

‘Singing From the Same Hymn Sheet’: Caribbean Diplomacy and the Cotonou Agreement

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The post-Lome negotiations (1998-2000) were a major landmark in the history of relations between the African-Caribbean-Pacific (ACP) countries and the European Union (EU). They signalled the transition, after 25 years, from the post-colonial Lome framework of relations, initiated in 1975, to an arrangement more in keeping with the contemporary neoliberal international order.² The Cotonou Treaty of 2000 concluded the first phase of an ongoing negotiating process that will shift trade between the EU and some ACP countries away from non-reciprocal, preferential trade to eventual free trade agreements (FTAs). The latter phase, the negotiation of regional FTAs, began for the ACP as a whole in September 2002, while talks specific to a Caribbean-EU agreement were launched in Jamaica in April 2004.

The Cotonou process has already been examined in some detail but there have been few studies with a Caribbean focus.³ The latter include chapters by Harrack-singh and Ramesar (both in Ramsaran 2002) and Hylton (2002, 2003). This article explores the Caribbean perspectives on these negotiations. Caribbean actors have often found themselves defending minority positions in multilateral negotiations and there are few recorded accounts of either their strategies or the outcomes.⁴ We hope to add to the stock of documented diplomacy in this account of the Cotonou negotiations – a significant watershed for Caribbean actors which challenged them to adapt their foreign policies and diplomacy to cope with a globalized environment.

Just as Lome I (1975) had been one of the most significant examples of North-South economic negotiations in its time, the negotiation of the Cotonou Treaty took on added importance because it involved the re-ordering of some key principles underlying the Lome treaties.⁵ It was the first major trade negotiation being undertaken by the Caribbean countries since the new multilateral trade regime of the World Trade Organization came into force in 1995. A major issue was the scope and pace at which the preferential market arrangements provided for under the Lome Conventions would be dismantled. In fact, Cotonou became a transitional arrangement to bridge the period between preferential trade and the gradual introduction of reciprocal free trade arrangements. It was also significant because the Caribbean negotiating team included veteran statesmen who had played key roles in the earlier era of North-South diplomacy as well as a younger generation of officials.⁶ There was a historical consciousness, an awareness of the extent and speed with which the Lome parameters were shifting, and keen debate, perhaps bordering at times on a tug-of-war within the group about the philosophical and strategic foundations on which they would wish to base a new generation of agreement with the EU.

Likewise, the talks engaged a wide spectrum of state and non-governmental actors and interests. This was the first major negotiation for the Caribbean in which

so many private sector representatives participated so actively. It also provided a training ground and a forum for civil society representatives, often acting in unison with European and other ACP counterparts. There was a high level of participation by Caribbean political representatives, diplomats and the officials of the CARICOM Regional Negotiating Machinery. The Cotonou negotiations became a 'test run' for this newly formed unit. The Cotonou process deserves to be analyzed and recorded as a significant negotiating experience for the region that provides us with the opportunity to examine some of the coping strategies of Caribbean actors in contemporary multilateral settings.

The first part of this article discusses some characteristics of multilateral negotiations and looks at the structure, sequence and main issues arising in the Cotonou negotiations. The second part examines the roles and interests of Caribbean countries and sectoral groups and the complexities of integrating these into a common regional position. The conclusion points to some lessons learned from the Cotonou process for future multilateral trade negotiations involving Caribbean actors.

Cotonou: An Atypical Multilateral Negotiation

The hallmark of multilateral negotiations is generally complexity, due to the large numbers of players and consequent diffusion of political power in the process, the high volume of information to be processed and the procedural and strategic complexity of multiparty talks (Lewicki, Saunders and Minton 1999). Multilateral negotiations therefore pose special challenges of managing complexity, particularly for small, under-resourced actors. At the same time, in contrast to bilateral negotiations, they offer unprecedented opportunities for less powerful states to exert a disproportionate amount of influence (Barston 1988). All these characteristics are confirmed in the case of the Lome-Cotonou negotiations, which have experienced a steady increase since 1974 in the number of participants on both sides and the complexity of the trade and aid issues that are handled.

In many ways, the Lome-Cotonou process has developed its own peculiar traditions and dynamic over twenty-five years, and is neither typical of most trade negotiations nor of the average multilateral negotiation. Trade negotiations generally involve a process of fierce bargaining and reciprocal concession offers among the parties. The Lome-Cotonou process, on the other hand, has sometimes been referred to as the negotiation of development cooperation rather than a trade negotiation *per se*. The stakes are large volumes of development finance, power levels between the EU and the ACP are highly asymmetrical and the latter have limited leverage over the formal process.

The Lome-Cotonou multilateral process is characterized by a fundamental North-South cleavage between the fifteen EU countries and the seventy-one ACP states. There are various sub-regional coalitions within the ACP, and crisscross networks of linkages between ACP states and their former colonial metropolises. For most participants, their relations with specific actors on the opposite side and within their own group have been shaped by the colonial past. Both groups are quite heterogeneous. Some EU states have a history of colonial empires while others have had a different interface with the developing world. Some, right from the inception of the European Common Market in 1957, leaned more towards uniform approaches towards the developing world, while others argued for special relationships with their ex-colonies (Ravenhill 1985). The latter position prevailed but was

subject to erosion over time as the EU membership expanded to include more states without a history of colonialism.

Within the ACP Group, there are marked differences in history, geography and levels of development,⁷ with consequent high potential for divisions. Cohesion has to be constantly reconstituted by dint of internal bargaining, trade-offs and coalition formation. Unified positions can be so vague as to be meaningless. Solidarity often rests on maintaining very traditional positions at the expense of pro-activism and innovative approaches. The search for compromise has often prevented the ACP from narrowing down their desired objectives to fewer priorities that might produce more effective negotiation outcomes.

Moreover, underlying the formal ACP-EU structures, there are cross-cutting informal alliances and communication channels based on neo-colonial links and the international relations of particular regional groupings.⁸ The informal processes in the negotiations are therefore extremely important, both for building consensus and for promoting divisions. ACP positions can often be worn down by the EU by dint of exploiting the differences among them and targeting specific sub-groupings or individual states. It is equally common for ACP states to seek to capitalize on their historical relationship with individual members of the EU to achieve a breakthrough on difficult issues in the negotiations.⁹

Literature on the ACP-EU dwells on the power asymmetries and dependence inherent in the relationships that give the EU considerable leverage. The European Union is the most significant development aid donor for Sub-Saharan Africa in particular, accounting for about 60 per cent of total aid. The EU market accounts for about 40 per cent of the export earnings of ACP countries. However, the ACP enjoyed only a 2.8 per cent share of the EU market overall by 1994.¹⁰ Moreover, the EU's preparation and participation in negotiations with the ACP are driven by the tremendous resources of the European Commission. The ACP, on the other hand, rely on the ACP Secretariat, which is not only dependent on an EU subsidy, but is also weakened by member states' failure to pay their contributions on a regular basis, and delays in taking crucial decisions. The ACP Secretariat's capacity to service the membership's participation in the Cotonou negotiations was severely stymied by a financial crisis in 1999 and by the Group's delay in electing a new Secretary-General.¹¹

These factors notwithstanding, there is almost always situational power to be tapped in a negotiation and the ACP has managed to exert some limited influence in its relations with the EU. It has been able to leverage a significant quantum of aid and preferential market access by the fact that 50 per cent of its members are Least Developed Countries (LLDCs) and the EU values its image as a leading player in development cooperation. Moreover, Europe has a geostrategic interest in ensuring as far as possible political and economic stability in Africa.¹² Sandberg and Shambaugh (in Zartmann 1993) argue that routinization of North-South negotiations can also be beneficial to the Southern actors. After 25 years, Lomé had become a quasi-regime and, during the Cotonou negotiations, the weight of its accumulated institutional practice became an asset for the many ACP states wanting continuity and a slowing down of the pace of change in the ACP-EU relationship (Forwood 2001; Lister 1997).

