

Editorial

West Africa in the EPA Negotiations with the European Community

Bibiane Mbaye Gahamanyi*

A highly vulnerable region in an uncertain world

The countries of West Africa (brought together within ECOWAS enlarged to Mauritania) engaged negotiations with the European Community for an Economic Partnership Agreement on 6 October 2003.

The regional backdrop to these negotiations is disturbing on all fronts: political, economic and social. West Africa, 13 of whose 16 countries are classed as LDCs, is the least advanced region in the ACP group of countries. Many countries are beset by political instability and internal strife, including the region's two "powerhouses"¹ - Nigeria and Côte d'Ivoire - and even the "wealthiest" countries like Sierra Leone, Liberia, and Guinea-Conakry. The shock waves from these conflicts are sending ripples throughout the sub-region. Two decades of structural adjustment and the social impacts they have brought in mass unemployment and marginalization have been a clear a factor in the political, social and economic decline, providing a breeding ground for all destabilizing forces, whether inspired by identity claims, religion, politics or ethnicity. Despite its very outward-oriented economy, the region is marginalized in economic and commercial terms, and its trade with the rest of the world barely registers on the global scale. Its exports are not diversified and are still as they were in the 1960s - low value added primary commodities.

Globally, since the collapse of socialism and the fall of the USSR, US political and economic leadership and the neoliberal model have increasingly found themselves in the dock. J. E. Stiglitz described it as the intellectual foundation of laissez-faire having been smashed to smithereens by events, and globalization wreaking havoc among the poor². This fact is illustrated by the cross-currents and setbacks encountered by attempts to regulate international trade within the WTO. These are failures of democracy (decision-making behind closed doors, "leverage" of all kinds, unfair agreements exacted from the weakest countries) and failures in the development model imposed on poorer countries. With no clear consensus on a model, people are dogged by uncertainty and spurn the rules laid down by the international financial institutions.

How the region is readying for the Phase II negotiations

Economic Partnership Agreements are negotiated in two phases (now run at the same time); the all-ACP phase which sets the reference framework for all issues of common interest to the group as a whole; and the regional phase, which more specifically addresses regional interests. West Africa along with Central Africa was among the first ACP regions to opt to negotiate an EPA and select its geographical configuration.

In January 2003, the Conference of Heads of States of the region mandated the ECOWAS Executive Secretariat to conduct the negotiations for West Africa in collaboration with the West African Economic and Monetary Union (WAMU) Commission. The terms of the negotiating mandate and negotiating structure were laid down at the same time.³ The key strands of the negotiating mandate were:

- Support for the process of regional integration;
- Making development central to the EPA;
- The agricultural sector to be an integral part of the agreement;
- Differential coverage;
- Safeguard measures for particular products;
- Misalignment in the timetable for dismantling of tariff restrictions;
- Regulation of competition;
- EU to fund the net transitional and tax offsetting costs;
- Freedom of movement for capital.

The negotiating structure comprises:

- The ECOWAS Council of Ministers;
- The Ministerial Follow-up Committee;
- The group of ECOWAS ambassadors in Brussels and permanent representatives in Geneva;
- The Regional Negotiating Committee;
- The Technical Support Committee.

Along with these were a Liaison Committee and Task Force, both comprising members of ECOWAS, WAMU and the European Commission. These two bodies create the linkage between ECOWAS and the EU to prepare dossiers and the negotiations. The members of these committees attend all technical group meetings as observers. Negotiations are conducted for the European Community by the European Commission, specifically, the Directorate General for Trade.

A five-point road map⁴ was adopted by the region⁵ shortly after negotiations were launched:

- Further development of the regional integration process before any tariff negotiations take place;
- Enhancing competitiveness (capacity-building for enterprises and bringing them and their environment up to level);
- Preparation and conduct of the negotiations (the different stages and content of preparations and negotiations);

- The negotiating structure and its means of operation;
- An indicative timeline (the deadlines for each item contained in the road map).

Five thematic regional impact assessments (agriculture, market access, manufactured products, trade-related issues) have also just been completed and validation should not be long coming.

Significantly, two of the so-called Singapore themes (competition and investment) are included in the region's negotiating mandate. To square that with the position taken in the WTO and G20 and G90 alliances, the Ministerial Follow-up Committee decided when adopting the road map for the Phase II negotiations that the Singapore themes would be negotiated "when the time is right", i.e., when a consensus had been found in the WTO.

The negotiating structure includes representatives of civil society and the private sector, and reflects the aim to link up the different negotiations, harmonize Member States' positions, develop the necessary expertise, and adopt a democratic, transparent approach⁶. But it is clear that the States (headed by Nigeria)⁷ are reluctant to surrender part of their sovereignty to regional institutions, while ECOWAS and WAMU arguably lack the institutional capacities needed to conduct negotiations with the EC. This may leave the lead negotiator without the leverage and leeway needed. Considerations of transparency also dictate that criteria should be set for participation by non-state actors.

The road map adopted by the region is now under discussion with the European Commission. What these discussions have clearly shown is the distance between the two sides on issues where it was thought there was a meeting of minds: the same objectives and strategies translated into the same language, have ended up in different realities.

