

hegemonic project presumes and requires the participation of subordinate groups".⁷⁰ From this perspective, the relationship at hand may be contextualised wherein the EU has a strategic interest in the Caribbean, as much as the Caribbean may have a strategic interest, one way or another, to remain aligned with the EU.

Social Sector

The CF-EU EPA is the first EU trade agreement to include the domain of culture, annexed in the Protocol on Culture. Research showed that whilst this was a 'sensitive' issue for the EU, it was included at the request of Caribbean negotiators,⁷¹ and is therefore the result of 'other-regarding' interests.⁷² The Cultural Protocol is premised on the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which promotes the inclusion of culture in sustainable development, namely "to support the development of the cultural industries and policies in developing countries through technology transfer, financial support and preferential treatment".⁷³ As such, it can serve to facilitate the growth and export of cultural industries,⁷⁴ including the audio-visuals sector and develop dynamic creative industries and creative cities.⁷⁵ However, it has already been noted that "the growth of the industry is largely determined mainly by market opportunity and government policy, and the effects of liberalisation are fairly small".⁷⁶ This highlights the fact that the Caribbean must make the most of this type of agreement in order to draw any benefits. Admittedly, this infers reconciling the organic Caribbean integration at the cultural level with the formal structures of SFP. Yet, it has long been noted that "the domain of culture and of popular intercourse among Caribbean people converges,

⁷⁰ J. Mittleman, *Wither Globalisation? The Vortex of Knowledge and Ideology*, London, Routledge, 2000, p. 167.

⁷¹ Here, there is a disparity between the views of two sets of Caribbean contributors to this debate – the negotiators and prominent academics – both of whom supposedly take an 'outside-in' view of the EPA.

⁷² The author of SFP explains that the dominant actor can reap benefits from not only pursuing their own, 'self-regarding' interests, but also from the 'other-regarding' interests of other actors. In other words, improving the situation of the other actors can be indirectly, or directly, beneficial to the collective pursuit of interests of the main actor. See S. Keukeleire & J. MacNaughtan, *op.cit.*, pp. 21-23.

⁷³ K. Nurse, "The Economic Partnership Agreement and the Creative Sector: Implications and Prospects for CARIFORUM", in Zampetti & Lodge (eds.), *op.cit.*, p. 151.

⁷⁴ *Ibid.*, p. 152.

⁷⁵ DCAR Committee official, Interview, *op.cit.*

⁷⁶ George, *op.cit.*, p. 73.

while it diverges from the world of politics and government".⁷⁷ This Caribbean perspective sits uncomfortably with the reality of the Cultural Protocol based on the UNESCO Convention:

The key challenge for many developing countries is that while the convention is a legal instrument that is binding it does not generate commitments to signatories as obtained under the WTO. In this sense the convention may encourage more diversity in production but it does not guarantee space in the market.⁷⁸

Here we are dealing with different phenomena, which do not necessarily converge. Yet, the inclusion of culture in the EPA supposes that there is a particular nexus between the social and economic sector. Furthermore, it is somewhat of a paradox that on the one hand, whilst the Cultural Protocol provides for trade in cultural services, on the other, the benefits do not seem particularly profitable.⁷⁹ Indeed, there is much scepticism and critique of social progression from above. This is not just limited to the Caribbean side of the debate. Bourdieu already stated,

If I say that politicians, who sign international agreements consigning cultural works to the common fate of interchangeable commodities subject to the same laws that apply to corn, bananas, or citrus fruit, are contributing (without always knowing it) to the abasement of culture and minds, it will be said that I am exaggerating.⁸⁰

From a Gramscian perspective, this has much to do with the "social consequences of 'commodification', [that is the] inclusion in the market sphere of relations previously left outside its boundaries".⁸¹ After all, "[i]n Gramsci's historical materialism [...], ideas and material conditions are always bound together, mutually enforcing one another, and not reducible one to the other".⁸² That is, despite being a sensitive issue for the EU, as an 'other-regarding interest', the novel inclusion of culture in this international trade agreement nevertheless does not tip the balance of power.

⁷⁷ "Caribbean integration: can cultural production succeed where politics and economics have failed?" , Text of the keynote address delivered at the St Martin Book Fair on May 31, 2012, p. 1; the original (and less interesting) title being "Challenges and Opportunities in Forwarding the Caribbean Family", Norman Girvan, 2012, accessed 26 March 2013, <http://www.normangirvan.info/wp-content/uploads/2012/06/keynote-st-martin.pdf>.