Ever since the 1970s CARICOM states have used coalition-based strategies to obtain maximum leverage in their negotiations with the European Union (Erismann 1992). They perceived themselves as a minority group needing the association with

Africa in order not to be marginalized from the major benefits of the EU's market access and development cooperation policies. Additionally, the Caribbean and Pacific groups share many common economic and environmental concerns as Small Island Developing States. Caribbean strategies have focused on promoting ACP cohesion. During the Cotonou process, they worked on revitalizing their ties with African countries.¹³ While their ties with Southern Africa remained strong at the end of the 1990s, the links with other parts of the continent were somewhat eroded. They worked to maximize their influence within the larger group despite their small numbers, small economies and low geostrategic significance. Their main resources were information and expertise and they sought to capitalize on any possible opportunities in the organizational structure of the negotiations. They hosted two crucial ACP-EU gatherings, the 23rd ACP-EU Council of Ministers Meeting in Barbados in May 1998 and the Second ACP Summit in the Dominican Republic in November 1999. Both venues were valuable platforms for voicing Caribbean positions in the negotiations. In the preparatory phase of the negotiations, they were proactive in amassing technical expertise and making it available to the wider ACP grouping.

The Caribbean actors assumed prominent roles within the ACP by virtue of their levels of organization and preparation and by occupying key leadership positions in certain negotiating groups. They concentrated on having strong representation at the political level of the negotiations, judging this to be the most influential sphere. They also skilfully managed the factor of timing and the rotation of posts among the ACP countries. The ACP Presidents and Co-Chairs at the crucial beginning and closing stages of the negotiations were Dame Billie Miller, Foreign Minister of Barbados, and Foreign Minister John Horne of St. Vincent and the Grenadines respectively. Group Three on Trade was co-chaired for its duration by the Jamaican Minister of Foreign Trade Anthony Hylton, while Minister Eustace of St. Vincent and the Grenadines served as alternate spokesperson for Group Four. St. Kitts-Nevis sat on the Central Negotiating Group in 1999. While Caribbean ambassadors were extremely active throughout the negotiations, only the representative of the Dominican Republic actually sat in Groups One and Four.¹⁴

Forwood (2001) goes beyond Cotonou's international conference setting to explore the role domestic forces played in determining the positions of EU member countries and eventually the collective outcome. She limits her analysis to the EU, arguing that the Cotonou process was driven largely by forces in the EU, and that the institutional complexity of the EU offers greater scope for analysis. Forwood's research emphasizes the complexity and range of the negotiations that took place in various EU arenas, and the theoretical challenge of adequately capturing the multifaceted nature of the EU governance system and the dynamic links between the domestic and international levels. While applauding her analysis, we argue that a lot remains to be explored about the ACP parties in the negotiations. There were also multiple levels of negotiation and decision-making operating in the ACP camp. The main players in the intricate Caribbean diplomatic system that developed around Cotonou were the CARIFORUM governments, the CARICOM Secretariat and the Regional Negotiating Machinery, the ambassadors in Brussels, the ACP Secretariat and the rest of the ACP countries, private sector interest groups and the Caribbean Council for Europe, and Caribbean NGOs who often worked together with their European counterparts.

The Sequence and Structure of the Cotonou Negotiations

It has become a time-honoured tradition in ACP-EU relations that a round of talks is always preceded by a long preparatory period of consultation and debate during which a number of new ideas are floated, generally by the European Union. ACP-EU negotiations have been described at various times by such terms as 'Negotiating a *Fait Accompli*' (Grynberg 1997) and 'A Little is Preferable to Nothing' (Ravenhill in Zartman 1987). These terms refer to the tremendous power asymmetries in the negotiations and the dominant role of the European Union. But the process also suggests some degree of integrative bargaining and a type of EU hegemony in which extensive dialogue with many interest groups and stakeholders eventually leads to the acceptance of new and possibly unpalatable ideas.

This pre-negotiating phase of the Cotonou talks was quite long, due to the profound changes that were being proposed to the nature of the relationship. It ran from late 1996 to August 1998. Key events during this period included the publication of two major policy documents by the European Commission in 1996 and 1997,¹⁵ the ACP Summit in Libreville, Gabon in October 1997, the ACP-EU Parliamentary Assembly and Council of Ministers meeting in Barbados in May 1998, and finally the publication of the EU and ACP Mandates for the negotiations in June and September 1998 respectively.

The actual negotiations were launched in September 1998 and lasted until February 2000. The resulting Treaty and attached Compendium were signed in June 2000 in Cotonou, Benin.¹⁶ During the course of the negotiations, routine sessions between ACP and EU officials were scheduled each month in Brussels. They were punctuated by periodic high profile meetings that set the pace and the agenda for the ensuing phase of negotiations. The ACP Council of Ministers meeting followed by the ACP-EU Ministerial Negotiating Round One in Dakar, Senegal in February 1999 was the first opportunity to measure the progress made since the ceremonious launch of the negotiations in September in Brussels. This was followed by the ACP-EU Ministerial Negotiating Session Round Two in Brussels in July 1999. In November 1999, the second ACP Summit was held in Santo Domingo and in December 1999, the third ACP-EU Ministerial Negotiating Round was convened in Brussels. In February 2000, all remaining differences were cleared up before the conclusion of talks by the ACP-EU Ministerial Group.

At all times, the negotiations were conducted on two levels. There was an ambassadorial or technical level that met each month and conducted the day-to-day negotiations, while the ministerial level met periodically to approve the emerging shape of the agreement and to resolve issues that had proved problematic at the technical level and required greater political authority. The Bureau of the ACP Council of Ministers, assisted by technical experts from the different ACP regions, guided the pre-negotiations phase for their member states. During the actual negotiations, there were four groups: Group One was the Central Negotiating Committee that dealt with the general coordination of the talks and with political and institutional matters. Group Two handled a wide portfolio on Investment, Private Sector Development and other Development Strategies, Group Three dealt with Trade and Related Matters including Commodity Protocols, and Group Four covered Development Finance Cooperation. These Groups operated at both the ministerial and the ambassadorial/technical levels.

Setting and Substance of the Negotiations

The Cotonou negotiations were conducted in a climate of uncertainty, pessimism and very fluid international conditions for developed and developing countries alike, following the establishment of the WTO. New stringent trade rules were beginning to take effect. Caribbean ACP states, in particular, had some personal acquaintance with the process, having participated in the rather marginal capacity of interested third parties in three GATT and WTO dispute panels between 1993 and 1997 on the EU market arrangements for bananas (Lewis 2000; Thomas 1997). They had witnessed the gradual erosion of not only the preferential access for their bananas to the EU, but also the legitimacy of the larger principle of a special developmental relationship between the EU and its ACP ex-colonies. In this 'multilateralization' of post-colonial North-South linkages (Brown 2000) a major concern of the European Union was to bring its trade and development policies in line with WTO rules. A WTO waiver had been required for the implementation of the Revised Lome IV Treaty and one would again be necessary for any non-reciprocal preferential market access arrangements in the Cotonou Treaty. As the WTO regime consolidated itself, it increasingly influenced the content and limits of other multilateral and bilateral trade agreements. The ACP faced the peculiar dilemma of negotiating a trade and development agreement in one forum, with the ground rules being asserted in another. It was becoming clear that those affected unfavourably would have to engage with neoliberal ideology, trade rules and development concepts at that global institutional level in order to make an impact (Rampal 1999).

In addition to its concerns about the WTO, the European Union was engaged in two massive and complex internal projects: the conclusion of European Monetary Union by 2002, and the move towards absorbing ten countries from East and Central Europe and the Mediterranean into the Union over the next decade. The EU was engaged in reinventing its internal institutions and its foreign relations to fit these new realities as well as the more general context of globalization and liberalization. The Cotonou negotiations, therefore, were taking place in tandem with many priority issues on the EU policy agenda. It was clear that the enlargement process, in particular, would have a long-term impact on both the trade and political dimensions of the EU-ACP relationship. Inevitably these factors helped to fix the timeframes for concluding the negotiations, the attention span of EU officials and their limited flexibility in the talks.

