AN ASSESSMENT OF THE EFFECTS AND CHALLENGES OF THE ECONOMIC PARTNERSHIP AGREEMENT IN ECOWAS-EUROPEAN UNION TRADE RELATIONS (2000-2014)

BY

Adetunji Ajibade

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Declaration

I declare that this Thesis titled "**An Assessment of the Effects and Challenges of the Economic Partnership Agreement in ECOWAS-European Union Trade Relations (2000-2014)"** has been carried out by me in the Department of Political Science and international Studies. The information derived from the literature has been duly acknowledged in the text and a list of references provided. No part of this Thesis was previously presented for another degree at this or any other Institution.

Adetunji Ajibade _____ _____

Signature Date

Certification

This Thesis entitled "**An Assessment of the Effects and Challenges of the Economic Partnership Agreement in ECOWAS-European Union Trade Relations (2000-2014)"** by **Adetunji Ajibade**, meets the regulations governing the award of the degree of Doctor of Philosophy of the Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

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Dedication

To the God of Heaven

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List of Abbreviations

ADB - African Development Bank

ACP - Africa, Caribbean and Pacific

AGOA - African Growth and Opportunity Act

AMISOM - African Union Peace Support Mission in Somalia

APF - African Peace Facility

BoP - Balance of Payments

CAP - Common Agricultural Policy

CARRIFORUM - Caribbean Forum of African, Caribbean and Pacific States

CEMAC - Economic and Monetary Community of Central Africa

CET - Common External Tariff

CG18 - Consultative Group of 18

CFSP - Common Foreign and Security Policy

CPA - Cotonou Partnership Agreement

CU - Customs union

COMESA - Common Market of Eastern and Southern Africa

DC - Developing Countries

ECA - Economic Commission for Africa

EC - European Commission

EEC - European Economic Community

ECOWAS - Economic Community of West African States

ELS - ECOWAS Liberalization Scheme

EPA - Economic Partnership Agreement

EU - European Union

ERP - Economic Recovery Program

EPADP - EPA Development Programme

ECSC - European Coal and Steel Community

EDF - European Development Fund

EEAS - European External Action Service

ERP - Economic Recovery Program

ECSC - European Coal and Steel Community

ECOMOG - Economic Community of West African States Monitoring Group

ECDPM - The *European Centre for Development Policy Management*

EMU - Economic and Monetary Union

ESA - Eastern and Southern Africa

ETLS - ECOWAS Trade Liberalization Scheme

FTA - Free Trade Agreement

FTA - Free Trade Area

FTAA - Free Trade Area of the Americas

GATT - General Agreement on Trade and Tariffs

GATS - General Agreement on Trade in Services

GTPNet - Global Trade Point Network

GDP - Gross Domestic Product

GNP - Gross National Product

GSP - General System of Preference

GSTP - Global System of Tariff Preference

GWP - Gross World Product

HIPC - Heavily Indebted Poor Countries

IBRD - International Bank for Reconstruction and Development

IMF - International Monetary Fund

ITO - International Trade Organization

LDC - Least-Developed Countries

LDC - Least-Developing Countries

LDLICS - Landlocked and Island ACP states

MFN - Most-Favoured-Nation

MFAs - Multi-Fibre Arrangements

MNC - Multi-National Corporation

MTO - Multilateral Trade Organization

NAFTA - North Atlantic Free Trade Area

NIP - National Indicative Programs

NISP - National Indicative Strategies and Programmes

NATO - North Atlantic Treaty Organization

NIEO - New International Economic Order

ODA - Official Development Assistance

OMA - Orderly Marketing Agreements

PTA - Preferential Trade Agreement

PTA - Preferential Trading Agreement

RTA - Regional Trade Agreement

RIP - Regional Indicative Programme

RIA - Regional Integration Agreements

RTA - Regional Trade Agreement

SADC - Southern African Development Community

SAP - Structural Adjustment Programme

SDR - Special Drawing Right

SNS - Sovereign National State

SSA - Sub-Saharan Africa

TRIPS - Trade-Related Aspects of Intellectual Property Rights

TNC - Trans-National Corporation

TPRM - Third Party Risk Management

TDB - Trade and Development Board

UEMOA - West African Economic and Monetary Union

UN - United Nations

UNECA - United Nations Economic Commission for Africa

UNDP – United Nations Development Programme

USAID - United States AID

UDAO - Union Douaniere Entre Des Estats De L'Afrique Occidental

UDEAO - Union Douaniere Entre Des Estats De L'Afrique De L'Ouest.

UNCTAD - United Nations Conference on Trade and Development

UNESCO - United Nations Educational, Scientific and Cultural Organization

UNICEF - The United Nations Children's Fund

UNIDO - The United Nations Industrial Development Organization

UNESCO - The United Nations Educational, Scientific and Cultural Organization

VER - Voluntary Export Restraint

WTO - World Trade Organization

WAEMU - West African Economic and Monetary Union

WTO - World Trade Organization

WAMZ - West African Monetary Zone

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Abstract

This study investigated the effects and challenges of the Economic Partnership Agreement in ECOWAS-European Union trade relations since it was scheduled for negotiation in the Cotonou Partnership Agreement of 2000 to the time the negotiated text was initialled by the concerned parties in 2014. The study was significant as some aspects of the EPA had become sources of contention in West Africa and European Union's trade relations. Considering that both regions had since 1995, when they became members of the World Trade Organization, subscribed to the principles guiding free trade and that throughout the negotiation of the EPA relations between the two Parties had incrementally been conducted largely in compliance with WTO requirements, an in-depth study of the contentious EPA-related issues became imperative. Equally, unlike most other studies that had treated the EPA out of its context by focusing solely on the 2014 text of the EPA (which was essentially the modality for the implementation of free trade principles already endorsed under WTO), the current study placed emphasis on the process around the EPA since its introduction in 2000 thus situating it in its right context for thorough investigation and understanding. The study was qualitative and descriptive, and open-ended in-depth interview questions had been deployed to generate primary data from sources that had relevant information on the subject. The study adopted Neo-liberal Institutionalism as it best explains most of the more important objectives of the principles underpinning the negotiation of the EPA. The study found that, beyond many of the error-laden perceptions about EPA, the process that EPA-related issues had driven since their introduction had speeded up the regional integration objective of ECOWAS, thereby affirming the position of Neo-liberal Institutionalism theorists that cooperation is possible through international regimes and institutions, and through them states could rationally focus on long-term benefits (collective goods). It was also found that the free trade principles behind EPA had been a major framework of the relations between the two parties in the period under study, had spurred certain national/regional economic-related reforms, and that the demands of living up to free trade principles placed on ECOWAS member states had contributed to the contentious nature of the EPA negotiations, while noting that the Master-Servant relationship between ECOWAS members and the EU would not diminish except the economies of the former became competitive. Consequently, in order for ECOWAS member states to be relevant on the global stage that was solely driven by free trade philosophy, they would have to embark on national/regional reforms and restructuring in the areas of fiscal policy, economic governance, greater integration etc. that would reposition them and make them competitive in the face of unavoidable external challenges such as the ones that the EPA presented.

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

Relations between West Africa and Europe have been ongoing for several centuries. This has had its different phases, including the trans-Saharan trade, pre-trans-Atlantic slave trade period (1400 AD), the slave trade period (1500-1800 AD), the colonial enterprise period (1900-1960 AD), and the post-colonial period (1960 to date). These relations had metamorphosed during these different phases from that of slave supplier and slave buyer, colony and colonial master, and increasingly into one of partnership between West Africa and Europe. Trade, or exchange of commodities, predominates in the different phases, and to date Europe remains West Africa's foremost trading partner with some of the trade patterns in the past still reflecting on the present.

However, in the decades following political independence of the colonies trade relations between them and Europe had been increasingly captured in formalized agreements. These formal agreements have different aspects, but trade-related issue is the main pillar for the simple reason that it is the foremost phenomenon in the relations between the two partners (Laporte, 2007:xv). Trade issues in these agreements in the pre-1995 cold war period had been characterized by the special preferences the EU gave to its unequal ACP partners that were located in the developing and least-developed (LDC) regions of the world. Many of these preferences were contrary to free trade principles as found in the classic mercantile/liberal economy lexicon. But they continued due to the exigencies of the cold war climate of international politics at the time.

Since the formation of the World Trade Organization (WTO) in 1995, made possible by the Western-dominated unipolar political, economic and security arrangements of the post-cold war era, the focus of EU in its trade relations/agreements with the ACP region has included compliance with the mandatory WTO's free trade/market principles through measures such as trade liberalization, privatization, removal of tariff, tax reforms, reciprocity, as well as the facilitation of regional integration of the economies of its trade partners for further integration into the global economy. This is for the purpose of ultimately making trade relations between ACP and EU compatible with basic principles of western-dominated global economy policed by the WTO (European Commission, 2014). Across the globe, the need to comply with the new free trade arrangement since 1995 had equally spurred a rush of free trade agreements (e.g. North Atlantic Free Trade Area- NAFTA; Trans-Pacific Partnership (TPP); Transatlantic Trade and Investment Partnership (TTIP), while the version between ACP regions (including ECOWAS region) and EU is tagged the "Economic Partnership Agreement" (EPA).

It is noteworthy that EPA (2014, Article 2) defines itself as an extension of the process that began in CPA (2000), stating that: (a.) "The EPA shall build on the provisions of the Cotonou Agreement and of previous ACP-EU conventions which relate to financial cooperation, regional integration and economic and trade cooperation." (b.) "The EPA shall be implemented in complementarity with the Cotonou Agreement…" ECOWAS (Annual Report, 2004; p.106) further states that, "Together with other ACP states, West African Countries negotiated the first phase (All ACP) of the economic partnership agreement (EPA) with the European Union (took off in September 2002; ECOWAS Annual Report, 2003, p. 34-35, pp.181)…the second phase, which is the negotiation of a regional EPA between West Africa and the EU began in October 2003". The signing of CPA in 2000 had thus changed the terms of the trade arrangement under

the Lome Conventions of the cold war period, and ushered into being a post-cold war free trade regime tagged EPA (www.ghanaweb.com, 2014). Moreover, according to ECOWAS (Annual Report, 2007; p.117), "the EPAs which will govern relations between the ACP and the European Union…have a triple objective: facilitating access of ACP products to the European market, developing South-South trade, and supporting the regional integration process." In essence, relations between ECOWAS and EU had since 2000 being influenced by the free trade principles that inform the EPA (see p.151).

Against this backdrop therefore, and for the purpose of putting this study in proper perspective, it is imperative to note the following: (1) By being members of WTO since its formation in 1995, and by ratifying the Cotonou Partnership Agreement (CPA, 2000), ACP countries that include West African countries have broadly endorsed the free trade principles that the regional Economic Partnership Agreement is packaged to implement. (2) EPA talks between West Africa and EU are for negotiating the modality (CPA, 2000, Article 36:1) to adopt in executing free trade principles that they have already subscribed to under WTO as well as in the CPA under the ACP umbrella. Consequently, this study proceeds from the standpoint that; (A.) the implementation of free trade regime introduced in 1995 is a process. It is more like a rolling plan being executed over the years on what can be categorized as immediate, short term and long term bases, which is contrary to the erroneous projection of the 2014 EPA text as the beginning and the end of what the EPA is all about (B.) To this study, contention between ECOWAS and EU about EPA is not about the principles (i.e. free trade principles which they have already endorsed through WTO agreement in 1995 and CPA in year 2000), rather it is about the beneficial modality to adopt between them for the implementation of rules guiding free trade

practices (stated in WTO, 1995) (C.) These fundamental principles have in several ways featured significantly in the relationship between the two parties in the period under study.

One of the notable features of the process around EPA was that some modalities for its execution were negotiated at regional level between EU and each of the regional economic blocs that form ACP. Meanwhile, the Lome Conventions prior to it were negotiated and signed with ACP as a bloc. Nevertheless, processes leading to the EPA were negotiated in two stages – an ACP-wide Agreement, and the regionalized Agreements e.g. ECOWAS-EU; Central Africa-EU; East and Southern Africa-EU etc. EPA heralded new inclusions in many aspects of its provisions such as the principle of "reciprocity" in trade relations. Thus EPA constitutes a major point of departure from the partnership agreements prior to it and it is a change made possible by the new post-cold war order in international relations.

As such, in a situation in which ECOWAS member states as well as the EU have endorsed free trade principles under WTO but an agreement regarding the modality (EPA text of 2014) has proved problematic, an academic investigation into the issues involved becomes imperative.

1.1 Statement of the Research Problem

This study investigates how the Economic Partnership Agreement has featured in ECOWAS-European Union trade relations and the challenges this has posed in the period between the year 2000 and 2014.

Central to the investigation are the reasons ECOWAS and the EU endorse free trade principles under WTO and these have informed their relations in diverse ways from the year 2000, while agreeing on the modality (i.e. EPA text, 2014) for carrying the process forward has become problematic. Since the negotiations of the EPA began in 2003 issues such as market

access, the principle of reciprocity, funding of the development dimension to it, rules of origin etc have generated controversy and have led to diverse perceptions in the public space, including the academia. The situation is such that the point has been largely missed that free trade principles that power EPA have informed ECOWAS-EU trade relations since the formation of the WTO. Attention had been on the EPA text (2014) that was being negotiated in the period covered by this study such that the larger process in which the EPA text constituted just a phase had been left unattended. For these reasons it is important to establish the following facts: The WTO principles of free trade which inform EPA had been subscribed to by all ECOWAS and EU member nations in 1995 when WTO was formed. West African nations had also agreed to the timetable set for EPA negotiations in the 2000 Cotonou Partnership Agreement (Articles 37:1-9; 38; 35:7). It should also be noted that contentions over EPA in the course of its negotiation are essentially over the modality for implementing the Agreement in accordance with the free trade principles that all Parties have already subscribed to. Another point to note when the origin of EPA is examined is how far back it extends to the establishment of the WTO in 1995, rather that the outset of EPA negotiation between West Africa and EU. This assists in having a holistic understanding of what EPA is all about and what the Parties have challenges with. However, debates about EPA have largely left the root of the Agreement out of the narrative, thereby overlooking the fundamental place of the free trade principle in ECOWAS-EU relations in general and in their trade relations in particular, especially in the period between 2000 and 2014.

One fallout of this is that the role EPA-related measures have played (e.g. as an impetus for the regional integration agenda) as well as in the overall ECOWAS-EU relations in the period under study have been muted. Moreover, most discussions on the EPA have also treated it as a

single independent issue in ECOWAS-EU relations. An implication of this is that the free trade principles that EPA text is meant to give life to are not seen as part of the process that have been gradually guiding ECOWAS-EU relations since 1995; instead everything about EPA is perceived as just one static document (text) whose content is yet to be implemented in any form. In the event, focus has largely been on the legal provisions (the text) of the EPA rather than the process (sometimes political in nature, and which has substantially influenced ECOWAS-EU trade relations in the period under study). This has led to the wrong perception that EPA (i.e. the principles behind it which many fail to bear in mind) has never been endorsed at any stage, nor aspects of it implemented in any form by the Parties involved. (However, it is worthy of note that at the moment, EPA is in operation in the trade relations of at least 37 African countries, including Ghana and Cote Di'voire (Bell, 2017). An outcome of the lack of recognition of the role EPA has played in ECOWAS-EU trade relations is that the new dispensation introduced through it has neither been fully appreciated for its significance in the last 25 years of post-cold war developed-developing nations' relations, nor given deserved academic investigation. As a result, this study contends that by signing up to the WTO rules on free trade, the original principles that inform EPA are not in contention by the two Parties (as it has been made to appear), rather it is the modality to be adopted by the concerned Parties for the continuous implementation at bilateral level of aspects (specifically, goods) of the free trade principles (as captured in EPA text) that has become problematic.

Moreover, both in the context of international politics and trade, free trade principles guiding EPA, first mentioned in the 2000 Cotonou Partnership Agreement (CPA, Article 37:1), signposts a fundamental shift in the evolving North-South trade relations (Annual Report, 2004; p.108), and by extension the ECOWAS-EU trade relations. Therefore, the need to examine the

impact that the introduction of free trade rule has had, as well as the challenges that have confronted its continued implementation in order to make recommendations for the way forward in ECOWAS-EU trade relations constitute the core focus of this investigation.

1.2 Research Questions

1. What is the nature of ECOWAS-EU trade relations?
2. What are the general provisions in the EPA?
3. What specific provisions in the EPA address trade-related issues between ECOWAS and EU?
4. In what ways have the principles guiding EPA affected ECOWAS-EU trade relations in the period under study?
5. What are the challenges that the EPA poses to ECOWAS-EU trade relations?

1.3 Aim/Objectives of the Study

This study has the aim of establishing the ways the free trade principles as pursued under the EPA regime introduced in 2000 have affected as well as constituted a challenge to trade relations between the ECOWAS region and EU in the period under consideration.

The specific objectives include the following:

1. To identify the changing nature of ECOWAS-EU trade relations in a unipolar global environment.
2. To identify the general provisions in the EPA in relation to ECOWAS-EU trade relations.
3. To identify the specific provisions in the EPA that address trade-related issues between ECOWAS and EU, and the issues surrounding their implementation.
4. To assess how the principles that guide the provisions in EPA have affected ECOWAS-EU trade relations in the period under study.

5. To identify the challenges that the EPA poses to ECOWAS-EU trade relations and make recommendations towards resolving them.

1.4 Assumptions of the Study

1. That ECOWAS-EU Partnership Agreement fits into the Master-Servant relationship between the developed and developing countries.
2. That free trade principles which inform EPA will not advance the economic interest of West Africa in its current state.
3. That the EPA will intensify, rather than reduce inequality between ECOWAS and the EU.

1.5 Scope and Limitations

This study was limited to the new trade regime introduced at the end of the cold war for the promotion of free trade across the globe and with which ECOWAS member states had to abide. This is because it is an aspect in ECOWAS-EU trade relations that has yet to be fully studied due, in part, to the wrong perception that EPA (divorced from the principles that inform it) has yet to be implemented in any way. Also, this study focused on the trade-related aspects of the EPA, although there were other aspects such as the political and development dimensions.

The period of study was limited to 2000 to 2014. This was because the year 2000 was when the new trade regime was introduced and the specifics were scheduled for subsequent negotiations between the two regions, while 2014 was the year the negotiations of the Economic Partnership Agreement were concluded and the Agreement initialed by ECOWAS Commission and the European Commission.

The units of analysis in the study were the individuals with relevant information in the regional organizations of the two parties involved in the Agreement (i.e. ECOWAS Commission and European Commission) as well as other stakeholders such as members of the private sector,

especially the manufacturing subsector. This is because the EPA is a bilateral agreement negotiated and initialed at the regional level by the Presidents of ECOWAS Commission and European Commission on behalf of their respective Member States. In that sense, and as EU has maintained, the refusal of one West African nation to endorse EPA is the business of ECOWAS Commission, not that of European Commission. This in essence means that the refusal of one member nation to sign EPA does not affect the validity of the agreement, or its operationalization.

There were some constraints in the course of field research. There was not a single formal response to all the letters requesting for interviews written and submitted by the researcher through the ECOWAS Commission's registry at the Asokoro, Abuja, headquarters. The researcher had to use informal means of getting contact with the relevant officials, many of whom were often away in other countries for meetings and conferences. But for the fact that the researcher continuously showed up at the Asokoro and Central Business District annex of ECOWAS Commission even when he was not invited, it would not have been possible to conduct a single interview or make progress in good time. Most of the interviews (see Appendix 1) were done through meeting the officials concerned on seat by chance, after several weeks of going to the offices without meeting them (i.e. in cases where the researcher's letter requesting for interviews had been routed to a specific official).

The attempt to interview relevant officials at ECOWAS also encountered, in most cases, a reluctance on the part of some to speak with the researcher (even after the researcher's letter had been referred to them by a senior official). Some officials refused to have their responses recorded with any device whatsoever, and in fact saw to it that the researcher carried no hidden electronic device with him at the time of interview, insisting instead that the researcher could

take notes. Recorded or not recorded, the researcher noticed that many officials were self-conscious and rather cautious about what they said. Sometimes when they made a statement that the researcher found revealing and thus asked further questions, they refused to offer further comments.

1.6 Organisation of Chapters

The first chapter of this study is the introduction which gives a background to the study, the statement of the problem; the research questions; assumptions of the study; the objective; and Organization of chapters. The second chapter has the Literature Review, as well as the theoretical framework: Neo-liberal Institutionalism, and Significance of the Study. The third chapter has the methodology employed for the study. The fourth chapter provides background information on the global and regional trade arrangement into which partnerships between West Africa and EU is founded, as well as the process the partnership has undergone since it began at the turn of the millennium. The fifth chapter deals with key issues in ECOWAS-EU Partnership Agreements, examines characteristics of ECOWAS-EU Trade, and explains the evolution of the Lome Conventions into the EPA regime. Chapter six has the findings and analysis. The seventh chapter contains the summary, conclusion and the recommendations.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Introduction

The literature review in this chapter is treated thematically. They are as follows: the nature of trade agreements, issues in ECOWAS-EU trade relations, the global context of ECOWAS-EU EPA, the significance of the study, and the theoretical framework: Neo-liberal Insitutionalism.

2.1 The Nature of Trade Agreements

The concept, 'Trade Agreement' is largely used in the same sense as 'Economic Agreement' and by extension 'Partnership Agreement' (Jongur, 2014). Trade Agreement is any contractual arrangement between states concerning their trade relations. It may be bilateral or multilateral, that is, it is contracted between two states, two regions, or more than two states or two regions. The EPA is a bilateral agreement between two regions –West Africa and EU (ECOWAS, Directorate of Trade, 2015).

While international trade is regulated by unilateral barriers, including tariffs, nontariff barriers, and government prohibitions, trade agreements aim to reduce such barriers and thus provide all parties with the benefits of increased trade. Generally, multilateral agreements are sometimes easier to reach than separate bilateral agreements. This is because the gains to efficient producers from worldwide tariff reductions are large enough to warrant substantial concessions, a general position that is obvious in EU's preference to have an Agreement with the ACP regional bloc, rather than each member state in the bloc. The most important modern

multilateral trade agreement has been the General Agreement on Trade and Tariffs (GATT) which reduces world tariff levels and greatly expands world trade. These agreements had continued under the aegis of the World Trade Organization (WTO), which replaced GATT in 1995.

Increasingly, regional trade agreements (RTAs) have proliferated across the world, and the average WTO member now has agreements with more than 15 countries (Freund and Ornelas, 2010). The West Africa region, for instance, as an entity within the African, Caribbean and Pacific (ACP) economic network, had in recent past engaged in two principal negotiation processes – one of them multilateral through its membership of WTO, and the other within the framework of Economic Partnership Agreement with the EU (ECA, 2014). This is apart from the bilateral agreements that states in the region have among themselves and across other regions.

The tag, Economic Partnership Agreement, is the package agreed to by the ACP region (by extension ECOWAS) and EU under which modality for aspects on free trade principles on goods, as outlined by the WTO are to be negotiated and executed in the trade relations between the two sides. This negotiation continued even as some other aspects (preparatory) were being implemented at regional and national levels in West Africa in the period under study. It should be noted that as soon as WTO rules on free trade were agreed upon in the early 1990s, several nations and regions across the world had begun to negotiate and implement them using various tags, such as North America Free Trade Area (NAFTA – USA, Canada and Mexico) in order to be in compliance as members of WTO. EU also has free trade agreements with regions in Asia, Latin America, and with nations such as China and India. As for ACP countries, more time was given (deadline 2007) so that they could adjust to new realities, minimize shock that sudden

change could bring about on their more sensitive economies, as well as allow each ACP region to move at its own pace in the implementation of WTO rules through EPA.

Many of the rules applicable under free trade philosophy would have been outrightly rejected by Third World countries in the cold war period. The formation of a strong body such as the WTO itself could not have been achieved but for the global transformation. The modality (2014 EPA text) for implementing these west-inspired free trade rules would become basis for a tense negotiation between ECOWAS member states and EU, not the rules themselves. A few of the principles in these rules are as follows:

Compatibility with WTO rules - The whole essence of negotiating the free trade agreement known as the EPA is to make the trade relations among member states compatible with WTO rules in trade partnerships (Babarinde, 2005, p.31). This was not compulsory in the cold war era. However, in the post-cold war period and with the formation of WTO, it was important that members bring their trade relations in compliance with WTO rules. According to CPA (2000, Article 36:4), "Economic and trade cooperation shall be implemented in full conformity with the provisions of the WTO, including special and differential treatment, taking account of the Parties' mutual interests and their respective levels of development." The arrangement is that WTO can check relations between member states and rule that they are in substantial compliance with its provisions. All negotiations are embarked upon among parties to ensure they are within the limits of those rules; within those limits, the terms agreed to may be hugely favourable or unfavourbale. That the EU has insisted on terms that are considered not to be so favourable to the fragile economies of ACP countries is one of the main accusations against the EU.

Equality of partners in spite of asymmetrical relations - Under WTO arrangement all members are regarded as equal, even when it is known that economically they are not. Equality

here means members treat other nations as they are treated. Equality principle had been applied to the status of all nations engaged in international relations in every other area during the cold war period, except that in trade matters their economic inequality received special attention (e.g. through the practice of the non-reciprocal principle). It was a period when each nation, developed or developing, was regarded as equal in international fora; meanwhile developing nations in Africa, Americas and Asia actively asked for special treatment in trade matters, citing their unequal economic and development condition relative to the advanced nations. One idea behind this was that developing nations could not compete favourably with developed nations in the area of trade so they needed to be treated as unequal partners and consequently enjoy preferences in trade-related issues. The global cold war context that could see some developing nations turning towards the East as alternative had been one basis for which the West gave trade preferences to these nations that considered themselves as unequal partners. The UN recognized this, categorized them as such, and had urged advanced nations to give special treatment to them throughout the cold war period. Along with the global transformation of the early 1990s however came the move to place all nations on the same pedestal, treat all as equal partners, even in trade-related issues. From the perspective of the West, this change was core to eliminating one of the most powerful arguments in favour of trade imbalances and protectionist policies of many developing nations.

Fallout was that developing nations were made to negotiate WTO agreements in the early 1990s on mostly equal footing as the developed nations. There is also the idea of 'single undertaken' which ensures that WTO rules and the subsequent EPA are negotiated on the principle of equal partnership. This has brought their relations to the level of shared responsibility. It has been alleged that developing nations were coerced; even if this was not the

case, the fact that there were no alternative blocs as there had been in the cold war period would have left developing nations with no option but to accede.

Single Undertaken - This principle stipulates that member nations of WTO must accept every aspect of a free trade agreement as one. No member could select aspects that it felt comfortable with while rejecting others, as was the practice in the cold-war period. The principle had been adopted in the course of WTO negotiations in the early 1990s and reluctant Third World nations were pressured to accept it by Europe. It is significant to note that such pressure could not have been successful during the cold-war period when disgruntled members could turn to the East for alternatives. This single undertaking principle that all members of WTO must abide with has been cited as root cause of many of the contentions in the ECOWAS-EU EPA negotiations. West African member states could not select what they wanted to comply with among WTO rules because they had signed WTO agreements as a single undertaken. But it must also be pointed out that without single undertaking, WTO itself would have been weak as a body, and its rules would not have been complied with as member nations had been made to do in the post-cold war period. It was in an effort to correct this that WTO was proposed and set up in the first place.

Reciprocity- This implies that whatever the developed nations do for developing nations in trade-related matters, the latter have to reciprocate. Goods on which EU does not collect tariffs are goods on which West Africa too must not collect tariffs. If EU opens markets for some goods, West Africa must do the same for EU. This was not the case during the cold war under the Lome Conventions when West Africa was allowed to collect tariffs in imports from Europe. The effects of the new regime on trade relations between the two Parties are many, and the

arrangement has been identified to be largely injurious to the West African region in the form of loss of revenue, jobs and the local manufacturing sector.

Reciprocity is a necessary feature of trade agreement, since neither of the two parties involved will be willing to sign the agreement unless it expects to gain as much as it loses. This has been at the centre of many of the contentious issue generated within the ECOWAS-EU context from the Lome Conventions through to EPA. The loss and gain factors stand between the complete ratification of the EPA as at this stage.

Most-Favoured Nation clause - Another feature of trade agreement is the Most-Favoured Nation clause. This makes provision for the possibility that one of the parties to the agreement will later offer lower tariffs to another country. Moreover, the agreement often includes clauses providing for "national treatment of non-tariff restrictions," meaning that the Parties involved in a trade agreement promise not to duplicate the properties of tariffs with non-tariff restrictions such as discriminatory regulations, selective excise taxes, quotas, and special licensing requirements.

Non-discriminatory trade practice- This stipulates that there should be no discrimination against any member of WTO. Whatever Country A does for Country B in trade relations it must do the same to Country C or D given the same circumstance. Trade relations between nations that do not abide by this requirement are a breach of a free trade rule. After the signing of Doha Rounds of trade talks, discriminatory practice by the EU in favour of ACP countries, became the basis for the case India brought against the EU at the WTO in the 1990s. India had argued that EU gave ACP countries easier trade terms on some imported commodities, meanwhile EU did not give the same treatment to India because India was not a member of ACP. This amounted to flouting free trade principles by EU and it had to be corrected. Efforts made by the EU to comply

with the ruling of the WTO on this matter were a reason EPA regime was introduced into EU-ACP relations through the Cotonou Partnership Agreement in 2000. As a member of WTO, West Africa was a signatory to this non-discriminatory principle. In effect, when EU later asked West Africa during EPA negotiations to extend treatment it got from West Africa under the EPA regime to its trade partners such as Turkey, it was a legitimate request in the eyes of WTO rules. Although West Africa rejected the proposal, it was the modality for implementing this principle (due to West Africa's peculiar asymmetry relations with EU) that it had any pretext, not the principle itself to which it was a signatory.

Liberalization/Privatization- Nations have to adopt and implement liberalization and privatization policies in every sector of their economies. Free market philosophy is of the view that government has no business in business. It advocates less government involvement in business activities. Government is to make rules and allow individuals to do business. This had not been the case in most West African nation or among ACP members which ran mixed economy or some form of socialism. The adjustment to this free market rule had begun in the 1990s, but it had been a difficult journey for most West Africa member states. This had affected the position they took with respect to the modalities for implementing this free trade requirement. The dominance of the West under the new unipolar arrangement meant that its philosophy on trade had to prevail. The West was for free trade. Where demand and supply were not being decided by market forces, it wanted this to happen. Where nations had nationalized companies, free trade required that they allow the private sector to take over. Where trade was not liberalized, or private businesses encouraged, the post-cold war free trade philosophy placed emphasis on it.

EPA-compliant national and regional reforms - Provisions in EPA that are to be implemented require that the West African region engages in diverse reforms. In many cases these reforms (e.g. CET) are backgrounds; they must of necessity precede the implementation of EPA provisions. The CPA mentions a 'preparatory period' for EPA. It also had a 'Task Force' for this purpose, consisting of members from West Africa and EU. Many of the reforms needed were in the area of tariff, tax, manpower and institutional capacity building, and many more in West Africa's member nations.

Closer link in trade, political, economic, social and security matters - More than ever, the need to ensure that other areas such political, social and economic issues facilitate trade is recognized and embedded in CPA. This is one peculiarity in the ECOWAS-EU trade agreement in which the West African nations insist that the EPA must be a developmental agreement. It has been said that such inclusivity breaches some known rules, but this is what makes the trade agreement between ECOWAS and EU unique. Although trade is core under the EPA regime, other issues are taken into consideration as the link between them and trade development is given attention more than what has obtained in the Lome Conventions prior to it. The EPA regime took political issues out of the list of the untouchables and made them part of the condition for adequate implementation of the EPA. During the cold war era, West Africa had resisted efforts by the Europeans to approach issues that were considered internal affairs. As such at the time, issues of democratization, free and fair election, human rights, and the need for government to accommodate civil society in decision-making processes were not made part of the agreements as much as they came to be in the CPA following the end of the cold war. This too was due largely to the fact that West Africa had no alternative power to turn to if it had resisted the pressure of Europe to include these issues, or link them to trade under the EPA

regime. Thus, the new regime saw both Parties watching each other in areas other than trade, and linking diverse issues more than ever before in their relations.

Customs union - More important than any other factor underlying the EPA regime are the steps that have led to customs union in the West African region. The ECOWAS Liberalization Scheme (ELS) and the Common External Tariff (CET) structure have led to a situation where all nations in the region adopt the same tariff structure towards EU. This is one arrangement West Africa has been enjoying with EU member nations for years, but now has to reciprocate. Prior to EPA West African member nations had different tariff structures. The new regime however has different consequences in cost and benefits for the nations involved. They are discussed in detail in Chapter Six.

Consideration for an overriding global trading system - Most issues that are central to the EPA regime have their origins in WTO rules. These rules, such as the Most-favoured-nation (MFN) clause; National treatment; Predictability; Promoting fair competition; Encouraging development and economic reform, have therefore come to guide relations between West Africa and EU from 2000 onward. Moreover, most of the organizations listed earlier form part of the global trading system as they collaborate to ensure free trade principles are adhered to. A nation that IMF and World Bank does not rate may, for instance, not get good hearings from national and regional creditors in the West. For most western nations to transact business or aid a nation, they check the facts and figures as prepared by the UN or the global financial institutions all of which are the creation of the West-dominated trade philosophy. In the event, it becomes imperative to check every step taken internally or external with the global trading system, and one outcome is that regular accusations are made by countries that a step being taken by another country is contrary to the latter's obligations under the global trading arrangement. This way

local conditions are increasingly expected to be sacrificed in the interest of globally accepted norms. This phenomenon has become even more the case since the end of the cold war.

The more recent trade agreements (CPA and EPA) that ECOWAS has with the EU have been described as "trade and development agreements negotiated between the EU and African, Caribbean and Pacific regions engaged in a regional economic integration process" (www.ec.europa.eu, 2013). Perhaps, more than any other feature, these trade agreements in their various forms have characterized West Africa's relationship with the EU right from the inception of its regional body in 1975. The agreements at the regional level, which were signed in the larger context of the ACP arrangement included, in reverse order, The Cotonou Agreement Revised - (2005), The Cotonou Agreement (2000); The Lomé IV Convention - Part 2 (1995); The Lomé IV Convention - Part 1 (1990); Lomé IV Dossier – (March-April ,1990); The Lomé III Convention (1985); Lomé III Dossier – (Jan-Feb. 1985);The Lomé II Convention(in French) (1980); Lomé II Dossier, (November 1979); The Lomé I Convention (1975); Lomé Dossier, (March, 1975); The Second Yaoundé Convention (1969); The First Yaoundé Convention (1963).

The Cotonou Partnership Agreement (CPA) between the EU and the ACP countries that succeeded the Lomé Agreement in 2000 envisaged the negotiation and signing of Economic Partnership Agreement (CPA, 2000, Art. 37:1-9). The EPA was to be the new cooperative framework under the CPA, and was expected to adopt an integrated approach based on partnership, promotion of cooperation, trade and political dialogue between the ACP countries and EU. One of the essential characteristics of this partnership is that it is hoped to combine trade (respond to the challenge of globalization, development assistance essential to ACP countries) and a strengthened political dimension. The key CPA principles are reciprocity; differentiation; deeper regional integration; and coordination of trade and aid. In the Lomé Convention, EU (then European

Economic Community, EEC) made members of ACP countries to benefit from General System of Preference (GSP) which allowed non-reciprocal access to EU market. Being a supporter of regional economic integration, and informed by its own experience, EU demonstrated its support for an exported growth in the ACP countries through the signing of the Lomé Convention(Briet, 2010).The Lomé Convention sets out the principles and objectives of the EU cooperation with the ACP Countries and it was revised every five years. The Lomé I, signed in 1975 has these main characteristics:

-Non-reciprocal preferences for most exports from ACP countries to EEC

- Equality between partners, respect for sovereignty, mutual interests and interdependence

- The right of each state to determine its own policies

- Security of relations based on the achievements of the cooperation system.

In Lomé I (1975) followed by the Lomé II (1979), Lomé III (1984) and Lomé IV (1990), apart from additional new programmes that were introduced, there were no major changes to the original convention. For instance, in the Lomé II, a programme meant to assist ACP countries that were heavily dependent on revenue from mining activities, and were experiencing export loses was added. In the Lomé III however, attention was moved away from industrial promotion to self-reliant development on the basis of food security and self-sufficiency. The Lomé IV signed in 1990 lasted for a decade, although a review was carried out midway in 1995. This review had emphasis placed on the promotion of human rights, democracy and good governance, strengthening of the position of women, the protection of the environment, decentralized cooperation, diversification of ACP economies, promotion of the private sector, and increasing regional cooperation (EC website). The CPA that followed in 2000 was meant to make the

preferential trade agreement (PTA) offered to ACP to be more in line with new developments in the world trade system.