⁷⁸ K. Nurse, in Zampetti & Lodge (eds.), *op.cit.*, p. 153.

⁷⁹ *Ibid.*, p. 161.

⁸⁰ P. Bourdieu, *Firing Back: Against the Tyranny of the Market 2*, New York, The New Press, 2003, p. 64.

⁸¹ L.S. Talani, *European Political Economy: Political Science Perspectives*, Aldershot, Ashgate, 2004, p. 216.

⁸² R. Cox, in Gill (ed.), *op.cit.*, p. 56.

Security Sector

Security does appear in the text of the EPA, but it appears marginal in comparison to the implied importance of the other sectors. Security is often a binary consideration, that is, relating to trade facilitation; peace and security or food security. Yet, I would suggest that security is in fact intrinsic to every part of this debate, but in practice, it is marginalised as it is not a preoccupying issue in EU-Caribbean relations. This allows for the ease of conducting SFP and marginalises potential geo-political issues that could publicise the EPA debate.

In the recent Delegation to Cariforum (DCAR) Committee meeting in the European Parliament, new challenges beyond traditional development were evoked, emphasising both traditional and non-traditional conceptions of security relating to drugs and climate change respectively. An innovative part of the discussion highlighted that the “Caribbean is the only region to share a physical border with the EU [...] the land border in French Guyana; what happens there is important for the EU: Caribbean problems are also EU problems”.⁸³ This exemplifies the fact that there is a strategic EU interest in security in the Caribbean. Indeed, the allocations for the 10th EDF for Cariforum states do seem to chime with local preoccupations. In this light, the general references to security can give Caribbean countries the necessary policy space and funds to address their endogenous situation responsibly.

In relation to food security, critique based on EU double standards re-emerges as the protectionist drive of the CAP was both directly and indirectly harmful to the ACP countries’ agricultural exports. Even in the case that the EPA does provide for security for traders and investors, this may not be enough to overwrite the inherent paradoxes borne out of a history of dialectical relations. Indeed, the EU seems to appropriate the role of rule-maker and agenda-setter and where necessary rule-bender, based on its consensually founded hegemonic role. Nonetheless, it is surprising that security seems relatively absent in the EPA, as due to the Caribbean preoccupations with this issue, internalisation may progress rather readily here.

⁸³ EEAS official, DCAR Committee Meeting, European Parliament, 26 March 2013.

Level of Analysis of the CF-EU EPA

Having addressed the intricacies of the EPA as a SFP tool and its impact on the EU as a SFP actor across the political, legal, economic, social and security sectors, the next section shall assess the internalisation of the EPA across several SFP levels: the individual; the societal, national and inter-societal; the inter-state and regional; the international, transnational and global levels. The degree of internalisation directly correlates with the sustainability of the EPA defining the future CF-EU relations.

Individual Level

Whilst it is rather perfunctory to merely judge the conclusion of the agreement, negotiation ought to be contextualised in its organic state as interaction between negotiators from different camps, each trying to achieve the Pareto-optimal outcome. In this regard, the most interesting observation is on the particular influences, synergies and dynamics from personal interaction, which was a particular driving force behind completing a long process of negotiation.⁸⁴ Negotiators from both the EU and CRNM side explained how the long process of negotiation brought a deeper cognitive appreciation of the contentious issues as hand, which in turn, allowed for adequate compromise to conclude the CF-EU EPA. These synergies, whilst apparently productive from the negotiating perspective, nevertheless radically depart from the perceptions of prominent members of Caribbean civil society. Contemporaneously, there was a dialectical process of synergies forming amongst Caribbean intellectuals and critics of the EPA fundamentally criticising the process of negotiation for inadequate public consultation.⁸⁵ Yet, both groups of individuals influence the transmission of a normative conception of the EPAs, allowing for greater effective debate and the internalisation of the SFP process in one form or another.