The ACP states faced a confusing array of multilateral trade talks and looming deadlines. All were in the process of preparing for the ill-fated WTO Trade Ministerial Talks in Seattle in 1999. The Caribbean states were also involved in strenuous Western Hemispheric discussions on the ground rules and principles that would govern the Free Trade Area of the Americas negotiations, scheduled for 1998 – 2004. Finally, they were in the throes of a long drawn out diplomatic and legislative battle for NAFTA parity for CBI beneficiary countries.¹⁷ There was foreboding about the contradictions and adverse spillover effects that might occur in these different negotiating arenas.

Another significant change in the environment of these negotiations came from the political spaces opened up by the policy reform process underway in many ACP countries. The authorities accepted a more prominent private sector role in the development process and were more open than before to a role for civil society. Cotonou, starting with the 1996 EU Green Paper consultation process, provided

more opportunities for non-governmental participation than had previously been the case. In response to calls made in the Libreville Declaration of 1997, the ACP Business Forum was established in 1998.¹⁸ One of its first actions was to lobby for a chapter on Support for the Private Sector in the draft Treaty. Likewise, extensive consultations among ACP and EU civil society organizations began in 1997 on post-Lome arrangements, and led, in January 1999, to the founding of the ACP Civil Society Forum. This entity was a platform from which to formulate common positions on ACP-EU development cooperation matters and to lobby for 'decentralized cooperation' to be fully clarified and operationalized.¹⁹

The content of the Cotonou negotiations was shaped by various documents emanating from the European Commission, and ACP responses to these proposals. The Commission's Green Paper in 1996 reviewed the achievements and shortcomings of two decades of ACP-EU development cooperation and reflected on future options for the relationship. It highlighted globalization, the multilateral trade regime and the changing political landscape of Europe. It posited the need for a stronger political partnership between the EU and the ACP, based on the shared values of democracy, human rights, the rule of law, good governance, and collaboration in the area of conflict prevention and resolution. It stressed the need for poverty alleviation strategies and the promotion of a development model consistent with EU political and social values. It proposed more active participation in the development cooperation process by ACP private sectors and civil society actors.

The Green Paper stated the EU's interest in integrating the ACP countries fully into the international trading system by means of appropriate trade arrangements and it listed four possible options for so doing.²⁰ It proposed differentiated approaches towards the various ACP states, based on their heterogeneous levels of development, distinct geographical locations and circumstances. Finally, it pointed out the need to simplify and reform financial aid instruments and procedures, and revise the performance criteria for disbursements (European Commission 1996).

These options were crystallized in the EU Guidelines Document of December 1997 (Commission of the European Communities 1997). Here the EU acknowledged the complexity of negotiating major changes to the relationship, and proposed a two – phase process. The first round, 1998-2000, would negotiate a Framework Agreement on the broad principles of future ACP-EU cooperation. Beginning not later than 2003 there would be a second round of talks to negotiate Regional Economic Partnership Agreements.

Both the Guidelines and the EU Negotiating Mandate, published in June 1998,²¹ spelled out more clearly the principles that had first been proposed in the Green Paper. In particular, the trade chapter in the Mandate proposed the maintenance of Lome-type trade arrangements from 2000 to 2005 for all ACP states and the negotiation of a waiver under Article 9 of the WTO Agreement to facilitate this. All LLDCs, ACP or otherwise, would enjoy duty-free access to the EC market for all their products thereafter. The EU would seek to negotiate agreements that would gradually introduce free trade arrangements with ACP sub-regional groups or, where appropriate, with individual ACP states. Implementation of these agreements should begin in 2005. ACP countries that were not LLDCs and did not enter into such regional agreements could get market access under the EU's Generalized System of Preferences (GSPs) after 2005.

The ACP countries launched their own post-Lome reflection process with the Libreville Declaration of November 1997.²² This document reviewed relations not

only with the EU but among themselves as well. Given the size and diversity of the group, one of the key issues identified was the need to strengthen ACP solidarity. The ACP negotiating positions were partly reactive to the EU proposals, but also reflected a genuine consensus between the two sides on some issues. Thus, the Libreville Declaration echoed the goals of poverty eradication, human development and the commitment to democracy, human rights and the rule of law. It identified private sector development as one of the challenges facing the ACP and endorsed the notion of civil society involvement in mainstream national development activities. It spoke of the need to encourage a culture of private enterprise and called for the establishment of an ACP-EU Business Forum. It supported trade and investment as the engines of growth. It invoked the historic principles of ACP-EU cooperation, namely partnership, predictability, contractual obligations and dialogue.

In a number of other areas, the ACP Declaration set out a more nuanced response to EU proposals, seeking to launch an interpretative discussion as the parties moved towards new norms in their relationship. It elaborated a concept of 'positive differentiation' that would preserve the unity and solidarity of the ACP group as a whole, but would recognize the specific needs and vulnerabilities of LLDCs, landlocked and small island-developing states. It interpreted 'regionalization' to mean support for the existing regional integration efforts of ACP states ... a concept seen to be diametrically opposed to the EU proposal of Free Trade Agreements which were likely to sweep away nascent regional markets in the ACP areas. It expressed concern about the impact of unregulated liberalization of trade in agricultural products. It called for the modification of some WTO rules and a more gradual insertion of ACP countries into the global economy. Specifically, this meant the maintenance of non-reciprocal trade preferences and the commodity protocols in a successor agreement to the Lome IV Convention.

The Libreville Declaration also called for the maintenance of the STABEX and SYSMIN facilities,²³ the development of the services sector, especially tourism, in ACP countries, and the strengthening of the ACP-EU Centre for the Development of Industry (CDI). Finally, the Declaration agreed that the systems for administering aid and technical assistance should be simplified and rationalized.

The ACP Group published preliminary negotiating guidelines in June 1998, followed by their just-in-time Negotiating Mandate in September 1998.²⁴ ACP and specifically, Caribbean forebodings about the EU two-stage proposal were implicit in their reference to the forthcoming talks as an 'initial political encounter' and their invocation of the principle 'Nothing will be agreed until everything is agreed'.²⁵ They stated that the primary objective of any new agreement should be to provide for the special needs of the ACP and reduce the risk of their marginalization in a liberalized global economy. They called for political dialogue without dictation or conditionalities and stipulated that it should include policy themes that were of concern to ACP countries, such as the treatment of ACP immigrants in the European Union. ACP-EU institutions and dialogue procedures should preserve the unity of the entire ACP group.

The ACP Mandate proposed that the geographical scope of the ACP should not undergo major changes, but that EU territories in the ACP regions should be allowed to join, if need be. Another Caribbean input was visible in the statement that Cuba and possibly some states in the Pacific would be accepted if their applications were supported by the ACP states in their region. 'Policies of Regionalization' were spelled out to mean taking account of the differing needs and levels of

development of countries in the ACP regions and facilitating the integration of sub-regional groups on a sustainable basis into the world economy. 'Positive Differentiation' was also included.

The Caribbean group made a substantial contribution to the elaboration of these positions, which strove for a careful balance between the interests of the wider group and concerns vital to the Caribbean on regionalization, differentiation, political dialogue and development in general.²⁶ They also made a major input into the Trade Chapter of the ACP Mandate, which called for the maintenance of non-reciprocal trade preferences for a transitional period *longer than the five-year period being proposed by the EU*. Thereafter, *these non-reciprocal preferences should continue for the LLDCs and other highly vulnerable states. They called for the consideration of alternative trade arrangements, including phased reciprocity, and for Special and Differential Treatment for small states*. Proposals on alternative trade arrangements should be negotiated with the EU in 2006. They voiced reservations about both the proposed regional free trade agreements (REPAS) and the GSPs. The Mandate called for the maintenance of most of the commodity protocols but proposed new arrangements for the marketing of ACP rum in the EU, an item that emanated from Caribbean rum producers.²⁷

Finally, the ACP expressed support for decentralized cooperation but stipulated that, in order to qualify for participation, civil society organizations should demonstrate their representativeness, transparency, effectiveness and fairness.