Though it comes in various forms, the term Preferential Trade Agreement is used more generally to describe all types of economic integration since they all incorporate some degree of "preferred" treatment. This means members integrate and agree to treat themselves in a certain special way that is not made available to non-members. PTA has however been noted as perhaps the weakest form of economic integration (Riley, 2012). As he explains, in a PTA, countries would offer tariff reductions, though perhaps not eliminations, to a set of partner countries in some product categories. Higher tariffs, perhaps nondiscriminatory tariffs, would remain in all other product categories. This type of trade agreement is not allowed among World Trade Organization (WTO) members, who are obligated to grant most-favoured nation (MFN) status to all other WTO members. Under the MFN rule, countries agree not to discriminate against other WTO member countries. However, a country is free to charge a higher tariff on imports from non-WTO members. In 1998, the United States proposed legislation to eliminate tariffs on imports from the nations in sub-Saharan Africa. This action represents a unilateral preferential trade agreement since tariffs would be reduced in one direction but not the other, a point worth noting for the initial ECOWAS-EU trade arrangement which necessitated the negotiation of the latest EPA (Riley, 2012).

According to Suranovic (2013), the various agreements in nations' pursuit of trade liberalization in the post-World War II period generally come under Multilateralism and Regionalism. They have trade barriers in one form or another. But one device that has been used to achieve trade liberalization is the General Agreement on Tariffs and Trade (GATT) and its successor, the WTO. Although GATT began with less than 50 member countries, the World

Trade Organization (WTO) that succeeded it claimed 153 members as at 2010. Since GATT and WTO agreements commit all member nations to reducing trade barriers simultaneously, the agreements are sometimes referred to as a multilateral approach to trade liberalization. An alternative method used by many countries to achieve trade liberalization includes the formation of preferential trade arrangements, free trade areas, customs unions, and common markets. Since many of these agreements involve geographically contiguous countries, these methods are sometimes referred to as a regional approach to trade liberalization.

A Free Trade Area (FTA) is a situation in which a group of countries agrees to eliminate tariffs among themselves but maintain their own external tariff on imports from the rest of the world. The North American Free Trade Agreement (NAFTA) is an example of an FTA. FTAs generally develop elaborate "rules of origin" designed to prevent goods from being imported into the FTA member country with the lowest tariff and then transshipped to the country with higher tariffs. On the other hand, a Customs Union occurs when a group of countries agrees to eliminate tariffs among themselves and set a common external tariff on imports from the rest of the world. The European Union (EU) represents such an arrangement.

As already noted, trade agreement especially regional trade agreement (RTA) can be a path to liberalization. Yet, when trade is liberalized it can take several forms. West Africa has gone through many of these forms, as EU already has, in its move towards achieving better integration of the economies of its member states in the last forty-one years of the existence of its regional economic bloc, ECOWAS. It is necessary to take a somewhat detailed look at these forms because of their relevance to understanding how ECOWAS-EU partnership arrangements have impacted them.

The simplest path to liberalisation is for a nation to cut tariffs unilaterally but, more usually, nations lower their import barriers at the same time as their trade partners (Snorrason, 2012). This can be in the way of a multilateral agreement in the pattern of the various GATT/WTO rounds of negotiations, and it can be an agreement among a smaller group of nations, referred to as a preferential trade agreement and it features lowering of tariffs on goods from member nations, not on those from outside. For the smaller group of nations in one geographical location, this tariff arrangement based on agreement is referred to as a regional trade agreement (RTA). Nearly all PTAs are regional treaties between nations to reduce or eliminate policy-imposed trade barriers. Formal RTAs may cover a spectrum of arrangements, from small margins of tariff preference to full scale economic integration (Snorrason, 2012). But all PTAs or RTAs fall within the scope of GATT 1994, Article XXIV. This Article excludes member states from the Most-Favoured Nation (MFN) principle by treating mutual imports preferentially through the formation of a PTA. The WTO allows three types of PTA:

(i) Custom unions and free trade agreements sanctioned under Article XXIV.

(ii) Agreements between developing states formed under the Enabling Clause that allows partial preferential treatment.

(iii) Agreements under the Generalised System of Preferences (GSP) allow developed states to grant preferential treatment to developing states. This is core to ECOWAS-EU Economic Partnership Agreement, (and more specifically Nigeria operates this with the EU), because central to the EPA, as WTO requires, is that nations that are geographically proximate should be encouraged to form PTAs while those that are distant should be discouraged. For Snorrason (2012) this position has two elements: First, trade blocs are more likely to create trade and thus raise welfare; given a country's higher volume of international trade, the higher will be the

proportion of trade with the country's trade bloc partners and the lower is this proportion with the non-member countries. Second, countries that share borders or are closer geographically to one another tend to have a higher proportion of trade with one another than those countries that are further apart and so are more likely to be trade creating as opposed to trade diverting. This study notes here however that in the case of ECOWAS member states and as it shall be seen later in this study, this argument by Snorrason (2012) has not proved to be the case.

However, Bhagwati (1993) is of the view that Snorrason's first argument is not valid unless substitution between commodities is considered. Other scholars place emphasis on the relative volume of imports from each source vis-à-vis expenditures on domestic goods to determining the gains and losses from preferential cuts in trade barriers. So, for Lipsey (1958), it is essential to look at the estimates of substitution flexibilities among goods and shares in trade with and between members and non-members. Yet others such as Gowa and Mansfield (1994) criticize this because, according to them, borders can engender hostility and it may work against trade, meanwhile partnerships across distant geographical area that share a common purpose can encourage trade.

In an arrangement of Customs Union or free trade areas (FTAs) however, the main potential sources for economic gain from economic integration is seen by El-Agraa (1994) to be from:

• Enhanced efficiency in production made possible by increased specialization.

• Increased production levels due to better exploitation of economies of scale made possible by the increased size of the market.

• An improved international bargaining position, made possible by the larger size, leading to better terms of trade.

• Enforced changes in efficiency brought about by intensified competition between firms.

• Changes affecting both the amount and quality of the factors of production due to technological advances.

Meanwhile, El-Agraa (1994) further asserts that proceeding to a Common Market leads to further sources of gain as a result of factor mobility across the borders of member states, while, establishing an economic union also results in the co-ordination of monetary and fiscal policies. Nevertheless, in his pursuit of his argument in favour of RTAs, Snorrason (2012) observes that with scale economies or imperfect competition, there will be welfare implications of forming a PTA, and an industry can capitalize on scale economies more easily in the larger market of a preference area. Furthermore, within a larger market, firms rationalize production, produce larger outputs and effectively lower their average costs simply because a larger market without protective trade barriers is available. Also, the formation of Preferential Trade areas is generally welfare-improving when extensive imperfect competition is present in the initially protected economy; an imperfectly competitive domestic sector is forced to compete with imports such that freer trade leads to both gains from trade and increased competition and efficiency.

The position of Baier and Bergstrand (2007) on PTAs is that PTAs reduce or eliminate policy-imposed barriers to the flow of goods, services, capital, labour etc. Bagwell and Staiger (2002) note that PTAs could be viewed from three separate perspectives: economics, politics and commitment or credibility. Economics perspective explains PTAs as restricting the setting of unilateral trade policy, which can affect the welfare of other nations. The political perspective views PTAs as limiting the distributional issues of trade policy choices by government. The commitment perspective explains PTAs in the context of increasing the credibility of

government actions. These perspectives have similar objective: to maximize national welfare, subject to different constraints. The WTO, formerly the GATT, has the principal economic objective of solving the central problem of the terms of trade externalities that arise when countries make trade policy decisions unilaterally. In so doing, the WTO applies rules that have the principles of reciprocity and non-discrimination as their cornerstone (Bagwell and Staiger, 2002). This is further explained in Chapter 5 as it relates to ECOWAS-EU's trade agreements, especially EPA.

For the purpose of this study and the main subject matters of it, it is important to treat Customs Union (CU) at some length. A review of literature shows that most scholars agree that regional economic integration actually has its root in CU. In assessing the benefits in this for integrating countries, Ricardo (2000) takes a close look at the welfare gains of CU theory, noting that they all focus on the common problem of the effect of economic integration on economic welfare. He states that given the second best nature of CU theory, which prevents apriori assertions of the direction of welfare changes, most researches on CU attempt to determine the conditions under which it is likely that a CU will improve welfare and whether or not it is a preferable alternative to unilateral tariff policy (Ricardo, 2000). While writing on partnership issues as they involve trade arrangements, he points out that countries are not always free to choose the set of partners they want to form a CU with. For instance, political and strategic considerations (or any type of non-economic reasons) lead countries to establish trade agreements in spite of potentially adverse economic consequences. Secondly, finding suitable partners that meet most of the desired characteristics for a CU to be surely trade creating is a difficult task and most probably a conflictive one,

While there is a great deal of controversy around the purpose and scope of the effort to form CU, almost every significant contributor to CU theory elaborates on a list of conditions for CUs to be welfare improving. Viner (1950) provides one that he argues is valid whether the CU's effects are appraised in terms of the member countries alone, or of the world as a whole. He posits that (1) the CU's economic area must be large, (2) the common external tariff should be lower than the previous individual tariffs for third countries, (3) member countries must rival in the kind of products that are characterized by high-cost production and which were previously protected, (4) there must be considerable differences in unit costs of production for protected industries of the same kind within the CU, (5) higher tariffs in potential export markets in third countries for products in which CU's members have comparative advantage, thus reducing the risk from decreasing the degree of specialization between the CU and the rest of the world, (6) the wider the range of products for which CU members can provide lower unit costs for other member countries than third country suppliers, the more likely the CU is to be welfare improving, and (7) the converse of number (in 6) is the presence of a small range of industries within the CU that do not provide goods at unit costs lower than third suppliers (Viner, 1950).

The immediate point to note is how many of these requirements are lacking in the West African scenario, thus raising complications even though the region was scheduled to become a Customs Union by January 1, 2015. As a matter of fact the many lacks of West Africa led to fears that member countries entertained regarding the EPA which introduction CU was meant to have prepared grounds for.

There are divergent opinions on the seeming smallness of the estimated welfare gains and losses stemming from CU, at least as measured as a percentage of GNP. For instance, McCulloch (1993, p.369) mentions that even selective trade liberalization provides larger markets and

associated dynamic effects, pointing out that some empirical studies confirm that welfare gains from regional liberalization can be far greater when markets are imperfectly competitive. He also notes that trade theory in general tends to dismiss the effects of trade liberalization on distribution; further pointing out that significant redistribution strongly discourages trade liberalization through political pressure.

Of relevance to this study is the position of McCulloch (1993, p.369) on the centrality of Non-tariff considerations in trade agreements, (generally seen as politically more difficult to resolve). This is because over the years while West African nations have been convinced of the need to integrate, issues other than economics have sometimes proved a major burden for ECOWAS nations in any attempt to implement trade integration in the region. Equally, as it is noted in Chapters 5 and 6 of this study, the position of the largest economy in West Africa (Nigeria) towards EPA makes Ricardo and McCulloch's arguments sound true.

As Hirschman (1981) observes, political support for forming a CU is most likely to come initially from those who expect to benefit from trade diversion. As Chapters 5 and 6 of this study show, this has come to play in the divergent positions West African states have taken in the trade agreements they have with EU. For Hirschman (1981) some of the essential features that should characterize either partner countries or the relationship between them and the home country are the following: (1) Their economies must be competitive rather than complementary and differences in per unit costs of production in competitive products should be high; (2) pre-CU tariffs between them must be high as compared to those in the rest of the world; (3) member countries must be the main trading partner of each other in the products in which they maintain trade flows; (4) a relatively high proportion of each country's expenditure must be done in domestic trade; (5) member countries' elasticities of excess demand and third countries'

elasticities of excess supply must be high and member countries' elasticities of excess supply and third countries' elasticities of excess demand must be low. However, these conditions vary according to the assumptions of the model employed in the analysis; those presented here apply to Meade's model when analyzing tertiary effects of CUs formation (Hirschman, 1981).

As Gunter (1989) concludes, citing Timbergen (1957) on the size of the CU, increases in the market size that the CU makes available to member countries are likely to be welfare improving and therefore relatively small countries are likely to benefit proportionally more from their association with large countries than the latter with the former. No doubt, this has played out as shown in the eagerness of some smaller states and the worries shown by the larger ones in West Africa where trade agreement with EU is at issue. In addition to the aforementioned, transportation costs also help determine the outcome of a CU; ceteris paribus, the lower the transportation costs among member countries are, the greater the gains stemming from the CU.

2.3 Issues in ECOWAS-EU Trade Relations

There are some basic issues as well as features in ECOWAS-EU relations which serve as mechanisms that drive the relations in its different forms whether in the area of trade or development issues. A few of them, which answer to the nature of their relations, include trade, the foremost means of contact between West Africa and Europe. As already noted, West Africa is EU's largest trading partner in Sub-Saharan Africa. The EU is West Africa's biggest trading partner as well. This foremost of the mechanisms in the relations between the two is so core that a study on trade is almost a study of the whole chain of the ECOWAS-EU relations (ECOWAS Directorate of Trade, 2015).

There is also institutionalized political dialogue between ECOWAS and EU; the EPA Development Programme, a special instrument developed to ensure that programmes and

projects relating to the implementation of development aspects of EPA are given direct attention. There is equally ECOWAS-Europe special relationship informed by history; the Donor Agencies in West Africa that are mostly from the EU; the Partnership Agreements from Lome to EPA; as well as the larger Africa-EU partnership framework.

According to Oyejide and Njinken (2002), the relations that countries on the African continent have with EU since the formation of the European body in 1957 (as EEC) have been guided by Agreements between them. This continued with the establishment of ECOWAS in 1975 when the Lome Conventions were signed by the ACP and the EU. This step goes to show how central such Partnership Agreements have become in the shaping and conduct of relations between these two regions of the world.

As Walter (2012) observed, trade played a major role in the relations Europe historically maintained with the rest of the world and it was driven first by mercantilism and later capitalism. According to him, this process was primarily determined by Europe from the 15th to the 20th century. From the 16th century to 1914, trade within Europe at all times constituted the most significant portion of global trade, and the volume of that trade grew disproportionately quickly during the early modern period and into the modern period. The discovery and conquest of Africa, America and East India in the late Middle Ages and the early modern period had long-lasting effects on the territories and regions involved (Walter, 2012). During the course of the 15th century, Portugal was able to conquer strategic locations along the west coast of Africa and in the African Atlantic region, though these bases suffered serious reversals between 1475 and 1480. In the 1440s, the Portuguese expanded their trade in African slaves in the coastal region of the Rio de Oro, which they were now able to conduct without the assistance of Asian and African middlemen. These strongly fortified settlements, such as those on the West African

island of Arguim and in the town of Elmina in present-day Ghana, were not only centres of the slave trade, but they also served as bases for the trade in gold, *malagueta* pepper, ivory and other trade goods (Walter, 2012).

According to Walter (2012), in the early modern period, Africa became the preferred region of operation of the privileged European trading companies, and here they delivered manufactured goods made of glass, metal and textiles, as well as weapons and alcohol to Africa in exchange for slaves, provisions, gold, etc. This European-African trade was often just one leg of the so-called triangular trade between Europe, Africa and America. This system of trade remained dominant from the 17th to the early 19th century, at which point the increasingly pervasive ban on slave trading shifted the focus of trade in Africa. Walter (2012) notes that most of the African states at independence became dependent on European colonial powers that reduced them to the status of suppliers of raw materials and comprehensively exploited them. While the first full trade agreement between the two was signed in 1975, by 2014 a new scheme of Economic Partnership Agreements (EPA) had been negotiated by the two multilateral organisations – ECOWAS Commission and the European Commission. In this new relationship inspired by the WTO 1995 free trade philosophy, perhaps more than before, EU in several ways stood to influence actions and directions of West African countries singly or within the context of ECOWAS. Much of such influence has, not surprisingly, come directly or indirectly by the way of implementation of trade-related provisions in the various Partnership Agreements that EU has had with West Africa over the years. As Bilal (2013) points out, "regional integration does not happen in a vacuum. In the case of West Africa, former colonial powers, and more broadly the European Union (EU), have had a key impact on the contours, structure, content and

dynamics of West African integration." Factual historical reasons support Bilal's observations as far as EU's influences in the West African region are concerned.

For instance, in the effort of countries in West Africa to enhance regionalization of their trade or economies, the earliest European experiment has become the example to follow (Bilal, 2013). Noteworthy is the fact that when EU started out, as Bilal (2013) stated, replication was never an objective; however, EU had become a reference for possible aspiration especially in terms of its institutional setting and policy coverage in a regionalized arrangement that West Africa has also sought to achieve. Therefore, the earliest institutional arrangement for the region, the West African Economic and Monetary Union (UEMOA), and much later the Economic Community of West African States (ECOWAS) have adopted some of the norms, legal framework, institutions and policies similar to those of EU.

Basically, ECOWAS Commission has key characteristics similar to EU's: A regional Commission, Council (Heads of States and Ministers), regional Parliamentary Assembly, regional Court of Justice, an Economic and Social Council/Committee, a regional central bank and a development bank. Interestingly, new institutions are provided in the Partnership Agreements for the purpose of implementing some of the provisions, thus effectively importing Europe's idea of what institution is appropriate for West Africa's integration efforts (EPA, 2014; Part V1).

Without doubt, trade, which necessarily links nations on the international stage, is a major instrument of exercising influence among the actors involved in it. In other words, regional body notwithstanding, the international interrelationship that trade fosters is at the root of much of the network of influences that are exerted by one party on the other. This is brought to the fore in the ECOWAS-EU relationship, and the trading pattern by West African states with

EU shows it. Exports from West Africa to EU are mainly primary commodities (EC, 2005), and this is carried out as stipulated in the Partnership Agreements. The EU is also making in-roads in agricultural exports to the West Africa region. The effect of these is that trade activity between the two sides become increasingly interwoven and informed by trade agreements they have. This is important as West Africa's inter-regional trade, especially with EU, far exceeds intra-regional trade in absolute terms (Afesorgbor, 2002).

Incidentally, the nations that EU has had to sign trade partnership agreements with on a regional basis have certain things in common, much of which make them especially susceptible to the vagaries inherent in trade arrangements and the requirements that EU seeks to implement. That means through trade much influence is exerted on them. Many of such countries, which are generally referred to as Least Developed Countries (LDCs), constitute about 80 percent of West Africa. Population-wise, most of these countries are small and their share of world's entire GDP amounts to less than one percent, while their social and economic indicators show widespread poverty (SIDA, 2002).

Trade relations between the North and the South are equally informed by debt relief issues. Most West African states owe EU nations huge debts. In debt matter too, the IMF has been increasingly involved. Part of the implication here is that West African states do not come under pressure from only EU, their closest trading partner, but with others far afield such as IMF which requires developed regions such as the EU to work in partnership with it on global monetary issues. This way, EU becomes the channels by which the West African region feels the weight of the international financial institutions. There is, for example, the liberalization demands of the IMF in debt rescheduling agreements with developing countries which goes far beyond the requirements laid down by WTO (SIDA, 2002).

Still on the matter of debt, Owusu (2013) in his study calls attention to the growing debt stock of West African states and its effects. One effect is that, as countries struggle to use their limited resources to wean themselves off further debts, the prospect of deepening regional integration is likely to be put to the backburner. Owusu (2013) concludes that under the scenario countries in the West African region finds it more convenient to trade with the high-income countries instead of trading with their neighbours. Moreover, these countries receive higher forms of assistance from the high-income countries and therefore use trade as an expression of gratitude. He asserts further that the colonial umbilical cord is very tight, especially in relation to the flow of aids, and therefore concludes that colonial masters have greater influence on their former colonies compared to the influence of ECOWAS on the individual economies of the region. Furthermore, the weak trade pattern among them is facilitated by their existing liberal trade policies which favour massive importation of goods (including those produced in the West African region), and weak legal and institutional framework for ensuring the enforcement of the ECOWAS treaty (Owusu, 2013).

The European Union strongly believes in the merits of regional integration as a tool for development. So if West Africa seeks for EU assistance on development, the latter provides the conditions on its own term, which has opened up more areas of contention between the two Parties. According to the European Commission (EC) however, open regionalism plays a key role in conflict prevention and peace consolidation so it actively encourages using whatever incentives it can muster (EC, 2002). The EU, "in light of its experience and of the instruments at its disposal", provides support to developing countries in their regional initiative (Council of the European Union and European Commission, 2000).

Perhaps a most encompassing summation of how ECOWAS-EU relations is driven and has changed over the years is what Bache (2011) calls the dilution of EU's initial Africa focus. He traces what he calls the Africa focus of the EU back to the establishment of the European Economic Community (EEC) in 1957. That time, special association status was granted to the French and Belgian colonies in sub-Saharan Africa. These links have remained somewhat the same and continue to impact the behaviour of some of these states in the ECOWAS structure. However, at a broader level Bache (2011) argued that with other issues that had cropped up on the world stage, Africa no longer enjoyed with the EU the kind of special attention it once got especially in trade matters. For instance, Bache (2011) believes that the benefits African countries used to draw from their exemption from the restraints imposed on Asian textile and clothing exports have lost their value with the termination of the quantitative restrictions imposed by Multi-Fibre Arrangement (MFAs) in December 2004. In addition, he notes that the rulings by WTO arbitration panel have dented the preferential treatment that special EU protocols used to offer to ACP exports for some raw products.

Another issue that has come to impact the trade relationship West African countries have with EU is development aids. In fact, aids issue is core to the EPA and it has remained one of the yet to be resolved contentious items in the negotiations. As one of the measures to cushion the harsh impacts of some of the trade-related provisions in the EPA, West African states have asked for more development aid than EU is prepared to part with. Bache (2011), for instance, notes the supports from the EU to ACP countries for debt relief and continued assistance in the implementation of comprehensive structural adjustment programmes as contained in Article 66 and 67 of the Cotonou Agreement, and how this has made West African nations to agree to the adoption of the regional common external tariff proposal. Development aid issue has become so

significant especially in the North-South trade arrangements that Bache (2011) discusses the matter of coherence in trade and aid policy. Coherence has been taken to be synonymous with the sense that all aid initiatives would be in line with, coordinated with, and in terms of policy, subordinated to IMF guidelines and WTO rules and regulations. The Swedish National Board of Trade (2001) defines the concept of coherence as, "consultation between the WTO, IMF, and World Bank with the aim of achieving greater insight into and mutual understanding of the implications that the activities of the respective organizations will have for the work of the other institutions. The goal is to promote coherence between the complementary efforts that the WTO, IMF, and World Bank make on behalf of international economic stability in general and the situation in the developing world in particular." On the whole, the aim is that coherence needed to be achieved between development assistance objectives and trade policies i.e. trade policy actions must work for, and not against, development objectives. The outcome of this though, is that West African states are brought under more intense pressure by EU in whose interest it is for the coherence requirement to be observed by the regions it offers development aids.

To compound the matter of the extent to which West Africa is influenced by its trade relations, ECOWAS Commission itself admits to the relevance of donor agencies in its efforts at realizing its regional integration objective, a situation that points to another leverage that EU has on its West African partners. In fact, West Africa complains loudly when donors are not forthcoming on any issue. In his 2000 report, (ECOWAS, 2000), the then ECOWAS Commission Executive Secretary, Lansanna Konnate, points out the increasing need for assistance from donor agencies if his Commission must achieve its regional agenda. He notes also that among the international donor community, regional cooperation is being accorded attention and the mandates, procedures and assistance programmes of the donor agencies

increasingly include a regional component. While stating that the EU has been a pioneer in this regard, definitely with regard to funding, Konnate adds in appreciation that the Economic Commission for Africa (ECA) has also been an active promoter of regional integration. UNDP, he notes, has also been an early supporter of regional integration, and overall the UN body has a crucial role of coordinator and resource mobiliser to play. In addition, the Bretton Woods institutions, in their new initiatives to enhance the capacity to meet the challenges of development and poverty reduction, are introducing regional dimensions in their programmes. A similar development has been observed within the ADB Group (ECOWAS, 2000).

Not left out of Konnate's report (ECOWAS, 2000), are a number of bilateral agencies and other frameworks that he notes have appreciated the value of regionalism and are also making notable contributions to the integration process in West Africa. The African Growth and Opportunity Act (AGOA) of the US government, for instance, indicates the priority attention that the US gives to African development issues. Through it, U.S/African partnership gives due recognition to the role and importance of regional cooperation. The USAID regional office in Bamako facilitated the adoption of a "West African Regional Programme" a clear support of ECOWAS integration initiatives. The French government, through a number of its development agencies, has always been supportive of West African integration, and so are the government agencies of Germany and the Nordic countries. An ECOWAS regional cooperation agreement has been signed with the Japanese government. ECOWAS also aims to deepen and expand the regional cooperation arrangements with the traditional development partners of West Africa. Such is meant to not only increase the overall volume of external assistance received by West African countries, but to also improve the efficacy of such assistance through effective aid

coordination at the regional level (ECOWAS, 2000). All these bodies cooperate with EU, and form another EU's pressure point in its relations with ECOWAS.

Other issues have also been recognized to be sources of weakness for ECOWAS member states in their relations with EU. For instance, many scholars have observed that southern countries that include the ACP areas are often disadvantaged in the negotiating processes for trade agreements. In fact, in the process of negotiations, ACP countries sometimes have to accept diverse assistance from the other Party, a situation that does not help them to assert themselves. Also, while three-quarter of the World Trade Organization's (WTO) members are developing countries, most of these are economically dependent on the US, European Union, or Japan in terms of aid, imports, exports, or security. Their dissent in the WTO could threaten their economic well being (www.citizenstrade.org, 2014).

Additionally, developing countries have fewer human and technical resources, so they enter negotiations less prepared since they cannot maintain a team of negotiators and translators comparable to those of developed countries (Lucarelli and Fioramonti, 2010). Furthermore, trade rules are generally negotiated to apply uniformly to all countries, regardless of economic and political variations. Hence, the rules applied to the wealthy, post-industrial economies of Europe and the US are the same for poorer, agricultural nations that have significantly different needs (www.citizenstrade.org, 2014). This has emerged as one of the criticisms against what some have argued to be the advantages that EU enjoys in the trade-related provisions in EPA.

Also, the agricultural sector of countries in the Southern hemisphere is typically hard hit by free trade policies, the type that EU desires through the Partnership Agreements. Throughout the global south, a significant percentage of the population is involved in either subsistence or commercial agriculture. Without barriers against agricultural imports, foreign agribusiness

imports are able to undercut local prices, with the attendant risk of putting smaller-scale farmers in southern countries out of business. Agriculture, along with public health, is also affected by the imposition of US-style patent and copyright protections through the WTO's agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and similar provisions in other free trade agreements (www.citizenstrade.org, 2014). While West Africa has yet to negotiate copyright matters with EU, it is one of the areas that must be negotiated, even as some other ACP regions had already negotiated this aspect. All of these impact trade relations with EU. TRIPS, for instance, mandates recognition of patent rights on a broad range of goods, including life forms such as plant and animal varieties traditionally cultivated by small farmers and indigenous groups. The patenting of seeds has required farmers to purchase new seeds every year, rather than practicing seed saving, thus significantly increasing the cost of production. Higher prices on patented and copyrighted medicines have had devastating effects on health systems in poor countries by prohibiting affordable access to vital medicines (www.citizenstrade.org, 2014).

These trade rules allow billions of dollars from developing countries to be transferred to developed countries in the form of royalties while ignoring the disastrous effects on public welfare. Social services are another major victim of free trade policies. Since many developing countries rely on tariff revenue for 10-20 percent of government proceeds, free trade agreements eliminate a major source of government income by eliminating tariffs. This inevitably results in decreased social spending on education, health care, and other vital social services. Moreover, the push for deregulation, liberalization, and privatization from the Free Trade Area of the Americas (FTAA) and WTO's General Agreement on Trade in Services (GATS) would lead to higher prices for water, electricity, health care, education, and other essential services, limiting

the ability of the poor to access these essential services. Under GATS, developing countries are restricted from favoring domestic business over transnational corporations and from protecting natural resources such as fresh water or forests (www.citizenstrade.org, 2014).

Also, the majority of free trade agreements fail to include enforceable provisions to protect workers' rights, human rights, and the environment. The lack of standards has led to a "race to the bottom," where transnational corporations move from country to country in search of the cheapest labour and least imposing domestic regulations. This fluidity of investment creates instability and forces countries to compete for the lowest standards and the fewest protections in order to attract investors. Even if developing countries do impose strong labour and environmental standards, the investment provisions in NAFTA, and many trade agreements currently under negotiation, could allow corporations to challenge such laws as barriers to trade. Free trade agreements have failed to deliver the positive development effects claimed by their advocates. Instead, free trade agreements have led to increased poverty and unemployment, and decreased food security and access to social services (www.citizenstrade.org, 2014).

In general, relations between ECOWAS and EU region have attracted a lot of criticisms. An aspect of this is the status of raw material supplier that ECOWAS member states have, and that of the producer for Europe with the dependency implications for the latter as noted by Walter (2012). Another known criticism along this line is found in the work of Walter Rodney (1972), 'How Europe underdeveloped Africa'. He examines the concept of development and underdevelopment, which have characterized the relations between countries in Africa and Europe. He notes underdevelopment of African countries in a comparative sense. Africa, he states, is underdeveloped in comparison with industrialized nations of the world. For him, underdevelopment is not just a narrative of the economic inequality among countries or

continents, but that of economic exploitation that characterizes the relations among them. Broadly, Rodney places countries that exploit under the developed country category while those that are exploited are underdeveloped. This gives the developed country the wherewithal to spread its influence far and beyond its borders as it is the case between Europe and West Africa.

Rodney (1972) uses a number of other indicators to depict the concept of underdevelopment. Among them is the level of industrialization, presence of diseases that are almost not found in developed nations, illiteracy and many more. Rodney (1972) points to the relative development of Africa before the advent of Europeans and the subsequent decline in that development with the introduction of the trans-Atlantic slave trade, colonialism and what is later to be called neo-colonialism in the post-independence period. In these periods, Rodney (1972) states how much Africa contributes to European capitalist development, which leads to an unequal trade relations which has witnessed the transfer of wealth from Africa to Europe. This has led to the dominance of Europe in an increasingly globalized market where Africa has been pushed to the periphery.

Rodney (1972) takes note of how resources are taken from Africa to develop capitalist Europe stating that colonialism is not merely a system of exploitation but one whose essential purpose is to repatriate the profit to the so called Motherland. Equally notable in Rodney's work is his explanation of the extent to which combination of power politics and economic exploitation of Africa by Europeans contributes to the situation the continent finds itself in. What is relevant for this study in Rodney's position is the fact that he sequentially traces the relations between Africa and Europe, noting that this relations have been characterized by one of exploited and the exploited, the developed and the underdeveloped, the powerful and the weak,

and how the weak may remain so as a result of the global economic and trade configuration championed by Europe which will not allow the condition of Africa to change for the better.

Under this scenario, ECOWAS member states have been boxed into a certain corner where they are at a disadvantage in their trade relations with Europe. It has been argued that the multilateral platform for ECOWAS-Europe relations, the regionalization of the activity of West African nations for the achievement of a single market, are on one single lane with the situation Rodney has described. Since these are also captured as objectives of the Partnership Agreements that now essentially guide ECOWAS-EU trade relations, some writers have taken a look at the Agreements through this prism, arguing that nothing has either changed or can change in the condition of ECOWAS member states, for instance.

However, other writers have provided an analysis of the Agreements from the standpoint of what the Parties state they seek to achieve. The Lome Conventions that lasted from 1975-2000 is thus seen as one designed to provide a new framework of cooperation between the then European Community (EC) and developing ACP countries. The Lome Conventions' most important attribute is its non-reciprocity, which allows ACP exports duty free access to the European market, while enabling the ACP states to maintain tariff barriers against European goods. It introduced some instruments which were designed to compensate ACP countries for the shortfall in agricultural export earnings and mining industry activities respectively due to fluctuation in the prices or supply of commodities (http://www.ukessays.com) Also, Holland (2002) regards Lome Conventions as a commitment to an equal partnership between Europe and ACPs.

Orbie (2008) however disagrees with this, stating, and this study agrees, that a critical review of the trade agreements shows a perpetuation of unequal power relations between both

parties. For example, the reciprocity clause has always been geared towards meeting export interests of European firms, and the negotiation of the Lome Convention itself reflect Third World commodity supplier status which the EU is keen to preserve through its privileged access to these commodities via its ex-colonial links (Gibb, 2000) Even the latest EPA has generated contention of this nature. On the African side, the key concern is that the trade agreement offered by the EU is neither in line with WTO regulations that serve West Africa's interests best, nor is it in line with the African priorities notably on industrialisation. From Europe's side however, the Agreement is seen as a way to modernise trade relations with Africa (Aggad-Clerx, 2014).

In spite of this, Holland (2002) and Hurt (2003) point out that Lome Conventions have been considered as the hallmark of the EU's policy with the Third world and the most institutionalized of all EU's group-to-group dialogues. Crawford (2007) equally argues that the Conventions mark a distinctive progression from a regime of association to what could be called a forum of partnership and cooperation, and that they are the most significant agreements for Sub-Saharan Africa.

The Cotonou Agreement that follows the Lome Conventions is based on four main principles: partnership, participation, dialogue and mutual obligations, and differentiation as well as regionalization (ACP-EEC, 2000). One of the elements of the Cotonou Agreement concerns trade cooperation between ACP-EU states. A feature of it is the non-reciprocal trade preferences EU gives its African partners and which the WTO has stated is against its free trade rules. Thus the latest Economic Partnership Agreement comes about for the purpose of (a.) responding to some of the criticisms against the provisions of the Cotonou Agreement, and (b.) meeting the need by EU to deal with regional trade blocs by enhancing regional integration process in West Africa through this multilateral Agreement. The EPAs are meant to create Free Trade Area

(FTA) between the EU and ACP countries (ACP-EEC, 2000), but with specific regional focus for each economic bloc on the African continent through the signing of different EPAs with them. Thus, unlike the CPA that was for all the ACP countries, EU has engaged in negotiating and signing different regional bloc separate EPAs. This approach has been criticized by some to be part of the EU's divide-and-rule tactic that is seen not to be in consonance with EU's objective of African integration. Nevertheless, AU officially recognizes the regional blocs as necessary building blocks for the integration of Africa.

Apart from the issue of WTO compatibility, one other criticism against the role of Partnership Agreements in ECOWAS-EU relations is against the generous trade preferences. It has been stated that generous trade preferences for Africa nations is not enough to encourage economic buoyancy for developing nations (European Commission, 1995). In fact, the approach is rated to have had little success in accelerating development in ACP countries.

Trade relations between ECOWAS-EU relations over the years have generated other issues. Some of such as seen in scholarly work include the imbalance that continues to characterize trade relations between North and South, the contradictions that characterize the relations between developed and the developing nations, what is considered the Master-Servant angle to the relations, and their implications. There are debates about the rationale for West African states to enter into Partnership agreements, the implications of the implementation of the agreements on their domestic economies, as well as some of the new issues that EU has introduced into the Partnership Agreements. Moreover, both Partners do not seem to agree on the same objectives all the time, and the pace at which each side is ready to move to achieve agreed objectives is different. Furthermore, what each side sees as its gains is different from the other, and sometimes their differences have been irreconcilable.

For instance, EU had calculated that if it was to complete all its current free trade talks tomorrow, it could add 2.2% to the EU's GDP or €275 billion. This is equivalent to adding a country as big as Austria or Denmark to the EU economy. In terms of employment, these agreements could generate 2.2 million new jobs or an additional 1% of the EU total workforce (http://eeas.europa.eu). As for other benefits to it, EU calculates that over the next ten to 15 years, 90% of world demand for products will be generated outside Europe. With the Partnership Agreement, EU will be able to tap into this growth potential by opening up market opportunities for European businesses abroad. One way of ensuring this is through negotiating agreements with its key partners (http://eeas.europa.eu).

On the other hand, West African states have been coming up more with figures of the amount they will lose in revenue if the EPA is implemented in the current negotiated state. They argue that by increasingly opening up their markets as the Partnership Agreements require will kill domestic industries, reduce revenue and throw their nations into diverse trouble. Some of these concerns are treated in each of the successive Partnership Agreements, yet West African states do not appear assured. These same doubts have been expressed after the ECOWAS Commission and the European Commission signed the latest EPA in 2014.

But the afore-stated are not the only important issues in ECOWAS-EU trade relations. The larger context of the ACP, EU, trade politics, and partnership agreements are equally vital for consideration. The Africa, Caribbean, Pacific (ACP) Group was created by the Georgetown Agreement in 1975 and was composed of other African regional economic organizations along with Caribbean and Pacific countries. The seven ACP regions are West Africa, Central Africa, Eastern and Southern Africa, the Indian Ocean, the Southern African Development Community (SADC), the Caribbean and the Pacific. Thirty nine (39) of the world’s 49 least-developed

countries (LDCs) are ACP countries, most of them in Africa. Together, ACP and EU account for 1.35 billion people, 20.1% of the world's total landmass, €80bn in trade in 2007, with the EU importing €40.2bn from the ACPs and exporting €39.7bn (http://en.euabc.com).