Societal, National and Inter-Societal Levels

The currently uneven pace of EPA implementation in the Caribbean brings into question the importance of the EPA, but also critically reinforces the fact that the *volonté* to integrate and implement must be endogenous. Currently, it seems that,

⁸⁴ It is noteworthy to underline that Zampetti, a EU negotiator and Lodge, a CRNM negotiator co-edited *The Cariforum-EU EPA, A Practitioners' Perspective*. Trade Expert, Interview, *op.cit.*

⁸⁵ N. Girvan, "Some Lessons of the EU-Cariforum EPA", International Centre for Trade and Sustainable Development, 2009, accessed 22 March 2013, <http://ictsd.org/i/news/tni/57509>.

[m]ost of the public sector seems locked into a model that anticipates continuing grants and budgetary support, while much of the private sector has failed to look either at the region or beyond as a market opportunity. All of which suggests that the region is being outpaced by new thinking and seems unable or unwilling to react, garner support or mobilise public opinion in the time scales in which the rest of the world is operating.⁸⁶

A high-level Caricom official noted plainly, “we’ve stopped planning, the only objective is staying in power [...] there is a preference for individual member states even though a common approach is stronger [...] Caricom is a bad word”.⁸⁷ From this insight, it may be of no surprise that “nobody is preoccupied with agreement”.⁸⁸ This highlights the disparity of the importance of the EPA in both the Caribbean and European circles.

Considering Haiti as the only LDC in the Caribbean particularly opens a new can of worms. The question may be posed, was the comprehensive ‘full’ EPA tailor-made for the Caribbean? If yes, and logically so, the Caribbean region had little to no choice in changing the nature of its relations by adopting the EPA. After all, unlike the African states, the Caribbean was not eligible for the EU’s Everything But Arms (EBA) duty-free quota-free import initiative.

Additionally, it has been recognised that “there is only limited sympathy for the region in Brussels, in part because no Caribbean government in recent years other than the Dominican Republic has consistently cultivated the support of those who shape policy in the key institutions or spent much time getting to know Europe”.⁸⁹ Arguably, a similar argument may be made that the Caribbean conglomerate did not spend time getting to know themselves. This does reinforce the EU’s position vis-à-vis its internally fragmented partner, which in spite of its own directionality may be conceptualised as dominant, hegemonic or even imperialistic merely because of the internal governance situation of the Caribbean.

Inter-State and Regional Levels

There is already evidence of the EU’s SFP actorness as structural change has been induced via the inclusion of the Dominican Republic in the Caribbean regional

⁸⁶ “Silence Of The Caribbean Lambs”, *Jamaica Gleaner*, 2012, accessed 22 March 2013, <http://jamaica-gleaner.com/gleaner/20120930/business/business10.html>.

⁸⁷ Caricom official, Interview, Port-of-Spain, 3 January 2013.

⁸⁸ Caribbean Ambassador, Interview, *op.cit.*

⁸⁹ See “Silence of the Caribbean lambs”, *op.cit.*

grouping. The EPA cements and entrenches the existing FTA between the Caricom. Lodge explains that it “has effectively overhauled the Caricom-Dominican Republic FTA and replaced it with a more dynamic and ambitious arrangement”.⁹⁰ Yet, this is not equivalent with eradicating already existing structural and normative tensions that have previously hampered the development of positive Caricom-Dominican Republic relations. Although, by innovating beyond the existing Caricom structure in place and initiating the creation of Cariforum, perhaps the EU may be better placed as an outsider to remedy the maladies of the Caribbean. In this regard, a DCAR Committee official acknowledged that due to the developing nature of the Caribbean it may be more logical in the Latin America Caribbean (LAC) framework.⁹¹ Yet, the EPA has received particular critique from the Caribbean's Latin American neighbours amongst others. This is levied in relation to the MFN clause at the heart of the EPA, which requires Cariforum countries to consult with the EU if it considers entering into a free trade agreement with other major trading economies.⁹² The practical implications are largely perceived as a hindrance to future regional trade agreements on an international scale, since these provisions are evidently not reciprocal. This underlines the continuum in the dominant behaviour of the EU vis-à-vis the Caribbean despite any best endeavours. From a neo-Gramscian perspective, it should be recalled that,

with respect to structural power, the direct and coercive face of colonial power gave way to an indirect, and perhaps more consensual face, in that market constraints, as well as a set of aspirations on the part of elite and mass in developing countries come together to both motivate their productive arrangement as well as to constrain their potential for economic, as well as cultural development [...] With time, the coercive use of power may become less necessary and also less obvious as consensus builds up on the basis of shared values, ideas and material interests on the part of both ruling and subordinated classes.⁹³

The EPA may therefore be conceptualised as a continuation of this process, as the EU has clearly moved beyond its dominant position but attempts to maintain a hegemonic role vis-à-vis the Caribbean region.