Process and Outcome of the Negotiations

In October 1998, the talks began in earnest with the Central Negotiating Group directing each group to prepare a Comparative Table of the convergences and divergences contained in the ACP and EU position papers in their areas of competence.²⁸ In the ensuing negotiations, the most difficult encounters took place in Groups One and Three.

In Group One, agreement was reached quite early on most items, including the need to simplify the text of the new Treaty, and to supplement it with a manual of operational provisions (Compendium) which could be adjusted routinely during the lifespan of the Convention. The latter would be drawn up by officials from the EU Commission and the ACP Secretariat.²⁹ However, the EU's desire to include 'good governance' as an essential element underpinning the partnership became a major sticking point. The ACP states objected to going beyond the wording on essential elements in Article Five of the Revised Lome IV Convention. While expressing a general commitment to good governance, they perceived the new requirement to be politically intrusive and an infringement on their sovereignty. A second contentious issue concerned the Non-Execution Clause.³⁰ The ACP states wished to tighten up the wording on the consultation procedures that should lead up to the suspension of an ACP state from the cooperation process, to preclude as far as possible unilateral action by the EU.

In an attempt to bridge these gaps, an 'Informal Political Encounter' was arranged early in December 1998, involving the ACP and EU Troikas. It had been called for by the ACP, most notably in the speech by Barbadian Foreign Minister, Dame Billie Miller, on the occasion of the launch of the Cotonou negotiations.³¹ Although this meeting may have led to a better climate of understanding between the two sides,³² despite extensive dialogue exploring governance from a number of

angles, the deadlock endured until December 1999. Finally, after the ACP offered to annex a Draft Declaration on Good Governance to the Treaty and perhaps aided by the embarrassing disclosures of poor governance within the European Commission itself in 1999,³³ a compromise was reached. The EU agreed to accept the designation of good governance as a 'fundamental' rather than 'essential' element, which can be violated by 'serious cases of corruption including acts of bribery leading to such corruption' (Article 9, para. 3 of the Cotonou Agreement). The victory for the ACP was of doubtful significance, however, since the concept of good governance remained prominently inserted into the text of the treaty.

One last difficulty appeared at the eleventh hour (February 2000) in Group One, possibly influenced by EU preoccupations at the time with the electoral success of a far right extremist political party in Austria, driven by the issue of immigration. In an ironic twist to the ACP proposal to include within the themes for political dialogue the treatment of ACP migrants in the EU, some EU states demanded that ACP states should conclude far-reaching agreements committing themselves to the repatriation of not only their own nationals but also nationals of third countries or stateless persons who might have passed through the ACP state concerned prior to entry in the EU. Unified, stubborn ACP resistance to this pressure, coupled with assertive chairmanship by the ACP Co-President, Minister John Horne, are generally credited with the dilution of this demand,³⁴ although reference to the possibility of negotiating voluntary bilateral agreements on the matter remains in the text of the Cotonou Agreement, in Art. 13, para. 5 c (ii).

Although it is evident that Caribbean actors were integrally involved in the work of Group One, the trade component of the negotiations was their main area of interest. Group Three negotiations were the most contentious and resulted in few changes to the EU proposals, although they generated the most meetings. There were fundamental divergences between the EU and ACP positions on most of the important trade issues. Caribbean actors were reluctant to commit themselves irrevocably to a regional FTA with the EU at this stage, before the EU's review of its Common Agricultural Policy, before WTO negotiations on agricultural trade and the review of GSPs, and before the FTAA negotiations had advanced very far.³⁵

By July 1999, agreement had only been reached on jointly seeking a WTO Waiver for the Agreement, on trade in services and trade-related areas and on some commodity protocols, notably Beef, Veal and Sugar. Due to the active lobbying and good organization of the West Indies Rum and Spirits Association (WIRSPA) the EU agreed on a package of measures to equip the rum sector for competitiveness in the European market.³⁶ Eventually, the rice producers were to benefit from similar measures. However, there was an impasse on other issues.

Strenuous efforts were made to get the negotiations moving again with a series of informal meetings in October 1999, involving the EU Presidency (Finland) and Commission officials, ministerial and diplomatic representatives from Jamaica, Mauritius, Cote d'Ivoire, Namibia and Germany. The result was dubbed a 'non-paper', much publicized by the Caribbean as a major breakthrough producing 'agreement on a realistic timetable, flexibility on the type of arrangements that will be put in place and a basis for a joint approach to the WTO to ensure that the agreement is acceptable to all members of the international trade body'.³⁷ With the virtue of hindsight, though, the gains from these talks were exaggerated. The claim may have been a ploy to pressure the EU into ceding further ground, or a face-saving device for ACP states themselves who had firmly rejected REPAs, or a way

of winning over key constituencies in ACP states very much opposed to trade liberalization. More measured assessments of the value of the informal encounters in October 1999 have credited them only with gaining more time for the ACP for the transitional period – eight years as opposed to five. The final Cotonou text does not reflect the ‘non-paper’ otherwise, except to refer in passing in Article 37, para. 6 to the possibility of ‘examining all alternative possibilities ... a new framework for trade ... equivalent to their existing situation and *in conformity with WTO rules*’.³⁸ The provisions remained true to the EU proposal, save for an extended timeframe for the transitional arrangements and for putting in place thereafter reciprocal trade arrangements. STABEX and SYSMIN came to an end and there were few guarantees for the banana sector.

Negotiations in Groups Two and Four advanced more quickly. Many concrete details relating to the matters handled by these two Negotiating Groups would go into the Compendium rather than the Framework Agreement, were drafted mainly by European Commission officials and would be regularly updated. This removed quite a bit of haggling over details from the negotiations process itself that was limited to agreeing on the broad principles that would govern the development cooperation. The quantum of development finance would be decided on in another negotiating arena i.e. among the EU member states, the Commission and the Parliament.

Group Two, responsible for Private Sector Development, Investment and other Development Strategies, appeared initially to have an overloaded agenda. Yet it was decided in November 1999 to maintain an integrated approach. This may have ultimately contributed to a more limited time being spent on Private Sector and Development Issues, despite an impressive number of submissions by ACP private sector entities.³⁹ The general principles on development, private sector and investment were settled by June 1999. There were two other issues that became contentious, both of which concerned issues of ACP state sovereignty. The first was decentralized cooperation and it exposed the underlying reservations of some ACP actors, despite their support in principle for the non-state sector. The EU proposed a list of the types of non-state actors, their areas of participation and the variety of ways in which they would be involved. ACP negotiators wished to retain some control in defining non-state actors within each national context. They finally agreed in December 1999 on the principle that consultation with non-state actors would take place within the context of the development strategy of each individual country.⁴⁰ The other area of division concerned cultural cooperation and the ACP desire to include matters relating to the return and restitution of cultural property. The matter was ultimately laid to rest in December 1999, without being explicitly included in the text of the Convention.

In conclusion, the main gain of the Cotonou negotiating process was the crafting of the 20-year Framework Agreement that included a development aid package for the first five years of 15 billion Euros. It was a rollover agreement ensuring a structure and process for continued EU-ACP cooperation from Lome to reciprocal trade. It was achieved in a context where there might have been no substantial aid envelope or institutional follow-up to Lome at all. Significantly, it extended preferential trade for another eight years. There were special measures for the rum industry. Specific recognition and roles were laid out for the private sector and NGO actors in the agreement.

However, there were also perceptions of lost ground for the Caribbean ACP actors. No real alternatives to a free trade agreement with the EU were proposed or

agreed on and they were unable to stave off regionalization. The negotiations did not provide any long-term lifelines for the banana sector, although there would be a Banana Protocol and some support for the industry until 2008. The STABEX facility was discontinued. The treaty's wording on service industries was vague, despite the growing importance of this sector to Caribbean economies. There were ambiguous outcomes on various political issues, notably on good governance and other themes relating to ACP sovereignty. Most importantly, the EU proceeded inexorably with its 'Everything But Arms' proposal to extend Lome-type preferential access to most products from the world's 48 LLDCs with effect from September 2002. This raised concerns about the potential fall-out for some Caribbean commodities like rice and sugar and further diluted the market access advantage contained in the Cotonou Agreement.⁴¹

The Caribbean Negotiating Strategy and Individual Stake-Holder Interests

CARICOM began serious preparations for the post-Lome negotiations in 1997, with the establishment of the Regional Negotiating Machinery (RNM) a unit attached to the CARICOM Secretariat, intended to provide technical support and develop common positions for the post-Lome, WTO and FTAA negotiations. The RNM, headed by Chief Negotiator Sir Shridath Ramphal, set out as its most fundamental guideline, the need to establish and maintain unified positions within the CARICOM/CARIFORUM region and to nurture wider solidarity with the ACP. This was summed up in the phrase 'Singing from the Same Hymn Sheet'.