The main financial instrument for development cooperation that EU has with ACP countries is the European Development Fund (EDF). The EDF is now at its 10th round (2008-2013) and includes three financial envelopes: a national envelope covering bilateral cooperation with individual ACP countries (National Indicative Strategies and Programmes), a regional one covering relations with ACP regions (Regional Indicative Strategies and Programmes), namely Central Africa, West Africa, Eastern and Southern Africa and Indian Ocean, the Southern African Development Community (SADC), the Caribbean and the Pacific; and a third one (intra-ACP) to address the common challenges facing ACP States that transcend geographical criteria (http://eeas.europa.eu/). Moreover, the intra-ACP envelope funds the African Peace Facility, which, within the Joint Africa-EU Strategy, contributes among other initiatives to the African Union Peace Support Mission in Somalia (AMISOM) (http://eeas.europa.eu/).

The EU's trading relations with the 77 members of the African, Caribbean and Pacific (ACP) countries have historically been framed by a series of conventions, most recently Lomé, which grant unilateral preferences to the ACP countries on the EU market. This agreement expands the goal of economic integration in West Africa through its objective of greater integration into the world economy. Although the ACP countries are amongst the most vulnerable countries in the global trading system, the conventions nevertheless violate WTO rules as they establish unfair discrimination between developing countries. A change was therefore required. The Cotonou Agreement in 2000 paved the way for a new trading regime based on reciprocal preferences. On this basis, in 2001 the WTO agreed to give a waiver to the

EU to continue providing unilateral preferences until January 2008. Under the Cotonou Agreement, Economic Partnership Agreements (EPAs) will be established between the EU and the ACP countries. EPAs define a new stage in the policy of the EU towards the ACP developing countries, establishing a framework which is fully compatible with the WTO trading rules, in the sense of GATT Article XXIV. But then, even EU recognizes that EPA that should replace the Cotonou Agreement will pose important challenges for many ACP countries. The negotiations with the EU to establish EPAs began in September 2002. For the purposes of negotiations, the 77 ACP countries were grouped into six negotiation regions (West Africa, Central Africa, Eastern and Southern Africa, the Southern African Development Community, the Caribbean and the Pacific) based on existing regional integration institutions. The EPAs raise several concerns amongst ACP countries. Firstly, ACP countries fear that giving preferential access to EU products, under a reciprocal arrangement, would put their producers in numerous sectors at risk of increased competition. Secondly, they also fear that cutting tariffs for EU products would result in a sizeable loss of tariff revenue that would hurt their public budgets. Thirdly, they point out that the timetable for the negotiations and their implementation is extremely tight given the numerous modalities still to be precisely determined. For example, what will be the scope and pace of liberalisation? Which products will be considered to be sensitive for ACP regions and thus excluded from liberalisation? How will integration inside each region be linked with ACP-EU liberalisation? It is worthy of note that in 2000s when EPA negotiation became inevitable, these same questions were being asked by the ACP as they had been asked by Third World nations during the NIEO debates of the 1970s, and which were cited earlier in this current chapter.

The strong asymmetry existing between the two trading partners has always been an important issue. ACP countries are highly dependent on the EU market, largely due to their historical links. For the EU, on the other hand, despite this longstanding partnership, the ACP region remains of more modest economic importance, accounting for very little in terms of trade. The West Africa (ECOWAS) group alone accounts for half of total EU imports from the whole region. On the export side, ACP countries tend to be highly specialised in a few key products. This strong concentration mainly derives either from the abundance of minerals and natural resources in many African countries (petroleum, gold, diamond, uranium and radioactive elements) or a heavy reliance on a few unprocessed agricultural commodities such as coffee or cotton. Looking at protection levels, ACP regions apply differing tariff rates on EU exports. The Caribbean groups of CEMAC and COMESA, and the Pacific region appear to be the most protective. The highest level of protection is in agriculture, with high peaks in agro-food and vegetable production. In manufacturing, CEMAC and (Southern Africa) SADC still protect textiles while COMESA has high tariff rates in the metallurgic sector. On the other hand, EU trade policy is quite generous to ACP countries. The Cotonou agreement gives largely free access on all industrial products. The only protection remains in agriculture. However, given the high level of specialisation of many ACP countries on agricultural products, some of which are still protected, the average protection they face is often higher than that applied by the EU to the rest of the world. To be WTO compatible, the EPAs will have to satisfy GATT's Article XXIV, including the liberalisation of "substantially all trade". However, this reciprocity is not the only objective of EPAs and, as the European Parliament has rightly pointed out, there is the need "to be vigilant that the issue of compatibility does not take precedence over the overall aim of sustainable development" (http://eeas.europa.eu/). The EU Commission considers that a

Preferential Trading Agreement (PTA) is WTO compatible if 90% of bilateral trade is fully liberalized. In this sense, EPAs include several other elements, including support for deep integration and development assistance.

Important to be noted is that there is politics of trade and there is politics in trade, and this forms a context for the ECOWAS-EU relations. This connotes a few things. One of them is the idea of protectionism, which could mean interference with "free trade", or that trade is regulated. This idea is hanged mostly on how free trade may be hampered by "non-economic" decisions made especially by government. This is politics interfering with trade, and it is the direct opposite of classical economists' idea of trade that is influenced only by market forces such as demand and supply and the motivation by profit. As Pieria (2013) argues, there is no 'free' baseline, untouched by politics, history and culture, to which we can aspire. There are merely a series of political decisions, special interests and historical accidents, some of which are hidden, some of which are less so, but all of which have very real impacts on trade and specialization (http://www.pieria.co.uk).

Pieria (2013) further notes, contrary to the 'free trade' rhetoric, international trade generally does not take place between two people exchanging apples and chickens, but between corporations, governments and other institutions, all structured in different ways across the globe. These large trade deals are inevitably subjected to scrutiny to determine whether or not contracts are upheld, particularly if public money is at stake. Common rules of the game and guidelines help these processes to function more smoothly (http://www.pieria.co.uk). Pieria states that merely letting corporations, themselves protected by law, determine the terms of deals is no less political than actively forming such rules. How corporations are structured also varies between countries: a trade deal in Germany is likely to involve union representatives at the

negotiating table, while in the USA it is more likely to involve only management and shareholders. These differing institutional characteristics will surely alter the nature of trade deals (http://www.pieria.co.uk).

Moreover, the global economy is vast, and countries may be at different stages of development, at different stages of the business cycle, or have economies which specialise in different areas. Their tax, fiscal and monetary policies will therefore reflect this. In Euro zone, for instance, Germany's strong export oriented economy demands higher interest rates, locked as it is to the common policies of the European Central Bank and to the Maastricht Treaty of the EU (a politically-decided arrangement). Similarly, countries which have older populations may wish to use tax credits for pensioners, or countries with vast natural resources may levy a 'rent tax' on their extraction, also politically-decided decisions (http://www.pieria.co.uk). Furthermore, countries may have specific non-economic characteristics that require certain trade policies (http://www.pieria.co.uk).

On several occasions, officials on the side of ECOWAS and the EU confirmed the circumstances where politics could come into play both in negotiating partnership agreements and in trade relations. Of relevance here is the reality that what is termed "Economic Partnership Agreement" between ECOWAS and EU has increasingly become a concoction of social, development, security, trade and political issues, with increasing incursion into political terrains previously considered as purely the internal affairs of West African states. The provisions made under the EPA regime (CPA and EPA) make this obvious; (there is more focus on this in subsequent chapters of this study). Here, brief attention is given to how politics could have far reaching effect on the conduct of trade on the international stage, or how an essentially political decision could be packaged in trade format, or a clause in a trade agreement used to carry out a

political vendetta. Decisions to politically deal with a nation in a particular way, negatively or positively, may well be an extension of a disagreement on trade or economic matter (Directorate of Trade, ECOWAS, 2015). This point is important because increasingly, partnership agreements are becoming comprehensive packages for the conduct of relations bilaterally and multilaterally on the international stage; this has far reaching consequences. This is one other reason this study on the ECOWAS-EU partnership agreements takes on more significance than trade or economic issues that the topic connotes on the surface. As reviewed literature and interviews with relevant officials show the researcher, EPAs are not just about economic issues alone; they are a comprehensive agreement with inherent impact on other facets of cross-border relations. Again, this point is taken up in subsequent chapters. Meanwhile, a closer look is taken into the link between trade and politics here.

In a paper by Grossman and Helpinan (1993), the report of a study on how politics is often at the back of trade negotiations, the authors state thus: "Suppose that an opportunity arises for two countries to negotiate a free trade agreement (FTA). Will an FTA between these countries be politically viable? And if so, what form will it take?" The authors went ahead to address these questions using a political-economy framework that emphasized the interaction between industry, special interest groups, and an incumbent government. They called this, "The Political Game" whereby interest groups move first in the political game by offering financial support to the incumbent politicians, or political office seekers. The interest groups make their contributions contingent on the action that they desire. Here the government has only two options: to pursue an accord (trade agreement) or not.

This means that within a country, the decision to either negotiate a partnership agreement or not is subject to political vagaries. Sometimes negotiations happen; but a change in the

political atmosphere back home may lead to the death of an agreement that has been negotiated. The party in power may be hostile because the opposition party had in the past been the one that negotiated the agreement. The executive branch of government may be in support, while the parliament is opposed to the agreement because it is populated by law makers from the opposition. One of these scenarios happened to GATT which proposals had begun in the 1940s; it suffered rejection in the US Congress on some of its more major proposals (such as creating a permanent global trade coordinating organization–ITO) until WTO was created to replace it in the 1990s. Sometimes political climate in one country to a trade agreement may be such that the best the external Parties to the agreement can do is to wait for a new Administration to come to power. But this applies to countries that have regular elections, those operating liberal democracy, or places where violent overthrow of government is a regular occurrence. As the case of Nigerian government's hostility to the draft of the 2014 EPA had shown recently, both ECOWAS members and the EU had had to patiently wait from the time negotiations were completed in 2014 till May 2015 when a newly elected Administration took over. The expectation had been that the change in government would engender approval for the EPA. The new administration had not given its approval to have the EPA signed, but the EU had reiterated that it would continue to engage the new administration in discussions, even as it was pointed out that any lobbying of a member state of ECOWAS to sign EPA ought to be the responsibility of ECOWAS Commission which negotiated the EPA on behalf of its members (Head, EU Delegation to ECOWAS, 2015).

Furthermore on domestic politics and international trade, an incumbent government has the responsibility to set trade policy. It may not be involved in business, but it sets agenda of what it wants to happen in its territory concerning trade matters. This means a government can

either choose to work on a free trade agreement or not. The importance of trade policy that is set goes a long way to determine possibilities in the economy. Policies are not arrived at without some political considerations. This could either promote or retard growth, as indeed the failure of, for example, the new administration in Nigeria to set forth its economic policies six months after it arrived power in May 2015 had been reported to lead to uncertainties in the economy and for investors.

Furthermore, Grossman and Helpinan (1993) note that the structuring of a free trade agreement typically involves lengthy negotiations between prospective partners. The negotiating parties often haggle over the length of the adjustment periods for sensitive sectors and perhaps a list of goods that will be excluded from the agreement altogether. Also, there are the complicated and simpler cases where the terms of the prospective FTA are fixed. Here the countries must agree to an across-the-board liberalization of their bilateral trade, or there is no agreement at all. This is important to note as West Africa, for its own negotiation with EU, chooses to start negotiating the EPA for goods only, rather than other issues that involve copyrights, investments and so on as the Caribbean countries have done, and as the WTO stipulates. There is also the issue of order of priority; goods include agricultural commodity that most LDCs in West Africa need to export to Europe for revenue. This aspect is further elaborated in subsequent chapters but suffice to state here that the opportunity for each regional bloc to choose where it starts negotiation from, and what it negotiates has been one benefit the ECOWAS-EU EPA has over CPA for the West African Party.

Businesses also care about the different political and legal systems around the world, and despite the globalization of business firms must abide by the local rules and regulations of the countries in which they operate.

Outside the borders of a country, trade issues are not exempted from politics, or other related matters such as the well-being of a nation and its people, peace and security. As noted by Hull (1948: 81) the genuine belief that trade "dovetailed with peace" seemed to have been a principal belief among Western Allies in the post-World War II era. It was the reason they sought to make trade as free as possible, and set up global institutions to regulate it. In the wake of the Cold War, the Allies entertained the hope that an open international economic order would reduce power balancing and strategic rivalry among the great powers. Post-war European integration is another important example of a trade agreement for which national security was a primary driving motivation. France made Germany to join it in the Coal and Steel Union (predecessor of EEC) because of the worries of the former that the latter would use both coal and steel that it had in abundance to start another war, as it had done in the past.

In addition to how much politics is part of trade, it needs to be remembered that largely, governments still negotiate trade, rather than private businesses or other non-state actors. When private businesses negotiate any agreement externally, they need the backing and approval of government before it can become operational. Sometimes the politics that the administration plays influences how favourably disposed it is to such a deal. Government owns the territory and is responsible for its peace and security for business to thrive. Also, most exports have to be financed from the foreign reserves maintained by government. All the trade-related issues in the pre-first world war period were between governments. GATT and WTO that came thereafter had nations as members, and the agreements were negotiated by government officials, with sometimes selected relevant experts, professional and members of the private sector. To date, international trade, financing and negotiations take place within the confines of rules set and allowed by governments. Institutions involved in trade system on the international stage have the

backing of governments. The Central Bank of any nation that is the banker to the government sets monetary policies often in line with what economic policy the government of the day pursues. While government is little involved in business in advanced countries, it oversees trade-related issues domestically and on the international stage because they have effect on the peace, security and economic well-being of citizens. As already demonstrated in contemporary instances, trade could be a means of fighting another nation without taking up arms. It could be a means of putting pressure on other nations to yield ground on some issues. Trade is a means of retaliating wrongs done, as a recent case, November, 2015, of Russia that imposed trade and other sanctions on Turkey for downing its warplane in Syria had shown. While making his contribution at a conference on EPA in Lagos in November, 2015, an ambassador of one of the European nations in attendance observed that if the EU had negotiated the EPA with the Nigerian private sector rather than the government in the ten years that the negotiations had lasted, the private sector that rejected it would have been the one putting pressure on the government to sign up if it fully understood its potentials. In his response to this observation, EU's ambassador said he could not agree more, adding that unfortunately it was government that had to be negotiated with and often many government officials did not have the full understanding of the provisions of the EPA themselves (Head, EU Delegation, 2015).

Trade can also be used as an instrument to flex muscles as is often the case between great powers. As ECOWAS (Directorate of Trade, 2015) explain, a LDC may flout a trade rule, but a developed country may choose to overlook it. But if another major rival flouts the same rule, the developed country in question may make an issue of it.

One other point that needs to be noted here is that developed nations have their views on what the minimum standard should be on issues of interest to them in other nations, and

sometimes they employ trade-related means to force a change. This is increasingly so with the new areas of discussions such a political and development issues that the EU has made part of the CPA and EPA (These issues were not in Lome I-IV, as they were considered to be politically sensitive). Apart from politically sensitive issues, there are other matters that a West African nation would have read as a domestic issue, and in which it would not have allowed EU to meddle. For instance, earlier in 2015, the EU placed a ban on export of Nigeria's beans to the EU market, blaming high presence of pesticide which it said made the beans unsuitable for human consumption. At a conference on EPA in Lagos in November, 2015, a top official in Nigeria's Quarantine Service (Federal Ministry of Agriculture) came to deliver a speech on the readiness of Nigeria to remedy the situation and make the beans meet EU required standard by June 2016. In his reaction to this, the EU ambassador said the ban on Nigeria's beans was not only about the safety of EU citizens, but for Nigeria also to pay closer attention to the kind of beans it fed its citizens with. No nation had the right to give poison to its people, he had pointed out.

There is no doubt that EU has equally begun to subtly put pressure on nations that do not sign the EPA to do so, using trade-related measures. As late as November, 2015, there was a complaint by Nigerian farmers that certain agricultural commodities from Nigeria were being rejected by EU for reasons they could not understand, while the same commodities were accepted from Ghana and other West African countries. The response of a European to this was that Nigeria had yet to sign the kind of agreements that would enable it export such goods into the EU, citing the Interim EPA which nations like Ghana had already signed as reasons they have access. These issues and related ones are further discussed in specifics in subsequent chapters of this study.

Equally important for mention is that the last two in the series of partnership agreements entered into first by ACP countries, and then West African nations with the EU are in focus in this study. These are the Cotonou Partnership Agreement (CPA, 2000) and Economic Partnership Agreement (EPA, 2014). But before the CPA, Lomé Conventions (I – IV, from 1975 to 2000) had been in existence. It was with the Lomé Conventions that the EU began a formalized cooperation policy with the African, Caribbean and Pacific (ACP) group of states in 1975. From then, these relations were governed through the regular revision of Lomé Conventions every five years, until 2000. The conventions were based on equal partnership as a cornerstone for cooperation, thus investing ACP countries with the "ownership" of their own development (Fontagné et al, 2008). There was focus on two key elements: (a) economic and commercial cooperation and (b) development cooperation. Therefore they contained both aspects of "aid and trade": The economic cooperation, implemented through a system of trade preferences, ensured that manufactured and agricultural products (not in direct competition with products covered by the common agricultural policy) could enter the European Community without being subject to customs duties or quantitative restrictions (Fontagné et al, 2008).

Most importantly, this access was on a non-reciprocal basis, in the sense that ACP states were merely requested to apply the Most-Favoured-Nation clause to the EU and to refrain from discriminating between countries of the EU. Specific regimes were applied to products of extreme importance for ACP states such as sugar, beef and veal, rum and bananas. Development cooperation was assured through specific actions in various sectors (the so-called sectoral approach) such as health, education and environment. In the years running up to the expiration of the Lomé IV, ACP-EU cooperation faced pressures on several fronts. ACP countries felt that the principle of "equal partnership" had been eroded and replaced by a relationship based on

"conditionality". For example, respect for human rights, democratic principles and the rule of law became "essential elements", whose violation could lead to partial or total suspension of development aid. Moreover, despite preferential access to EU markets, ACP export performance was deteriorating over time. Finally, with the emergence of the World Trade Organization, the non reciprocal preferential trade regime provided by the Lomé convention was increasingly seen as unacceptable and "incompatible" with international trade rules, in the sense of GATT's Article XXIV. These highlighted the need for a re-appraisal of development cooperation in general, and of ACP-EU cooperation and its trade elements in particular (Fontagné et al, 2008).

One of the reasons for the revisions and changes to the partnership agreements as relevant officials acknowledged to the researcher was to take into consideration important developments on the international stage. Socio-economic and political changes in the ACP countries alone highlighted the need for a re-thinking of ACP-EU cooperation, for instance. Following an intensive public debate, negotiations started in September 1998 for a revision of the ACP-EU relations. These negotiations were successfully achieved in early February 2000 and led to the conclusion of the Cotonou Agreement. In accordance with the revision clause to re-examine the Agreement every five years, negotiations to modify the Agreement for the first time were launched in May 2004 and concluded in February 2005. The objective was to enhance the effectiveness and quality of the EU-ACP partnership and to reflect the recent major changes in international and ACP-EU relations (https://ec.europa.eu).

The Cotonou Partnership Agreement was adopted in 2000 to replace the Lomé Conventions. It is regarded as the most comprehensive partnership agreement between developing countries and EU, covering EU's relations with 79 countries (EC website, 2015).

The Agreement is broken into six parts, with each part broken into different chapters and sections. The trade-related issues in CPA are dealt with under Part 3, Title 2, Articles 34-54, under the heading, Economic and Trade Cooperation, and in a series of detailed annexes and protocols. These provisions cover the following: The objectives and principles underpinning ACP-EU economic and trade cooperation; The general trade arrangements to be applied during what is referred to as the 'preparatory period' (2000-2008); The commodity protocols; The modalities and procedures for the negotiations of longer time frameworks for the ACP-EU trade relations; Institutional arrangements for joint consultations on trade issues; Commitment on cooperation in international fora; Trade in services and trade-related areas.

Further breakdown of the entire document shows that its Part 1 contains General Provisions, which has under it Title 1 and Title 2 both of which contain — Objectives, principles and actors, then the political dimension of the agreement. Part 2 has institutional provisions; Part 3 of this contains Cooperation Strategies, with Title1 that has, Development strategies, General framework, Areas of support, Economic development, Social and human development, Regional Cooperation and Integration, and Thematic and cross-cutting issues. Title II contains, Economic and trade Cooperation, and under it, Objectives and principles, New trading arrangements, Cooperation in the international fora, Trade in services, Trade-related areas, Cooperation in other areas, each of which has sections and chapters.

Part 4 treats development finance cooperation, and it has four titles. Title I has the General provisions, as well as two chapters. Chapter I has Objectives, principles, guidelines and eligibility, while Chapter II contains Scope and nature of financing. Title II deals with Financial cooperation, and consists of 7 chapters. Chapter 1 has Financial resources, 2 has Debt and structural adjustment support, 3 contains Support in case of short-term fluctuations in export

earnings, 4 has Support for sectoral policies, 5 has Micro projects and decentralised cooperation, 6 deals with Humanitarian and emergency assistance, and 7 has Investment and private sector development support. Title III is on technical cooperation, while Title IV is about Procedures and management systems.

Part 5 of the agreement is about general provisions for the least developed, landlocked and Island ACP states (LDLICS), and it has four chapters. Chapter 1 is for General provisions, 2 is for least-developed ACP States, 3 is about landlocked ACP States, while 4 is for Island ACP States. Part 6 of the document has the Final provisions. In this study, the section in focus in CPA is the Part 3, especially the Title II aspect that contains, "Economic and Trade Cooperation", and under which there are listed, Objectives and principles, New trading arrangements, Cooperation in the international fora, Trade in services, Trade-related areas, Cooperation in other areas, each of which has sections and chapters.

According to knowledgeable officials, the fundamental principles of the Cotonou Agreement include equality of partners, global participation (States and non-state actors), dialogue and regionalization. Poverty eradication and sustainable development were at the core of the ACP-EU Cotonou Agreement. The main features of this partnership were development cooperation – at national, regional and multi-regional levels; the promotion of economic links and trade exchanges and political cooperation. It incorporated civil society, the private sector, trade unions and local authorities.

The ACP-EU Cotonou Partnership Agreement of 2000 was concluded for a 20-year period from 2000 to 2020. It was the most comprehensive partnership agreement between developing countries and the EU. Since 2000, it had been the framework for EU's relations with

ACP, including West Africa. This 2000 version of the Agreement entered into force in April 2003 and it was designed to establish a comprehensive partnership with 3 pillars:

- 1. Development cooperation
- 2. Political cooperation
- 3. Economic and trade cooperation

The Agreement was revised in 2005 and 2010 in accordance with the revision clause to re-examine the Agreement every five years. The second revision in March 2010 adapted the partnership to changes which had taken place over the previous decade.

As Cumberbatch (2006, cited in Laporte, 2007) noted, the ACP-EEC partnership originally focused on economic cooperation, and neither the EEC nor the ACP countries were ready to extend their cooperation to political issues. The initiative to break this barrier was however taken by the EC in 1985 when it sought to introduce a human rights clause in the Lomé III Convention. At that time, this was deemed by the ACP members to be in contradiction to the principles of sovereignty and equal partnership (Cumberbatch, 2006). But it was obvious that the EEC was getting increasingly impatient to tie trade to other issues of concern to it, a trend that had begun with the first EDF in 1957, and which was to be reflected in the CPA and the EPA. As Cumberbatch (2006) noted, the EEC had, in fact, taken unilateral political action against several ACP States by suspending them from the cooperation processes for alleged human rights abuses but such action fell outside the remit of the Convention. Thus the introduction of a link between development and human rights, respect for democratic principles and the rule of law became a major feature of the Lomé IV Convention and codified in Article 5 as essential elements. All these are seen as benefits for West Africa in its relations with EU.

Also, the Cotonou Agreement in Article 96 has strengthened the essential elements clause and reinforced it with a mechanism for prior consultation to preclude unilateral action by the Community except in "cases of special urgency". Political dialogue, previously confined largely to issues of political conditionality with ACP governments is now being used as a tool to manage the partnership (Cumberbatch, 2006). This explained how trade had become just one out of the many issues that the ACP-EEC partnership incorporated in spite of the fact that it had begun on the basis of economic cooperation. Yet, as Cumberbatch (2006) states, the most substantive and far-reaching change in the ACP-EU relationship is still in the area of trade.

It is also noted that over the years, the initial Lomé Conventions have added various innovative elements to the ACP-EU cooperation. One of the most outstanding as Raid (2004) pointed out was the creation of a set of shared cooperation principles such as the equality of the partners, dialogue, contractually agreed rights and obligations, the predictability of aid flows and the joint administration of the cooperation, which to date shape the profile of the ACP-EU partnership. Regarding the trade relations, Lomé replaces the system of reciprocal trade preferences by a system of non-reciprocal trade preferences. EEC granted unlimited entry to the EEC market for 99% of industrial and other goods originating in the ACP countries. Pressed by the United Kingdom, the cooperation partners further added separate trading protocols for sugar, bananas, veal and beef to the agreement fixing annual import quantity and price. Declining world market prices for agricultural products and raw materials led to the introduction of new EDF instruments to offset losses on export receipts and provide loans to compensate losses in the mineral sector.

Raid (2004) states further that the focus of the development cooperation under Lomé shifted from industrial infrastructure followed by rural development and food security to

structural adjustment programmes (SAPs). It is important to note that SAP is essentially guaranteed and monitored by IMF, but it has become a programme EC is interested in as part of the integrated approach by western institutions and countries to the conditions of the West African region. The promotion of regional cooperation played an important role in all the Lome conventions. Since the 1990s human rights and democracy have gained importance in EU's cooperation with the ACP countries. In 1995 both aspects were incorporated in an "essential elements" clause in revised Lome Convention. The clause is backed by a suspension mechanism, meaning that a violation of these elements could lead to a partial or total suspension of EU aid.

The expiry of the Lomé IV convention preceded a broad public debate about the future of the ACP-EU partnership, and in spite of many of what is regarded by some scholars as its benefits for West African states, criticisms were raised concerning what were seen as the disappointing results of the Lomé cooperation. Such included the decline of the EDF's share of EU overall aid commitments in view of an increasing number of ACP members; the decline of the ACP share in EU's market; the difficulty of the ACP least developed countries (LDCs) to benefit from the general rise of foreign direct investment flows to developing countries; and the rise of poverty in many ACP countries (Raid, 2004).

These trends actually called the efficiency of the ACP-EU cooperation and its instruments into question, e.g. the non-reciprocal trade preferences. Even the dissolving of the heterogeneous ACP group was considered. At the same time it was emphasized that the cooperation needed to adapt to the new geostrategic situation and the processes of globalization (Raid, 2004). Notable in the recommendations made on how to improve on Lome Conventions and the Cotonou Agreement was the need to deal with West African countries at regional level. With the introduction of Cotonou Agreement in 2000 the process of a shift away from non-

reciprocal trade preferences began; it was carried farther in the EPA. Under this arrangement, not only would EU grant free access to products from ACP Countries but ACP countries were also to provide similar concessions to products from the EU. One difference between Lomé Conventions that were essentially economic agreements was that unlike the former, the CPA brought politics into the partnership (www.ecdpm.org/pmr13, 2004:9). According to Raid (2004), CPA constitutes the world's largest financial and political framework for North-South cooperation. The agreement marks a major break with the past in that it enshrines a comprehensive approach to tackle the task of poverty reduction (Raid, 2004). Some scholars of the relations consider that all areas of the ACP-EU cooperation are interdependent and of equal importance as EU has progressively made them to be over the years, and that this has been carried over from CPA into the EPA. Noteworthy is the fact that in spite of the importance of other issues in the ECOWAS-EU partnership, trade still has its central role and this is obvious from the provisions in all the Partnership Agreements Europe has signed with the region so far (Cumberbatch, 2006, cited in Laporte, 2007).

Other studies acknowledge that the relations between the EU and the African continent are undergoing significant transformation through the instrumentality of the Partnership Agreements (http://ecdpm.org/, 2013). It is noted in these studies that the agreements and Africa-EU relations in general have continually evolved, reflecting changing regional dynamics such as deepening integration processes in both Europe and Africa (reflected in the development of the African Union (AU) and in the Lisbon Treaty), the difficult EPA negotiations, and a move away from a more traditional donor-recipient relationship to one based on mutual accountability and ownership.

It is further pointed out that through the CPA, an originally and predominantly donor-recipient relationship between former colonial powers in the EU and former colonies in the ACP countries has gradually evolved into the largest North-South partnership in the world. The agreement now covers issues such as aid, trade and policy coherence for development, as well as political issues such as governance, migration, and peace and security (http://ecdpm.org). Also, one of the more significant additions to the Agreements is the aid for trade and democracy promotion in ECOWAS-EU relations.

Another study, "EU-Africa-policy-context-development" (www.ecdpm.org) states that although the 50-year-old partnership has greatly shaped the way the ACP Group and the EU conceive and manage their relations, global and internal developments are challenging the traditional dominance of the CPA as the key framework for relations between the EU and Africa (http://ecdpm.org, 2013). The study, carried out in 2013, added that in terms of trade, the preferential access to EU markets enjoyed by ACP countries for over 30 years on a nonreciprocal basis is under pressure to comply with World Trade Organization (WTO) rules; this is a major example of how other factors impact ECOWAS-EU relations. As it is obvious, although the work took into consideration both the CPA and EPA, the latter was discussed in a futuristic way, at a time the eventual content of the EPA that was signed in 2014 was yet to be either known, or officially made available in the public space. Moreover, the study looked at the ACP, and not West Africa in particular unlike the focus of this study.

Another study carried out by the European Parliament, "Economic Partnership Agreements EU-ACP: Facts and key issues" states the facts and the implications of the provisions of the partnership agreements but essentially from the perspective of the EU. In fact, the study states that the provisions in the Agreements should "be analysed in the context of the

overall EU development policy and the evolving global trade regime." This comprehensive work was carried out in 2012 and therefore did not take a look at the final negotiated provisions in the EPA that was completed in 2014, and neither did it take a comparative look at the CPA and the EPA for the purpose of examining how they impact the ECOWAS-EU trade relations. Also, the work focuses on all the EPAs that EU has negotiated with each of the regional economic blocs in all the regions on the world, thus failing to give detailed attention to West Africa. In fact, the total page of discussion on West Africa is about 9 pages out of a book of 75 pages. Moreover, the study was conducted by and on behalf of an EU-affiliated organization, thus giving more attention to examining the benefits for the EU in the partnership agreements than West Africa.

Yet another study, 'Trade traps: Why EU-ACP Economic Partnership Agreements pose a threat to Africa's development' conducted by actionaid (www.actionaid.org) with regard to their possible effects on Ghana and Kenya states that EPAs between the European Union and African, Caribbean and Pacific (ACP) countries constitute a major threat to poverty reduction and development. According to the study, this is so because the Agreements will construct new and unfair trade rules by creating free trade areas between the EU and regional groupings of ACP countries; reduce the policy space that ACP countries need to develop their economies and eradicate poverty; lead to significant losses in ACP fiscal revenues; lead to de-industrialisation in ACP countries; undermine African regional integration, and grant European corporations greater rights over African economies. Overall, the report challenges the European Commission's argument that free trade as captured in EPAs is the only way to meet WTO requirements and to integrate African countries into the global economy. It states that developing countries have a

right to special and differential treatment under WTO rules, and that any new trade agreement between the EU and ACP countries must preserve and expand this right.

However, the study looks at the Agreements from the prism of its donor work in Africa, that is reduction of poverty. Its focus was thus to argue in favour of its activities as a charity, rather than for the advancement of academic knowledge that is the focus of the current study. Also, the study covers four regional economic blocs of Southern African Development Community (SADC), Central Africa (CEMAC), West Africa (ECOWAS), as well as Eastern and Southern Africa (ESA), unlike the current study which focus is one region, West Africa. The study also does not have as focus an assessment of the implications of the EPAs on ECOWAS-EU trade relations which is the objective of the present study.

Generally, many of the more recent studies that have so far discussed the EPA have done so (1.) By looking at EPA distinctly from CPA. This has presented a false picture of an EPA that is totally new, yet to be implemented in any form, both of which are neither the case for all practical purposes at least not in the lexicon of the two Parties involved; (2) EPA had been mostly examined in the context of the ACP-EU relations in general, not specifically West Africa; (3.) Most of the studies on EPA that were academic in nature had been carried out before the signing of the 2014 EPA, and thus they generally made reference to a yet-to be concluded EPA negotiations; this constitutes a major difference with the current study; (4.) Most looked at the general provisions of the EPA, and not at trade-related provisions as it was the case in the current study; (5.) Many of the recent studies that have taken a look at EPA have done so at the level of paper presentations at seminars and conferences; some of these are sponsored, and many of them are researches carried out in ways that are clearly meant to support the position of the EU, or EU-related institutions on the Partnership Agreements. (6.) Generally, at doctorate level

and in recent published scholarly works, a study of what has changed specifically in the trade-related aspects of the ECOWAS-EU Partnership Agreement and their implications for ECOWAS-EU trade relations is yet to be in the public domain. In addition, there is recent contention on mostly trade-related aspects of the EPA between ECOWAS member states and the EU. These have been accompanied by extensive comments by scholars about the possible implications of the provisions of the Partnership Agreement, and this has led scholars to call attention to the need for further research into the implications of the new trade regime on the relations between ECOWAS and EU, and this thus creates a gap in academic knowledge which this study seeks to fill.

By raising new issues and adding to debates on the Partnership Agreements between ACP and EU, scholars in the literature reviewed have not only showed the increasingly role of these Agreements in shaping relations between the two Parties, but, in the process, point to areas in ECOWAS-EU relations where further academic research is needed. According to Babarinde (2001), for instance, there have been changes in the relations between West Africa and EU and these are captured in formalized agreements which origin he traces back to 1957 when the first set of French-speaking African nations were brought into a formalized relationship with EEC. He sees the CPA that replaces Lome Conventions as a continuation of an age-old tradition and relationship. Yet he notes that the CPA amounts to a profound shift in the nature and essence of the relationship relative to previous ACP-EU conventions. He goes ahead to identify in what ways CPA is different from the various Lome Conventions, but as it is obvious, his work is totally different from the current study in that his was carried out in 2001. At the time Babarinde (2001) did, his work did not include the 2014 EPA, and he had carried out his study within the context of all ACP countries' relations with EU, not West Africa as one region which is the case

in the current study. As part of his recommendation however, Babarinde (2001) points out that there is a need for further research on the merits and demerits of some of the key provisions of the partnership agreements with a view to proffering answers to some of the questions thrown up by relevant issues and the debates surrounding them.

2.4 Mercantilism, Free trade, West Africa and the global economic order

In their works, Wealth of Nations (1776) by Adam Smith and Principles of Economics (1951) by David Ricardo, both outlined a theory of free trade which was based on the success of England in industry and trade. Smith (1776) was of the view that the division of labour in the large-scale industries of his country England, provided the base for lowering labor costs, which ensured effective competition across countries (Sen, 2010). It was Ricardo who sorted out the basic premises of a theory of free trade, which Smith initiated. Industrial capitalism in Ricardo's England was at a relatively more advanced stage compared to what obtained in Smith's time. Free trade, as opposed to the Mercantilist policies of protection, was championed by both Smith and Ricardo as a route to achieve production efficiency at a global level. According to Sen (2010) it was for J.S. Mill who introduced the notion of "Reciprocal Demand." A few years later Alfred Marshall further advanced the role of demand in terms of the "offer curve" construct, which, according to him, completed the Ricardian trade theory by determining the "terms of trade." Various other liberal economic theorists have since contributed to the development of the idea of free trade which by the 20th century, capitalist nations had begun to actively promote through multilateral trade agreements under GATT, as opposed to other forms of economic framework such as socialism and communism (Sen, 2010).

Mercantilism is the belief in the benefits of profitable trading, and posits that trade generates wealth and is stimulated by the accumulation of profitable balances, which a government should encourage by means of protectionism. It was the main economic system used during the sixteenth to eighteenth centuries. The main goal was to increase a nation's wealth by imposing government regulation concerning all of the nation's commercial interests. It was believed that national strength could be maximized by limiting imports via tariffs and maximizing exports. This approach assumes the wealth of a nation depends primarily on the possession of precious metals such as gold and silver. But this type of system could not be maintained forever, because the global economy would become stagnant if every country wanted to export and no one wanted to import. After a period of time, many people began to revolt against the idea of mercantilism and stressed the need for free trade. The continued pressure resulted in the implementation of laissez faire economics in the nineteenth century.