⁹⁰ J. Lodge, in Zampetti & Lodge (eds.), *op.cit.*, pp. 32-34.

⁹¹ DCAR Committee official, Interview, *op.cit.*

⁹² “Major trading economies are Brazil, China, India, Canada, USA, South Korea, Russia and other Latin American and Asian countries”, see Van Genderen-Naar, *The Cariforum-EU EPA*, *op.cit.*

⁹³ L.S. Talani, *Globalisation, Hegemony and the Future of the City of London*, Basingstoke, Palgrave Macmillan, 2012, p. 78.

International, Transnational and Global Level

The CF-EU EPA, which is often incorrectly downplayed due to the relative size of the Caribbean islands, represents a broader strategic opportunity for the EU. In particular, it has been postulated that a stronger Caribbean region can lead to international synergies. At the DCAR session, an EEAS official noted, "our relationship is not just important bilaterally but on the international scene where we represent forty-plus countries together; we are important at UN as almost one quarter [...] we are a force to be contended with".⁹⁴ The CF-EU EPA may be perceived as ample evidence of the EU succeeding in the international *fora* where the WTO cannot. In this regard, and in light of the possibility to multilateralise regional agreements,⁹⁵ this may be evidence that the EU has a hegemonic *volonté* beyond the CF-EU EPA. As such, the EPA would be considered the first step in this process, where the inclusion of the MFN clause in the EPA has the potential to create knock-on domino effects on the world trading regime.

However, there are clear differences of opinions, which render the MFN clause highly disputable:

As compared to the MFN clause in the Cotonou which commits CARIFORUM to grant the EU any better preferential treatment granted to other industrialised countries, the C-EPA MFN provision extends the scope of the MFN coverage to include advanced developing countries that fall within the 1% and 1.5% thresholds for countries and regions, respectively.⁹⁶

The negative implications for further South-South FTAs have been a particular point of contention raised by Latin American countries, supported by China, India and South Africa.⁹⁷ These implications ought to be clarified, not merely for influencing structures and ensuring their sustainability in the Caribbean region alone. But, especially as the EU continues to pursue other regional FTAs, such as the Transatlantic Trade and Investment Partnership (TTIP) with the USA, the CF countries should know where they stand. In case that the EPA is a precursor for further multilateralisation, the

⁹⁴ EEAS official, DCAR meeting, *op.cit.*

⁹⁵ R. Baldwin, 21st Century Regionalism: Filling the gap between 21st century trade and 20th century trade rules, *Centre for Economic Policy Research*, Staff Working Paper ERSD-2011-08, Geneva, May 2011.

⁹⁶ See A. P. Gonzales, "EPA WTO Compatibility: A View from a WTO Perspective", in Zampetti & Lodge (eds.), *op.cit.*, pp. 230-231. See also, a very critical response, "Time is up to stop the EU-ACP EPAs negotiations", *op.cit.*

⁹⁷ *Ibid.*

consequent trade obligations borne by the CF would blur the distinction between dominance and hegemony.

Conclusions

This paper has examined the role of the EU as a foreign policy actor vis-à-vis the Caribbean based on the case of the EU-CF EPA from a neo-Gramscian perspective. The investigation set out to respond to two key SFP questions: Firstly, to what extent is the EPA a SFP tool aimed at influencing and shaping the structures in the Caribbean? And, secondly, to what extent is the internalisation of this process reflective of the EU as a hegemonic SFP actor vis-à-vis the Caribbean?

This paper has shown that the EPA is *de facto* and *de jure* a SFP tool aimed at influencing, shaping and embedding structures in the Caribbean. The EPA clearly responds to the necessity to change the EU-ACP relationship based on the incompatibility with WTO law and consequently, this was strategically used as an opportunity to innovate beyond WTO law.