But how feasible was this, even for CARICOM/CARIFORUM? A survey of the objectives expressed by the representatives of specific countries suggests divergences between the interests of the commodity producers and those interested in further developing the scope of trade relations. Guyanese participation in the Cotonou negotiations was driven primarily by the interests of the rice sector and the rum producers. The Organization of Eastern Caribbean States (OECS) defined their interests as the preservation of the STABEX facility, the maintenance of non-reciprocity in trading relations and the retention of important wording in the Banana Protocol in the Treaty in order to reinforce their negotiating position in other fora like the WTO and the FTAA. Jamaica was also concerned to protect the banana and sugar sectors as far as possible, but its objectives extended to the development of market access in a number of other areas, as well as development financing.

Trinidad was interested in laying the basis for an investment friendly environment for manufacturing and services. It viewed the retention and strengthening of the role of the CDI/CDE as important for the Caribbean. It also wanted a long timeframe for the transition to reciprocal market conditions, so as to protect domestic industries. Barbados' main interest was in trade development measures, particularly for service industries, and it was interested in market access primarily in areas other than commodities.

All expressed a commitment to a regional position. Active involvement in formulating, promoting and implementing such a position appears to have been strongest for Jamaica and Barbados. While the OECS saw the value of CARICOM solidarity, in some areas they had more common ground with other non-Caribbean members of the ACP. The differences were most marked on the subject of the EU proposal to have a regional Free Trade Area. While the OECS appeared fundamentally opposed to the notion, Trinidad and Tobago representatives appeared to see it

as inevitable, but sought a long transitional period. Barbadian representatives stated that if properly crafted, a REPA could be more productive than the vagueness of ACP solidarity.⁴² The most unequivocal support for an end to trade preferences was expressed by the President of the Dominican Republic, who emphasized the inevitability of trade liberalization in accordance with the WTO commitments Caribbean countries had signed on to. He called on the region to embrace reciprocal trade as a means of boosting competitiveness, product diversification and increasing their bargaining power in trade negotiations.⁴³ Finally, unlike any other CARIFORUM member, Haiti's focus in relations with the EU was minimal on trade and much more centred on the political and aid dimensions. Haiti became one of the earliest ACP states, after the signature of the Cotonou Agreement, to be invited to a consultation process under Article 96 and then to experience a partial suspension of development cooperation under Article 9, becoming embroiled in a long diplomatic impasse with the EU, the OAS, and to some extent, CARICOM itself, over the conduct of its parliamentary elections in May 2000. This provided first hand experience for Caribbean actors of the operation of the non-execution clause in the Cotonou Agreement and the difficult, time-consuming process of intercession with the EU and with the Haitian authorities to attempt to get development cooperation going again.⁴⁴

Non-state actors in the negotiations also had their distinct concerns. Private sector and civil society groups were fighting first and foremost for greater recognition and representation at both domestic and international levels in development policy formulation and in trade diplomacy. The private sector was also concerned with strengthening its institutional capacity to participate in trade policy matters. It had internal divisions to overcome, as evidenced by the emergence of the ACP Business Forum, a new, experimental body, and its dialogue with the already existing ACP Association of Chambers of Commerce, formed in 1996. The Forum's priorities were to achieve 'formal and structured consultation in areas of policy and programmes of direct concern to the private sector' (Puello 2003, p.30). They wanted timely information-sharing and dialogue to be central to the new partnership and they lobbied for a special chapter on the Private Sector in the Convention. They also wanted more direct, simplified, fast-track access to private sector funding and emphasized the key element of capacity-building for private sector institutions.

In general, the Caribbean private sector organizations supported the formation of and the positions adopted by the ACP Business Forum.⁴⁵ The Caribbean Council for Europe (CCE) also underlined the significant role that the traditional industrial sectors and their representative bodies would have to play in any private sector development strategy, calling for their full participation in governmental and EU decision-making. Likewise they emphasized the importance of the services sector for the Caribbean, especially the tourist industry, and called for the clearer definition of appropriate support policies for this sector. Private sector voices were pragmatic, emphasizing ACP solidarity less than their governments did, stressing instead the need for flexible, country and region-specific programmes and procedures. The negotiations also demonstrated that very specific conditions pertained to each sector. While Cotonou could offer at best supportive declarations on bananas and sugar, since the substantive decisions on future market conditions would be made in the WTO, proactive diplomacy by the rum sector yielded good results and showed the importance of having greater private sector participation in trade negotiations. The private sector actors may not have gotten the comprehensive chapter

they originally envisaged, but they appeared satisfied with the wording in the Treaty and the financial support received.

Civil society actors were equally intent on securing strong wording in the treaty to support the developmental role of civil society and their legitimate place in policy formulation and implementation in ACP countries. There was extreme diversity across the different ACP states in the levels of development of the NGO sector and the amount of political space accorded to it. The process of international networking, organizing the background research in order to prepare their positions for the negotiations and navigating their way around the policy circles of Brussels and other European and ACP capitals became a major diplomatic learning experience for them all. In the Caribbean, NGOs had been actively engaging with governments at the regional and national levels since the early 1990s and the Lome development cooperation process was one of the catalysts in this process. The Caribbean Policy Development Centre had emerged as the umbrella body representing civil society networks, and had been granted consultative status to CARICOM in 1992.⁴⁶ During the operation of the Revised Lome IV, some funding was already available for decentralized cooperation in the Regional Indicative Programme and could be drawn on for supporting their participation in the pre-Cotonou consultations. However, civil society actors felt that their role was interpreted as involving only social policy and humanitarian assistance, rather than extending to economic policy matters like international trade. Moreover, while a regional space for consultations existed, their access to policy-makers at the national level was uneven. It depended on the political conditions and structures prevailing in each individual CARIFORUM state. They also made the point that the administrative offices of the EU had traditionally been oriented toward working with governmental bureaucracies rather than with the non-state sectors. Attitudinal changes would be gradual, brought about not only by enshrining decentralized cooperation in the Cotonou Agreement, but also by working out procedures that really facilitated non-state participation.

A number of ACP NGO meetings took place in 1997 and 1998, culminating in the establishment of the ACP Civil Society Forum in Amsterdam in January 1999.⁴⁷ Caribbean civil society representatives found that, notwithstanding the Green Paper's proposal on decentralized cooperation, they still had to shape the manner of their participation in the negotiating process. The Joint ACP-EU Parliamentary Assembly in May 1998 was fortuitously held in Barbados, the headquarters of the CPDC.⁴⁸ They lobbied for and got observer status and speaking rights, as well as access to the conference documentation. During the formal negotiations, much of their access to ACP meetings and committees remained unofficial. However, they used to maximum advantage their partnerships with European NGOs and forged closer relations with the European Parliament, the Commission and the ACP Secretariat.⁴⁹

Their specific objectives in the negotiations were to have the language of civil society adopted and to get their specific concerns on issues like poverty and vulnerability into the Agreement. Caribbean civil society also lobbied for there to be overall coherence between the Cotonou draft and major international declarations on social issues, like those emanating from the World Social Summit in Copenhagen, 1996. A final major concern was that, in the Compendium, the administrative arrangements for non-state participation should be made more accessible (Bispham 2000).