Free trade, also called laissez-faire, is a policy whereby a government does not discriminate against imports or interferes with exports by applying tariffs (to imports) or subsidies (to exports). A free-trade policy does not necessarily imply, however, that a country abandons all control and taxation of imports and exports (www.britannica.com). The theoretical case for free trade is based on Adam Smith's argument that the division of labour among countries leads to specialization, greater efficiency, and higher aggregate production (www.britannica.com). From the point of view of a single country there may be practical advantages in trade restriction, particularly if the country is the main buyer or seller of a commodity. In practice, however, the protection of local industries may prove advantageous only to a small minority of the population, and it could be disadvantageous to the rest (www.britannica.com). Since the mid-20th century, nations have increasingly reduced tariff

barriers and currency restrictions on international trade. Other barriers, however, that may be equally effective in hindering trade include import quotas, taxes, and diverse means of subsidizing domestic industries (www.britannica.com).

Free Trade Agreements have the objective of creating opportunities by: Opening new markets for goods and services; Increasing investment opportunities; Making trade cheaper – though elimination of substantially all customs duties; Making trade faster - by facilitating goods' transit through customs and setting common rules on technical and sanitary standards; Making the policy environment more predictable - by making joint commitments on areas that affect trade such as intellectual property rights, competition rules and the framework for public purchasing decisions (Torado, 1977).

The general idea behind the ECOWAS-EU Economic Partnership Agreement is rooted in the idea of promoting free trade, which in itself forms the basis of the current patterns of trade rules and institutions in the international economic order. Promotion of free trade is also one of the fundamental ideas at the root of globalization. Classical economists of western origin such as Adam Smith, David Ricardo, and John Stuart Mills have theorized that free trade has the most benefits for all who are involved. They are persuaded of the need for the entire world to be one borderless market where trade goes on unhindered. In fact, Mills (as cited in Jhingan, 1999) was so much in favour of laissez-faire which he considered the general rule that he asserted that, "every departure from it, unless required by some great good, is a certain evil". As a result, Mills like the other classical economic theorists assigned minimum function to the state in trade or economic affairs. This is seen in the attitude of western public and governments that government has no business in business, a far cry from many developing nations where governments own wholly, or have shares in large business ventures. In this section of the world, it is the

government that has the kind of resources to undertake certain services, unlike the private business sector in the West that has over the centuries been able to gather such huge resources. It is noteworthy that this is a fundamental difference with far reaching effects on how developing nations such as those in West Africa view some of the provisions in the Partnership Agreements. While western nations see such provisions as opportunities to open up business, create competition and thus bring wealth to the poor, developing nations and their officials on the other mostly see a process that will make life harder for the masses, as the government will have to take its hand off business more than before. This, in an environment where government's presence in economic affairs is a major driver for development.

Mills and other classical economists have also identified and based their notion of factors that stimulate development essentially on features that have characterized western economic growth. This is in capitalist and liberal democracy settings which is another difference with the Developing Countries or DCs. It is noteworthy that these are the same assumptions based on which western countries advocate free trade. As Todaro (1977) argues, western countries assume that the same conditions in their countries will make the assumptions of the classical economists on free trade work in developing nations as well. Meanwhile, they are far off the mark as the disastrous outcomes of certain western-recommended economic measures applied in developing nations have proved over the decades (Todaro, 1977). These same fundamental reservations were expressed to the researcher by ECOWAS officials (Department of External Relations, 2015). Notably, these fundamentals are at the root of some of the provisions in the partnership agreements that the West African party have issues with. Some of their differences have proved so irreconcilable that they can only be traced to their differing notions about free

market, protectionism and government intervention which have always been major features of Developing Countries (DCs') economies.

Noticeable as well is the fact that some of the contemporary and contentious issues in the partnership agreements between West Africa and EU are not being raised for the first time. Many of them could be traced back to the 1960s and 1970s after several of the DCs in Africa came out of the colonial experience and began to make their presence felt on the international stage. From this time onward, these countries had been calling for a new international economic order (NIEO). Specifically, an organized demand for a change of the then existing economic order which favoured western countries could be traced back to the first session of the United Nations Conference on Trade and Development (UNCTAD) in 1964. In the years that followed, UNCTAD adopted the elements of the (NIEO) that DCs called for in series of UNCTAD session (Todaro, 1977). One of the areas of dissatisfaction of the then Least Developed Countries or LDCs (many of which have since been elevated to the status of Developing Countries or DCs) with regard to some of the policies pursued towards them by the Developed Countries were in the areas of trading, finance, and technology.

In 1973, proposals for NIEO were put forward at the Conference of Non-Aligned Nations which took place in Algeria. There was an adoption of a Programme of Action for the establishment of a New International Economic Order which was based on equity, sovereignty equality, interdependence, common interest and cooperation among all states. This was irrespective of their economic and social systems and it was meant to correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for future generations (Todaro, 1977). Pushed by the Third World

countries, the UN General Assembly went ahead to adopt Charter of Economic Rights and Duties of States, the results of the UNCTAD, the Non-Alligned Nations Conference as well as this UN Charter, all of which became the NIEO's documents (Todaro, 1977).

It is noteworthy that many of the issues that are central to the ECOWAS-EU partnership agreements featured in these NIEO documents, therefore there is a need to pay closer attention to them. According to Todaro (1977), the first of the objectives of the NIEO was international trade. It called for more significant role for LDCs in international trade by adopting measures that could improve the terms of trade for the purpose of removing the chronic trade deficits that Third World nations suffered from. This was to be done by: (a.) providing proper framework for stabilizing prices of raw materials and primary products so as to stabilize export income earning (b.) improved access to markets in developed countries through progressive removal of tariff and non-tariff barriers and restrictive trade practices (c.) promoting the processing of raw materials for exports (d.) increase in the production of manufactured goods (e.) indexation of LDC export prices to rising import prices of manufactured exports of developed countries (f.) establishment of LDC sovereignty over natural and especially mineral resources for export (increase in the relative prices of the exports of LDCs through integrated programme for commodities, compensatory financing, establishment of international buffer stocks and creation of a common fund to finance stocks and formation of producers' association.

Another feature of the NIEO was the establishment of mechanism for the transfer of technology. This call was echoed throughout the 1970s, and into the 1990s. The objective was to deliberately ensure the transfer of technology to LDCs according to their specific needs and the conditions peculiar to them. This was to be done with the establishment of legally binding international codes to regulate the transfer, the adoption of commercial practices governing

transfer of technology to meet the requirement of LDCs; establishment of fair terms and prices for the licensing of and sale of technology; as well as expansion of assistance to LDCs in research and development of technologies, and in creation of indigenous technology (Todaro, 1977).

Moreover there was a recognition of the need to control the activities of Multinational Corporations with the NIEO stating that there should be formulation, adoption, and implementation of international code of conduct for MNCs and TNCs. The looming presence of MNCs and TNCs at this time was such that they often influenced the political arrangement in the host country to the point of staging coups and overthrowing governments. Many of the LDCs were helpless in the face of MNCs that had more resources than they had, and thus the desire for an international effort to check the activities of the MNCs. The regulation was also meant to remove barriers to trade activities of the LDCs put in place by the powerful MNCs. In addition, it was targeted at promoting reinvestment of the profit of the MNCs in the LDCs, and to ensure the transfer of technology and management skills to LDCs on favourable terms.

Furthermore, there was the call to reform the International Monetary System and the Special Aid Programme for the purpose of (a.) ensuring long term financial assistance on concessionary terms (b.) full and effective participation by LDCs in the decisions of the IMF and the World Bank (c.) maintenance of the real value of the currency reserves of LDCs as a result of inflation and exchange rate depreciation (d.) provision on more favourable terms of capital goods and technical assistance to accelerate the industrializations of LDCs (e.) investment in industrial and development projects on favourable terms.

The NIEO also placed emphasis on interdependence and cooperation between LDCs and developed countries for the purpose of more efficient and equitable management of the

interdependence of the world economy. There was the view that there was a need to create an international economic environment that was conducive, and which would accelerate the development of LDCs, while NIEO further asked for the trade and technical cooperation among LDCs to be on an essentially preferential basis.

These issues were worthy of mention because from the time they became focus for action in the early 1970s, they began to be reflected in the actions taken in the West Africa region, especially with the formation of the regional economic bloc (ECOWAS); the kind of trade relations that EU (then EEC) carved out and had with the new West African regional bloc in 1975 in particular, and with the ACP countries in general. In fact, the objectives for the formation of ECOWAS and the earliest partnership agreement that EEC had with the nations in the ACP group immediately reflected the provisions of NIEO, which had become the contemporary mantra on the international stage at the time. They could also be partly seen in the Lome Conventions that began in 1975 and were reviewed until 2000 when the EPA regime was introduced through the signing of the Cotonou Partnership Agreement. At the time, these inclusions of parts of the NIEO provisions in other regional arrangements amounted to great steps forward in the battle to improve the condition of LDCs within the international economic order as it existed then. It is obvious from the foregoing therefore that each decade or generation has trade challenges it battles with, and there are gains it may feel it has made. In that sense, some of the main contentious issues in the trade-related provisions in the partnership agreements between West Africa and EU at the moment are common features of world trading system and, more often than not, continue to be issues lined up for resolution as it is usually the case in any on-going relationship. This is an important point to this study, as there is a recourse to it in subsequent chapters.

However, stating the objectives NIEO was to achieve was one thing, implementing them was another. Years followed, from the 1970s onward, when LDCs had to contend with Developed Countries in global fora in order to get the provisions of NIEO implemented. For instance, in the area of trade, transfer of technology, curbing excesses of MNCs, improving the international monetary system and development aid, and improving interdependence and cooperation, there remained issues that LDCs continued to raise throughout the 1980s into 1990s, (the time World Trading Organisation came into existence, and some of the battles between DCs and developed nations were transferred to that front). There was progress in a few areas though, but in others not much was achieved.

The situation at the time cannot be divorced from the international political order (East-West rivalry) which is treated further below in this study. With regard to NIEO, implementation of integrated programme for commodities was almost insignificant, and whether or not its main aspect that was the creation of a Common Fund for financing international buffer stocks succeeded had not been so clear in the years that followed. With regard to commodity agreements: There were 18 commodities; ten of them were originally part of the buffer stock scheme and out of these there had been five negotiated agreements on sugar, rubber, coffee, cocoa and tin. Long into the 1990s only the agreement on rubber was in operation.

Not much was done with the provision of framework for stabilizing prices of raw materials and processed primary items in order to bring some level of stability to the export earnings of LDCs. The same applied to the objective of indexing export prices of LDCs to rising prices of manufactured goods of developed countries. In the event, while exports of manufactured goods from LDCs increased to some extent, their share in world trade remained low. Under the GSP (Generalised System of Preferences) developed countries, including those in

the then EEC (EU), gave tariff preferences on manufactured and semi-manufactured goods from LDCs, and after the Uruguay Rounds of talks (leading to the creation of WTO), there were no major barriers to trade as far as tariff cuts on primary and other products (LDCs' exports to Developed Countries) were concerned.

LDCs' products entered the developed countries duty free under the MFN (Most Favoured Nation) provision. The case with agriculture produce of LDCs was however different. There had been insignificant tariff reductions where some of them had to compete with the produce from developed countries. Heavy subsidy that developed nations offered their agriculture sector had constituted one of the challenges here, even as others restricted products that LDCs could bring into their countries. Apart from these, developed countries also devised other means of restricting agriculture imports from LDCs through what was called Voluntary Export Restraint or VER, low cost suppliers, market disruption, Orderly Marketing Agreements or OMA etc. Other restrictions on LDCs exports that are of non-technical nature are health, sanitary, and environmental conditions. While on non-tariff barriers, agreements were reached under GATT Rules for codes on subsidies, countervailing duties, customs valuation, technical barriers to trade, LDCs still suffered discrimination under what had been dubbed Escape Clauses and Safeguard Rules. These issues too are not missing in the partnership agreements between West Africa and EU (Todaro, 1977).

In the area of transfer of technology, a policy paper on the Code of Conduct of Transfer of Technology was approved at UNCTAD-IV in Nairobi, Kenya, in 1976. The draft code prohibited restricted business practices. But there were provisions such as clauses that forbade LDCs that received a particular technology from using them to manufacture export-oriented goods, to introduce changes of their own in that technology or to utilize it for purposes other than

those specified in the agreement. These clauses restricted the use of technology in their own interests, and of course, LDCs found this unacceptable. In the years that followed, other UNCTAD sessions had simply been devoted to passing resolutions for the passing of the policy paper, and to recommend a few modifications. The ad-hoc working group set up on 'Investment and Technology Transfer' at UNCTAD-VIII in 1992 did not come up with a Code of Conduct acceptable to LDCs. At UNCTAD-IX, there was a call for LDCs to be allowed access to technology that was essential to their development but this also was met with resistance from advanced nations (Todaro, 1977). What then obtained was that no workable code of conduct had been evolved concerning technology transfer. In 1979, an agreement was reached for the establishment of UN Financing System for Science and Technology for Development. This too did not meet with progress.

The much progress made on issues relating to MNCs was the step taken by the UN Commission on Transnational Corporations which drew up a code of conduct for the activities of MNCs. As for international monetary system and development aid, the international monetary system had not protected the interest of LDCs after the collapse of the Breton Woods System. In many Third World Countries, the reliance on market forces and exchange rate fluctuations (as is the practice in developed countries) led to financial crises. On major issues where LDCs had expected IMF and World Bank to implement monetary measures that would assist them to make progress on development indexes, nothing of such had happened as these bodies and their affiliates mostly engaged in taking ad-hoc measures. UNCTAD meetings too had failed to solve the problems of debt and development aid over the years as its fora had been more about passing resolutions than resolving issues.

The first step in the effort to get Third World Countries to cooperate among themselves was taken at the Ministerial meeting of G-77in New York, 1982 where it was decided to establish the Global System of Tariff Preferences (GSTP). Undertaken in 1987, it was a major effort by developing countries for the purpose of expanding mutual trade through grant of tariffs and non-tariff concessions and other measures. Another area of cooperation among these nations was UNCTAD's recommendation for the strengthening of a number of cooperative measures. These included the field of research and development, design and engineering among LDCs. There was a host of opportunities for technology transfer among LDCs in sectors such as capital goods, human skills, energy, food production and processing. There was also a proposal for a simpler payments mechanism under a common clearing system which was to facilitate closer cooperation among LDCs. The LDCs call for other financial institutions to be set up to cater to their peculiar financial requirement in areas such as development projects, commodity price stabilization, long term investment to expand trade in food and primary products, processing and transport, and export credit. However, there was not much progress on them. This was because developing countries focused on ensuring that IMF and World Bank and other international institutions were strengthened to make increased aid available to LDCs basically for them to take care of their balance of payments and debt problems. As already noted, these issues are raised here because they form fundamental background to the trade relations between West Africa and EU.

But it needs to be noted that both in the past and in the present, many factors stand in the way of cooperation among LDCs whose economies are competitive in nature in terms of the commodities they have for sale in the international marketplace. One effect is that this situation has limited the amount of trade that takes place among LDCs, and makes them ever more

dependent on advanced parts of the world such as Europe. Their actions are also informed by the fact that they have biases against the commodities they trade among themselves, the foreign exchange inadequacies, limited import capacity, shortage of needed credit facilities, and others. As a result, even when the goods manufactured in the LDCs are of higher quality and are cheaper, these nations still prefer to trade with developed countries. Other limitations include weak market structure, technological backwardness, shortage of key inputs and high cost of production.

Apart from the limitations that confront LDCs, developing nations have tried to frustrate the NIEO with the introduction of 'escape' and 'trade' clauses and other measures present in GATT rules and WTO Agreement at the Uruguay Round. The same also features in the partnership agreements between West Africa and EU, forming reasons why some have asserted that the stated benefits in these agreements for West Africa can be countered by the use of clauses, rendering the said benefits of no consequence in the end.

2.5 The Developed, Developing, Least-Developed Countries Conundrum

The terms Developed Country, Developing Country, and Least Developed Country have economic, political and relative power connotations in international relations; the ECOWAS-EU partnership agreement within the context. The terms are however basically shaped by the global economic order which has ensured that one side is affluent and the other is not. Sometimes other designations are used in the place of these terms which still refer to the same thing. For instance, Developed Countries are also called Advanced, Industrialized or Western Countries. They are mostly found in the northern hemisphere – UK, France, Germany, Italy, U.S., Canada, with the addition of Australia and New Zealand in the Southern Pacific area – so the term North generally

refers to the same set of industrialized nations whether they are located in the North or in the South. They are also referred to as Metropolitan Countries.

On the other hand, Developing Countries are mostly located in the southern hemisphere so the term South, sometimes used with reference to them, is apt. They are also seen to be the countries in the Periphery. Least Developed Countries are found generally in the same axis so they are part of the South. Together, DCs and LDCs are also referred to as Third World nations. Essentially, they have certain features in common. These are looked at from the trade perspective; this is important for a proper understanding of the global context in which partnership agreements between developed nations in the EU and the largely developing and least developed nations of West Africa are negotiated.

First among such features, according to Todaro (1977), are the forces of international dominance and dependence, namely; The power of advanced countries to control and manipulate world resources, and commodity markets to their advantage; The spread of international capitalist domination of domestic economies of developing countries and LDCs through the foreign investment activities of private multinational corporations; The privileged access of rich nations to scarce raw materials; The export of unsuitable and inappropriate science and technology; The freedom for industrialised countries to impose their products on fragile Third World markets behind import substituting tariff barriers for monopolistic multinational corporations; The transfer of outmoded and irrelevant systems of education to societies where education is perceived as a key component in the development process. Others are the ability of rich countries to disrupt efforts at industrialization by poor countries by 'dumping' cheap products in these controlled markets; Harmful international trade theories and policies which lock Third World countries into primary product exports with declining international revenues;

The creation of elites in poor countries whose economic and ideological allegiance is to the external world, both capitalist and socialist; The capacity of rich countries to lure trained personnel away from LDCs with attractive financial rewards.

All the features that place DCs and LDCs where they are on the global trade map are not externally-based. Some are internal; nevertheless it must not be taken for granted that even the internal features are not in some way connected to the international economic order. As Professor Singer (Cited in Todaro, 1977, p.59) notes: "The very forces which are set in motion by the rapid growth of the richer countries – specifically the development of even more sophisticated, costly and capital-intensive technologies, and of mortality-reducing health improvements and disease– are such as to create forces within the poorer countries – specifically a population explosion, rising unemployment and inability to develop their own technological capacities, which may in fact assure that they will not have the time needed for the continued maintenance of current growth rates, let alone their acceleration, so as to result in acceptable levels of development."

The domestic economic structure of the Third World countries have some features in common, and stating them here provides a clearer picture of what West Africa nations have in mind with some of the issues they have raised in the partnership agreements with regard to their generally fragile internal markets in relation to EU's. As noted by Todaro (1977), standard of living differs between the top 20 percent and bottom 40 percent of the population. Majority of those that have high incomes live in urban areas while the greater number of the population with low income and who live in poverty are generally located in rural settings. Such coexistence is not only in the area of wealth, but also in the technological nature of Third World industrial production; there are mostly enclaves of modern industries using technology from abroad to

produce products on a large scale, with the traditional labour taking care of the more local needs of those in the low income ranks. Furthermore, there is hardly ever a sign of the coexistence of what Todaro (1977) called small modern enclaves in the midst of traditional societies going away. Little effort is made to take the mass of the people out of poverty and where the effort is made, population explosion swallows it. In the event, majority of the people in Third World Countries have been left behind by development, with many having a way of life in rural setting not different to what obtained two hundred years prior to this time.

Nevertheless, international trade in its free market access mode is ever argued to promote growth or better still development. There is no doubt that international trade has played a role in the historical development of the Third World. As Mills (as cited in Todaro, 1977, p. 271) an advocate of free trade noted, "The opening of a foreign trade…sometimes works a sort of industrial revolution in a country whose resources were previously undeveloped." But the condition of most of the Third World Countries that have been opened raises questions.

In most of them, primary products account for a large proportion of their Gross National Products. For the LDCs, 25 to 30 Percent of their GNP comes from the sale of raw agricultural products like tea, sugar, cocoa, cotton, rubber, and banana. For the crude oil exporters, 90 percent of their crude is for international sale and this accounts for 90 percent of their national incomes. Other developing countries depend on export of non-mineral primary products to earn foreign exchange. The market for these is unstable, so it fosters a level of dependence on the exporting nations. Added to this is their reliance on importation of raw materials, machinery, capital goods for the use of their infant industries, and to ensure their expansion. Income from export does not always match imports so there is ever a deficit. Deficit has become a cycle in which most developing countries find themselves.

There is yet the greater challenge that international trade poses to DCs and LDCs. Trade is beyond exchange of goods or financial resources between two countries. When Third World Countries open their markets to global trade as is the philosophy behind free trade that economic partnership agreements seeks to promote, what is invited, as Todaro (1977) states, includes the developmental or anti-developmental influence of the transfer of production technologies, consumption patterns, institutional and organizational arrangements, educational, health and social systems, and the more general values, ideals, and lifestyles of the developed nations of the world. The extent of the effect this would have on the character of the developmental process may be dependent on the nature of the political, social and institutional structure of the recipient and its development priorities.

In this wise and with regard to the link between trade and development, Todaro (1977) raises a few questions that he considers important to the situation of developing and least developed nations. In the face of partnership agreements (incorporating WTO rules) that some have criticized as partnership between two unequal parties, the following questions can be asked: How does international trade affect the rate, structure and characteristics of LDCs economic growth? This question is relevant in the face of the traditional "trade-as-an-engine-of-growth controversy; How does trade alter the distribution of income and wealth within a country and among different countries? Is trade a force for international and domestic equality and inequality? In other words, how are the gains and losses distributed and who benefits at whose expense? Under what conditions can trade help LDCs achieve their development objectives? Can LDCs by their own actions determine how much they trade? In light of past experience, should LDCs adopt an "outward looking" (free trade, expanded flows of capital and human resources, ideas and technology etc), or an "inward looking"(protectionism in the interest of self-reliance)

policy, or should they pursue some combination of both, for example in the form of regional economic cooperation?

While answers to these questions may not be the same for all the developing and least developed countries, because they have differences in terms of resource endowments, manpower and so on, the fact remains that the challenges confronting them in the area of trade and development are largely similar. This is more so with the fact that the UN uses certain set of criteria to place countries across the world in the three different categories of Developed, Developing and Least Developed Countries. Todaro (1977) notes that: "Unfortunately, many small and very poor countries…may have little choice whether to 'opt out' or not. Even in these extreme cases the choice might not be simply one of looking outward to the developed world for assistance or turning 'inward' to the developing nations for assistance in an attempt to become self-reliant…more promising strategy especially for the smaller LDCs, may be to look both outward but in a different direction (towards cooperation with other LDCs) and inward towards each other as members of a group of nations trying to integrate their economies and coordinate their joint development strategies in an effort to achieve collective self-reliance." This study notes that while Todaro makes a point, the matter is not as straightforward and easy to achieve because of the given circumstances such as the configuration of the nations DC and LDC category, and sometimes unpredictability and vagaries in world trade system.

For instance, the UN classifies 73% of West African states as Least Developed Countries (LDCs). The region accounts for 35% of the African LDCs, making West Africa the foremost LDC region in Africa and, indeed the world as a whole. No less than eleven countries in West Africa exhibit some of the lowest socio-economic development indicators, including the lowest Human Development Index ratings in the world. It is only Cape Verde, Cote d'Ivoire, Ghana and

Nigeria that are non-LDCs. The average annual per capita income of $949 in 2007 veils the grimmer reality of nearly 60% of the people in the region that live on less than one US dollar a day. This is far above the 46% for sub-Saharan Africa. West Africa is the region with the highest prevalence of poverty in the world. This parlous economic state has meant over-reliance on foreign aid and loans, a situation that resulted in the designation of almost all the countries in the region (with the exception of Nigeria and Cape Verde) as highly Indebted Poor Countries (ECOWAS Commission, Vision 2020).

This scenario goes a long was to emphasize the dependent nature of the DCs and LDCs in a world dominated by the developed economies, and how this essentially works in the given trade relations among the Parties.

Multilateral trading system: Instruments and Agreements

The global economic or trade order has instruments or institutions and agreements that give it form and drive. It needs to be pointed out that their establishment and functions are informed by the free market philosophy and majorly, since the end of the cold war, by liberal democratic practices. It is therefore understandable that many of these institutions and the rules they foster have been at odds with the peculiar circumstances of DCs or LDCs. A few of the reasons have been noted earlier in this chapter. Notably however, in Mills' words was the advantage in a multilateral trading arrangement, and about a century after he wrote them they took the form of institutions that have come to superintend multilateral trade issues on the global stage.

It is important in this study to pay particular attention to these institutions because not a few of the reasons for the negotiation of the partnership agreements under study have their roots in the agreements that members of these institutions have signed. In fact, it was partly due to the

need to conform to some of the provisions in such agreements that the ECOWAS-EU Economic Partnership Agreement was negotiated.

A century after Mills eulogized the beauty of free trade, the world's first multilateral trading institution, General Agreement on Tariffs and Trade (GATT) was established in 1948. It was meant to ensure that trade on the global stage became as free as possible. Establishment of GATT was pursued following the experiences of western nations, including England that had practiced protectionism, but were forced to gradually abandon it. In 1846, for instance, the English Parliament repealed the protectionist Corn Laws in England, committing the country to free trade. In 1860 the Cobden–Chevalier Treaty between Great Britain and France became the first in a series of market-opening treaties among the powers of Europe that were linked through most-favoured-nation clauses (https://www.wto.org/).

In 1876, the limitations of the existing system of trade treaties were demonstrated when Austria-Hungary unilaterally raised its tariffs. France, Germany and Italy soon did the same. In 1883, there was the adoption of the Paris Convention for the Protection of Industrial Property, which became the oldest part of WTO law via its incorporation into the Agreement on Trade-Related Aspects of Intellectual Property Rights. In 1919, the Versailles Treaty established the League of Nations, and by 1927, the Geneva Convention on Import and Export Prohibition and Restriction became the most ambitious trade initiative of the League of Nations, although it did not achieve the requisite 18 ratifications. By 1930, the US Congress enacted the protectionist Hawley–Smoot Tariff Act, which was soon followed by similarly restrictive measures in many other countries. In 1933, the London Economic Conference failed to develop a collective response to the Great Depression. In 1934, the (US) Reciprocal Trade Agreements Act delegated

tariff negotiating authority to the executive, leading to bilateral agreements that later became the template for GATT (https://www.wto.org/).

In 1941, President Franklin D. Roosevelt of the U.S. and Prime Minister Winston Churchill of Britain signed the Atlantic Charter, pledging "to further the enjoyment by all States … to the trade … needed for their economic prosperity." In 1944, major conferences were held to develop plans for the United Nations (at Dumbarton Oaks), and the International Monetary Fund and World Bank (at Bretton Woods). In 1945, the United Nations Organization was created at the San Francisco Conference. In 1947, the 23 original contracting parties to GATT conclude their tariff negotiations, and on January 1, 1948, GATT provisionally entered into force. The Havana Charter for an International Trade Organization was signed in March but it never entered into effect (https://www.wto.org/).

The effects of the Second World War contributed to the establishment of the modern multilateral trade system. Previously, countries had been doing it their own way. They protected their markets from external competition even though the idealists – from Smith to Mills – behind the principles and advantage of free trade were their citizens. With the Second World War however, there was a new thinking. The creation of the multilateral trade system at this time rested majorly with the United Kingdom and the United States. As soon as the Second World War began, the US government took a series of initiatives exploring the potential problems and the likely solutions in the post-war economic order. The US and the UK had been negotiating bilateral trade agreements since 1934, so based on this, they exchanged views on the rationale and structure of an international organization that would be devoted to trade liberalization (https://www.wto.org/).

With two agreements they moved forward the trade agenda. There was also the usefulness to this of the fourth point in Atlantic Charter of 1941 which provided that the signatories would "endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity." There was as well the Master Lend–Lease Agreement of 1942 by which the United States and the United Kingdom had set the terms of US assistance during the Second World War. This stated in Article VII that the two countries would pursue an agreement "open to participation by all other countries of like mind… [for] the elimination of all forms of discriminatory treatment in international commerce, and to the reduction of tariffs and other trade barriers" (https://www.wto.org/).

These agreements led to economic and political conferences with the rest of the allied governments. There were series of conferences that created the IMF and the World Bank, the UN, along with the Havana Conference that took place between November 1947-March 1948, and which agreed on Havana Charter for the establishment of the International Trade Organization (ITO). The US had suggested Charter for the International Trade Organization of the United Nations which had seven chapters and 79 articles. The Charter wanted ITO that would go on to eliminate quotas and preferences, reduce tariffs, discipline the use of other trade instruments, and deal with such diverse subjects as subsidies, commodity agreements, boycotts, labour rights, restrictive business practices and exchange controls. ITO never came into being because the Harry Truman Administration withdrew the Havana Charter that was its basis in 1950 from Congress because of lawmakers' inaction. In the event, the ideas proposed by the US

State Department and which the UK had earlier agreed to were never executed under the proposed ITO umbrella (https://www.wto.org/).

The Havana Charter had proposed guidelines to govern a wide range of commercial issues. It wanted to put in place an unconditional Most-Favoured-Nation (MFN) principle among all signatories, and it set disciplines in areas such as dispute settlement procedures, economic preferences for developing countries, investment, and competition policy. GATT took the place of the ITO. Negotiations for it began at a time the Havana Charter was awaiting Congressional approval in the late 1940s; and for this reason GATT was thought to be a stopgap, a temporary measure for ITO to be ratified. In the end, ITO never came into being and the circumstances surrounding the commencement of GATT helped to shape the perceptions and expectations of GATT negotiators for several decades into the future (https://www.wto.org/).

It needed to be pointed out that in the years that followed some other free trade initiatives suffered setbacks, and most were not executed decades after they had been muted. However, the activities targeted at promoting free trade across nations in the Second World War years provided an idea of how far in the past some of the issues in the partnership agreements between West Africa and EU had been, as well as how deep rooted they were in the thinking of developed countries with regard to free trade. Viewed from this perspective, most of the issues that have become contentious in partnership agreements between West Africa and EU are not new; they are rooted in the western philosophy on trade – one which is conducted by the private sector in largely free markets, and with little involvement of governments. As noted earlier, that this philosophy propels the position a developed EU canvases in its trade relations with a developing West Africa has been a notable difference between the two Parties, and this affects their understanding and interpretation of the provisions of the partnership agreements.

2.5 Significance of the Study

Rather than focusing on the EPA (2014) text (which is a regionalized modality for the implementation of free trade principles) as most existing studies have done, the current study has focused on the process that the post-cold war free trade regime, as it affects the ECOWAS-EU trade relations, has taken since its introduction. Focus on the EPA text in fact downplays how much the free trade requirements have been part of ECOWAS-EU trade relations in the period under study. The current study corrects this and brings EPA into proper perspective which opens up a whole vista of potential academic investigation especially in Political Science and International Relations (see 6.3).

Moreover, focus on EPA text over the years has failed to call attention to the significant role that external actors and factors have played in the efforts of ECOWAS member states to integrate intra-regionally and inter-regionally in the area of market, trade, customs union, common external tariffs or security. For instance, ECOWAS has different options in the trade partnerships it can form, but it finds EU most suitable and enters into the most comprehensive partnership agreement in the post-cold war era with it. According to ECOWAS Commission (ECOWAS Annual Report, 2004; p.109), "The most outstanding offer of a new partnership, however, is that made by the European Union under the Cotonou Partnership Agreement." Together with other states in the ACP region, West African Countries negotiated the first phase (All ACP) of the economic partnership agreement with the European Union. As the two Parties consider each other the best trading partners to assist in West Africa's integration process, a study of one of the most raging issues in the trade relations between them becomes important. The relevance of this in their relations is best caught in a study (such as the current one) which focuses on the process, rather than the EPA text.

Also, and as it had been explained in greater details earlier in this chapter, many of the multilateral agreements that gave birth to WTO which subsequently necessitated jettisoning some provisions in the Lome Conventions could not have been possible in the polarized global political environment of the cold war era. In fact, the West led by the United States had feared sending developing countries into the arms of the Communist World, so it had avoided pushing through many of the free trade rules; but these rules were implemented later under WTO. Issues such as these are important in Political Science but they have not been given attention in many of the studies that concern the EPA in the period under study. The current study opens up issues concerning global trade rules that have been made possible by the post-cold war dominance of western world's view of free trade. Furthermore, the current study provides the opportunity to take a closer look at what has taken place in ECOWAS-EU trade relations, as well as the direction free trade principles are taking their relations since the signing of CPA in 2000.

Konadu and Fall (2013) point out that there is an increasing number of alternative external actors compared with EU. These include China, India, Brazil, the United States of America that West African states may choose to have as trade, political and economic partners. Against this background therefore, Konadu and Fall (2013) see it as an important task for West Africa as a region to develop an effective strategy of how to deal with the different partners that exist. It is further added that Europe might have to redefine, and make adjustments in its role in the relationship it has with West Africa. Having a better understanding of this is best done through a study of the process leading to the adoption of one of the instruments of partnership (EPA), rather than text of the agreement. In the light of this, identifying such strategies in how West Africa can deal better with its EU partner is one of the significances of the current academic work.

Literature shows that most of the more recent studies on EPA have been carried out either by EU, on behalf of EU, or by EU-affiliated public-spirited organizations based in Europe. Others are carried out by foreign-based non-government organizations (e.g. Actionaids) with specific focus of either approving the EPAs (in each in of the regions that negotiates with EU) or condemning them based on their specific mission in their region of operation. A study by Actionaids, for instance, accesses the implications of the EPA on reduction of poverty in Africa. Studies such as these have argued from the point of view of foreigners, relegating the concerns of the African partners in the developing world to the background. Moreover, most of such studies do not have West Africa in focus, but Africa or the ACP (Africa, Caribbean and Pacific regions) in general. As for the nations involved in this relation, they tend to focus on issues in EPA from the cost and benefit perspective as this affects them individually.

Other studies treat CPA separately from EPA, differentiating between the two to the point of creating gulf that in reality as far as the ECOWAS and EU negotiators of the agreements are concerned do not exist (ECOWAS, Directorate of Trade, 2015). The current study firmly establishes how EPA is rooted in CPA. As ECOWAS (Directorate of Trade, 2015) puts it, "The two Agreements are like father and son" (see also EPA, 2014, Article 2:1). The current study is also significant because it shows several areas in the ECOWAS-EU trade relations that have been impacted by the free trade principles that EPA stands for especially under the "preparatory period" (CPA, 2000) provision. The study served to show that, contrary to popular view that free trade principles which EPA represented was recently initialized and had yet to be implemented, aspects of it had begun to be implemented after CPA was signed in 2000. The study also shows that even as all West African nations have yet to approve the EPA text, all of them have approved the preliminary necessary steps for the EPA e.g. the Common External Tariff (CET).

Thus, the current study is important for clarifying several issues that remain dark about EPA to both the academics and policy makers.

Reviewed literature is lacking in recent scholarly studies that examine the central role most of the partnership agreements play in shaping the ECOWAS-EU trade relations, or what implications they have had on their relations over the decades within the framework of EPA. There is extensive literature with references to other aspects in the ECOWAS-EU relations such as development aid, debt, rule of law, budget, security, economic policies. However, scholarly study of the position of Partnership Agreements in ECOWAS-EU trade relations with specific reference to EPA since it was introduced for negotiation and incremental implementation in CPA (2000) has yet to be undertaken at this level.

Reviewed literature shows that most of the studies that are on Partnership Agreements have discussed Africa in general (Laporte, 2007), as well as the Caribbean and the Pacific regions, not West Africa in particular which is the focus of the current study. That this is the case is not a surprise considering that in the EPA (2014), unlike the ACP-EU Lome Conventions and ACP-EU Cotonou Partnership Agreement, EU negotiated directly with West Africa within the ACP context. With the fact that EPA was initialed by the Chief Negotiators (ECOWAS President and EU President) in June, 2014, an academic study at this level that examines the reasons for it, as well as challenges in implementing it have yet to be found in literature. This gap adds to the significance of the current study.

Moreover, reviewed literature calls for further study of the post-cold war partnership agreements between ECOWAS and EU. Specifically, Babarinde (2001) notes that there is need for further academic research into the merits and demerits of the key provisions of partnership agreements on ECOWAS-EU relations. The EPA's clarification that it was based on the

principles and elements of the CPA (2000) and that the process for working towards compliance began in 2000 (CPA, Art. 37:9) therefore called for an academic study of the impact and the challenges both have had in their trade relations in the period under study. The EPA (2014) explicitly states in Article 2:1-2 as follows: (1.) The EPA is based on the essential principles and elements of the Cotonou Agreement set out in Article 2, 9, 19, and 35 thereof. The EPA shall build on the provisions of the Cotonou Agreement and of previous ACP-EU convenience which relate to financial cooperation, regional integration and economic trade cooperation. (2.) The EPA shall be implemented in complementarity with the Cotonou Agreement and will be viable if the two parties' commitment, including the European Union's commitment relating to development finance cooperation and trade-related aid, are put into effect. This in effect established that free trade principles which EPA stood for had been endorsed since 2000 when CPA was signed, and were being gradually implemented from then on, even as the negotiation of the EPA text (the modality for some other aspects of the trade relations) continued. A study of this is thus significant for academic and policy purposes.