In the case of the political sector, the strategic conceptualisation of the 'partnership of equals' defining the EU-ACP relationship has allowed for a consistent consensual SFP influence. The case of the EPA negotiations was highly divisive. Indeed, with the passing of time, some opinions have also changed, even more so as the CF-EU EPA remains the singular case of a 'full' EPA. A Caribbean official, a year after an initial interview, changed his/her stance on the CF-EU EPA stating that "no deal is better than a bad deal [...]. Our negotiators fell for the bluff".⁹⁸ This underlines the fact that there is a fine line in our conceptualisation of the EU as a neo-Gramscian SFP actor, shifting between a hegemonic and a dominant role vis-à-vis the Caribbean.

In the legal sector, the lack of consensus surrounding the interplay between Article XXIV GATT and the Enabling Clause has not rendered the conceptualisation of the EU as a neo-Gramscian SFP actor any clearer. Indeed, coupled with increasingly critical views, from both lawyers concerning the legal provisions of ratification and provisional application of the EPA and practitioners alike, the EU risks to be seen as a dominant SFP actor perpetuating the dominant EU world view.

As regards the economic sector, the EU's rationale for the EPA as a strategic SFP tool is clearly concerned with securing and maintaining economic relations

⁹⁸ Anonymous, Interview, Port-of Spain, 2012.

between the regions by developing a commercial regulatory corridor. However, there were a number of concerns relating to the risk of further synergies stemming from the inclusion of the MFN clause, which could kick-start a process of multilateralisation of regional agreements. In this respect, the inclusion of the 'WTO+' and 'WTO-X' elements has had a mixed response, with some stating the necessity to go back to multilateralism.⁹⁹

The social sector is of particular importance due to the novel inclusion of culture in the EPA. Despite the impetus for its inclusion being an 'outside-in' interest or an 'other-regarding' interest, it has nonetheless received substantial critique from those sceptical of this new genre of 'commodification'. This echoes the overriding paradoxical critique that the EPA is perceived as an exogenous agreement in the Caribbean.

The lack of reference to the security sector in the EPA has been shown to be misleading. After all, the implications of security are clear *foci* for both the Caribbean region and the EU. Beyond the case of the EPA, security is a nexus, which is interlinked with other issues and we can suppose that the EU endeavours to augment its powers here.

The trickiest part of this interrogation has clearly been the investigation of the process of internalisation. Whilst this should flow logically from the structural influence, it was shown that there is no guarantee. Moreover, whilst the EPA as a SFP tool may be equated with the EU's *volonté* to advance the process of internalisation, the EU's own actorness plays a decisive role in this process. If the EU is too forceful, as some individuals may have highlighted, it will be perceived as a dominant actor and internalisation would be resisted. This phenomenon may be extrapolated. At the societal, national and inter-societal levels it was also noted that if it holds true that the 'full' EPA was in fact designed wholly for the Caribbean, due to the fact that it was by default not eligible for the EBA scheme, the EU may be conceptualised as Janus-faced. At the inter-state and regional levels, there has already been much structural influence with the innovation of adding the Dominican Republic to the Caricom regional entity to form the CF. This may be the first of many changes bearing in mind the increasing emphasis on the LAC framework and the disputed consequences of the MFN principle for further South-South trade agreements. This has direct implications at the international, transnational and global level, especially

⁹⁹ P. Defraigne, "Back to Trade Multilateralism", *Madariaga Paper*, vol. 4, no. 2, Brussels, January, 2011.

with the EU, championed by the EEAS in particular, having recognised a stronger joint EU-CF role in multilateral *fora*.

It has been suggested that, “without these prerequisites [provided for in the CF-EU EPA], CARIFORUM's vulnerability would grow and thereby jeopardise the region's economic survival in a globalised world”.¹⁰⁰ One CRNM negotiator summed this up by stating, “we *always* need the external push”.¹⁰¹ This exogenous force has been the subject of our investigation into the EPA as a SFP tool used by the EU as a neo-Gramscian SFP actor. Already, there has been much interplay of hegemonic and dominant behaviour from the EU. Nonetheless, this interrogation has shown that hegemony outweighs dominance, and insofar as there is recourse to law and not to force, to consent and not to coercion, the EPA is a SFP tool which places viability and sustainability of structures at the heart of the EU's consensus-based foreign policy process.

¹⁰⁰ Lodge, in Zampetti & Lodge (eds.), *op.cit.*, p. 25.

¹⁰¹ CRNM official, Interview, *op.cit.*

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