The RNM's mission was to weave these disparate interests into a coherent set of objectives, strategies and positions. Although the RNM was undoubtedly a valuable innovation and CARIFORUM was the only ACP region to achieve this level of organization, the results fell short of the original vision. The RNM prepared background papers and briefed CARIFORUM prime ministers and other ministers of government on the progress of the negotiations and their role in the proceedings. However, its structure proved incompatible with the ACP negotiations, which were state-based, relying on nationally accredited political representatives and ambassadors. In the absence of the RNM being a fully-fledged supranational body, or its leading figures being accorded national diplomatic credentials by some member state, the organization could not assume a high profile negotiating role.⁵⁰ Coordination and communication flows between the political and the ambassadorial levels of the negotiations posed another challenge, as did bridging the gaps between national preparations for the negotiations, the regional machinery and its consultations, and the ongoing process in Brussels. Negotiators there did not enjoy regular, extensive contact with either private sector or civil society representatives during the actual negotiations.⁵¹ Their on-the-ground perspectives were often quite distinct from the RNM's 'hymn sheet'. They relied mainly on directions from their national capitals and the extent to which they were able to incorporate private sector or civil society concerns depended very much on the functioning of the trade policy consultative machinery that their individual governments had set up. Inevitably, after the conclusion of the Cotonou Agreement, the RNM underwent a comprehensive review and restructuring in preparation for the second round of trade talks in Brussels.⁵²

Cotonou: The End of a Diplomatic Era?

The Cotonou negotiations, rather than being the forerunner of a new generation of trade talks, represented the end of a specific era of multilateral diplomacy for the Caribbean. They signaled the shift from all-ACP negotiations to inter-regional talks with the EU. They challenged the Caribbean to think of innovative, more effective ways to tap into ACP solidarity – perhaps via an expanded role for the ACP Parliamentary Assembly or close collaboration in the WTO,⁵³ – while simultaneously benefiting from the country and region-specific focus that regional negotiations would bring. Cotonou demonstrated the shift in the real North-South diplomatic struggle to the WTO. The format and agendas for subsequent negotiations would change considerably and there would be the need to ensure coherence between negotiations in the WTO and the inter-regional trade talks.⁵⁴ Cotonou heralded a shift to *reciprocal market access negotiations*, rather than the development cooperation negotiations of the earlier era. This would require more meticulous preparation and organization, more trade and sector-specific technical expertise, more systematic private sector and other non-state participation, better coordination between officials in Brussels, the regional agencies and national authorities.

In effect, regionalization provided greater freedom to redesign negotiating structures. The 2004 model shows the insights gained from both the Cotonou and FTAA experiences and a concern to continue the link between trade negotiations and development activities by including actors from both spheres. There are three negotiating tiers. The ministerial level, headed by the Minister of Foreign Affairs and Foreign Trade of Barbados, Dame Billie Miller, also has representation from

Saint Lucia (the OECS) the Dominican Republic and Belize. The second negotiating level is headed by the Director-General of the Regional Negotiating Machinery and it has the major responsibility for ensuring coherence and coordination. The third tier consists of technical experts on specific subject areas in the negotiations. Coordinated by the RNM, they operate as a College of Negotiators in similar fashion to CARICOM's organization in the FTAA negotiations. There is also a parallel forum made up of officials from the regional secretariats, EU development officials and civil society actors to keep the link with development issues and to provide an institutional space for civil society involvement. Finally, one of the CARIFORUM ambassadors in Brussels is the Vice-Dean of the College of Negotiators so as to more effectively maintain contact with the ambassadors there (Lodge 2004, p.2).

Notwithstanding these efforts, the structures still seem cumbersome and may test the coordination capacities of regional governments and officials. Round Two of the negotiations also exposes Caribbean weaknesses vis-à-vis the European Union. CARIFORUM, or even CARICOM's unity cannot be taken for granted. CARIFORUM's disarticulation, the lack of an integrated regional market and the challenge of coordinating trade policy among the Dominican Republic, Haiti and the rest of CARICOM all underscore the need for concerted intra-regional negotiations before any sustainable collective positions can emerge. Finally, there is an evident need for in-depth sectoral studies and the elaboration of strategies for competitiveness in the different productive sectors.

In other areas, Cotonou indeed offered some precedents for the new diplomatic era. It laid the basis for the deeper involvement of private sector and civil society in the region's trade policy formulation, and it pointed towards new methods of coordinating regional diplomacy. Finally, the Cotonou experience offers valuable lessons in coalition-building and in extracting some advantage in multilateral negotiations, even from positions of weakness. Caribbean countries will need to draw on such experiences as they enter a new age of hemispheric diplomacy. It should be noted, moreover, that albeit with some variations, the Caribbean RNM system has served as a model for other ACP regions to structure their own inter-regional negotiations with the EU.⁵⁵

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Notes

1. I am deeply appreciative of all the support that I received while doing the research for this paper from the staff of the RNM Office in Kingston, the Barbados Ministry of Foreign Affairs and Foreign Trade, the staff of the Eastern Caribbean Mission in Brussels and numerous Caribbean, ACP and EU officials who kindly agreed to be interviewed.
2. Paul Sutton, in a 1991 publication, acknowledged the economic benefits the Caribbean derived from Lome but also observed that in accepting them the Caribbean ACP states made themselves 'hostages to fortune'. The Caribbean is now negotiating its way out of the inevitable 'hostage crisis' triggered by changes in the international environment and a waning of support for mechanisms like Lome. See P. Sutton, 'The European Community and the Caribbean: Main Dimensions and Key Issues' in Sutton, ed., *Europe and the Caribbean*, Macmillan, London, 1991, pp. 90-125.
3. For the purposes of this paper, the term 'Caribbean' refers to the CARIFORUM actors, namely the independent CARICOM states and the Dominican Republic, all of whom are signatories to the Cotonou Treaty, as well as Cuba. Although Cuba opted to withdraw its application for accession to Cotonou in May 2000, it became an observer and eventually a member of the ACP grouping between 1998 and 2000, and has participated in CARIFORUM meetings since 1997. See 'Cuba: A Newcomer to the ACP Family', interview with Dr. Rene Mujica, Cuban ambassador to the EU, *The ACP-EU Courier* No. 185, March-April, 2001.
4. On Lome negotiations, see H. Dyett, *ACP Diplomacy: The Caribbean Dimension*, Dyett, Guyana, 1998; E. Carrington, 'The Record of CARICOM/ACP-EEC Relations: A First Look at Some of the Developments Relevant to a Case Study in the Community's External Relations', pp. 175-182 in *Ten Years of CARICOM: Papers Presented at IDB Seminar, July 1983*, Washington D.C. 1984; R. Ramsaran, *Negotiating the Lome IV Convention*, Institute of International Relations, Occasional Paper No. 6, UWI, St. Augustine, 1991.
5. These principles included the non-reciprocity of the preferential market access accorded to the ACP countries by the EU, a fair amount of predictability of export commodity prices and of flows and volumes of development assistance, equal partnership and sovereignty of all the ACP and EU states, joint decision-making and management of the process. Over the years, there had been a gradual erosion of the two latter principles.
6. In this respect the exercise differed from various other instances of CARICOM diplomacy, about which Alister McIntyre has written, 'a further weakness is the habit of making only limited use of officials who were involved in previous negotiations, so that continuity can be maintained, and the institutional memory utilized to good advantage ... much the same thing applies to the use of the expertise of West Indian nationals working in key parts of the international system ...', in 'The Importance of Negotiation Preparedness: Reflections on the Caribbean Experience', *Caribbean Dialogue: A Policy Bulletin of Caribbean Affairs*, Vol. 1 (1) July/August 1994, p. 2. In Cotonou, Sir Shridath Ramphal was the RNM Chief Negotiator – in Lome I he had negotiated the Trade regime. Prime Minister Patterson of Jamaica was the Chairman of the Prime Ministerial Sub-Committee for External Negotiations – in Lome I, he had negotiated the Sugar Protocol. Sir Alister McIntyre was a major Technical Advisor in both processes.
7. Thirty-nine ACP states are listed by the WTO as Least Developed Countries (LLDCs). These include one Caribbean country, Haiti, and five Pacific countries, Kiribati, Western Samoa, Solomon Islands, Tuvalu and Vanuatu. The others are mostly categorized as Middle Income Developing Countries. Some Caribbean countries enjoy high Human Development Indicators (Barbados, Bahamas, Antigua, Trinidad). There are, however, a range of vulnerabilities manifested by various ACP countries, many of which are Small Island Developing States, some are Landlocked States and some are Highly Indebted Developing Countries. Source: List of Least Developed Countries Dec. 2003, www.un.org/special-rep/ohrlls/ldc/hsi; R. Thomas (1997) *The WTO and Trade Cooperation Between the ACP and the EU: Assessing the Options*, ECDPM Working Paper No. 16.
8. Such links are often manifested in the interaction between France and Francophone West African countries.
9. In the case of the Commonwealth Caribbean countries, their first point of recourse has generally been British government officials. This has been particularly evident in the struggles since 1988 to preserve the EU-ACP preferential trade in bananas, and more recently, in Caribbean responses to