2.6 Theoretical Framework: Neo-liberal Institutionalism

Neo-liberal institutionalism as a theory in International Relations is the theoretical framework for this study. According to Grieco and Ikenberry (2003), Neo-liberal institutionalism's principal view is the role that international institutions ought to have in international relations among states, both economically and politically, and their main purpose is to serve as a mediator to finding solutions to interstate problems. Regarding the current study this theory is made imperative by the current global order, the exiting uni-polar context characterized

by neo-liberal-inspired free trade, free market principles which are the main drivers in trade relations across the globe and especially between the developing and developed regions.

However, it is important to discuss a few of the other possible theories that in their own way explain phenomena such as integration, the globalization of free market principle and economy that are central to this study. Such theories include the development theories such as Modernization, Dependency, World-systems and Globalization, as well as the regional integration theory of Neo-functionalism.

Writing on Modernization, Reyes (2001) identifies three main historical elements which, according to him, have been favourable to the inception of the Modernization theory of development after the Second World War. First among them is the rise of the United States as a superpower to become a world leader through the implementation of the Marshall Plan meant for the reconstruction of war-torn Western Europe. Second is the spread of a united world communist movement with the Soviet Union extending its influence not only to Eastern Europe, but also to China and Korea. Third is the disintegration of European colonial empires in Asia, Africa and Latin America, giving birth to many new nation-states in the Third World. These nascent nation-states were in search of a model of development to promote their economy and to enhance their political independence. Many of the fundamental issues characterizing this theory are propelled by the cold war politics of the time. However, the subject of the current study is fallout of the post-cold war political and economic configuration featuring the dominance of the western philosophy on trade-related issues.

Regarding Dependency theory, and considering the unenviable condition of many Latin American countries at the time, Reyes (2001), against Prebisch's (1950) model and background of the unenviable condition of many Latin American countries at the time, sees in Dependency

theory a combination of elements from a neo-Marxist perspective and Keynes' economic theory i.e. the liberal economic ideas which emerged in the United States and Europe, as a response to the depression years of the 1920s. It is basically situated against cold war politics and economic patterns and as a theoretical framework unsuitable for the current study, more so as post-cold war trade focus is centred on less government involvement and a private sector-driven economy.

A central element from which World Systems theory emerged was the different form that capitalism was taking around the world, especially since the 1960s. From that decade, Third World countries had new conditions in which to attempt to elevate their standards of living and improve social conditions. New international economic circumstances made a group of radical researchers led by Wallerstein (1974) to state that there are worldwide conditions that operate as determinant forces especially for small and underdeveloped nations, and that the nation-state level of analysis is no longer the only useful category for studying development conditions, particularly in Third World countries. Those factors which had the greatest impact on the internal development of small countries were the new global systems of communications, the new world trade mechanisms, the international financial system, and the transference of knowledge and military links. These factors, they argued created their own dynamic at the international level, and at the same time, other elements that they state were interacting with the internal aspects of each country (Wallerstein, 1974). While World System speaks to an aspect current global trade condition, its main assumptions do no explain some developing issues in the post-cold war and is therefore not suitable for the current study.

Globalization emerges from the global mechanisms of greater integration with particular emphasis on the sphere of economic transactions. One of the most important characteristics of the globalization position is its focus and emphasis on cultural aspects and their communication

worldwide. Rather than the economic, financial and political ties, globalization scholars argue that the main modern elements for development interpretation are the cultural links among nations. These do not take care of many issues that the current study is particular about and thus

Neo-functionalism is a further development on functionalism, another regional integration theory, that has become important in international political economy since the 1950s. It was developed by Earns Haas in 1958 in his work 'The Uniting of Europe: Political, Social and Economic Forces 1950-1957'. His aims included providing an explanation to regional integration in Europe, and explaining the regional integration and development in the areas of economic cooperation in Latin America.

Neo-functionalism reformulates the functionalist principles in the context of regional institutions (http://testpolitics.pbworks.com). Neo-functionalists state that the importance of nationalism and national state will decline with the existence of a supranational state. In their proposition are three mechanisms that they posit serve as the driving force in the integration process. They are: positive spill over, transfer of domestic alliances, technocratic automaticity (http://testpolitics.pbworks.com). But the current study concentrates more on a mechanism – Partnership Agreement that operates on the basis of free trade principle – that is introduced in the North-South relations in the case ECOWAS and EU. Unlike functionalism, neofunctionalists lower the relevance of the global dimension in integration. This is one flaw in view of the global dimension to the free trade principle that drives the partnership between the two relevant Parties in the current study. Moreover, integration is not the only focus of this relationship but the eventual formation of a globalised market for the operation of free trade in the classic mercantile philosophy regarding trade.

Neo-liberal Institutionalism: Theoretical Debate

Summarily, the basic tenets of the theory of Neo-Liberal Institutionalism are that, 1. The international system is anarchic. 2. States are rational unitary actors. 3. Nonetheless, cooperation is possible through international regimes and institutions. 4. Rational to focus on long-term benefits instead of short-term goals (collective goods) (http://utminers.utep.edu/). Broadly, Neo-liberals agree that anarchy leads to competition and conflict, but that problems can be managed through international institutions. Thus, Neo-liberals are more optimistic about cooperation than Realists. The key is reciprocity. What is reciprocity?

Reciprocity means to do unto others as they just did unto you. A strategy of reciprocity uses positive forms of leverage to promise rewards and negative forms of leverage to threaten punishment." This idea can also be portrayed using the Prisoner's Dilemma (PD) game, which demonstrates Security Dilemma and rational behaviour. For instance, if the PD game is played only once, it is always rational to defect. However, if the game is played multiple times with a strategy of Tit-for-Tat, it becomes rational to cooperate, otherwise both players are always left in a sub-optimal position. It is a "Shadow of the Future". In consequence, Neo-liberals assert that it is rational to look for long-term benefits. If states interact frequently over time, they should learn that not cooperating means both states will enjoy fewer benefits. International Institutions help provide these repeated reiterations (http://utminers.utep.edu/). The relevance of these core tenets to the current study are in its emphasis on cooperation through the use of international institutions, just as WTO, ECOWAS Commission and the European Commission now play a collective role in the relations between West Africa and Europe. The relevance of neo-liberal institutionalism as a theory is also in how one of its fundamental principles – reciprocity –

currently forms the fulcrum of the new global trading arrangement, and is a major issue in the relations informed by the economic partnership agreement between ECOWAS and the EU.

As a theory of International Relations (IR), it is important to establish the place of neo-liberal institutionalism in International Relations which in itself is relevant to the current study involving international political and economic relations among nations, and more specifically among two different regions. As Mammadov and Hasanov (2016) note, neo-liberalism is the current version of the classical liberal economic thought dominant in the western world (US and UK) before the 1930s. But from that decade into the 1970s a new interventionist approach replaced classical liberalism, and it became widely accepted that capitalism needed to be regulated by the state for it to be workable. Compared to the classical liberalists who want no role for the government in trade therefore, the neo-liberalists have a point of diversion which is that there is a need for some level of state interventions. This is a vital point as far as the current study is concerned with a situation in which states serve as the negotiator of trade among themselves, involving the private sector, often, only as far as tapping into their knowledge of the market and advice as it has been demonstrated in the ECOWAS-EU partnership. However, in the 1970s classical liberalism had actually made a rapid comeback, first in academic economics and then in the realm of public policy (Mammadov and Hasanov, 2016).

Nevertheless, the two scholars explain that neo-liberalism is in the first instance a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade. To the neoliberals, the part played by the state is the creation and preservation of institutional frameworks that are suitable to such practices. For instance it is the job of the state to guarantee the quality and

integrity of the legal tender. It also maintains the military, the defense, the police, and other legal structures and functions that are necessary for securing private property rights as well as to use force to ensure that the market functions properly.

Yet, state interventions in markets (once created) must be kept to a bare minimum because, according to neoliberal theorists, the state cannot possibly possess enough information to second-guess market signals (prices) and because powerful interest groups will inevitably distort and bias state interventions (particularly in democracies) for their own benefit (Harvey, 2005:2, cited in Mammadov and Hasanov, 2016).

One important angle to the theory of Neo-Liberal Institutionalism which is relevant to this study is that it comes up with realistic ideas that are an update on an existing theory, as well as on cooperative relations among states which are important to curbing anarchy in the global space. Moreover, ideas in Neo-Liberal Institutionalism have encouraged the growth of international organizations through which, as the theory posits, states become closer to one another. This is obvious in the post-cold war period in which practically all nations come under the influence of neo-liberal-inspired international organizations (such as the WTO, IMF, World Bank) their ideals, and their practices meant to promote trade as a means of promoting peace and cooperation, a point that is of importance to this study.

Moreover, within the context of International Relations, Neo-Liberal Institutionalism posits that nations should make efforts to attain complete gains instead of seeking for gains relative to other nations. Neoliberal international relations scholars often use game theory to explain why states may or may not cooperate (Keohane, 1984). Since this approach tends to emphasize the possibility of mutual wins, neoliberalists are interested in institutions that can make mutually benefitial arrangements as well as compromises, another important point as many

western international organizations have been projected to be for these purposes. While Neoliberalism does not dismiss the anarchic nature of the international system, it argues that the relevance of this is exaggerated. This study agrees with this view as, time and again, the international state system has demonstrated its willingness and capacity to avoid or bring an end to a state of anarchy. In any case, neoliberalists are of the view that in spite of the anarchic system of autonomous rational states, cooperation is possible through the cultivation of mutual trust as well as the building of norms, regimes and institutions. One relevant point about the position of neo-liberalism in IR useful to the current study is that its scope is positivistic and it concentrates mainly on the state system as its unit of analysis. This is the true situation as states come together to form institutions and regional arrangements which are meant to reduce incidence of friction and anarchy among them.

Keohane and Nye (1989) have been noted as the founders or foremost proponents of neoliberalism as a theory. In his book, After Hegemony, Keohane has the classic outlines of this school of thought. Keohane and Nye (1989), in response to neorealism, come up with the opposing theory which they called "Complex interdependence." They explain that, "... complex interdependence sometimes comes closer to reality than does realism" (Keohane and Nye, 1989, p.23). In their explanation, the scholars pick up the three assumptions in realist thought: The first is that states are coherent units and that they are the dominant actors in international relations. The second is that force is a practical and effective instrument of policy. The third is that there is a hierarchy in international politics.

The kernel of Keohane and Nye's position is that in international politics there are manifold paths that connect societies which are beyond the traditional Westphalian system of states. This is evident in different forms such as informal governmental links to multinational

corporations and cross-border organizations. Keohane and Nye (1989) define their terminology, explaining that interstate relations are those channels already assumed by realists. That transgovernmental relations happen when the realist assumption that states act logically as units is loosened, and that transnational applies when the assumption that states are the only units is removed. For Keohane and Nye (1989), it is through these channels that political exchange occurs, rather than the limited interstate channel that realists have enunciated.

In the second place, Keohane and Nye (1989) state that there is nothing like a hierarchy among issues involving states. They are of the view that the martial part of foreign policy is not the ultimate instrument needed to pursue the agenda of any nation, rather there are a host of diverse agendas that may emerge. They think the difference between domestic and foreign policy is not so sharply demarcated, meaning that there is no clearly stated agenda in relations among states.

Moreover, these thinkers state that recourse to military force will not often be the case in a situation where there is multifaceted interdependence among nations. Thus the thought comes to the fore that among states where there is interdependence, the involvement of the military in disputes is obviated. Other scholars have made their contribution to the development of the neo-liberal theory in IR. These include Angell (1909) who states that "We cannot ensure the stability of the present system by the political or military preponderance of our nation or alliance by imposing its will on a rival".

In his writing, Neo-liberalism in International Relations, Koncak (n.d.) states that the basic objectives of Neo-liberalism include having International Institutions that facilitate international cooperation, a point that is of relevance to the current study in that WTO and others like it have become the needed push for the kind of partnership agreements meant to promote

free trade across regions and the globe in general. The theory further recognizes that cooperation can be difficult to achieve in anarchic conditions but institutions can allow states to overcome a variety of collective action impediments which has been the case since the end of the cold and the dominance of the liberal philosophy. In the event, the theory's primary focus is how institutions might be redesigned to more efficiently obtain cooperative outcomes. This has happened with the manner the Western nations push through with the establishment of the WTO in 1995 after many decades of failed attempt to establish such a body, and is a major driving force for the agreement that is at the centre of the current study. He further notes that Neoliberalism has a state-centric perspective, holding that states are unitary, rational, utility-maximizing actors.

The theory also holds that states make decisions based on a set of self-interested priorities and according to a strategic cost-to-benefit analysis of possible choices, reactions, and outcomes. In the subject under the current study, the EPA between ECOWAS and EU, this has been shown to be the case as one major point of disagreement is the cost-benefit situation that the ECOWAS member states appear to find uncomfortable. Yet, the neo-liberal theory posits that collective benefits may be obtained through greater application of human reasoning, increase interaction and informational exchange among self-interested individuals and actors, and in comparison to realism, neoliberalism has greater faith in the ability is human beings to obtain better collective outcomes that promote freedom, peace, prosperity, and justice on global scale (Koncak, n.d.). There is no doubt about this in regard to the current situation under study as both Parties have come to the conclusion by 2014 (after years of negotiation of the EPA) that political solution was what remained to move the process forward. In furtherance of this, the EU especially has been embarking on advocacy visits, organizing conferences, and using such opportunity to interact

and engage the ECOWAS member states such as Nigeria to see the positive aspects of the agreement.

Neo-liberalism places emphasis on international institutions because it holds that the structure or design of international institutions plays an important role in determining the extent to which collective goals can be realized (Koncak, n.d.). The ECOWAS Commission and the European Commission before it have demonstrated this in West Africa and Europe respectively. In effect, the EU model, for the vast array of areas of collective activities it manages to birth, has become example that every other region of the world strives to emulate. On the African continent, the ECOWAS example to emulates Brussels has become a source of pride for the AU that points it out as example of the direction it wishes other regions on the continent to go.

Aside from the afore-stated, one notable angle to the debate regarding Neo-liberalism as a theory in IR is how it is rooted in the study of conflict and cooperation on the global stage. This is of interest to the current study as parties involved in free trade-related matters between ECOWAS member states and EU on the one hand have the objective of cooperating and, on the other hand, reduce conflict in areas where they have such at the moment. This is an interesting scenario, one that is a constant on the international scene, more so as EU itself was rooted in the idea of reducing conflict, the type that had led to the outbreak of the world wars in 1914 and later in 1939.

According to Jervis (1999), the study of conflict and cooperation has remained a continuous task of scholars, and the more contemporary arguments have been between realists and neoliberal institutionalists. To him, many students believe Realists are of the view that international politics is characterized by conflict and that the involvement of institutions is minimal. On the other hand, neoliberals take the stand that cooperation is more extensive than is

acknowledged when institutions are powerful. Jervis (1999) does not think this broad outline to the debate precisely describes what it is. Instead, he argues that the realist-neoliberal disagreement "over conflict is not about its extent but about whether it is unnecessary, given states' goals." His position is not surprising. By inclination, realists believe in national interest and that power is needed in pursuit of the identified interest. In the event, as every nation projects its interest, conflict becomes inevitable on the international stage. But how to minimize this using diverse means is a preoccupation of neo-liberalist.

Nevertheless, he is not convinced of so much sharp characterization of differences between realism and neoliberalism. For him, some of the differences only reflect the issues that each side concentrates on and analyzes. As he sees it, Neoliberal institutionalists concentrate on issues of international political economy (IPE) and the environment; while realists are more likely to study international security and the causes, conduct, and consequences of wars. In other words, neorealists focus primarily on high politics while neoliberal institutionalists focus on low politics, but regardless of this, they both share similar worldviews. They share a comparable epistemology and ontology, focus on similar questions, and have a number of assumptions about world politics (Whyte, 2012).

While realism and neoliberalism have their differences, they nevertheless share similar analytical premises. According to Whyte (2012), both are state-centric structural theories, using state actors as basic units of theoretical analysis. Through the state-centric approach both theories try to explain the behaviour of states with reference to the material structure of the international system (Thomas, 2001, p.10; cited in Whyte, 2012). Whether concerned with relative-gains or absolute-gains, there is common agreement that states act within the rational choice model (Whyte, 2012).

Moreover, Grieco (1988; cited in Whyte, 2012) recognizes that for both realists and neoliberals there is a common understanding of international anarchy, an absence of a common inter-state government. For Jackson & Sorensen (2007, p.46 cited in Whyte, 2012), a defining feature of the international system is that it is anarchic, with no overarching power governing states. For neoliberals, international order is defined by the state of anarchy, but contrary to realists, this absence of an overarching authority does not mean that the world is in a constant state of war (Whyte, 2012). Charles Lipson (1984; cited in Whyte, 2012) believes that anarchy is the "rosetta stone of international relations" although realists slightly exaggerate the importance of anarchy at the expense of interdependence; nevertheless both realists and neoliberals recognize anarchy as fundamental to shaping the future of world politics (Lipson, 1984, cited in Baldwin, 1993, p.4; cited in Whyte, 2012).

Although realists are primarily concerned with security, and neoliberals focus on the economy, rationalist theories share a common analytical starting point: i.e. states are the self-interested main actors within the anarchic international system (Baldwin, 1993; cited in Whyte, 2012). As Whyte (2012) states, regardless of their slight differences, this self-help approach to anarchy held by rationalists generates a competitive notion to security and creates an issue for collective action. The logic of self-help encourages states to adapt to the system. The rationalist approach provides analytical debate for notable issues within the study of IR, such as cooperation among great powers, but offer little guidance in situations where their basic ontological assumption that states are autonomous actors is violated (Whyte, 2012).

Although neoliberals have conceded to realist the causal powers of the anarchic structure, they argue that this process of self-help can spawn cooperative behaviour

between states, even in an exogenously given, self-help system (Wendt, 1992, p.392). The current study agrees with neo-liberals here as the post-cold war neo-liberal world has spurred series of partnership agreements never seen before in the history of the world, one of the most comprehensive and far-reaching of them being between ACP (ECOWAS) region and the EU.

Scholars such as Claude (1981) are of the view that as debate over international relations has evolved over the years, it could certainly be claimed that both realism and neoliberal institutionalism are simply manifestations of the same approach. In fact, the postulation that these two theoretical approaches make up a great debate has been questioned. Claude (1981 suggests that realism and neoliberalism are complementary as opposed to competitive approaches to international relations (Claude, 1981, cited in Baldwin, 1993, p.24).

Jones (2005), despite the fact that there are some similarities between neo-realism and neo-liberalism, still focuses on the differences between both to determine more rigorously which of the arguments is the more convincing. His points of comparison are the effects of the anarchical international system, and thus, the extent to which cooperation can be achieved, the importance of relative and absolute gains, the conflict between state capabilities and interests, and finally the importance of institutions and regimes. In considering the effects of the international system and the prospects of cooperation, Lamy asserts that "both [neo-realism and neo-liberalism] agree that the international system is anarchic" (cited in Baylis and Smith 2001, p. 190). As already stated, neo-liberals believe states can cooperate with one another, but "especially with the assistance of international institutions" (Baldwin 1993, p. 117). They are staunch believers in strong international institutions such as the WTO that now controls trade, setting rules. But Jones (2015) is skeptical about the overall neo-liberal position on cooperation.

"Why does the US administration refuse to cooperate with the Kyoto treaty?" he asked. No doubt, the answer is that nations will not cooperate unless it is in their interests to do so. It is not often that this happens, as international organizations are organized around some common interest. But the interplay between interest and cooperation in IR is nevertheless real.

In the area of debating the respective importance of capabilities (essentially power) and interests, Neo-realists "are likely to emphasize capabilities more than intentions" (Baldwin, 1993, p. 7). But Neo-liberals state how vital intentions and interests are to state behaviour. But the neo-liberalist, Stein, (cited in Baldwin 1993, p. 8) argues that "capabilities count only insofar as they affect the preferences and intentions of states". Equally, there are the different views on international institutions and regimes. Neo-realists do not dismiss institutions and regimes, but they believe that neo-liberals have overestimated their relevance and are of the view themselves that states only "work to establish these regimes and institutions if they serve their interests" (Baylis and Smith 2001, p. 192), rather than otherwise. Whatever the case may be, neo-liberals believe institutions and regimes facilitate cooperation under any circumstance and as such institutions "moderate state behaviour" (Mingst, 2004, p. 85). Furthermore, neo-liberals believe institutions "make it easier to punish cheaters" (Baldwin 1993, p. 124). This has been amply demonstrated as seen in the occasions when the WTO intervenes between trading nations and its rulings are respected by the concerned parties.

However, Jones (2005) concludes that neo-realism is a more convincing argument than neo-liberalism, noting as part of his reasons, as neo-realists do, that cooperation will only occur if sates want it to, and do not agree that it is always within state interest to cooperate. I am certain that relative gains are an important consideration for certain states and cannot be ignored. It

appears that states focus on the capabilities of other states because these are easier to measure than intentions. Moreover, Jones is not convinced that institutions will continue to play a vital role in checking the actions of states, and he concludes that neo-liberalism focuses more on how the world "ought" to be, rather than how it is.

Still, any consideration of Neo-liberalism inevitably leads back to its origin, liberalism. While "Liberalism" can refer to political, economic, or even religious ideas, and political liberalism has been a strategy to prevent social conflict, economic liberalism is different. Conservative politicians may hate "liberals" (the political type), but they have no real problem with economic liberalism, including neo-liberalism (Martinez & Garcia, n.d.). The liberal school of economics became famous in Europe when Adam Smith, a Scottish economist, published his book, The Wealth of Nations, in 1776. He and others advocated the abolition of government intervention in economic matters. They wanted no restrictions on manufacturing, no barriers to commerce, no tariffs, Smith said; free trade was the best way for a nation's economy to develop. Such ideas were "liberal" in the sense of no controls (Martinez & Garcia, n.d.). This application of individualism encouraged "free" enterprise," "free" competition, which came to mean, free for the capitalists to make huge profits as they wished (Martinez & Garcia, n.d.). Mamamov and Hassanov (2016) analyze contemporary scholars' unusual use of neoliberalism in the study of political economy and offer an explanation for why this situation has come about, while asserting that Neoliberalism is an ideology that encompasses various forms of free-market fundamentalism. They are not far from the point as it is deeply rooted in liberalism. They maintain further that "neoliberalism" has become somewhat of an exhortation in many political and academic debates, describing it as both a body of economic theory and a policy stance,

adding that Neoliberal theory claims that a largely unregulated capitalist system not only embodies the ideal of free individual choice but also achieves optimum economic performance with respect to efficiency, economic growth, technical progress, and distributional justice. The policy recommendations of neoliberalism are concerned mainly with dismantling what remains of the regulationist welfare state. These recommendations include deregulation of business; privatization of public activities and assets; elimination of, or cutbacks in, social welfare programs; and reduction of taxes on businesses and the investing class.

Mammadov (2016) notes that neoliberalism was the hegemonic ideology from the early 1980s to the early 2000s, a further confirmation of how far back its root went even in the cold war era. It was the ideology adopted and promoted by American governments since Ronald Reagan. This is instructive as it is clear that the drive for the neoliberal trade arrangement in the world has been relentlessly pursued, albeit rather circumspectly, from the cold war period into the post-cold war era. After the turn of the century, however, its intrinsic irrationality, its failure to encourage economic growth in developing countries, its efficacy in concentrating income for the richest 2% of every rich or developing society that adopted its ideas, and the increased macroeconomic instability (as shown by the successive financial crises of the 1990`s became clear indications of the exhaustion of Neoliberalism (Pereira, 2009; 9). Neoliberalism is everywhere, but at the same time, nowhere. It is held to be the dominant and pervasive economic policy agenda of our times, a powerful and expansive political agenda of class domination and exploitation, the manifestation of capital resurgence, an overarching dystopian zeitgeist of late-capitalist excess. From only a handful of mentions in the 1980s, use of the term has exploded during the past two decades, appearing in nearly 1,000 academic articles annually between 2002 and 2005 (Boas and Morse, 2009:2, cited in Mamamov and Hassanov). Before 1980, neoliberalism was an esoteric

term, used scarcely, and then, only by economists. Since then, it has become one of the most widely used terms across many social science disciplines except in economics where it has disappeared. During this period, there has been a steady trend to rediscover neoliberalism as more complex than previously considered, and to re-theorist as a more subtle, latent, ubiquitous, or expansive phenomenon. As a result, it has been drawn far beyond its conceptual crib in economic policy, political economy, and the states versus markets debate, towards issues of power and ideology, reflecting a shift in theoretical inspiration from Keynes towards Marx, Gramsci, and Foucault (Venugopal, 2015: 4; cited in Mamamov and Hassanov).

According to Kotz (2000; 3) Neoliberalism is problematic as a dominant theory for contemporary capitalism. The stability and survival of the capitalist system, he argues, depends on its ability to bring vigorous capital accumulation, where the latter process is understood to include not just economic expansion but also technological progress. Vigorous capital accumulation permits rising profits to coexist with rising living standards for a substantial part of the population over the long-run. However, it does not appear that neoliberalism promotes vigorous capital accumulation in contemporary capitalism.

Economic liberalism prevailed in the United States through the 1800s and early 1900s. Then the Great Depression of the 1930s led an economist named John Maynard Keynes to a theory that challenged liberalism as the best policy for capitalists (Martinez & Garcia, n.d.). He said, in essence, that full employment is necessary for capitalism to grow and it can be achieved only if governments and central banks intervene to increase employment (Martinez & Garcia, n.d.). These ideas had much influence on President Roosevelt's New Deal which did improve life for many people. The belief that government should advance the common good became widely accepted (Martinez & Garcia, n.d.).

But the capitalist crisis over the last few decades, with its shrinking profit rates, inspired the corporate elite to revive economic liberalism. That's what makes it "neo" or new. With the rapid globalization of the capitalist economy, there is neo-liberalism on a global scale (Martinez & Garcia, n.d.). This point is crucial to this study as the Western philosophy on trade-related issues have become dominant with the collapse of socialist and communist ideologies, leading to the ascendancy of free trade principles across the globe. It was these principles that were to be implemented by the World Trade Organization, established in 1995, and from which the need to be in compliance leads to negotiation of new free trade agreements among member nations and regions of the world.

Barnett (2007:2-3) states that Neoliberalism is diffused and translated across contexts. For instance, Neoliberalism is operative at various spatial scales; it displaces established models of welfare provision and state regulation through policies of privatization and de-regulation; brings off various changes in subjectivity by normalizing individualistic self-interest, entrepreneurial values, and consumerism. In the constitution of neoliberalism as an object of critical analysis, the overwhelming emphasis is upon neoliberalism as an "ideational project". It is from this emphasis that the agenda for geographical research follows: Tracking the diffusion of this ideology through different geographical contexts; Mapping the variable articulation of this ideology with other processes in different places; Examining the normalization of this ideology in spatial practices of subject formation (Barnett, 2007; 2-3, cited in Mamamov and Hassanov).

Olssen and Peters (2010: 314-315) went on to note that within higher education neoliberalism has introduced a new mode of regulation or form of governmentality. In order to understand this it is necessary to understand that the welfare liberal mode it replaced maintained fundamentally different premises at the level of political and economic theory, as well as at the level of

philosophical assumption. The central defining characteristic of this new brand of neoliberalism can be understood at one level as a revival of many of the central tenets of classical liberalism, particularly classical economic liberalism. The central presuppositions shared include: 1.The self-interested individual: a view of individuals as economically self-interested subjects. In this perspective the individual was represented as a rational optimizer and the best judge of his/her own interests and needs. 2.Free market economics: the best way to allocate resources and opportunities is through the market. The market is both a more efficient mechanism and a morally superior mechanism. 3. A commitment to laissez-faire: because the free market is a self-regulating order it regulates itself better than the government or any other outside force. In this, neoliberals show a distinct distrust of governmental power and seek to limit state power within a negative conception, limiting its role to the protection of individual rights. 4.A commitment to free trade: involving the abolition of tariffs or subsidies, or any form of state-imposed protection or support, as well as the maintenance of floating exchange rates and "open" economies (Olssen and Peters, 2010; 314-315, cited in Mamamov and Hassanov).

Flew (2012:10-11) thinks if critics of neoliberalism downplay the significance of political institutions in their various accounts, those who support greater economic liberalism give them a very significant role. Public choice theorists have long stressed a range of political factors in driving up state expenditures, including: interest group activism; "pork barreling" by vested political interests; the role of political representatives in directing funds to their own constituencies; bureaucratic empire-building; and institutional entropy in large departments, where incremental approaches to budgeting create an innate tendency towards growth rather than cutbacks in the number of activities undertaken. They also draw attention to the extent to which such ideas have gained traction, not simply by being taken up by parties of the political right, but

by those of the centre-left (Flew, 2012; 10-11, cited in Mamamov and Hassanov).

Empirical Debate

Here, attention is paid to empirical issues as they relate to postulations in Neo-liberal Institutionalism regarding relations among nations, economic and political. This is with a view to establishing its practical application in the current global environment.

Of importance here is the postulation regarding cooperation among nations which Neo-liberal Institutionalism states informs the formation of supranational institutions that serve to seek the collective goods and thereby prevent anarchy on the global stage. How far is this the case in the post-cold war global arrangment? What form does such cooperation take, especially in economic or trade terms? Cooperation can take different forms (as seen especially in the explanation profered by Integration, Regional Integration and Economic Integration theorists), but the ones this study pays attention are those that address the salient issues in it. Worthy of note is that in the post-cold war period there has been an intensity to the dimension of cooperation among nations which results in the formation of a powerful supranational institution such as the WTO. This was an impossible feat to pull off during the cold war era when nations had alternatives to the western liberal economic and politicial philosophy. In fact, western nations - especially the US and the UK - tried to have such a trade arrangement since the end of the 1940s but it did not work out. But since in the end of the cold war there has equally been more intensity in inter-regional cooperation in the North-North, North-South trade arrangement such as the one between ACP states and Europe. There is as well the South-South cooperation, especially the intra-region type as the ECOWAS region has demonstrated.

In specific contexts, the last of these is seen as integration or more specifically regional

integration. The relevance of this is the increased areas of such cooperation intra-regionally compared to the cold war period when members of one region could turn to alternatives locations in the North either in the East or in the West, thereby jeopardizing cooperation on common issues, and which led to anarchy occassionally with nations attacking one another. It is equally noteworthy that Integration is often used interchangeably with Cooperation and the former is sometimes considered an instrument of the latter. This is of interest to this study in which emphasis placed on Cooperation by Neo-liberal Institutionalism is of importance, and here, where an assessment is being made of the various forms of cooperation there may be on the global stage as envisioned by Neo-liberal Institutionalism.

Policy makers also interchangeably use the words Cooperation and Integration to describe a range of activities they engage in with other nations. But cooperation does not necessarily lead to integration because cooperation is a collaborative venture between two or more partners with common interest in a given issue, field or activity, or a particular sector and the contractual nature of cooperative arrangements means that they are time bound and reversible (Haas, 1982). Equally, Integration has been conceptualized and explained along with the tags, economic, political and social. So there is economic integration, political integration, or social integration. For the purpose of clarification integration is more related to community and community-building. It takes into consideration the collective nature of the process of building a collective space in a conscious, negotiated, and irreversible manner by partners who have been chosen to share a common destiny in a socio-politico-institutional framework pre-established through negotiation, based on a strategic vision of their common future (Haas, 1982).

Integration implies the bringing together of parts into a whole, and according to Haas (1982), it is both an idea and a method. As an idea in Political Science or International Relations

integration relates to the consciousness of belonging to a geopolitical area; meanwhile, as a method it focuses upon techniques of achieving international cooperation through the process of decentralized international decision making and decision execution. Furthermore, integration has socio-political meaning which means a process of community formation. It is this quality which produces the spillover effect that are integrative to people and countries. Seen in this way, integration is a natural outgrowth of international cooperation and an essential first step to global association (Haas, 1982). Integration can be limited or unlimited. When it is limited it means members have adopted a functional approach that enables them to organize at the regional level using this to carry out some specific functions on their behalf. When integration is unlimited it means members operate at a higher level than functional cooperation, but move towards political unification. This means members gradually progress or induce a new and all-embracing regional sovereignty (Deustch, 1985).

Scholars such as (Ezenwa, 1983) discuss integration from the view of how and how long it takes to achieve it. As such views are expressed from static and dynamic prisms. From the static position, integration is seen as a state of affair that will come to be at the end of a fairly long process leading to the complete merger of national entities. The dynamic view however is that integration is a process whereby discriminations that exist along national borders are progressively removed between two or more countries (Ezenwa, 1983). Also, integration as a concept involves the voluntary pooling of resources for a common purpose by two or more sets partners belonging to different states. The process aims to reinforce structure inter-dependencies of a technical and economic sort, with determined positive economic benefits. With this, it has been argued that the unions of the post-colonial period in the West African region, for instance, are imposed by the colonial powers rather than the outcome of an integration process. It is

further pointed out that because such unions come about with imposition from outside rather than formed from adoption of uniform policies by partners they are not integrated in the real sense.

Deutsch (1985) states that there are nine conditions that must be fulfilled in order to have a successful integration. These are: 1. Mutual compatibility of the main values, that is the norms which influence the motivation for political behaviour in member states. 2. The belief within the community that participation does possess a distinctive way of life with a set of socially accepted values and institutional means of attainment. 3. The existence of widespread explanation of mutual economic gains resulting from the union. 4. The presence of superior growth in some of the principal units before and during unification. 5. Increase in political administrative capacity of some or one of the leading participants. 6. The presence of unbroken links of social communication between political units. 7. The continuous broadening of the political and socio economic elites. 8. A high inter-territorial mobility of persons, particularly those who belong to the political class. 9. The possession by the units concerned of a wide range of means of communication and exchange.

Scholars such as Schmitter (1970) state variables that are crucial if there must be a move from economic to political unification. Such variables include: a. The relative size of the units b. The extent of pluralism among the units c. The rate of transaction d. Elite complimentarily.

Schmitter (1970) goes on to distinguish between scope and level of integration, referring to scope as the number of issues that member states decide to "resolve jointly" and level as the authority of regional integration. Schmitter (1970) equally compares the Central American Common Market arrangement with the East African experiment which is considered less successful, and arrives at the conclusion that economic integration stands a better chance of being successful when the union has countries that are of equal economic importance. Lack of

this in West Africa, it needs to be pointed out, may explain the challenge to its integration, as the giant among them, Nigeria, has been worried that its economy will bear the load of some of the negative effects of the Partnership Agreements, especially the EPA. But it has also been argued that the existence of industrialized members may lead to a concern about domination by the smaller participants. In that case, the workability of such a union requires assurances from the stronger members to the weak one as to the equitable distribution of accruable benefits. This too is demonstrated in the case of West Africa where there are concerns about the dominance of Nigeria. Of course there is no doubt that the possibility of any single country joining an economic union is the consideration of the gains which will accompany it, and there are gains for the smaller West African nations in an integrated region, a fact that has been shown in their enthusiasm for the ratification of the EPA, whereas Nigeria has been wary. For Moravcsik (1993) the assessment and expectation of the gains involved are the reasons integration generally starts with nation-states as the main actors that introduce the common objectives to be achieved.

The concept of Regional Integration, another level of cooperation among nations, is often used interchangeably with 'economic integration' (Jongur, 2014). However, the former is more often used in Political Science while the latter is more pervasive in Economic-inclined studies. Here, both shall be discussed with a view to bringing out their correlation as this study has elements of both International Relations and International Political Economy. Broadly, the concept of regional integration has its root in the field of International Relations which looks at integration as a process (Deutsch, 1957: p.5-6, cited in Laursen, 2008, p.4), and integration in Europe as the original field of discourse. Although 'Regional Integration' has different theories that explain it, the concept generally describes the process of states entering into a regional agreement in order to achieve specific agreement-dependent goals through enhancing regional

cooperation. This explains the reason West African states come together under ECOWAS in the first place. However, there has not been another equally strong case of regional integration as that of the EU (Council on Foreign Relations, 2010, cited in Kleinschmidt, 2013). As a result of EUs historical predominance in regional integration, most theories of regional integration are specific to European integration (Kleinschmidt, 2013).