For both sides, the EPA is about promoting development and integration into world trade, the extra it adds is funding for development, and the way it means to do that is through support for the existing regional integration process. As a result, the first stages of the EPA process for the region are to finalize the ECOWAS regional integration process⁸ and to identify the support measures necessary to make adjustments, with support from the partner. But the EC will not hear of integration of the ECOWAS countries being a prerequisite for tariff negotiations, and also wants to uncouple directly trade-related aspects of the negotiations from capacity-building to enhance the region's competitiveness. The region, on the other hand, sees broader competitiveness issues as a key plank of the negotiations. The EC also regards development finance matters as not on the agenda, because they have already been settled in the financial and technical cooperation under the Cotonou Agreement. As things stand, these are the big gaps that the discussions are trying to close.

Preparation of civil society actors

Several processes are under way at different levels. What is more particularly looked at here is that engaged in the platform of civil society organizations of West Africa.

In line with the action plan adopted by the ACP Civil Society Forum meeting in July 2001 in Brussels, and the guidelines laid down by the regional platform at the Conakry seminar in July

2002, economic and trade cooperation was chosen on as the focal issue, not least by reason of the then-imminent negotiation of new trade agreements between the ACP group of regions and the European Community. As a result, activities to build awareness and energize national CSOs around the EPA issue were run by the regional platform and national platforms throughout 2003 in various countries in the region (Benin, Ghana, Guinea-Conakry, Niger, Senegal, Togo and Nigeria). A preparation programme for the negotiation of an EPA between West Africa and the EC has also been designed by ENDA Syspro2, the secretariat of the Prospective regional platform. Phase I of this programme covers nine countries in the region⁹, and has been largely funded by the European Commission under the ACP capacity-building project for the EPA negotiations (8 ACP TPS 110). Other partners, like Oxfam UK and the FES, are also contributing. The programme aims to get civil society engaged and involved in the EPA debate and negotiations, and help a wider emergence of expertise on international trade and development issues to add to it.

The regional strategic planning seminar held in Dakar on 9, 10 and 11 February 2004 is the first activity in this capacity-building programme. It brought together a wide variety of non-state actors representing national platforms and other networks and actors concerned by the ongoing negotiations (ATN, ROPPA, labour organizations, journalists, etc.). The seminar set rolling a process of national debate and positioning on the EPA in the nine countries. These positions will then be drawn together in order to work out a joined-up regional stance. A process has also been set going to draw up analysis reports on agriculture, regional integration, trade and development in order to inform the debate. Lobbying strategies to get these positions taken on board by decision-makers will be identified and put to work.

EPA and development

A number of civil society organizations (CSOs) have already come out against the EPA negotiations as being essentially free trade agreements between a superpower and a developing region. Unlike in multilateral negotiations, the “balance of power” between countries in the region and the EC (a leading world economic and trade power, and the region’s foremost partner) will be more direct in this arena. What is the region likely to get out of it?

And yet there is a fundamental measure of agreement in the pronouncements on both sides - government representatives from all sides and civil society actors. Any agreement between ECOWAS and the EU must work for integration and development in the sub-region. What West Africa mainly needs is access to the European market and (perhaps especially) a strengthening of its internal markets, a diversification of its production, and capacity-building to make it more competitive.

The challenge of these negotiations is to put that concern into practice. For that, regional institutions and the EU first need to face up to the failures and shortcomings of economic liberalist free market theory. The engine of sustainable development is not to be found in a one-size-fits-all model imposed by the most powerful countries; new balances must be found in the share-out of responsibilities between State, market and CSOs. Some preconditions that must be met if the EPA is to offer a real opportunity for the region are more important than others:

- The EC’s approach must prioritize development (commitment to support development) rather than just trade;

- The West African States must demonstrate resolve and a medium- and long-term vision;
- Civil society must play its role in building awareness, marshalling energies, commitment and coming up with alternatives.



Notes

¹ Nigeria and Côte d'Ivoire are West Africa's two commercial hubs. For more details on the influence of these two countries in the region, see Perret, C. 2003. L'état actuel de l'économie ouest-africaine. In : Damon, J., et J. Igué. *L'Afrique de l'Ouest dans la compétition mondiale: quels atouts possibles?* Paris: Karthala: 219-248.

² Stiglitz, J.E. 2003. *The Roaring Nineties*. S.I. Norton.

³ Cf. Decision A/DEC.8/ 01/ 03 Concerning West Africa's Preparations for the Negotiation of Economic Partnership Agreements (EPA) with the European Union. Twenty-sixth Session of the Conference of Heads of State and of Government, Dakar 31/01/03

⁴ See report of the ECOWAS Trade and Finance Ministers' meeting, Accra, 17 November 2003

⁵ Meeting of the Ministerial Follow-up Committee, Accra, 17 November 17 2003

⁶ Bridges, September-October 2003.

⁷ Proposal from Nigeria for West Africa's lead negotiator to be supported by 3 experts from each country, and for the Chairman of the ECOWAS Trade Ministers meeting to be involved. See report on the Accra meeting, p.9

⁸ Regional integration seems to be making headway with a new political impetus, probably somehow stemming from the negotiating momentum. But to be viable and sustainable, these processes must be underpinned by historical foundations and developments in the field.

⁹ Benin, Burkina Faso, Gambia, Ghana, Guinea-Conakry, Mali, Niger, Nigeria, Senegal. Phase II will bring in the remaining countries - Cape Verde, Côte d'Ivoire, Guinea Bissau, Liberia, Mauritania, Sierra Leone, Togo.



**Bibiane Mbaye Gahamanyi* is with ENDA Senegal and also the West Africa Focal Point of the ACP Civil Society Forum.