- the August 2004 European Commission announcements of reductions in the prices to be paid for ACP sugar imports. See 'US\$25M for Sugar at Stake' and 'We Failed to Prepare Ourselves', pp. 1A and 5 A respectively in *Sunday Herald* (Jamaica) August 15-21, 2004.
10. European Commission, *Green Paper on Relations between the European Union and the ACP Countries on the Eve of the 21st Century*, Brussels, 20/11/96, COM (96) 570 final, pp. xiii, 17. Export earnings in the EU market in 1994 amounted to 46 per cent for Sub-Saharan African countries, 23 per cent for Pacific countries and 18 per cent for the Caribbean.
 11. See *A Note on the Secretariat's Financial Situation*, ACP/45/040/99, Brussels 16/11/99.
 12. See J. Ravenhill, 'When Weakness is Strength: The Lome IV Negotiations' in W. Zartman ed. *Europe and Africa: The New Phase*, Lynne Rienner, Boulder, Co., 1993.
 13. In this respect, it is perhaps noteworthy that in July 1997, the Hon. Nathan Shamuyarira, Minister of Commerce and Industry of Zimbabwe was a special guest at the CARICOM Heads of Government Conference in Montego Bay, Jamaica, and in July 1998, President Nelson Mandela of the Republic of South Africa was specially invited to the CARICOM Summit. Chief Emeka Anyaoku, then Secretary-General of the Commonwealth was specially invited to CARICOM Summits in 1997 and 1999, and the 1999 conference was also attended by Dr. Jacques Diouf, Director-General of the Food and Agricultural Organization. Although the two latter guests are distinguished African personalities, they attended primarily in their capacity as heads of their respective organizations. The Commonwealth, in particular, had served since the 1970s as the forum in which to craft the African – Caribbean alliance, and the Commonwealth Secretariat became a strong source of institutional and technical support for the diplomatic campaign on small states and vulnerability.
 14. *Summary of Revised Negotiating Structure and Arrangements*, ACP/28/018/98 Rev. 1, Brussels 12 August 1998; *Composition of Various ACP Negotiating Teams*, ACP/00/001/98 Rev. 1, Brussels 6 October 1998. See also 'Caribbean Well Represented in ACP Negotiating Teams', *Inside Europe*, Nos. 4-5, October 1998, p. 3.
 15. Commission of the European Communities, *Green Paper on Relations between the European Union and the ACP Countries on the Eve of the 21st Century: Challenges and Options for a New Partnership*, COM (96) 570 final, Brussels 20/11/1996; Commission of the European Communities, *Communication from the Commission to the Council and the European Parliament: Guidelines for the Negotiation of New Cooperation Agreements with the African, Caribbean and Pacific Countries*, DE96, December 1997.
 16. The Cotonou Treaty was, in fact, slated to have been signed in Suva, Fiji, but a political crisis in late 1999-2000 in that country precluded this and a new venue was agreed on.
 17. NAFTA Parity meant getting similar access to the US market as Mexico had for certain products. A limited form of such parity materialized in May 2000 with the passing of the US Caribbean Basin Trade Partnership Act (CBTPA) which offered such access until 2008 at the latest.
 18. See ECDPM, *ACP Business Forum: Extending Dialogue to New Actors*, Case Study 4, September 2000, www.ecdpm.org/en/events/20001/case4_gb.htm; M. Puello, 'The ACP Business Forum: a platform to enhance private sector capacities and development', *The Courier ACP-EU* No. 199, July-August 2003, pp. 30-31.
 19. See 'ACP Civil Society Forum Launched', *Lome 2000*, No. 10, ECDPM, March 1999, p. 3.
 20. These were: 1) the maintenance of the status quo, i.e. non-reciprocal preferential trade; 2) application of the EU Generalized System of Preferences to trade with the ACP; 3) uniform reciprocity; 4) differentiated reciprocity.
 21. The Council of Ministers of the European Union, *Negotiating Directives for the Negotiation of a Development Partnership Agreement with the ACP Countries*, DGE1 10017/98 Brussels 30/6/98 (OR.EN/F).
 22. ACP Group, *The Libreville Declaration, Adopted by the First Summit of ACP Heads of State and Government*, Libreville, Gabon, 7/11/1997, ACP/28/051/97 [FINAL].
 23. STABEX and SYSMIN were special compensatory facilities within the Lome arrangements, available to assist ACP states in years when they had suffered significant, unanticipated losses in earnings from their main export commodities due to *force majeure* conditions. Certain commodities that fell under the EU Common Agricultural Policy and certain minerals, like petroleum, were ineligible for such funding.
 24. ACP Secretariat, *Preliminary Guidelines for an ACP Negotiating Mandate for the Successor Agreement to Lome*, Brussels 26/6/1998, ACP/28/022/98 Rev. 2; ACP Secretariat, *ACP Group Negotiating Mandate*, Brussels 30/9/1998, ACP/28/028/98 Rev.2 Neg.

25. Caribbean representatives voiced strong reservations about the EU's proposal. See R. Maraj, Minister of Foreign Affairs, Trinidad and Tobago, *Statement Reflecting ACP Position on Political Dialogue*, 23rd ACP-EU Council of Ministers Meeting, Barbados, 8/05/98, '... the ACP is not coming to Brussels in September to negotiate with the EU a quite separate political "framework" agreement under which the ACP (but not the EU or its member states) will bind themselves contractually to the observance of certain standards of social and political conduct, including structures of governance, monitored and evaluated by the EU designated agencies ... And then come back in 2000 ... to talk about trade ... trade with an ACP broken up into 3 or even 6 parts ...'
26. Information on Caribbean positions gleaned from interviews with senior RNM officials, also from *Statement by Hon. Basdeo Panday, Prime Minister of Trinidad and Tobago on behalf of the Caribbean ACP States on the occasion of the First ACP Summit, Libreville, Gabon, 6/11/1997; Address by the Rt. Hon. Owen Arthur, Prime Minister of Barbados to the Opening Ceremony of the 23rd ACP-EU Council of Ministers Meeting, Bridgetown, Barbados, 7/05/98; Statement by Hon. Ralph Maraj (1998)*.
27. ACP Mandate, confirmed in interviews with RNM officials in Brussels and Kingston, June and July 2001.
28. *Comparative Table of ACP-EU Negotiating Positions: ACP/00/031/98 Rev. 1* ACP Secretariat, Brussels, 14/12/98.
29. See *Press Release by the ACP General Secretariat on the Conclusion of the Successor Agreement to the Lome Convention*, carried in *Tradewatch Electronic Bulletin* of Caribbean Export Development Agency, 15/02/2000, p. 3.
30. Clause detailing the circumstances under which an ACP state may be suspended from the trade and aid benefits of the Convention and the procedures leading up to such an event.
31. 'It should be evident from all I have said that there is need for a genuine political encounter before substantive negotiations can begin ... a frank political discussion ... as to the nature and scope of the negotiations before us', *Statement by the Hon. Ms. Billie A. Miller, Deputy Prime Minister and Minister of Foreign Affairs, Tourism and International Transport of Barbados, President-in-Office of the ACP Council of Ministers at the Opening of the Negotiations for a Successor Agreement to Lome IV, Brussels, 30 September 1998*, Ministry of Foreign Affairs and Foreign Trade of Barbados, Bridgetown, 1998, p.12.
32. See *Inside Europe*, No. 13, 7 December 1998, p. 1.
33. See 'European Commission resigns Under Corruption Cloud' *Inside Europe*, 16/3/99, also analysis by K. Harracksingh, 'On the Front Line: The Lome Experience Dissected', in R. Ramsaran ed., *Caribbean Survival and the Global Challenge*, Ian Randle Publishers, Kingston, 2002, pp. 366-383.
34. See *Press Release by the ACP General Secretariat on the Conclusion of the Successor Agreement to the Lome Convention*, published in *Tradewatch*, electronic bulletin of Caribbean Export, 15/2/2000; information also gleaned from telephone interview with Minister John Horne, August 2001.
35. Summary of views expressed by RNM officials interviewed.
36. See 'Caribbean Rum Producers Take Centre Stage in Brussels', *Inside Europe*, No. 25, 23/3/99, and 'ACP-EU Assembly Adopts Resolution on Rum', *Inside Europe*, No. 27, 14/4/99. WIRSPA had been vigorously pursuing its case since the EU and the US had concluded a White Spirits 'zero for zero' tariffs arrangement between themselves in 1997 without consulting the EU's other trading partners like the ACP.
37. See 'Breakthrough! A View from Europe' by David Jessop in *Sunday Observer* (Kingston) October 24, 1999.
38. *Partnership Agreement between the Members of the African Caribbean and Pacific States and the European Community and its Member States*, <http://europa.eu.int/comm/development/body/cotonou/agreement/agro/en.htm>
39. See *Implementation of the Commission Communication on a European Community Strategy for Private Sector Development in the ACP Countries*, VIII/166/99-EN, a discussion paper prepared by the European Commission and responses from ACP Private Sector sources, which included ACP Business Forum, *Comments and Suggestion on the EC Private Sector Development Support Strategy for ACP Countries: Position Paper Draft 1 Revd.* circa July 1999; Caribbean Council for Europe, *Response of the Caribbean Council for Europe to the EC Strategy for Private Sector Development in ACP Countries*, June 28, 1999; Confederation of Zimbabwe Industries, *Comments on the Proposed Strategy for Private Sector Development in ACP Countries during the Post Lome IV*