In his general discussion of the concept of regional integration, Schmitter (2007) states that the purpose is to explain why certain arrangements mostly remain confined to the 'cooperative' cells, while a few (a very few) manage to break through ("spill-over") into one or another of the 'integrative' ones at the regional level. For this purpose, Schmitter (2007) offers explanation that he calls preliminary "laws" of regionalism between consenting SNSs. These are: (1.) All trans-national regional organizations (TROs) regardless of initial position will tend towards entropy, i.e. they will attempt to encapsulate themselves in order to protect whatever capacities they are given at their foundation. Only exceptional "external" events or "internal" conditions will provide the momentum for them to escape from this status. This is a position that has played itself out in West Africa where challenges posed by the threat to peace had made member states, who ordinarily cooperate on essentially economic issues, have had to contribute forces and intervene in places such as Liberia, Sierra Leone and Mali. (2.) Member states, under normal conditions, will prefer regional arrangements from which it will be easier to withdraw and in which decisions will be made by unanimity. Only exceptional circumstances will move them from such original positions and, then, it will be the weakest member-states that will favour increasing the scope and authority of TROs. Once more, this has played out in the enthusiasm that economically weaker members of ECOWAS have exhibited with regard to some bolder integration measures being introduced. (3.) Much of the movement towards more binding and

consequential TROs will be the product of unintended or partially intended outcomes of the cooperative/integrative process itself. Member states will discover that "cheap talk" can become expensive, and that increases in mutual exchanges will produce outcomes whose benefits are not distributed as expected. Examples abound to show that this has increasingly been the case in the West African region as member states have had to step out of their cocoons to deal with new and emerging issues that sometime have nothing to do with economic or trade issues. (4.) Although the concept of regionalism will tend to stress the 'peculiar' cultural and historical conditions shared by members, these will be largely irrelevant for predicting further progress in either cooperation or integration. In other words, regionalism – wherever it occurs – engages similar processes and is affected by similar conditions. (5.) "Regions" are artefactual constructs produced by negotiation among SNSs and their outcome will depend more on emergent properties and exogenous shocks than upon initial shared conditions (Schmitter, 2007).

Yamamo (1996) provides clarifications that facilitate better understanding of some of the key issues in this study by focusing on the link between the concept of regionalism and international relations, differences between regional integration, regional economic integration and regional economic cooperation, noting that regional integration is one of the conspicuous developments in the contemporary international economic/political scene. He defines regionalism as preferential cooperation among nations that are located in a geographical area with certain characteristics and heritage: historical, cultural, political and so forth. The basis of cooperation may be economic, political or cultural in nature, stating further that regional economic integration in the narrow sense means that nations within a region agree to reduce and eventually eliminate tariff and non-tariff barriers among themselves while they preserve higher barriers against nations outside the region. No doubt, this has been clearly demonstrated in how

West African states do under the ECOWAS umbrella. If they set up common barriers in relation to nations outside the region, it is means they are a Customs Union (CU). If each member state keeps its own respective tariff and non-tariff barriers against outside nations, it is called free trade agreement. Thus, even though internal policies are the same in CUs and FTA, the external policies are different. In a CU, the individual member state loses policy independence both internally and externally while each member state keeps extra-regional policy autonomy in a free trade agreement (Yamamo, 1996).

He goes further to define economic regionalism as preferential economic cooperation among nations in a certain geographical area, and this can take many forms. If nations within a region develop economic cooperation without having a free trade agreement or a customs union, this may be called a regional economic cooperative body. Relevant to this study also is the clarification Yamamo (1996) makes on Free and Protective Trade regarding the level of external barriers. The relevance is the centrality of external tariff issues to ECOWAS member nations. In order for them to move the integration process forward, a common external tariff is a must; it was one that they had struggled with for years and eventually executed in January, 2015. This, itself, is one requirement for the implementation of the EPA 2014 text, a reason CET has had to precede the execution of the provisions in the text. Free trade and protective trade, Yamamo (1996) explains, refer to the levels at which countries set their external barriers. The lower these barriers are the more open the nation is to other countries' trade. As national barriers fall worldwide, it can then be said that global trading system becomes freer. However, freer trade does not necessarily mean high economic interdependence, since actual economic interdependence is influenced by various factors. Yamamo (1996) also calls attention to external political factors that can promote regional economic integration. He states that national political

and economic autonomy is important not only with regard to international politics, but also as it relates to intra-regional politics. While political and economic autonomy usually work against economic integration within a region, he observes that they work for regional economic integration where external forces are at issue. For instance, much of the regional economic integration taking place among the developing countries aims at enhancing their political and economic autonomy in relation to developed countries.

On their part, Freund and Ornelas (2010) state that regionalism has become, by far, the most popular form of reciprocal trade liberalization. But this trend has been met with skepticism by trade economists, many of whom are concerned with the distortions from the discriminatory policies inherent in the arrangement (Freund and Ornelas, 2010). Regional integration in general describes the process of states entering into a regional agreement in order to achieve specific agreement-dependent goals through enhancement of regional cooperation (Kleinschmidt, 2013).

Moravcisk (1998) argues that integration goes as far as member states want it to go and European institutions exist due to the deliberate will of member states to satisfy their interests and are instruments for achieving member states' objectives. The European level is the location where member states strategically bargain their interests, defined within domestic level negotiations.

Although Integration gained its popularity as a result of its practice in Europe in the 1950s, its adoption has made scholars to look at the phenomenon from an African perspective. Some of them have argued in favour of integration on the African continent in general and the West African sub-region in particular. The position of Ezenwa (1983) is that integration is necessary because it more or less makes right the wrong of balkanizing West Africa with the advent of the colonial rulers – the French, the British and the Portuguese. It is also stated that

some of the states are small, too politically and economically weak to survive and compete in the new global environment, thus integration becomes useful. This position is obviously the view of the EU which has an integrated West African market as an objective it wants to achieve for entering into partnership agreements with West African States since 1975.

Scholars have noted that how European Union arrived where it is cannot entirely explain the path taken so far by ECOWAS member states. In this light, some have attributed integration on the continent of Africa to the desire of former colonies to be united once they became independent (Jongur, 2014). The position of this study is that many paths have led to the drive for integration, and continues to. In West Africa especially, the influence of the EU (former colonial masters) through the various partnership agreements with West African members of ECOWAS has encouraged it. But there is also a keen desire by members themselves to initially integrate on some issues, especially economic.

Of writers who have written about the reasons, and how West African nations integrate, much of the references to the role external factors play have been about the historical link between colonial powers (Europeans) and the former colonies. This may be partly explained for because EU has been the prime example for nations coming together to integrate. This study therefore argues that external factors in how nations in developing parts of the world integrate are not only limited to that, but continue to be remain a major 'push' for the effort to achieve the objective of integrating. The history of how West African nations form ECOWAS, for instance, as noted in reviewed literature proves the aforementioned position. As a matter of fact, each of the Partnership Agreements entered into by West Africa and EU was mostly pushed by the latter, and new issues introduced into them have tended to be at the instance of the EU (ecdpm.org, 2004).

Although, it has been noted that integration is first and foremost spurred by factors domestic to the concerned nations as it was the case with Europe, this was not exactly the case on the African continent where colonial French territories, yet to have sovereignty to decide their own fate, were some of the earliest to be brought under any bloc arrangement as instigated by France. This study posits that it has become obvious over the years that the objectives and activities for integration of West African nations have been shaped not only by domestic reasons, but more largely by issues that are determined from outside the region, as the reasons for the negotiation of CPA and EPA have shown in Chapter 5 of this study. Therefore, the following is noted about the formation of ECOWAS as an economic bloc:

1. The first is the ever-looming presence and activities of foreign powers in the region, such as the French which continue to be a factor especially among the French-speaking ECOWAS countries, just as it had been the case in the colonial period. In fact, the eight West African French-speaking nations shave their own regional bloc, aside from ECOWAS.
2. Trends on the global stage, such as the effort towards integration in Europe that began in 1945, had continued to influence and sometimes stampede nations in other regions across the world to integrate.
3. Patterns in trade or economic agreements that have been informed by the economic interests of developed countries as institutionalized in GATT or WTO impact the trade/economic relationship between developed and developing nations.
4. Also, new economic blocs from which most developing nations are excluded spring up from time to time such as G-8, G-16 and G-20, BRICS etc. These are the exclusive clubs of the industrialised nations and they take decisions that invariably affect trade and economic

relationships between and among them on one hand, and between them and unions in developing regions such as West Africa.

Ogbonna (1985) emphasises the centrality of foreign influence on integration efforts in West Africa. He states that meaningful integration for West Africa will require an explicit consideration of the technological and general dependency problem, adding that that the influence of foreign interests on West Africa's integration cannot be waved aside. He asks the question as to whether or not external factors can be effectively contained at the member state level, or at the level of the cooperative union so that it does not affect the objectives of ECOWAS. He further observed that one of the major challenges faced by the earliest unions formed by West African French-speaking countries from the 1950s onward was that, both in function and operation, their initiatives did not emanate from within, rather they were largely spurred by the guidance of France. These unions were essentially custom and monetary union that focused on common currency that tied member states to France's economy. He also argued that had these unions been established for the purpose of fulfilling the mutual interests of members, they would not have floundered as they did one after the other. He also observed that while the focus of such unions was supposedly to spur development, the French-speaking West African states harboured a higher dose of pride in having the political identity of belonging to France, rather than make the integration work effectively and thereby reap from the inherent benefits.

Even after the establishment of ECOWAS that include all West African French and English-speaking nations in 1975, backdoor interventions of external forces in the activities of members has also been documented. That of France is pointed out by Zaya (1991), and his classic example is the case of an OAU debate on Angola before its political independence. According to Zaya

(1991), during the debate in which Nigeria had supported MPLA and was ready to sanction any other ECOWAS member state that worked for other freedom fighters in Angola, France that was suspicious of Nigeria's influence in the region, pressured Cote D'ivoire to support the UNITA. Moreover, and as it has been noted already, trade among members is one of the vehicles for integration yet influence from outside the region has affected trade practices among them. This is because there is a high dependence on industrialized countries and former colonial rulers in import and export trade. As a result of low level of industrial goods produced by union members, not much formal trade takes place among them. Instead, much of the trade by members is directed at the market of their former colonial masters. Added to this is the fact that members depend on revenue from import duties, so they pay more attention to capturing markets external to the region. These facts have slowed down the pace of integration in the West African region.

Other writers have justified the phenomenon of regional integration with both domestic and external reasons. Kritzinger-van Niekerk (2000), for instance, states that achieving regional integration remains an important economic and political goal in Africa because of domestic reasons. He adds that one most compelling argument for regional integration in Sub-Saharan Africa (SSA) is usually made on the basis of the fragmentation of SSA which has 47 small economies, with an average Gross Domestic Product (GDP) of US$4 billion, and a combined GDP equal to that of Belgium or 50% of the GDP of Spain. According to Kritzinger-van Niekerk (2000), these small domestic markets, combined with generally high production costs and deficient investment climates result in limited investment (Africa attracts less than 2% of global foreign direct investment). As earlier pointed out, integration as a concept has been used in conjunction with different tags such as regional, economic, political etc. Policy makers have also used integration in the sense of economic integration, political union, monetary union, and

cooperation. Some see regional integration as part of a process that precedes unification which is often pre-conditioned by the presence of some homogenous factors. It has however been shown that this tags or what they are understood to mean do not necessarily connote, or lead to a union because many regional bodies do not constitute themselves into a political union. On the other hand, a union can be in existence without integrating, as many pre-colonial arrangements in French-speaking West Africa have demonstrated.

In her study which provides an appropriate background to the concept of regional integration, Kritzinger-van Niekerk (2000) defines the process of regional integration in sub-Saharan Africa along three dimensions:

(A.) Geographic scope which notes the number of countries involved in an arrangement, whether based on political, social, geographic and/or economic considerations. Some countries are members of overlapping regional integration arrangements with different independent integration agendas e.g. SADC, COMESA, and the EAC (Kritzinger-van Niekerk, 2000).

(B.) The substantive coverage or width, that is the sector or activity coverage (trade, labour, mobility, macro-policies, sector policies, etc.). In explaining this, Kritzinger-van Niekerk (2000) distinguishes what (sub-) regional goods/activities are. (Sub-) regional activities (as opposed to national ones), he states, typically seek to enhance the supply of sub regional public goods (reducing that of common bad), or capture sub regional externalities; and, they require the commitment - and most often the involvement - of more than one country. The key characteristics of such goods are that: (i) benefits/costs "inescapably" spill over national borders; and thus (ii) effective supply requires shared commitment and collective actions.

Kritzinger-van Niekerk (2000) states what he calls key principles for successful pre-

condition for regional integration. Politically, these relate to the existence of: (a) domestic peace/security in countries; and (b) political and civic commitment and mutual trust among countries. On economic front, there is a need for (a) a minimum threshold of macro-economic stability and good financial management in countries (price stability, realistic exchange rates, etc.); and (b) sufficiently broad national reforms to open markets. Furthermore, whatever the scheme, successful integration has to be guided by principles, which would assure that the sub regional and the national programs are compatible and mutually reinforcing. Incidentally, these are issues that the Multilateral Surveillance Directorate of ECOWAS Commission (sees to the overall integration activity in all member states) is saddled with as explained in Chapter 5 of this study.

On his part, Wyatt-Walter (1995) defines regional integration as a process whereby a group of countries implement a set of preferential policies to stimulate the exchange of goods and factors of production among themselves. And Lee (2003) sees regional integration specifically on the African continent in three forms: Market integration, regional cooperation and development integration. Market integration, Lee (2003) states, involves the process of removing any trade discrimination or market barriers between countries. Market integration between countries varies according to the different stages of integration, which he says is an indicator of the depth of the integration process. The deeper the processes of the integration, the more beneficial are the gains for the member countries.

For the Least Developed Countries (LDCs) found in Africa, Lee (2003) states that market integration can take the form of a North-South or South-South. In the case of ECOWAS, there are both South-South trade agreement and trade agreements with North i.e. EU. For Lee (2003) regional cooperation is another form of integration among LDCs involving a group of countries

with similar economic, political and social interests collaborating in achieving these interests. Regional cooperation strategy is through project or sectoral coordination of economic and physical infrastructures. Development integration according to Lee (2003) involves the modalities that are put in place to address the problems created by market integration. For the purpose of taking care of the assertion that there are winners and losers from regional integration process Venables (2003) is in full support of development integration which in his view allows for equitable distribution of the costs and benefits of integration process.

Grimwade (2013) focuses on economic integration which he calls the branch of economics concerned with analysing the effects of different forms of integration on the economies of member states and the rest of the world. This is important to this study in the sense that West Africa through ECOWAS is essentially a regional economic bloc at this time, and as stated in Chapters 5 and 6, economic-related matters remain the major reason member states have raised contentious issues with regard to some of the provisions in the EPA text.

In the introductory comment to his study, Grimwade (2013) gives a summary of the journey of the concept of 'economic integration' so far. He points out that its relevance for Europe is the progress made since the foundation of the European Community and European Free Trade Area in 1958 and 1960 in dismantling trade barriers, adopting a common external tariff (in the case of the EC), establishing a single market and, more recently, creating a common currency. The basic theory of Customs Union, first expounded by Viner in 1950 and later extended by Meade and Lipsey, in fact provides the theoretical foundation on which the concept of integration rests (Grimwade, 2013). This needs to be examined in some detail because of its link to this study.

Scholars such as Bilal (2013), Ihonvbere (1996), Udogu (1999), Johnson (2002), Ikhegbe

(2002) and others had noted that while integration of Europe (EU) was not influenced by any external factor, integration on the African continent had been influenced in many ways by Europe or the European integration experience. In his explanation of how external bodies impact the process of regional integration in the ECOWAS region, Bilal (2013) points out that although economic integration should first and foremost be domestically driven, "nonetheless, regional integration does not happen in a vacuum. In the case of West Africa, former colonial powers, and more broadly the European Union (EU), have had a key impact on the contours, structure, content and dynamics of West African integration" (Bilal, 2013).

There have been criticisms of the pace of integration in West Africa, with some even predicting doom for the effort. It is noteworthy though that when the Europen integration suffered setbacks following the refusal of France to cooperate with the EEC on some issues in the 1960s, and subsequently left his chair empty at a meeting, scholars such as Haas announced that every explanation regarding the phenomenon of Integration had become obsolete (Ludlow, 2007). But has the move towards such cooperation efforts become obsolete? With hindsight, this question is like asking if EU had become obsolete with the latest exit made by the United Kingdom in July, 2016. Meanwhile, what had happened was that in August 2016 the leaders of Germany, France and Italy met and vowed to take even greater measures to make the European Commission carry on with the envisioned integration process with greater momentum. These leaders rejected the concern that EU would collapse with the exit of the UK. This was the same situation in the 1950s and 60s, a time when the UK and a few other European nations stayed out of the EU. Rather than disintegrate, EEC had marched on until 1973 when the UK chose to join the EEC. What this points to is the recognition that regional integration, a major form of cooperation among nations, is the way to go, it is inevitable and, although it may suffer setbacks,

it cannot be jettisoned for the same reasons the process was set in motion in the first place. Nations will always cooperate, what forms this takes is the issue, a pointer to the continued relevance of the cooperation proposition of Neo-liberal Institutionalsim.

In fact, taking cooperation among nations forward was in view when WTO was established in 1995, for the purpose of integrating world trade; and WTO itself has placed emphasis on the use of regional integration as a tool to integrating nations for the purpose of promoting free trade, as well as integrate trade practice. In fact, nations are becoming increasingly reluctant to enter into trade agreements with with small entities. They prefer bigger entities that regional supranational institutions facilitate. For instance, weeks before the referendum that saw UK exiting from EU, the president of the United States of America, Barack Obama, had warned that his country would be less willing to enter into trade agreements (encouraged by WTO) with one nation than it would with a big body such as the EU. It was a warning that he preferred that UK stayed within the EU.

Moreover, what has been seen happening in Europe is equally the case in West Africa. Increasingly, nations in the region extend the areas of their coooperation as they discover that this helps them better in dealing with their mutual challenges. They began with economic issues in 1975 when ECOWAS was established, but they had gone into the area of peace and security as they jointly confront issues of military coups that spiral into unceasing violence, armed rebel groups that threw their nations into chaos, as well as terrorism and insurgency that currently ravaged the region, and for which a regional collective approach had become imperative. The atmosphere of the post cold war period has significantly encouraged this trend.

In the cold war period, there were significant challenges to regional integration and mutual cooperation among nations that were ideologically divided and had different foreign

backers in the form of capitalist and communist countries. This is no longer the case as almost every nation in the world practices a form of capitalism. At the moment, nations have less reasons to not want to integrate at the regional level on the basis of ideology or pressure from foreign backers. In fact, the former foreign backers realise that they also benefit more when they relate with nations under bigger umbrellas such as the ECOWAS or African Union. For instance, the US, Russia and China prefer to get West Africa or Africa to sign one economic agreement with them than they siging different agreeements with 54 African nations. They have even extended from purely economic to other issues.

In areas in which regional bodies in Africa have yet to be active, these foreign nations encourage them to adopt a common platform. In fact, since the end of the cold war, these nations have been inviting African leaders as one body to summits in Washington DC, Moscow and Beijing, all for the purpose of getting them to be on the same page. This was not the case in the cold war period, when some African nations regarded themselves as socialists, communisit or non-alligned stated and would not have attended summist organised by opposing ideologies.

Nations in the ECOWAS region have shown clearly that they cooperate to integrate more because it is in their interest to so do, a major proposition by Neo-liberal Institutionalsm. Common Eaxternal Tariff (CET) is an example of one area of mutual interest. From comments of leaders of ECOWAS member states, it is clear they have realised that through such common outlook they achieve better economic governance that indirectly leads to peace, security and stability across the region.

According to Ricardo (2000), economic integration, in its various forms, has been a major topic for contemporary economists, especially since Viner's 1950 work on Customs Unions. With the advance of economic liberalization worldwide and the trend towards the

formation of economic blocs, economists have devoted considerable effort to the study of the formation and effects of the most commonly used forms of economic integration such as Preferential Trade arrangement and Customs Union. From the viewpoint of economic theory, most literature on economic integration has been developed through the analysis of Customs Unions (CUs) while other forms of integration tend to be considered as variations of this basic case (Ricardo, 2000). The increased acceptance of the importance of non-economic motivations as the basis for forming CUs as well as the diversity of results obtained when terms of trade effects are taken into account, has also led to the recognition of partner-choosing as a relevant topic in CU theory (Ricardo, 2000).

Krauss (1972) states that the most significant development in the field of economic integration is the study of the motivation for forming CUs. He is concerned with the issue of whether or not a CU represents a movement towards freer trade or greater protection. To him, there are two approaches to CUs depending on one's assumption as to the nature of the political process. The first assumes government to be "irrational" or "noneconomic", and focuses on the economic costs of such irrationality. The second approach assumes that government desires to maximize the economic welfare of the community but is ill-informed as to how to do it. In Krauss's perception, the first approach is the correct point of departure in analyzing CUs because of two reasons: First, governments are not neutral in pursuing economic welfare; they also serve their own interest. Second, economists have failed to develop a general argument to explain the convenience of CUs on economic grounds, because CU theory has not explored the possibility of assuming factor mobility and non-fixed supply of factors of production to the economy.

Johnson (1965) and Cooper and Massell (1965) are convinced that countries participate in trade creating CUs with the aim of reducing the distorting effects of their own tariffs,

concluding that participation in a CU is inferior to unilateral elimination of tariffs given that the latter leads to a greater degree of trade creation while avoiding any trade diversion effect (cited in Balassa, 1987). As a consequence, explaining the motivation that countries have for forming CUs is traced back to non-economic, political, or strategic reasons. National preference for industry (either as a public good or as a long-term objective) is one of the more common examples of this explanation. The position of this study however is that in addition to Cooper and Massell's (1965) position, non-economic political considerations have greatly impacted the achievement of economic integration objective by regional bodies as has been demonstrated in the West African region.

In spite of this, it has been argued that even with the different dimensions of economic integration, between 1990 and 1994 alone, some 39 reciprocal regional trading arrangements were subscribed worldwide (Harmsen and Leidy, 1994); and that this situation had considerably strengthened economic research on the interaction between multilateral and regional (or bilateral) trade liberalization. As he further points out, even though dominated by empirical research, there are also theoretical developments in the field of CU theory. For instance, Harrison et al. (1993), developed an alternative welfare decomposition to the use of the concepts of trade creation and trade diversion for analyzing the effects of CUs; Yeh (1992), draws on the differences between tariffs and import quotas when issuing countries enter into CUs; Staiger (1994), discusses the issue of gradual trade liberalization; and Michael and Hatzipanayotou (1992) consider the effect of variable labour supply and taxes on wages on trade creation and trade diversion under CUs.

Balassa (1967) also makes his contribution to the debate regarding the form of economic

cooperation known as CU. He especially pays specific attention to the concept and forms of this kind of integration from the economic standpoint. While some scholars have pointed out that regional economic integration actually has its root in Customs Union, in his contribution to how economic integration originated, Balassa noted that no significant Customs Unions were formed in the 20th century until the end of the Second World War. Although several attempts had been made to integrate the economies of various European countries, efforts before this period, he pointed out, failed mainly due to political obstacles. But during the WW2 some degree of integration was achieved via different routes, when-as part of the German *Grossraum* policy Hitler endeavoured to integrate economically the satellite countries and the occupied territories with Germany, although in this case, economic integration appeared as a form of imperialist expansion (Balassa, 1967). The post-Second World War period witnessed greater effort at economic integration. Europe began with the customs union, moving on to become an economic union through the European Coal and Steel Community, the European Economic Community (Common Market), and later on to become the European Union in 1992. Core to these have been the expectations that integration would encourage the growth of the European economies and this would result in large-scale economies on a wider market, lessening of uncertainty in intra-area trade, and a faster rate of technological change.

Balassa goes on to justify the earliest interest in economic integration, examines integration and politics, places side by side what he calls the Liberalist and the Dirigist position on economic integration, considers economic integration and the welfare proposition, as well as addresses what he calls sectoral approach to integration. He also calls attention to the means and objectives of integration, noting that the champions of economic liberalism regard regional integration as a return to the free-trade ideals of the pre- World War 1 period within Europe and

anticipate the relegation of national economic policy to its pre-1914 dimensions. In terms of benefits of economic integration, Balassa (1967) states that the ultimate objective of economic activity is an increase in welfare; thus, in order to assess the desirability of integration its contribution to welfare needs to be considered. Yet he points out that the concept of welfare is fraught with much obscurity.

Another approach to economic integration that Balassa (1967) considers is integrating various industries successively. He states that whereas simultaneous integration of all sectors allows for compensating changes, integration in one sector will lead to readjustment in this sector alone, and reallocation of resources in other sectors will be impeded by the continued existence of tariffs and other trade barriers. For this reason, the losses suffered by countries whose productive activity in the newly integrated sector contracts will not be compensated for. While interest in economic growth encourages economic integration, yet, in Europe, economic integration has served to avoid discrimination caused by trade-and-payments restrictions and increased state intervention; it has also been used as a design to mitigate cyclical fluctuations and to increase the growth of national income (Balassa, 1967). In addition to the group of trade arrangements such as Free-trade area, customs union, common market, economic union – other scholars have added the set of combinations that result from the interaction among countries participating in different arrangements. Lipsey (1991) notes three models to show this. Number one is what he calls the "hub-and-spoke" model. This is a situation in which a country has separate bilateral trade agreements with a set of nations which do not have trade agreements among themselves. Lipsey (1991) says in this scenario that the "hub" enjoys free (or preferential) access to the market of the "spokes" while each of them can have free access only to the market of the "hub" and is prevented from realizing gains vis-a-vis other "spokes". Number

two is the overlapping regional free trade model. This describes what derives from an "original" bilateral free trade agreement to which subsequent trade agreements are added by means of negotiations comprising only one of the "original" partners and different third countries, provided, as a result, that each of the former are included in some agreements while they are excluded from others. Number three is the plurilateral regional model. Here, several countries establish a free trade area in which all member countries have access to all markets (Lipsey, 1991).

Nevertheless, as already noted, clear-cut definition of economic integration in the international trade literature is non-existent. Instead, scholars have mostly approached it from the objective that it is a means to increase welfare. While Balassa (1962) defines economic integration as both a process and a state of affairs, Robson (1987) refers to economic integration as being about the efficient use of resources and with emphasis on spatial aspects. Part of the conditions for its achievement is the freedom of movement of goods and factors of production and an absence of discrimination amongst members. In addition, where resources are allocated by the price mechanism, measures are required to ensure that the market provides the right signals and institutions are required to give effect to the integrating force of the market Robson (1987). Molle (1990) states that economic integration is the gradual elimination of economic frontiers between countries. He presents this in stages and the first stage is that trade among partners is liberalised. The second stage according to him is to liberalise movement of production factors, while the third is to co-ordinate national policies that have to do with the economy, and which may involve exchange rates. El-Agraa (1994) posits that economic integration is the discriminatory removal of trade barriers and putting in place factors that facilitate co-operation and co-ordination. Pelkmans (2006) is of the view that economic integration is the removal of

economic frontiers between two or more economies; this he describes as any demarcation over which actual and potential mobility of goods, services and production factors, as well as communication flows, are relatively low.

One of the advocates of all times in favour of free trade, Adam Smith (1776) offers a defense for free-market capitalism that regional economic integration seeks to enhance. Smith's relevance here is the fact that most of the concepts and laws, as well as much of the economic theories still in use in modern times have their foundation in his work. Smith is categorical in stating that free trade and unhindered flow of factors are fundamental to ensuring that there are no distortions in trade. Such distortions include monopolies, subsidies, tariffs, and taxes all of which by the standard of Pareto's Optimum are sub-optimal. For Pareto, in a free trade environment, allocation of resources is at optimal in a situation in which there is no other opportunity for some agents to be better off in terms of welfare and, no agent is worse off. While regional integration has for long been seen as a move closer to free trade and thereby increasing welfare, the theory of second best posits that in a situation where there are distortions, when the stipulations in Pareto optimality are not fulfilled, it follows that the withdrawal of some of the distortions will not increase welfare; moreover neither will the infusion of some other distortions automatically decrease it. It is thus argued that what happens is that one sub-optimal circumstance is simply replaced by another.

The foregoing forms part of the argument for and against free trade that is a main drive for regional economic integration arrangement, and which the economic agreements that West Africa enters into entails. Nevertheless, the setting up trade blocs such as ECOWAS alone is not considered a sufficient explanation for economic integration. Specific attention has equally been given to why developing countries such as those in West Africa sign up for regional trade

agreements (RTAs), which of course facilitate economic integration. Trade policies of most nations here have been strongly protectionist and characterized by more or less pronounced import substitution strategies in the 1980s. Then debt crisis and structural adjustment programmes as well as widespread disaffection with the results of past policies led to a period characterized by liberalization and deregulation, including more liberal trade policies. While it is difficult to measure the level of protectionism in the developing countries, the most commonly used gauge however is a country's tariff, or exchange rate policies (SADA, 2002).

There are indications that trade policies have been gradually liberalized in most developing countries, especially since the formation of the WTO. In sub-Saharan Africa, for instance, the average tariff is estimated to have fallen by between 30 to 50 percent in the mid 1980s and the beginning of the 1990s (Oyejide, 2000). Development in the latter half of the 1990s had hastened trade liberalization. According to the World Bank (cited in SADA, 2002), "…the greatest progress has been achieved in replacing quantitative restrictions with lower and less dispersed tariff levels; more than half of the countries now have average tariff rates of 15-20 percent…and the number of tariff categories reduced…" (SADA, 2002). As SADA (2002) further points out, the more vital driving force behind liberalization is the structural adjustment programs that majority of developing countries embark upon. Between 39 and 49 of all African states implement the IMF and World Bank-imposed compulsory conditionality included in the agreements signed with these financial institutions. For nations already involved, this situation is one step away from seeing reasons to be a part of RTAs with its promises of great positive returns in trade.

As already noted, attention has been devoted to the issue of regional integration with its consequent trade liberalization, questions being raised in the process as to whether or not it

encourages trade creation or trade diversion. But in spite of the controversies, SADA (2002) points out that regionalism has become a dominant trend in trade policy, and in the light of no immediate total end to tariffs worldwide, forming customs unions or free trade zones can be an important intermediate stage. Moreover, it can also be viewed as a method for preparing for more far-reaching liberalization. As for the advantage in it, prevailing trade theories state that abolishing tariffs generate more trade because production will migrate to whichever countries are the most competitive, and offers concerned countries, as WTO posits, the opportunity of becoming more competitive (SADA, 2002).

Just as attention has been given to the establishment of customs unions and free trade zones that include both industrialized and developing countries, so also there has been much mention in literature of trade agreements among ACP countries that includes Africa. Ever since their independence, African countries have made attempts to create various cooperative organizations in order to increase trade and promote industrialization through integration. The EU has also made it clear its wish that ACP countries with which it has signed the Cotonou Agreement be part of free trade blocs. The Cotonou Agreement actually requires that by 2004, all members of ACP that do not belong to the Least Developed Countries (LDC) must enter into negotiations on permanent future free trade arrangements with the EU.

More argument in favour is that RTAs resulting from Regional Economic Integration (REI) have been recognised as second best to the Pareto optimal free trade for the fact that its ultimate objective of increasing welfare of the citizens of the member states can be achieved with a non-discriminating free trade or multilateralism (Swanson, 1996). According to WTO (2008), multilateralism improves global welfare, however the gains derived are not evenly distributed. Particularly for developing countries, these gains could be achieved at the expense of their local

industrialization process if there is an influx of simple manufactured goods from developed countries (DCs). Thus, countries that are keen on promoting local industrialization and enhancing the competitiveness of their local firms may rather opt for REI as an alternative to unilateral reduction in tariffs. Also, it has been generally noted that one of the main objectives of RTA is to remove trade impediments among the member states in order to induce bilateral trade. The basis for this assertion lies in the simple explanation that, RTA may help reduce the technical and bureaucratic bottlenecks to trade by means of co-ordinated administrative reforms and also through the dissemination of critical information on trading possibilities (UNCTAD, 2007). Through this, it is pointed out, member states become more competitive in terms of prices of their products compared to non-members who do not benefit from the REI. Meanwhile, it is recognized that RTAs do not guarantee an equal gain for all member states as there is the tendency of the more efficient ones dominating, sometimes even displacing local productions of less efficient member states. However, to Afesorgbor (2010), this may not be enough reason to discourage the trend because signatories to the RTA ensure that modalities are devised for adequate compensation for the smaller and less efficient member states. This compensation may not come with non-preferential free trade, making it less attractive although it is argued that it is more economically desirable.

There has been fewer opposition to trade protection, and many of the West African states have voluntarily embraced trade openness, persuaded by the neoclassical economic argument that attribute rapid economic growth to trade openness (Collier and Gunning, 1994). Additionally, increases in the formation of RTAs is being viewed as complementary to trade openness and seen as a step towards a freer global trade (Van Dijk, 1996). On the other hand, it is the belief of some trade economists such as Bhagwati and Panagariya (1999) and institutions

such as IMF (1993) that the increasing regionalism may be stifling global free trade. Thus they argue that rather than REI being a complement to global trade liberalization, it is now a substitute and impedes the growth of trade openness. Bhagwati and Panagariya (1999) posit that it is impossible to pursue multilateralism and regionalism simultaneously because the members of RTA have less incentive to liberalise tariffs reciprocally with the non-member world. IMF (1993) states its preference for full multilateralism over regionalism. By contrast, ECOWAS (2006) indicates that REI may rather be an avenue for a joint commitment and concerted strategy to fast-tracking the process of tariff elimination. ECOWAS (2006) cites West Africa Economic and Monetary Union (WAEMU) as an example in which the member countries have jointly reduced barriers to both intra and extra-community trade than individual countries could have achieved as a result of the Union providing regular framework for cooperation and compensation mechanisms. For instance, hitherto the formation of WAEMU, the average total entry taxes stood at 65.5% but it currently ranges between 0% and 22% for different categories of products. With regards to WTO, no one-sided conclusion is made about whether RTAs are building or stumbling blocks to multilateralism. However, it emphasizes that growing regionalism can pose a threat to multilateralism if higher tariffs are imposed on non-member countries (WTO, 2007).

It has however been pointed out that the push for a freer trade by WTO has not been so effective (Afesorgbor, 2010). Another person who is likewise persuaded, Murshed (1997), believes the conclusion from the Uruguay Round of WTO talks will not promote free trade effectively as WTO allows contingent protection for key industries which are of special relevance to countries. Thus, for LDCs, regionalism may be the channel to address some of the inadequacies in WTO agreements. Additionally, LDCs view regionalism as a channel to escape the negative impacts of the current world trading systems, which Chang (2002) and Stiglizt (2003) have criticized as

serving only the interest of developed countries. The current world trading system as espoused by neoclassical economics is based primarily on the concepts of unilateral trade liberalization and specialization according to the natural comparative advantage. Khor (2006) states that LDCs are stipulating for re-negotiation in most of the existing WTO agreements as they are biased against their interests, citing the TRIPs (Trade-Related Intellectual Property Rights) and the Agreement on Agriculture (AoA) as examples. With regards to TRIPs, Khor argues that this would put onerous burden on developing countries in terms of higher consumer prices and also impedes technology transfer from the North to the South. With agriculture serving as the backbone of most of the economies of the developing countries, the AoA is unfavourable as it proposes tariff cuts for developing countries to be deeper compared to those of developed countries. Also, WTO has failed to make the Developed Countries remove the high domestic subsidies for their farmers, resulting in farmers in developing countries becoming globally uncompetitive.

The position developing countries find themselves under WTO arrangement has increasingly become a source of concern. With tariff barriers, Cheng *et al* (2009) state that agricultural and textile products from developing countries to developed countries attract as much as 300% tariffs. Thus, developing countries that are members of the WTO, and knowing the implications of the economic and trade sanctions of flouting the WTO rules, have limited choices but to integrate into global markets. However, the suggested approach, as Amponsah (2002) notes, of integrating into the world trading system is to integrate regionally in order to access the greater flow of trade, finance and technology. Furthermore is the argument by Balassa and Stoutjesdijk (1975) that REI would offer substantial benefits to developing countries that are yet to compete favourably in the world market, such as assisting them in establishing an efficient

production structure.

Issues of conflicts in these arrangements have not been left out in the debate, and it is because they have economic and political consequences. Murshed and Mamoon (2010) indicate that increasing bilateral trade decreases the tendency of escalation of conflicts among states. REI contributes to conflict reduction and good governance both at intra and inter-state level, and it is one reason EU has been doing everything possible to encourage most African countries to intensify REI. For instance, one major achievement of ECOWAS has been it roles in establishing a mechanism for prevention, management and resolution of conflicts, peace building and security through its regional security monitoring group (ECOMOG). This institution played a pivotal role in peace and security in Liberia and Sierra Leone (ECOWAS, 2006; Udogu, 1999). For the fact that, trade and economic growth may be inhibited under an atmosphere of conflict and insecurity; the roles of RTAs are identified as important as they can be a channel for conflict resolution and also remove distortions and slacken the stranglehold of domestic institutions in directly unproductive profit seeking activities (Bhagwati, 1982).

Scholars have zeroed the debate in on rationale for integration in West Africa in particular. Udogu (1999) states that such rationale is generally based on possible ways in which economic integration affects the rate of growth of Gross National Product (GNP) of participating countries. Such economic integration, he notes, should therefore result in some of the following:

1. Enlargement of the size of the market for firms otherwise producing below optimum capacity. A large market catering for about 130-200 million consumers is also considered significant to sustain heavy industries such as engineering and chemical plants. These would be vehicles for modernization.

2. Economic integration will increase the level of economic activity through increased trade, and

at the same time allow the exploitation of external economies and inter-industry linkages and also lead to lowering of production cost.

3. The economic integration envisaged by ECOWAS would lead to economic cooperation, and promotion of economic efficiency through specialization. In short, economic integration would bring about more adequate use of resources and harmonization of economic and trade policies among member states (Udogu,1999).

As Udogu (1999) further posits, in addition to the aforementioned is the desire by West African states to develop the infrastructure of the region, which is an important objective of ECOWAS. In addition, is the major anticipated outcome of an eventual continental union which could emerge from integration at the regional level, as noted in Article 27 (1 and 2) of ECOWAS Treaty.

The basic aims of ECOWAS are stated in Article II of the Treaty of the Community. This is to promote cooperation and development in all fields of economic activity particularly in the fields of industry, transport, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent. The Community intended to achieve these in stages.

Despite its take off over four decades ago however, it has been pointed out that the achievement of the objectives of ECOWAS has been rather modest (Bappah, 2007). Taking a look at how this happens to be so, Udogu (1999) notes that there exist a number of factors that make it difficult and sometimes impossible for West African states to implement the aims contained in the treaty. Such include inadequate infrastructure; road, railway,

telecommunications, and other vital links for free movement of goods and persons. There have also been vested desires for the preservation of the existing state of affairs and the persistence of semi-colonial ties, sometimes referred to as neocolonialism, as well as lack of grassroots involvement. In another perspective, Bobboyi (2010) places emphasis on what he refers to as systemic challenges militating against the development of ECOWAS, and sometimes threaten to undermine the very basis of economic integration, while further noting that the first fundamental challenge relates to problems associated with the implementation of ECOWAS Trade Liberalization Scheme (ETLS). Other factors responsible have also been identified as problems inherent in the very nature of multinational economic cooperation, those internal to member states, as well as external to them.

Though writing on the possible economic integration of the African continent, Tswanya (2000) enumerates problems associated with tariffs and non-tariff barriers, custom duties and costs and benefits, pointing out that each member state, for instance, sees tariff harmonization as limiting its freedom of action in respect of protection of its national interests. As Udogu (1999) further argues, ECOWAS modest achievement is not based on its lack of efforts; it is based on both internal and external conditionalities. He states that internally, the sub-region has been faced with numerous civil wars, military coups, and counter coups. Externally, according to Johnson (2002), as ECOWAS members struggle to integrate their economies the dynamics of international capitalist system threatens to turn the table against regional blocs. Also, it is argued that the international lending organizations have made the region completely dependent on creditors, such that a majority of member states of the ECOWAS lack the major elements of sovereignty (Ihonvbere, 1996). This, as several studies have shown, is also linked to external factors. One of such is the colonial antecedent of the member state – former British, French and

Portuguese colonies), and especially the solidarity among the French West African States has helped to widen the barriers between French and English-speaking areas in the region (Onwuka 1982).

Moreover, the former colonial powers had positioned themselves such that the link with their colonies would not be severed. For instance, at the time the Treaty of Rome that had established EEC was signed in 1957, France had argued that within the Treaty a special relationship be institutionalized for its former colonies. Also, the entry of UK into the EEC in 1973 led to an increase in the number of countries from the commonwealth that had long enjoyed some tariff preference from Britain to come into a relationship with the EEC (Kabir, 1999). While noting that economies of member states of economic groupings are influenced by exogenous factors, Ikhegbe (2002), also identifies the adverse effects of globalization, dominance of multinational corporations in economic activities of Third World countries, those of world's financial institutions and trade organizations such as WTO, discriminatory tariffs on the exports of African countries, as well as external debts. That these factors and other relationships have effect on whatever sub-regional arrangement West African states have has been widely noted in different literatures on the integration process in the region.

Furthermore, in terms of how external bodies impact the process of regional integration, Bilal (2013) points out that although economic integration should first and foremost be domestically driven, "nonetheless, regional integration does not happen in a vacuum. In the case of West Africa, former colonial powers, and more broadly the European Union (EU), have had a key impact on the contours, structure, content and dynamics of West African integration" (Bilal, 2013). The EU stands out especially in this observation. For instance, the earliest European experiment of integration in its diverse aspects informs the interest shown in the phenomenon as

well as its practice in other regions of the world. EU has thus become the typical sample as well as the symbol of regional integration (Bilal, 2013). Noteworthy also is the fact that when EU started out, replication was never an objective, but EU had since become a reference for possible aspiration, especially in terms of its institutional setting and policy coverage. In this sense, the EU has strongly influenced recent integration process in West Africa.

Along this line, the earliest institutional arrangement in the region, the West African Economic and Monetary Union (UEMOA) and much later the Economic Community of West African States (ECOWAS) have adopted some of the norms, legal framework, institutions and policies similar to those of EU. Bilal traces the earliest formation of UEMOA back to the colonial past of this region and its cultural, political and economic close ties of the West African French-speaking countries with France. As in Europe, West African economic integration is perceived as a tool to pursue deeper forms of integration with broader objectives. Basically, UEMOA and ECOWAS have key characteristics similar to EU's: A regional Commission, Council (Heads of States and Ministers), regional Parliamentary Assembly, regional Court of Justice, complemented by a Court of Auditors in UEMOA, an Economic and Social Council/Committee, a regional central bank and development bank. UEMOA Treaty had been inspired by the EU's Maastricht Treaty, with some level of institutional set up, powers and functioning, as does their level of integration.

Others, ranging from historical and geopolitical to economic and ideological factors inform this process. Added to these are international organizations relevant to trade, economic and regional integration issues, and to which every trading nation must be linked. A point to make here is that many of such organizations, including bodies such as the WTO influence and encourage most regional integration efforts. As things stand, trade alone, which necessarily links

nations on the international stage has increasingly become a major source of external influence on actors involved in trade relationships and the formation of regional integrative bodies. In other words, region or the sovereignty of each member nation of a regional body notwithstanding, the international interrelationship that trade fosters is at the root of much of the network of influences that are exerted at one level or the other. In the West Africa-EU relationship, this is brought to the fore more than any. The structure of the trading pattern of West Africa member states with EU shows this. Exports from the West African region to EU are mainly primary commodities, the main exports being petroleum products and cocoa. Thus, Nigeria, Ghana and Cote d'ivoire are the major beneficiaries in ECOWAS (EC, 2005). The EU is also making in-roads in agricultural exports to the ECOWAS region. These thus make the trade activity the two sides to be interwoven and informed by trade agreements that both sides enter into. This is important as West African member states' extra-regional trade, especially with EU, far exceeds intra-regional trade in absolute terms (Afesorgbor, 2002). Incidentally, these nations that EU has had to sign trade partnership agreements with on a regional basis have certain things in common, much of which make them especially susceptible to the vagaries inherent in trade arrangement and regulations formulated from outside the West African region. Some of such countries, that SIDA (2002) refers to as Least Developed Countries (LDCs) - African, Caribbean and Pacific (ACP) nations, are among West African member states. Population-wise, most of these countries are tiny and their share of world's entire GDP amounts to less than one percent, and all social and economic indicators show widespread poverty (SIDA, 2002).

More specifically, the series of trade agreements, and lately the economic partnership agreement that ECOWAS has with other bodies have proved a major means by which its

partners, such as EU and other international bodies, exercise pressure on the region to further integrate. Trade, as well as the requirement of EU to deal with these nations mostly under their regional umbrellas has thus contributed to spurring greater efforts at integration in its diverse forms among the West African nations. As it shall be shown in the latter parts of this study, relations with external bodies stipulate integration-related requirements that should be met. The European Union strongly believes in the merits of regional integration as a tool for development.

According to the European Commission (EC), regional integration among developing countries, if carried out in a transparent and open manner (i.e. open regionalism), contributes to their integration in the world economy and plays a key role in conflict prevention and peace consolidation (EC, 2002). Therefore, the EU, "in light of its experience and of the instruments at its disposal", provides support to developing countries in their regional initiative (Council of the European Union and European Commission, 2000). The European Parliament also shares the view of the European Commission and Council on the important role that regional integration and free trade agreements can play "in the establishment of a more equitable world trade system" and therefore fully support and encourage regional integration among developing countries (European Parliament, 2002, p.14).

Other issues are the tariffs and the requirements that West Africa must comply with on the export of their products to developed countries. While there is a combination of low and non-existent tariffs on raw materials, higher tariffs for processed products have created a situation which inhibits processing and industrialization in the exporting countries. In spite of somewhat generous treatment by the rest of the world, developing countries are negatively affected by trade barriers in just the area where they increase export as tariffs structure trap these countries into continued raw material export (SIDA, 2002). There is also the global trade

regulatory framework that is monitored by the WTO. The body's regulations impact the actions of all countries, and West African nations are not left out. This means they have rules external to them to consider in the activities of the regional body. Significant too is the WTO's approach to LDCs. One of this is the dispute settlement mechanism. This is weak in the area of enforcement, and as SIDA (2002) has observed, the larger the economy of a country, especially the developed countries, the more difficult it is for WTO to impose sanctions that would cause the concerned country to comply.

As it is, EU has a complicated trade policy structure vis-à-vis both the developing countries and the LDCs, and its most important regional arrangement is with the ACP countries. From 1975 when ECOWAS was founded till 2000, for instance, trade preferences and economic cooperation between the EC/EU and the ACP countries were regulated by Lome Conventions (I-V), which had the rather ambitious objective of promoting an integrated approach to development (Bache, 2011). In June 2000, a new agreement was signed in Cotonou between the EU and the ACP countries (SIDA, 2002). From 2004, efforts to get the Economic Partnership Agreement signed became a subject of contention between EU and the West African region which Heads of Government only in July 2014 gave their approval to have ratified subject to the correction of some technical issues (ECOWAS Communiqué, 2014). That trade agreements such as this have impact on the integration efforts in the region is undisputable as the tariff arrangement stipulated by EU tends to influence some of the economic and production choices in ECOWAS region, as well as their economic well-being. As SIDA (2002) observes the competitiveness of ACP countries could be considerably improved if these tariffs and restriction were removed.

In addition to the dilemma of EU's complicated trade policy structure is the mega-

regional trade agreements that EU has become involved in. Scholars read Mega-RTAs as creating more problems for developing nations in the ECOWAS region. Mega-RTAs mostly include developed and emerging countries at the moment. WTO actually encourages the creation of RTAs, but the mega ones have been cited as standing the chance of undermining the multilateral platform that is the WTO which is so useful to developing nations. This is because they shut out Developing and the Least Developing Countries. By agreement, Mega-RTAs are deep integration partnerships between countries or regions with a major share of world trade and foreign direct investment (WEF, n.d.). Mega-RTAs do not simply increase trade links, they set out to improve regulatory compatibility and provide a rules-based framework for ironing out differences in investment and business climates. Foremost among them are the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). These two would jointly impact not less than one quarter of world trade involving goods and services (TPP: 26.3%; TTIP: 43.6%) and of global FDI (WEF, n.d.).

In Trans-Pacific Partnership (TPP), those involved are the US, Australia, Canada, Japan, Malaysia, Mexico, Peru and Vietnam, Brunei, Chile, New Zealand and Singapore. The TPP also include coverage of trade in services, investment, government procurement, non-tariff measures and many regulatory topics. Transatlantic Trade and Investment Partnership (TTIP), it aims for extensive trade agreement between the US and the EU. It wants to remove trade barriers have alignment, compatibility and possible harmonization of regulations and standards governing the goods, services, investment and public procurement markets (WEF, n.d.). The challenge here is that by the time EU and US have a compatibility arrangement, ECOWAS member states, for instance, have more trade policy structures to comply with, in addition to those of the EU. According to Herfekens (2016) the challenge that Mega-regional trade agreements presents are

many, and they are mostly stacked up against ACP nations which will be further sidelined in global economy.

Perhaps in a larger and most encompassing summation of external impact and the continuous presence of especially EU in West Africa regional integration, Bache (2011) points to what he calls the dilution of the EU's initial African focus. He traces what he calls the Africa focus of the EU back to the establishment of the European Economic Community (EEC) in 1957. That time, special association status was granted to the French and Belgian colonies in sub-Saharan. These links have remained somewhat the same and continue to impact the behaviour of some of these states in West Africa, although at a broader level. Bache (2011) argues that with other issues that have cropped up on the world stage, Africa does not enjoy with the EU the kind of special attention it once did especially in trade matters. For instance, he believes the benefits African countries used to draw from their exemption from the restraints imposed on Asian textile and clothing exports have lost their value with the termination of the quantitative restrictions imposed by Multi-Fibre Arrangement (MFAs) in December 2004 (Bache, 2011). In addition, Bache notes that rulings by WTO arbitration panel have dented the preferential treatment that special EU protocols used to offer to ACP exports for some raw products with its attendant effect.

Another issue that has come to impact the trade relationship West African nations specifically have with the developed countries is development aids. In fact, aids issue is core to the EPA and it is one of the contentious items in the negotiations with respect to how to mitigate the immediate impacts in the execution of EPA. West African member states are asking for more aid than EU is prepared to part with. Bache (2011), for instance, notes the supports from the EU to ACP countries on debt relief and its continued assistance in the implementation of

comprehensive structural adjustment programmes as contained in Article 66 and 67 of the Cotonou Agreement (CPA, 2000). That this impacted the readiness or otherwise of West African states to agree to the regional common tariff, a major integration requirement in dealing with EU, is not in doubt. Aids issue has become so significant especially in the North-South trade arrangements that Bache refers to 'coherent trade and aid policy'. Coherence has been taken to be synonymous with the sense that all aid initiatives would be in line with, coordinated with, and in terms of policy, subordinated to IMF guidelines and WTO rules and regulations. The Swedish National Board of Trade (2001) defines the concept of coherence as, "consultation between the WTO, IMF, and World Bank with the aim of achieving greater insight into and mutual understanding of the implications that the activities of the respective organizations will have for the work of the other institutions. The goal is to promote coherence between the complementary efforts that the WTO, IMF, and World Bank make on behalf of international economic stability in general and the situation in the developing world in particular." On the whole, an aim is that coherence needed to be achieved between development assistance objectives and trade policies i.e. trade policy actions must work for, and not against, development objectives.

Along with this are the trade relations between the North and South that are informed by debt relief issues. In this too, International Monetary Fund (IMF) has been increasingly involved. Part of the implication here is that regional integration efforts in West Africa does not only have to do with only EU, the region's closest trading partners, but with others far afield such as IMF with the corresponding obligations that often have far reaching effects on the decisions of member states in implementing the objectives of the regional body. There is, for example, the liberalization demands of the IMF in debt rescheduling agreements with developing countries which goes far beyond the requirements laid down by WTO (SIDA, 2002). These are issues that

the current study wishes to state are not factored into a regional integration theory but have continued to have significant impact on the practical process in especially an ACP area.

Still on issues that are not factored into regional integration process, Owusu (2013) in his study calls attention to the growing debt stock of ECOWAS members and its effects. He opines that historically, West African economies are noted for their economic alliances with developed economies and western international financial institutions, especially the World Bank and International Monetary Fund (IMF). For instance, in the early 1980s, some countries in the region had to subscribe to World Bank/IMF economic reforms. Upon subscription, a country was expected to liberalize its financial sector, to the standard designed by these outsiders. This meant the countries in the West African sub-region that went under the Economic Recovery Program (ERP) had to operate under the directives of World Bank/IMF for some years. Such directives usually have no reference to the treaties of regional economic groups in the sub-region. Another angle to the accumulated debt stock, is the Heavily Indebted Poor Countries (HIPC) relief initiative.

According to Owusu (2013), the initiative created a series of conditions within which countries should operate in order to receive a package of debt relief. These debt relief packages have terms and conditions which compromise local and regional standards, and therefore expose debt-burdened countries to influences external to their national and regional boundaries. In short, as long as countries in the region are prepared to receive loans, they must expect external influences from donors. In light of weak economic growth, these debts are likely to be serviced and repaid by further borrowing and/or using revenues generated from exports. In both scenarios, the integration project stands to be compromised as resources through borrowing are required, which come with further conditions, or through foregoing in-country investments, which could

have facilitated regional integration. Thus, as countries struggle to use their limited resources to wean themselves off further debts, the prospect of deepening regional integration is likely to be put to the backburner. Owusu (2013) would conclude that countries in the region rather find it more convenient to trade with the developed high-income countries instead of trading with their neighbours. Moreover, these countries receive higher forms of assistance from the high-income countries and therefore use trade as an expression of gratitude. He asserts that the colonial umbilical cord is very tight, especially in relation to the flow of aids and therefore concludes that colonial masters have greater influence on their former West African colonies compared to the influence of ECOWAS on the individual economies of the region. Furthermore, the weak trade pattern among them is facilitated by their existing liberal trade policies which favour massive importation of goods (including those produced in the West African region), and weak legal and institutional framework for ensuring the enforcement of the ECOWAS treaty.

In any case, the region has resigned itself to the presence and relevance of donor agencies in its integration efforts, a fact that attests to the impacts of such relations. In his annual report, (ECOWAS, 2000) the then ECOWAS Executive Secretary, Lansanna Kouyatte, praised the increasing regional focus of donor agencies (as against operation in each ECOWAS country)**,** noting that among the international donor community, regional cooperation is being accorded attention and the mandates, procedures and assistance programmes of donor agencies now has a regional component. While stating that the EU has been a pioneer in this regard; Konnate (ECOWAS, 2000) adds that the Economic Commission for Africa (ECA) has also been an active promoter of regional integration. UNDP, he notes, has also been an early supporter of regional integration, and that the UN body has a crucial role of coordinator and resource mobiliser to play. In addition, the Bretton Woods institutions, in their new initiatives to enhance the capacity

to meet the challenges of development and poverty reduction, are introducing regional dimensions in their programmes. A similar development has been observed within the ADB Group (ECOWAS, 2000). The relevance of this to the current study is that external bodies through their actions have increasingly encouraged cooperation, making supranational bodies that coordinate more relevant, and thereby reducing the tendency towards anarchy in the ECOWAS region, a point of equally vital importance to Neo-liberal Institutionalism .

Not left out of Konnate's (ECOWAS, 2000) report are a number of bilateral agencies and other frameworks that he notes have appreciated the value of regionalism and are also making notable contributions to the integration process in West Africa. The African Growth and Opportunity Act of the U.S. government, for instance, manifests the priority attention that the U.S. gives to African development issues. The US/African partnership gives due recognition to the role and importance of regional cooperation. The USAID regional office in Bamako facilitated the adoption of a "West African Regional Programme" a clear support of ECOWAS integration initiatives. The French government, through a number of its development agencies, has always been supportive of West African integration, and so are the government agencies of Germany and the Nordic countries. An ECOWAS regional cooperation agreement has been signed with the Japanese government. ECOWAS also aims to deepen and expand the regional cooperation arrangements with the traditional development partners of West Africa. Such is meant to not only increase the overall volume of external assistance received by West African countries, but to also improve the efficacy of such assistance through effective aid coordination at the regional level (ECOWAS, 2000). The significance of both the merit and the demerit of the narrative above on how far West African states have gone in the integration process cannot be lost.

In addition, scholars have observed that Southern countries that include the ACP areas are often disadvantaged even in the negotiating processes for trade agreements. While three-quarter of the World Trade Organization's (WTO) members are developing countries, most of these are economically dependent on the U.S., European Union, China, or Japan in terms of aid, imports, exports, or security. Their dissent in the WTO could threaten their economic well-being. Additionally, developing countries have fewer human and technical resources, so they enter negotiations less prepared since they cannot maintain a team of negotiators and translators comparable to those of developed countries. Furthermore, trade rules are generally negotiated to apply uniformly to all countries, regardless of economic and political variations. Hence, the rules applied to the wealthy, post-industrial economies of Europe and the U.S. are the same for poorer, agricultural nations that have significantly different needs (www.citizenstrade.org, 2014).

Additionally, it is noted that the agricultural sector of southern countries (main source of their revenue) is typically hard hit by free trade policies. Throughout the global south, a significant percentage of the population is involved in either subsistence or commercial agriculture. Without barriers against agricultural imports, foreign agribusiness imports are able to undercut local prices, putting farmers from southern countries out of business. Agriculture, along with public health, is also affected by the imposition of U.S.-style patent and copyright protections through the WTO's agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and similar provisions in other free trade agreements. TRIPS mandates recognition of patent rights on a broad range of goods, including life forms such as plant and animal varieties traditionally cultivated by small farmers and indigenous groups. The patenting of seeds has required farmers to purchase new seeds every year, rather than practicing seed saving, thus significantly increasing the cost of production. Higher prices on patented and

copyrighted medicines have had devastating effects on health systems in poor countries by prohibiting affordable access to vital medicines. These trade rules allow billions of dollars from developing countries to be transferred to developed countries in the form of royalties while ignoring the disastrous effects on public welfare (www.citizenstrade.org, 2014).

Social services are another major victim of free trade policies and external presence. Since many developing countries rely on tariff revenue for 10-20 percent of government proceeds, the partnership agreements West Africa has eliminate a major source of government income by eliminating tariffs. This will inevitably result in decreased social spending on education, health care, and other vital social services (www.citizenstrade.org, 2014).

Moreover, it has been argued that the push for deregulation, liberalization, and privatization under WTO's General Agreement on Trade and Services (GATS) would lead to higher prices for water, electricity, health care, education, and other essential services, limiting the ability of the poor to access these essential services. Under GATS, developing countries are restricted from favoring domestic business over transnational corporations and from protecting natural resources such as fresh water or forests, a daunting prospect when West Africa eventually negotiates this set of partnership agreements with the EU (www.citizenstrade.org, 2014).

Also, the majority of free trade agreements fail to include enforceable provisions to protect workers' rights, human rights, and the environment (www.citizenstrade.org, 2014). The lack of standards has led to a "race to the bottom," where transnational corporations move from country to country in search of the cheapest labor and least imposing domestic regulations. This fluidity of investment creates instability and forces countries to compete for the lowest standards and the fewest protections in order to attract investors. In most parts of the developing world where they are already in operation, free trade agreements have failed to deliver the positive

development effects claimed by their advocates. Instead, free trade agreements have led to increased poverty and unemployment, and decreased food security and access to social services (www.citizenstrade.org, 2014).

This study adopts Neo-liberal Institutionalism as theoretical framework because of its emphasis on cooperation, facilitated by supranational institutions, which in effect promote collective goods. While it is short on forms of cooperation, there is no doubt that forms that such cooperation takes are adequately elaborated by scholars who are interested in International Relations as well as International Political Economy and such have been blended to bring out major areas of cooperation that are of relevance to the theoretical framework adopted in this study. More than the development theories such as modernization, world system, dependency, globalization, and neo-functionalism, Neo-liberal Institutionalism succinctly captures much of the rationale for the move to cooperate among the LDCs and DCs in West Africa. It explains, more than development theories, the diverse aspects of the process of cooperation especially as it concerns developing different parts of the world such as West Africa.

Moreover, there are two regional blocs (West Africa and EU) under consideration in this study, and Neo-liberal Institutionalism explains why cooperation of the magnitude being witnessed through the instrumentality of EPA that is the central theme of this study happens. In the light of the foregoing, this study affirms Neo-liberal Institutionalism as it explains the phenomenon of nation-states coming together to cooperate regionally as well as with other regions in the world.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter deals with the methodology of the study and it is divided into the following themes: Research Design; Sample population; Data Gathering Technique and Analytical Techniques.

3.1 Research Design

The study is qualitative longitidunal study, concentrating on the latest Partnership Agreement (Economic Partnership Agreement, EPA) between ECOWAS and the EU. For this purpose, the study has focused on the regional economic organizations of the two parties (i.e. ECOWAS Commission and European Commission) which negotiated the agreements and served as the administrative instruments for member countries, in order to obtain qualitative information.

3.2 Sample Design

Purposive sampling has been utilized for this study as a census of the relevant institutions and the officials concerned with the subject of this study is taken and adopted. This is because only two institutions (ECOWAS Commission and the European Commission) that oversee partnership agreements on behalf of their Member States are involved in this study, and the officials concerned are limited in number.

On the side of ECOWAS Commission, five Directorates were directly or remotely connected to the partnership agreements under study, or ECOWAS-EU relations in general.

These are, at the ECOWAS Commission: (1) Trade (that negotiates trade-related partnership agreements; (2) Customs (that sees to the implementation of freer trade measures adopted across the region); (3) Multilateral Surveillance (which has an overview of the integration process, ensuring that integrative measures are applied in all Member States, and a major coordinating arm with regard to economic issues), (4) External Relations (which has a broad overview of ECOWAS relations, including ECOWAS-EU relations); and (5) Research and Statistics (which is the keeper of statistical records including that of trade). These were contacted for relevant data.

Moreover, each Directorate or Unit of ECOWAS Commission has basically three officials who have particular knowledge of the specifics in this study. These are the Commissioner, the Director under him (who handles all subjects, and the Principal Programme Officer (PPO) who handles a specific subject. So, there may be several PPOs in a Directorate, but one is assigned a specific subject, and all of them are accountable to the Director. In that sense, negotiation of the partnership agreements under study is the responsibility of only one PPO, who is accountable to the Director, who in turn is accountable to the Commissioner.

On the side of the EU Delegation to ECOWAS, there are (a.) Head, EU Delegation to ECOWAS; (b.) Deputy Head, EU Delegation to ECOWAS; and (c.) Head, Trade and Economics in the EU Delegation to ECOWAS who could potentially be knowledgeable regarding the kind of information that this study is interested in. The researcher wrote to the three officials, but the Head, EU Delegation to ECOWAS instructed the Head, Trade and Economics to attend to the researcher. The EU Delegation however organized a conference on EPA in Lagos on November 5th-6th 2015, which the researcher attended. Head, EU Delegation to ECOWAS and several top EU officials from Brussels attended, including EU Trade Commissioner; and Head of Unit, ACP

and Development Issues, EU Commission.

Also present at the conference on EPA in Lagos were a host of top officials from the private and public sector. The researcher's interface with chief executives from the private business sector in Nigeria (foreigners and Nigerians) at the conference provided some new perspectives and especially demonstrated a dichotomy in the position of business entrepreneurs most of whom were known in the public space to have encouraged West Africa Member States not to sign the EPA. There were also private discussions with members of staff of the Nigerian Ministry of Trade who were involved in ECOWAS-related matters, as well as the Federal Ministry of Foreign Affairs, Abuja. The relevance of this is the insight that such discussions offered, leading to sieving of issues that are of relevance to this study.

The researcher sent requests for information by email to other EU officials in Brussels and received enthusiastic responses. Some of these officials answered the researcher's questions as well as sent online links/urls (that the researcher was previously unaware of), and which has useful information for the study.

3.3 Data Gathering Technique

Data were collected for this study from primary and secondary sources:

Primary Data- The primary data for this study was sourced through in-depth interview conducted with relevant officials in institutions that were involved with the Partnership Agreements between West Africa and EU, namely:- (1.) ECOWAS Commission (2) the EU Delegation to ECOWAS (see Appendix 1 for list) (3) There were other stakeholders such as members of the private sector whose position shed light on relevant issues regarding this study.

The ECOWAS Commission and the European Commission are relevant sources of

generating primary data because they are the two institutions directly involved in the EPA negotiation/implementation, and through the departments directly in charge the two bodies retain the institutional memory of the process. The Commissions handle issues relating to the partnership agreements on behalf of their respective member nations, because it is a bilateral negotiation (EU Delegation to ECOWAS, 2015).

Sources of Secondary Data- For its secondary data, this study examined official documents that included:

A. Document - Africa, Caribbean, Pacific-EU Cotonou Partnership Agreement (2000)

B. Document - ECOWAS-EU Economic Partnership Agreement (2014)

Other sources of secondary data were: Publications, textbooks, text of speeches, reports, press releases sourced from ECOWAS Commission, especially as made available by ECOWAS Commission library, Abuja.

Both primary and secondary data were used for this study such that one strengthened the other, and for the analysis of issues under study to be as comprehensive as possible. For instance, the process of generating primary data facilitated contact with key players in ECOWAS and EU. The researcher was able to interact one on one with them, and got to know the views of those who had been involved in the negotiations of the EPA, many of whom might soon vacate their seats, (as indeed a few of them had done already.) These players were able to explain the rationale behind the provisions in the partnership agreements that were of relevance to this study. They also provided further insights that assisted the researcher to comprehend the technical language in which the agreement texts were written. This had facilitated a better understanding that was beyond what was available in bits and pieces in the public domain about ECOWAS-EU partnership agreements especially in the news media.

Official documents examined provided information as to the intents of the Parties and the rationale behind the issues involved in ECOWAS-EU trade relations. Equally, they provided information that assisted in structuring interview questions for relevant officials. This made it possible to make officials to provide explanation for the more technical aspects of the partnership agreements, the ideas behind them, the role of their directorate or unit in the negotiation or execution of the provisions, as well as the effects on the trade relations between the two Parties. As such, the initial study of official documents assisted in eliciting information that is hardly found in the public space with regard to the partnership agreements. This went a long way in simplifying the contents of the agreements, provided better opportunity for understanding and informed analysis.

Instruments of data collection

Unstructured in-depth interview questions were used to generate primary data. In-depth interviews were the best instrument because the officials with relevant information on the subject are limited. Direct and indirect interviews through email were therefore utilized (See interview questions in Appendix 3).

The questions were basic for all respondents. However, after a few respondents at ECOWAS Commission gave the standard response of ("Please, direct that question to the Directorate of Trade"), the researcher either had to leave out some questions or reframe them to suit the areas of knowledge of the particular Directorate that was being interviewed.

3.4 Analytical Technique

Qualitative analysis is adopted in this study. Unstructured interview questions (see Appendix 4) were deployed to generate primary data which were analysed and presented in a

narrative format.

Primary and secondary data have been sourced and analyzed with a view to identifying basic features in ECOWAS-EU trade relations in the period under study; Identify reasons for the adoption of the EPA; Identify the provisions in the EPA that address trade-related issues between ECOWAS and EU; Establish in what ways the principles guiding EPA impact ECOWAS-EU trade relations in the period under study; and to identify the challenges EPA poses to ECOWAS-EU trade relations as well as make recommendations towards resolving them.

CHAPTER FOUR

THE DEVELOPMENT OF THE ECOWAS-EU PARTNERSHIP AGREEMENT

4.0 Introduction

This chapter is thematically divided as follows: Terms Principles and Objectives of ECOWAS-EU EPA Text; A background to the ECOWAS and EU, the EPA process since 2000, The state of EPA as at 2014, and a conclusion.

4.1 Terms Principles and Objectives of ECOWAS-EU EPA

In the principle outlined in ECOWAS-EU's EPA (2014, Article 2) the Agreement defined itself as an extension of the process that began in CPA (2000), stating that: (a.) "The EPA shall build on the provisions of the Cotonou Agreement and of previous ACP-EU conventions which relate to financial cooperation, regional integration and economic and trade cooperation." (b.) "The EPA shall be implemented in complementarity with the Cotonou Agreement…" ECOWAS (Annual Report, 2004; p.106) further states that, "Together with other ACP states, West African Countries negotiated the first phase (All ACP) of the economic partnership agreement (EPA) with the European Union (took off in September 2002; ECOWAS Annual Report, 2003, p. 34-35, pp.181)…the second phase, which is the negotiation of a regional EPA between West Africa and the EU began in October 2003". The signing of CPA in 2000 had thus changed the terms of the trade arrangement under the Lome Coventions of the cold war period, and ushered into being a post-cold war free trade regime tagged EPA

(www.ghanaweb.com, 2014). Moreover, according to ECOWAS (Annual Report, 2007; p.117), "the EPAs which will govern relations between the ACP and the European Union…have a triple objective: facilitating access of ACP products to the European market, developing South-South trade, and supporting the regional integration process." This means that relations between ECOWAS and EU had since 2000 have being influenced by principles that inform the EPA (see p.151), and this is contrary to the general view regarding the EPA (2014 text) that has generated contention between the two parties.

The ECOWAS-EU EPA has a part of its origin in the trade chapters of the Cotonou Agreement (Economic and Trade Cooperation)– a broad agreement between the ACP and EU countries (CPA, Title II, Chapters 1-6). EPA is aimed at promoting sustainable development and growth, poverty reduction, better governance and the gradual integration of West African countries into the world economy (http://ec.europa.eu/trade/). The EPA that ECOWAS negotiates with EU covers only goods, as well as development cooperation. Broadly, the document contains only the issues that parties involved have agreed to negotiate in the period covered by this study. Thus, what West Africa negotiates with EU is not as extensive as what the Carribeans negotiates, as it has been agreed that each of the regions in the ACP should negotiate EPA with the EU according to its capacity and wish.

According to ECOWAS (Directorate of Trade, 2014), the negotiation of the EPA as well as the details in the 2014 text are a highly technical affair in which trade experts and economists only were involved. Nevertheless, it could be noticed that the text of the EPA document is divided broadly into Seven Parts. These parts are divided into six chapters, which are subdivided into 114 articles. Part 1 of the seven parts contains the topic, "Economic and trade partnership for sustainable development", and it has under it four articles. Article 1 has under it the objectives of

the Agreement. Article 2 has the Principles, Article 3 has Economic growth and sustainable development, while Article 4 deals with Regional Integration.

Part II focuses on Trade Policy and Trade-related issues. It consists of six chapters and Articles 5-51, which are the focus of this study: Its Chapter 1 deals with customs duties, and contains articles 5-18 that deal with scope, rules of origin, customs duties, fees and charges, standstill, elimination of customs duties and exports, autonomous resources of WA regional economic communities, change in West Africa region's tariff commitments and common sectoral policies,, export duties and taxes, movement of goods, classification of goods, Most Favoured Nation Clause, Special provisions on administrative cooperation, and movement of administrative errors.

Chapter 2 deals with trade defence instruments, and it has articles 19-24 which contain objectives, anti-dumping and countervailing measures, multilateral safeguard measures, bilateral safeguard measures, infant industries clause, and cooperation. Chapter 3 is for Technical barriers to trade, and sanitary and phytosanitary measures, and it has articles 25-33 which cover cooperation, objectives, scope and definitions, competent authorities, mutual obligations, equivalence, sanitary and phytosanitary zoning, transparency of trade conditions and exchange of information, and regional integration.

Chapter 4 treats Other non-tariff barriers, and it has articles 34-35, which are prohibition of qualitative restrictions, national treatment on domestic taxation and regulation. Chapter 5 is on Trade facilitation, customs cooperation and mutual administrative assistance, and it has articles 36-45 that treat objectives, customs cooperation and mutual administrative assistance, customs legislation and procedures, facilitation and transit movements, relations with the

business community, customs valuation, regional integration in West Africa, cooperation, transitional measures, special committee on customs and trade facilitation.

Chapter 6 has Agriculture, fisheries and food security, and it contains articles 46-51 with topics that include, Objectives, food security, cooperation in agriculture and food security, cooperation in the area of fisheries, regional integration, exchange of information and consultation on agriculture and fisheries issues.

Part III of the EPA document between West Africa and the European Union treats "Cooperation on the implementation of the EPA's development dimension and attainment of the EPA objectives", and there are articles 52- 61 that state the objectives, principles, financing modalities, EPA development programme, EPA development programme objectives, strategic axes of the EPADP, modalities for the implementation of the EPADP, support for the implementation of rules, fiscal adjustments, and instruments.

Part IV is generally about "Dispute avoidance and settlement". Here, there are four chapters with articles 62-86. Chapter 1 focuses on objectives, scope and parties and has articles 62-64, each of which treats objective, scope, and parties to the dispute respectively.

Chapter 2 has "Dispute avoidance: Consultations and mediation". It has articles 65-66 which are about consultation and mediation.

Chapter 3 has "Dispute settlement procedures, and it is further divided into three sections all of which contain articles 67-82. Section 1 has Arbitration procedure, and the articles treat initiating the arbitration procedure, establishment of the arbitration panel, interim report of arbitration panel, and arbitration panel ruling. Section II treats Compliance and it has articles 71-75 with subtopics such as compliance with the arbitration panel ruling, reasonable time limit for compliance, review of any measure taken to comply with the arbitration panel ruling, temporary

remedies in case of non-compliance, and review of compliance measures following the adoption of appropriate measures.