- Period*, June 9, 1999; *Comments and Suggestion on a European Community Private Sector Development Support in ACP Countries: Position Paper prepared by the Santo Domingo Chamber of Commerce and the National Council for Private Enterprise, Dominican Republic* (undated 1999); *Private Sector in the Successor Agreement to Lome IV: A Contribution of the Mauritius Private Sector* (undated 1999); Caribbean Regional Negotiating Machinery, *Private Sector Chapter in a Successor Convention to Lome IV*, Discussion Paper undated 1999.
40. Art. 19 (3) of the Cotonou Agreement; interviews with RNM staff and Caribbean ACP diplomats in Brussels.
 41. On EBAs, see *ECLAC Issue Brief*, No. 6, June 2001 and C. Stevens, *The EU's Everything but Arms Proposal and the Caribbean: An Initial Analysis of Statistics*, IDS Report commissioned by RNM 6/12/2000. Far more threatening to sugar have been Australian and Brazilian challenges to the EU's price supports in the WTO and the EU's 2004 announcement of a 37 per cent sugar price reduction to come into effect in 2006.
 42. All the positions outlined in this section have been gathered from interviews with country representatives and officials conducted in Barbados and in Brussels in July-August 2001.
 43. President Leonel Fernandez' speech to the 8th Inter-Sessional Meeting of CARICOM Heads, 20/2/97, in *La Nueva Política Exterior y Temas de Relaciones Exteriores de la República Dominicana*, Volume One, Secretaria de Estado de Relaciones Exteriores, Santo Domingo, Octubre de 1997, pp. 49-53.
 44. Assemblée Parlementaire Paritaire ACP-UE, *Resolution sur la Situation en Haiti*, ACP-UE3170/01/def., adopted by the ACP-EU Joint Parliamentary Assembly 22/3/2001, Libreville, Gabon; *Resolution de la 73ieme Session du Conseil des Ministres ACP tenue a Bruxelles du 9 au 10 mai 2001, Relative au Lancement du Dialogue Politique sur Haiti au titre de l'Article 8 de l'Accord de Cotonou*; Embassy of Haiti to the Kingdom of Belgium *Republic of Haiti Dossier for Consultation with the European Union: The Government of Haiti Presents the State of Affairs as at 11 May 2001*.
 45. In fact, the Chairperson of the ACP Business Forum Board when it was established was from the Santo Domingo Chamber of Commerce, while another Board member came from the Caribbean Association of Industry and Commerce. See 'Presenting the ACP Business Forum', *ACP Business Forum*, December 1998.
 46. See J. Wedderburn, 'Organizations and Social Actors in the Regionalization Process', in P. Wickham et al, *Elements of Regional Integration: The Way Forward*, CPDC/Ian Randle Publishers, Kingston, 1998, pp. 59-70. CPDC also convenes the Caribbean Reference Group (CRG) set up in 1997 to provide background research for the NGO sector on the social implications and impact of international trade agreements, and to make recommendations based on their research findings to Caribbean governments.
 47. An extensive discussion can be found in 'Civil Society Participation in a New EU-ACP Partnership: Report of a Workshop held in Amsterdam 11-12 January 1999', INZET Association, Amsterdam, March 1999, www.inzet.nl.
 48. Barbados was also one of the first CARICOM states to set up formal machinery for regular consultations with its non-state actors on a variety of social and economic issues, including trade policy. This was therefore an environment that lent itself to NGOs having greater access to this meeting.
 49. Presentation by Gordon Bispham, CPDC representative, 'Civil Society's Experience with Decentralized Cooperation Programme with CARIFORUM and the EC', Friedrich Ebert Stiftung Seminar on the Cotonou Agreement, Kingston, September 2000.
 50. There is an extensive discussion of the obstacles faced in the Brussels negotiation in C. Grant, 'An Experiment in Supra-national Governance: the Caribbean Regional Negotiating Machinery', in D. Benn and K. Hall eds, *Contending with Destiny: The Caribbean in the 21st Century*, Ian Randle Publishers, Kingston, 2000, pp. 447-499.
 51. One complaint from about three Caribbean diplomatic representatives interviewed in July 2001 was that the timing of civil society or private sector submissions often did not coincide with the discussion of these items in the negotiating process and so the input was less effective than it could have been.
 52. For reports on the crisis and restructuring of the RNM, 'Bernal to take up CARICOM Post' *Jamaica Gleaner* 7/7/2001; 'RNM Delinquency', *Jamaica Gleaner* 1/9/01; 'Patterson report calls for reshaped RNM', *Jamaica Gleaner* 17/9/01.
 53. These suggestions came respectively from Barbadian officials in the Ministry of Foreign Affairs

- and Foreign Trade interviewed in Bridgetown in August 2001, and Anthony Hylton, 'Beyond Lome: Challenges and Prospects for ACP Countries', *Trade Negotiations Insights*, Vol. 2 (1) Feb. 2003.
54. Junior Lodge, 'Launch of CARIFORUM-EC Negotiations of an Economic Partnership Agreement', *Trade Negotiations Insights*, Vol. 3 (3) May 2004, mentions the need to negotiate in the WTO Special and Differential Treatment applicable to small vulnerable states, the need to negotiate more flexible rules on Regional Trade Agreements and the extension of certain grandfather clauses on trade preferences in order to give legitimacy to an Economic Partnership Agreement that would be favourable to Caribbean interests.
55. See M. Pearson, 'Perspectives for EPA Negotiations – Challenges for the Eastern and Southern Africa region', *Trade Negotiations Insights*, Vol. 3 (2) March 2004; F. Matambalya, 'The New EU-ACP Partnership and Trade Between Unequal Partners: Reflections on Differentiation and the Geography of Regionalisation', Paper for Conference 'Handel Zwischen Ungleichen Partnern', Bonn, 23/11/2000.

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