Section III treats "Common and transitional provisions" and there are articles 76-82 here, which focus on mutually agreed solution, rules of procedure, general and technical information, languages of submissions, rules of interpretation, arbitration panel rulings, and transitional provision. Chapter 4 is on "General Provisions". It has articles 83-86, which deals with list of arbitrators, links with the WTO obligations, time-limits, and cooperation.

Part V has "General Exceptions" with articles 87-90 under it. These articles deal with general exception clause, security exceptions, balance of payments difficulties, and taxation.
Part VI is on "Institutional Provisions" and the articles under it are 91-98 which have listed under them topics such as Joint bodies of the EPA, Joint ECOWAS-European Union EPA Council, composition and rules of procedure, decision-making powers and procedures, joint EPA implementation committee, joint ECOWAS-EU parliamentary committee, joint ECOWAS-EU Consultative committee, as well as financing for the operation of the institutional mechanism.

Part VII has "Final Provisions" with articles 99-114, which treat definition of the parties and fulfillment of obligations, contact points and exchange of information, transparency, confidentiality, regional preference, outermost regions of the European Union, relationships with other agreements, rendezvous clause, ratification and entry into force, depository authorities, duration, territorial application, review clause, accession of new member states to the European Union, authentic texts, and annexes which is followed by signature of Parties.

EPAs across the ACP regions have been described as trade and development agreement negotiated between EU and ACP group of states engaged in regional economic integration processes. According to ECOWAS and EU officials, the main objective of the ECOWAS-EU

EPA is the establishment of a free trade area between Europe and West Africa in accordance with Article XXIV of GATT, through the gradual removal of trade restrictions between the two trade partners. Furthermore, the EPA is intended to foster the smooth and gradual integration of ACP States into the world economy, with due regard for their political choices and development priorities, thereby promoting their sustainable development and contribution to poverty eradication. EPA negotiations were officially launched at an all ACP level on 27 September 2002. In the West African region, the negotiations between West Africa and EU took off on August 4, 2004 following the launch of the Accra Road Map.

While there had been contentions over some provisions in EPA, and some ECOWAS member states had signed while a few had not, a meeting of Chief Negotiators from West Africa and the European Union held in July 1, 2014 and there, both leaders initialed the EPA document. The draft text of the agreement, which had been under negotiation since 2008, was prepared from different joint reports submitted by both parties in Phase 1 of the negotiations which had mainly been about the Free Trade Zone, the West African Customs Union, trade facilitation, non-tariff measures (technical standards, TBT, SPS measures), production sectors, the report on the WA-EU EPA reference framework and a proposed text submitted in April 2007 by the European Commission to the six regions involved in negotiating the EPA. Parties to the Agreement are the European Union and its member States, on one hand, and ECOWAS, UEMOA and the States of the West African region (ECOWAS Member States + Mauritania), on the other hand.

Meanwhile, thematic issues in EPA include the following:

Market Access

This is one of the most crucial issues in any trade agreement, and it is the most contentious in the EPA negotiations between ECOWAS and EU. Market Access refers to all measures applied

at the border to trade in goods. This would, in particular, include all tariff barriers applied to trade between the parties. As it has been noted in the CPA text of 2000, the aim of the EPA is to progressively remove obstacles to trade between the parties consistent with the objectives of Cotonou and in conformity with WTO provisions. Currently West Africa has over 95 % free market access to the EU. The rest is lower tariffs (mainly horticulture) or duty free quota (sugar and bananas). However, it has been pointed out in various impact studies that the value of the ECOWAS access to EU market is constantly eroded by WTO negotiations, other FTA negotiations, higher standards and reform of the EU Common Agricultural Policy. Nevertheless, West Africa's market access offer is based on the ECOWAS Common External Tariff (CET).

EPA Development Programmed, EPADP

The formulation of the EPA Development Programmed (EPADP), which is a specific initiative of ECOWAS, seeks to provide a coherent reference framework to support the implementation of activities related to EPA development dimension. Incidentally, some of the trade-related issues over which there are contentions have been brought under the EPADP for intervention purposes, including funds to upset the initial setback/deficits (e.g. the removal of customs duties) that EPA may generate. For instance, during the first stage of the EPA negotiations in 2005, areas for improving competitiveness in production sectors and upgrading enterprises were adopted, and ECOWAS considered that this aspect represented one of the prerequisites for the viability of the agreement and should constitute one of the supports of the development dimension of the EPA. Also in 2010, one major area of divergence between the two Parties was the insistence of ECOWAS that there was a need to establish an acceptable level of EPADP financing by the two sub-regions guaranteeing security, predictability and inclusion of all EPA requirements (ECOWAS Annual Report, 2010, p.5). The relevance of these to this study

is that both trade and development dimensions of EPA have become inextricably linked in the relations of the concerned Parties in the period under study. More so, funds for activities with respect to capacity building and strengthening of institutions across West Africa over the years in preparation for the outcome of agreements of goods had come from the EDF fund under the EPADP. The EPADP also provides the European Union (EU), its member States and all development partners a common platform for the coordination of their assistance to the ECOWAS region within the framework of the EPA (http://eeas.europa.eu/).

Whilst fully ascribing to the axes for the ECOWAS Community Development Programme, the EPADP is designed as an instrument contributing to the implementation of policies and strategies at the regional and sectoral levels, notably the ECOWAS Regional Poverty Reduction Strategy, as well as sectoral policies and strategies relating to agriculture, industry etc. Therefore permanent coherence is sought between EPADP and the regional strategies as well as the Aid for Trade at the World Trade Organisation. The EPADP is based on the vision of the region and has the overall goal of contributing to build a competitive regional economy that is harmoniously integrated into the global economy and stimulates growth and sustainable development. Specifically, the programme is aimed at supporting the West Africa region to draw full benefit from the opportunities offered by the EPA and reduce the negative effects of the agreement.

The EPADP covers a large scope of thematic areas which needs to involve large implementation actors: regional organizations, specialized agencies, development institutions, states, non-state actors, implementing agencies (details of which are beyond the scope of this study). This requires that the institutional implementation and monitoring mechanism be operational at national and regional level; this has been going on in the period under study,

another indication of how aspects of EPA have been part of the ECOWAS-EU relations even as negotiations of the text continued. The success of the EPADP depends also on the ownership of the programme by all stakeholders, notably the States, West Africa regional integration organizations and donors. The principle for the implementation of the EPADP is that activities are entrusted to the appropriate institution, most qualified and closest to the action and can achieve results.

Rules of Origin

The Rules of Origin (RoO) are used to determine the country of origin of a product for the purposes of international trade. RoO therefore ensure that countries benefiting from preferential trade agreements do not become an intermediate pit stop for other countries. By establishing coherent RoOs, producers from non-EPA countries are prevented from using the loophole of shipping their goods via an EPA country and thus reaching the EU market.

RoOs have become a source of contention in the course of the negotiations between ECOWAS and EU. Negotiations were even suspended in 2012 following divergences over other issues, mainly over market access offer and the EPA Development Programme (EPADP). Initially, West Africa had offered to open 60 per cent of its market over 25 years. It later revised this position to 70 per cent over the same period citing the protection of the region's fragile industrial base from cheaper goods from the EU. On the other hand, the EU maintained its original position of an 80 per cent market opening over 15 years. West Africa was also asking for 15 billion Euros in new funds for the EPADP, while the EU offered about 6.5 billion Euros. These issues are further elaborated in Chapter 5 of this study.

The resumption of the negotiations on Monday 20th January 2014 followed the directive by the ECOWAS extraordinary summit in Dakar, calling for flexibility in the process. The summit also directed West Africa's chief negotiators to "expeditiously resume the negotiations

with their European Partners with a view to concluding a regional agreement as soon as possible." The regional leaders further directed the West African negotiators to ensure that adequate financing is provided for EPADP and fiscal adjustment costs to ensure a balance with the market access offer with free movement of persons and services also treated as priorities. On the market access offer, West African leaders noted that this should take into account the required coherence with the regional Common External Tariff (CET) which had since become operational by January 2015 and the development objectives of the impending agreement.

4.2 ECOWAS and EU – A background

ECOWAS (Economic Community of West Africa States)

The Economic Community of West Africa States (ECOWAS) is a regional organization initially made up of sixteen West African countries, until Mauritania withdrew later. The organization was founded on May 28, 1975, with the signing of the Treaty of Lagos (www.ecowas.int, n.d.) and its membership consists of five English-speaking countries, that is, Gambia, Ghana, Liberia, Nigeria, and Sierra Leone; eight French-speaking countries namely, Benin, Burkina-Faso, Chad, Cote d'Ivoire, Mali, Niger, Senegal, and Guinea, and two Portuguese-speaking countries of Guinea-Bissau and Cape Verde. The main objective of ECOWAS is to promote co-operation and integration in order to create an economic and monetary union that is targeted at enhancing economic growth and development in West Africa (ECOWAS, 2010a).

The territory known as West Africa which members formed ECOWAS was made up of states that had emerged from different colonial experiences and administrations. This largely defined the boundaries of the 15 states domiciled in the area (http://www.ecowas.int). Although

member states of the community make use of three different imported official languages (English, French and Portuguese), there are well over a thousand existing local languages including cross-border native tongues such as Ewe, Fulfulde, Hausa, Mandingo, Wolof, Yoruba, Ibo, Ga, etc. that constitute its over 300 million people in a vast land of about 5.1 million square kilometers (http://www.ecowas.int).

Prior to colonialism, the area played host to many proud empires and kingdoms that spanned centuries some of which included Ghana, Mali Songhai, Wolof, Oyo, Benin and Kanem Bornu. The region's cultural, linguistic and ecological diversity presents both opportunities and challenges for the integration process. Nevertheless, the longing to combine forces politically and economically has always been recognised as a step forward in the desire to engender co-prosperity in the area (http://www.ecowas.int).

In this regard, the first effort at integration dates back to 1945 with the creation of CFA franc that brought the francophone countries of the region into a single currency union. Then in 1964, Liberian president William Tubman proposed an economic union for West Africa leading to an agreement which was signed in 1965 by the four states of Cote d'ivoire, Guinea, Liberia and Sierra Leone (http://www.ecowas.int). However, nothing concrete emanated from these until 1972 when Nigeria's Head of State Gen. Yakubu Gowon and his Togolese counterpart Gnassingbe Eyadema toured the region in support of the integration idea. The drafts that emanated from their efforts formed the basis for the emergence of the treaty of Lagos in 1975 which birthed ECOWAS. The treaty of Lagos was initially limited to economic policies but emerging political events led to its revision and therewith the expansion of scope and powers in 1993.

ECOWAS is meant to foster interstate economic and political cooperation. In 1976, Cape Verde, one of the two Lusophone countries in the region joined ECOWAS. ECOWAS chief executive officers presiding either as Executive Secretaries, now Presidents, deferred to the supreme organ of the community – the Authority of the Heads of State of Government for guidance. This body is usually headed by a Chairman. There have been 28 such Chairmen between 1978 to 2015 (http://www.ecowas.int).

ECOWAS comprises three arms of governance, namely, the Executive, the Legislature and the Judiciary. At the helm of the organization structure is the Chairman of the Authority of Heads of State and Government (http://www.ecowas.int). The Chairman is the current Head of State and Government appointed by other Heads of State and Government to oversee the affairs for a period of one year. The Minister in charge of ECOWAS affairs in the country of the Chairman of the Authority automatically becomes the Chairman of Council of Ministers; similarly, that country presides over all other ECOWAS statutory meetings for the year (ministerial and senior level, such as the Technical Committees). At the helm of the Executive arm of the Community is the President of ECOWAS Commission appointed by the Authority for a non-renewable period of four years. He is assisted by a Vice President and 13 Commissioners (http://www.ecowas.int).

The legislative arm of the Community is the Community Parliament headed by the Speaker of the Parliament. The administrative functions of the Parliament are directed by the Secretary General of the Parliament. Pending elections by direct universal suffrage in future, parliamentarians are seconded by national Parliaments to the Community Parliament for a period of four years. The judicial arm of the Community is the Community Court of Justice, headed by the President. They are all seconded by the Supreme Courts of their respective Member States to

fill the country positions. The Court ensures the interpretation and application of Community laws, protocols and conventions. The administrative functions of the Court are handled by the Court Registrar who is assisted by other professionals (http://www.ecowas.int).

ECOWAS is guided by its fundamental Principles in all its dealings with member states, citizens and other external bodies. These principles are enshrined in the Treaty of the Community, which is also the fundamental document bringing the members together (http://www.ecowas.int).

Generally, ECOWAS shares a resemblance with the EU in its objective and mode of cooperation for regional integration among member states. However, it has been demonstrated that unlike the EU, commitment to agreed protocol targeted at facilitating the achievement of the vision of ECOWAS has been very low and implementation targets are hardly met. According to UNCTAD (2009) trade liberalisation in the ECOWAS region is low.

The European Union

The EU has its capital in Brussels, Belgium. It operates through a system of supranational independent institutions and intergovernmental negotiated decisions by the member states. Important institutions of the EU include the European Commission, the Council of the European Union, the European Council, the Court of Justice of the European Union, and the European Central Bank. The European Parliament is elected every five years by EU citizens. The EU has its origin in the European Coal and Steel Community (ECSC) and later the European Economic Community (EEC), formed by the Inner Six countries in 1951 and 1958 respectively. In the intervening years the community and its successors have grown in size by the accession of new member states, and in power by the addition of policy areas to its remit. The Maastricht

Treaty established the European Union under its current name in 1993. The latest amendment to the constitutional basis of the EU, the Treaty of Lisbon, came into force in 2009.

What is today known as the European Union (EU) began as the European Coal and Steel Community, it later transformed into the European Economic Community (EEC), Economic Community (EC), and now the EU. The bizarre outcome of the 2nd World War that ended in Europe in 1945 and the need to prevent the outbreak of another war gave birth to the idea of integrating Europe. This began in 1952 with the formation between France and Germany of a union for production of steel and coal, the then known sources of military power. The idea itself had been proposed as the first concrete foundation of a European federation by the French Foreign Minister, Robert Schuman in a speech on 9, May 1950. Schuman thought that if countries shared resources and relied on others for key raw materials they would be less likely (and less able) to go to war with each other (www.scottish.parliament.uk, 2014).

According to Parsons (2009), the destruction of 1945 led to conjuncture of political and economic motivations that led to what is today known as EU. Political motivations, Parsons (2009) stated had existed on three levels. The first was the rise of the United States and the Soviet Union to superpower status. This made Europeans very conscious of their common place in the world. The major lines of the global distribution of power were now drawn around western European states rather than between them (Parsons, 2009). Second, many saw nationalism as the basic cause of both World Wars, and integration as a way to decrease nationalism and so avoid future war. Third, and less altruistically, German nationalism in particular was blamed for the wars, and European leaders were intent on ruling out the possibility of another German resurgence. The creation of European institutions over German ones was one way of doing so (Parsons, 2009).

In economic terms, motivations for integration emphasized two ideas. One was a fascination with the scale and efficiency of American production. Compared to this, Europeans were conscious of their relatively small and antiquated economies. This went hand in hand with an American-inspired enthusiasm for free trade and competition; in addition to bigger firms and modernized industry, European economic growth required markets larger than its small countries. These related ideas were not simply abstractions: postwar Europeans confronted powerful competitive pressures from huge US firms, and felt that they had to do something to meet that challenge. Integration of the continent into a "Common Market" became an attractive solution (Parsons, 2009).

These political and economic themes, Parsons (2009) stated, were sounded loud by a wide array of politicians, clubs and interest groups after 1945. With the development of the Cold War around 1947 they took on new urgency. In the face of a growing Soviet threat, they argued, Western Europe needed the economic and political strength that only integration could bring. By 1948, European integration of some sort was on everyone's agenda (Parsons, 2009).

The original members of the European Coal and Steel Community formed in 1951 were: France, Luxembourg, West Germany, the Netherlands, Italy, and Belgium. In 1957, these countries signed the Treaty of Rome that led to the formation of the European Economic Community. The import of this was that a common market was created among the member nations which allowed goods and services to move freely among them. In 1973, other European nations such as Denmark, United Kingdom, and Ireland became members of the European Economic Community. More countries joined in the years that followed to bring the membership of the EU to 27 countries (www.scottish.parliament.uk, 2014).

The objectives of EU are in the Lisbon Treaty, Article 3, and the most primary of which that which establishes a common market. Others are the promotion of peace and the well-being of the Union´s citizens; sustainable development based on balanced economic growth and social justice; a social market economy - highly competitive and aiming at full employment and social progress; a free single market to promote economic and social progress (the single market was established in 1993; the single currency was launched in 1999); to assert the identity of the European Union on the international scene (through European humanitarian aid to non-EU countries; common foreign and security policy; action in international crises; and common positions within international organizations); to introduce European citizenship (which does not replace national citizenship but complements it and confers a number of civil and political rights on European citizens); to develop an area of freedom, security, and justice (linked to the operation of the internal market and more particularly the freedom of movement of persons) (www.https://lib.law.washington.edu/ref/eu.shtml?) Subsequent treaties included the aims of establishing: an Economic and Monetary Union; a Common Foreign and Security Policy; and, an area of Justice and Home Affairs (www.http://en.euabc.com/word/743).

In the area of trade, the European Union is the largest exporter in the world. Internal trade between the member states is aided by the removal of barriers to trade such as tariffs and border controls. The European Union Association Agreement does something similar for a much larger range of countries, partly as a so-called soft approach ('a carrot instead of a stick') to influence the politics in those countries. The European Union represents all its members at the World Trade Organization (WTO), and acts on behalf of member states in any trade disputes (www.globalsmes.org). EU aims to play a key role in keeping markets open worldwide (a fact that is seen in its push for the signing of Partnership Agreements across the world), and helping

Europe to exit from economic crises. EU trade policy works to create a global system for fair and open trade. In this EU is propelled by the World Trade Organisation that promotes multilateralism and has in the process shaped a system of global trade rules that keep the global economy open for trade. EU trade policy works to maintain the global trading system and to ensure it adapts to a fast-changing world. In this wise, the EU's positive position with regard to the Partnership Agreements it signs with the West African region can be understood. Moreover, EU seeks open up markets with key partner countries. It seeks to create growth and jobs for Europeans by increasing their opportunities to trade with the world. According to the European Commission, one way of opening markets is to negotiate better access and conditions for trade and investment through free trade agreements. Thus, the EU has concluded a number of Free Trade Agreements and is continuing negotiations with others. Also, EU serves as a trade policeman, making sure that others play by the rules. EU trade policy aims to open new markets for European exporters, workers and investors through lifting barriers to the markets of its trading partners. Because international trade rules are designed to ensure that trade is fair, EU makes it its priority to ensure they are respected. It represents and defends European interests in the court system of the World Trade Organisation, helping ensure that WTO obligations are met.

It is also responsible for making sure that the imports that enter the EU are traded at fair prices and that they do not cause unfair damage to European companies and their workers. For these reasons, it works closely with countries outside Europe to: remove persistent problems for exporters; increase the opportunities for EU businesses to get equal access to procurement markets outside the EU; reduce counterfeiting and piracy of European goods; open up new opportunities for European investment (http://ec.europa.eu/trade/policy/). In addition, EU ensures that trade is a force for sustainable development; it asserts that it is committed to actively

helping people around the world trade their way out of poverty, that it has opened its markets to all imports from the world's poorest countries, and that it works actively to help developing countries build the capacity to take advantage of trade, an argument it is still trying hard to sell to nations such as those in the ECOWAS region, as some of the objections to the EPA have shown.

Other than the above, EU uses its trade policy to reinforce other international goals such as supporting the fight to protect environment and reverse global warming; striving to improve working conditions for workers in developing countries; and ensure highest standards of health and safety for the products it buys and sells (http://ec.europa.eu/trade/policy/).

The European Union, based on its own experience, supports regional integration as a tool for development, fostering sustainable growth and smooth and gradual integration of other regions into the world economy. In this respect, the EU has a comprehensive relationship with the Economic Community of West Africa States (ECOWAS), involving political dialogue, development cooperation and trade (http://www.eeas.europa.eu).

The EU has developed a single market through a standardised system of laws which apply in all member states. Within the Schengen Area (which includes 22 EU and 4 non-EU states) passport controls have been abolished. EU policies aim to ensure the free movement of people, goods, services, and capital, enact legislation in justice and home affairs, and maintain common policies on trade, agriculture, fisheries and regional development (http://www.eeas.europa.eu). A monetary union, the euro zone, was established in 1999 and is composed of 17 member states. Through the Common Foreign and Security Policy the EU has developed a role in external relations and defence. Permanent diplomatic missions have been

established around the world. The EU is represented at the United Nations, the WTO, the G8 and the G-20 (http://www.eeas.europa.eu).

EU's aim is to promote integration and a common government of the European people and countries, and as at 2015, it has twenty-eight member states. The first and most important EU objective is the establishment of a common market. Other treaties that members sign over the years have included establishing, an Economic and Monetary Union; a Common Foreign and Security Policy; and, an area of Justice and Home Affairs (http://www.eeas.europa.eu). According to the Article 3 of the European Union Treaty, Union's aim is to promote peace, its values and the well-being of its peoples. It is based on the values of freedom, democracy, equality, law enforcement and respect for human rights and dignity. The Union's objectives as stated in the Lisbon Treaty Article 3 include, among others: (a.) the promotion of peace and the well-being of the Union´s citizens (b.) an area of freedom, security and justice without internal frontiers (c.) sustainable development based on balanced economic growth and social justice (d.) a social market economy - highly competitive and aiming at full employment and social progress (e.) a free single market.

The EU also establishes a set of values in Article 2, insisting that the EU Court can take values and aims into account when it decides on case law. According to Global Alliances of SMEs (http://www.globalsmes.org), with a combined population of over 500 million inhabitants, or 7.3% of the world population, the EU, in 2011, generated the largest nominal world gross domestic product (GDP) of 17.6 trillion US dollars, representing approximately 20% of the global GDP when measured in terms of purchasing power parity. The economy of the European Union generates a GDP of over €12.629 trillion (US$17.578 trillion in 2011) according to the International Monetary Fund (IMF), making it the largest economy in the world. EU's economy

consists of an Internal Market, and the EU is represented as a unified entity in the World Trade Organization (WTO). The official currency of the European Union is the euro used in all its documents and policies. The Stability and Growth Pact sets out the fiscal criteria to maintain for stability and (economic) convergence. The euro is also the most widely used currency in the EU, which is in use in 17 member states known as the Euro zone.

All other member states, apart from Denmark and the United Kingdom, that have special opt-outs, have committed to changing over to the euro once they have fulfilled the requirements needed to do so. Also, Sweden can effectively opt out by choosing when or whether to join the European Exchange Rate Mechanism, which is the preliminary step towards joining. The remaining states are committed to join the Euro through their Treaties of Accession.

Economic performance varies from state to state. The Growth and Stability Pact governs fiscal policy with the European Union. It applies to all member states, with specific rules which apply to the euro zone members; it stipulates that each state's deficit must not exceed 3% of GDP and its public debt must not exceed 60% of GDP. However, many larger members have consistently run deficits substantially in excess of 3%, and the euro zone as a whole has a debt percentage exceeding 60%. This feature in an integrated region obtains in West Africa region too, as explained in Chapter 5.

The EU's share of Gross world product (GWP) is stable at around one-fifth. The twelve new member states of the European Union have enjoyed a higher average percentage growth rate than their elder members of the EU. Slovakia has the highest GDP growth in the period 2005-2011 among all countries of the European Union. Notably the Baltic states have achieved massive GDP growth, with Latvia topping 11%, close to China, the world leader at 9% on

average for the past 25 years (though these gains have been in great part cancelled by the late-2000's recession) (http://www.eeas.europa.eu).

Reasons for this massive growth include government commitments to stable monetary policy, export-oriented trade policies, low flat-tax rates and the utilisation of relatively cheap labour. For the last year (2011), Estonia had the highest GDP growth from all the states in EU (7.6%). The current map of EU growth is one of huge regional variation, with the larger economies suffering from stagnant growth and the new nations enjoying sustained, robust economic growth (http://eeas.europa.eu/).

Although EU's GDP is on the increase, its percentage of Gross world product is decreasing due to the emergence of economic powers such as China, India and Brazil. In the medium to long term, the EU will be looking forward to increased GDP growth in Italy and the UK in order to stabilise growth in European Union states. This is to ensure sustained economic prosperity (http://www.eeas.europa.eu). The services sector is by far the most important sector in the European Union, making up 69.4% of GDP, compared to the manufacturing industry with 28.4% of GDP and agriculture with only 2.3% of GDP. The agricultural sector is supported by subsidies from the European Union in the form of the Common Agricultural Policy (CAP). This currently represents 40–50% of the EU's total spending. It guarantees a minimum price for farmers in the EU (http://www.eeas.europa.eu).

This has been criticised as a form of protectionism, inhibiting trade, and damaging developing countries. One of the most vocal opponents is the UK, the third largest economy within the bloc, which has repeatedly refused to give up the annual UK rebate unless the CAP undergoes significant reform; France, the biggest benefactor of the CAP and the bloc's second largest economy, is its most vocal proponent (http://www.eeas.europa.eu).

The European Union is the largest exporter in the world and as of 2008 the largest importer of goods and services. Internal trade between the member states is aided by the removal of barriers to trade such as tariffs and border controls. In the euro zone, trade is helped by not having any currency differences to deal with amongst most members (http://www.eeas.europa.eu). The European Union Association Agreement does something similar for a much larger range of countries, partly as a so-called soft approach ('a carrot instead of a stick') to influence politics in those countries. The European Union represents all its members at the World Trade Organization (WTO), and acts on behalf of member states in any disputes. However, when the EU negotiates trade related agreement outside the WTO framework, the subsequent agreement must be approved by each individual EU member (http://www.eeas.europa.eu).

Against this backdrop, it is needs to be stated that the EU plays a major role as an important instrument for the promotion of a globalised trading system, especially its free trade content. As far as ECOWAS is concerned, and in relation to the trade agreements it has with outsiders, EU is the nearest face of the WTO that is visible in the West African region. The EU did not only call for the establishment of WTO, it has been doing all it could to ensure that WTO rules were enforced, as the partnership agreements it signed with every other region of the world had shown. The EU is committed to multilateralism and has severally acknowledged the fundamental importance of WTO in the international trade system. Being the world's major player in international trade, EU supports the work of the WTO on multilateral rule-making, trade liberalisation and sustainable development. The EU proudly claims that its active involvement in multilateral trade means more products on sale at competitive prices, more growth and more jobs. It also says that by actively promoting a fairer and a more stable

international trade system, it strives to: Ensure new markets for European companies; Observe trade rules and make sure others also play by the rules; and create tangible benefits in the everyday life of EU citizens (http://www.eeas.europa.eu).

Through the instrumentality of WTO, the EU also seeks to promote sustainable development in trade, such as: The Everything But Arms initiative – where all imports from the world's poorest countries enter the EU free of import duties or quotas, with the exception of armaments; The special incentive arrangement for sustainable development and good governance, known as GSP+; and Aid for Trade. The EU's place in world trade has been a leverage. It is in prime position when it comes to global trade. Every day, it exports hundreds of millions of Euros worth of goods and imports hundreds of millions more; it is the world's largest exporter of manufactured goods and services, and is itself the biggest export market for around 80 countries; Combined, the European Union's 28 members account for 16% of world imports and exports. The EU imports of agricultural products amounted to €104 billion in 2014. A significant part of these imports came from the developing countries. The EU is the leading importer of agricultural products from developing countries (http://www.eeas.europa.eu).

The European Commission (EC) asserts that the openness of EU trade regime has meant that the EU is the biggest player on the global trading scene and remains a good region to do business with. The EU has achieved a strong position on the world's trade stage by acting together with one voice, rather than with 28 separate trade strategies from member countries. The EU proclaims itself an attractive market to do business with, especially with its 500 million consumers looking for quality goods; its world's largest single market with transparent rules and regulations; a secure legal investment framework that is amongst the most open in the world; and the most open market to developing countries in the world (http://www.eeas.europa.eu).

Europe, EC notes, has become deeply integrated into global markets, especially with the ease of modern transport and communications, it is now easier to produce, buy and sell goods around the world which gives European companies of every size the potential to trade outside Europe. Within its border, EU says, investors can thrive in a stable, sound and predictable environment. As far as EC is concerned, the first thing of concern to any investor is the dismantling of all investment barriers and for investments to be protected (http://www.eeas.europa.eu).

Incidentally, one body that acknowledges and agrees with EU's role with regard to the steps it has taken to abide by rules which make world trading system freer is the WTO itself. In its report that assesses the European Union's trade policy early 2015, the WTO Secretariat pays tribute to the critical role played by the EU in the Organization. The report highlights EU's remarkable openness at a time of "timid economic recovery". The report states further that the EU trade policy matters not only to the EU, but also to the world. EU is among the top three trade partners of no less than 107 countries, and according to the report, "EU remains an open and transparent economy and, as one of the biggest economies and trading entities in the world, plays a critical role in the multilateral trading system" (http://trade.ec.europa.eu). This cannot come as a surprise because WTO is Europe's idea. Meanwhile, the implication of the role EU plays is felt directly by ACP nations, especially West African countries that must of necessity trade with EU.

Moreover, according to the WTO report, 31 million jobs in the EU are supported by its participation in global trade; while exports are important, imports are just as necessary to EU's economy. In today's world of global value chains, in order to export, companies also need imported inputs. EU sources its inputs from the rest of the world, and this also supports jobs

elsewhere in the world. EU, the WTO report added, remained the preferred choice for foreign investors: 45% of total outflows of foreign direct investment in 2013 came from the EU. Equally, the EU is open to foreign investment: it hosted about 48% of world inflows (not including investment flows between the EU Member States). The report underlines that the vast majority of EU sanitary and phytosanitary regulations are based on international standards representing middle-way solutions. In fact, EU's legislations seek to ensure the functioning of the internal market and a high level of consumer and environment protection, which are frequently higher than in other WTO Members, WTO's report says (http://trade.ec.europa.eu).

Historically, Africa (West Africa inclusive) and EU signed the first partnership agreement called the Lome Convention under the ACP-EU arrangement in 1975. In 2000, the ACP-EU Cotonou Agreement (also referred to as Cotonou Partnership Agreement, CPA; Gathii, 2015, pp.111) replaced the Lome Conventions. The CPA (2000; Articles 1 pp.4, 37 pp.6&7) indicated the readiness of signatories to negotiate a new Agreement (EPA) that complied with WTO free trade rules or a market-driven economy, and indeed they had been complying with aspects of it since 1995 with respect to areas where WTO demanded phased but immediate compliance. More evidence is in the fact that even the trade-related aspects ACP-EU Lome IV (of the Lome Conventions) signed in November 1995 is made to comply with new WTO rules (ECOWAS Annual Report, 2007, p.118). The CPA (2000; Articles 37:1-9) went further to make provisions and timetable envisaging the negotiation and the signing of the Economic Partnership Agreement (EPA), thereby formally introducing the free trade principles into ACP-EU relations since 2000. According to ECOWAS (Annual Report, 2007, p.115), "The Cotonou Agreement provided for modalities and timeframe for the negotiations leading to the conclusion of the

EPAs…" CPA (2000) was thus the introductory stage of a new regime (EPA) in trade relations between developing regions (ACP) and the developed EU based on free trade principles.

The CPA (2000; Article 37:1) actually outlined a timetable for the negotiation of these modalities: "Economic partnership agreements shall be negotiated during the preparatory period which shall end by 31 December 2007 at the latest. Formal negotiations of the new trading arrangements shall start in September 2002 and the new trading arrangements shall enter into force by 1 January 2008, unless earlier dates are agreed between the Parties" (CPA, 2000; Article 37:1). CPA, 2000 (Article 37:9) further noted that a process that would lead to the execution of some of the vital ingredients of free trade principles had begun in year 2000. CPA (Article 37:1 & 2) describes the period from year 2000 to the signing of EPA text (when negotiations were finalized) as 'Preparatory Period' – involving e.g. capacity building, economic and trade reforms at national and regional levels etc. Work on implementing free trade principles began in 2000 as noted in CPA (Article 37:3): "The preparatory period (i.e. the start and completion of EPA negotiations) shall be used for capacity building in the public and private sectors of ACP countries, including measures to enhance competitiveness, for strengthening of regional organizations and for support of regional trade integration initiatives, where appropriate with assistance to budgetry adjustment and fiscal reform, as well as for infrastructure upgrading and development and for investment promotion." The foregoing firmly establishes two facts: i. EPA-related activities in ACP-EU relations began in 2000 (contrary to the popular impression that it had not begun at all). ii. There is a clear link among WTO (1995), CPA (2000), and EPA (2014). Negotiations on the EPA were concluded in 2014 and the agreement had since been initialized by the President of the ECOWAS Commission and the President of European Commission on July 1, 2014 Ouagadougou, Burkina Faso.

In more recent years, these agreements have been reached using the umbrella and administrative machinery of the regional blocs, namely, the ECOWAS Commission of the Economic Community of West African States (ECOWAS;) and the European Commission (EC) of the European Union (EU). Furthermore, since 1975, trade agreements between West Africa and EU have been generally reached under the larger umbrella of both the African continent and the Africa, Caribbean, Pacific (ACP) regions arrangement.

While the need to substantially comply with free trade principles has led to the changes in the terms of trade between them in the post-cold war period, ACP nations have always insisted that their own partnership agreement with EU should be a 'development agreement'. This is important for the former because of their slower pace of development. As a result, other aspects such as political and development dimensions are added to the ACP-EU's version of the free trade agreement (FTA), making it world's first most comprehensive partnership agreement in the post-cold war era.

4.3 Global Context of ECOWAS-EU EPA

As already pointed out in Chapter One of this study, most discussions on the implementation of free trade principles that EPA embodies have reduced it to the content of the 2014 EPA text that is essentially on goods. Discussions have failed to relate the introduction of the free trade regime to the global political context in which it is situated. Meanwhile, the prevailing global climate of international relations is important to understanding how this partnership agreement comes to be, as well as the challenges confronting its implementation. Also, many writings about EPA have largely divorced it from other fundamental issues and treated it as a single subject, which it is not. The agreement has mostly been narrowed down to cost and benefits by various interested bodies that have undertaken studies which reach

conclusions that serve their (sometimes advocacy) purposes as shown in Chapter Two of this study. Nations concerned with EPA have hinged their signing it, or failure to sign it, on what they stand to gain or lose, completely leaving out other matters of academic interest that EPA may entail. Business communities (especially the localized companies) see the EPA from the perspective of how much they stand to lose when engaged in competition with European companies which EPA is wont to encourage. The overall effect of this is that EPA, a significant milestone in the history of partnership agreement becomes over-simplified, with all stakeholders interpreting the textual provision from the angle of how it affects them. This study reiterates that EPA is more than all of this and therefore constructs the following background to it in other to have a holistic picture.

The decades since the end of the 2nd World War in 1945 had been characterized by intense rivalry between the Western countries led by the United States of America and the Communist countries led by the former Soviet Union. These situation had been variously referred to as Superpower rivalry, East-West bloc rivalry etc. In this, the U.S saw the western world, including the Americas and Western Europe as belonging to its sphere of influence and must be protected. The Soviet Union had under its influence countries such as China, North Korea and Eastern Europe. The two blocs set up proxy governments in the rest of the world including Africa and Asia, fighting the cold war in these places through their ideological sympathizers. Each side provided economic and military aid to its allies in government or armed groups making efforts to take over governments.

This rivalry was inevitable as the ideologies of the two sides were opposed to each other. The West enunciated capitalism which was based on the right of the individual to acquire wealth, engage in free trade and appropriate private profits. On the other hand, communism enunciated

communal or state ownership of means of production. Everyone worked and contributed to the same basket, and everyone took out of the basket according to his or her needs. This set capitalist nations against communist nations as each side tried to expand its sphere of influence across the world. Both thus saw one another as threat to be curtailed at all cost.

On the military front, the rivalry had been kick-started in 1945 by several factors. The manner the war was brought to an end especially on the eastern flank where the U.S detonated world's first atomic bomb forcing Japan to surrender played a part. The Soviet Union was aware that with this bomb the U.S had a vast military advantage over it. This led to a race for the acquisition of more dangerous weapons between the two ideological blocs. By 1954, the Soviets had acquired the hydrogen bomb. Even with the use of the atomic bomb in 1945 the first reaction of the Soviet Union had been to have an army that was about three times what the West could put together. It also invested heavily in military hardware. The rivalry also had the effect of each side building defence shields. Europe was their playground as the western part of it came under the North Atlantic Treaty Organization military alliance led by the U.S, and Eastern Europe was under the military alliance sealed through the Warsaw Pact led by the Soviet Union.

The cold war went on also in other spheres such as economic and trade. The relations that countries including those in Africa kept on the world stage were symptomatic of this. African nations either ran a socialist or capitalist economy. They collected aid from either bloc accordingly. They formed alliances and sought for military and economic assistance from either of the two world powers that they felt comfortable with. Some nation even got assistance from both sides, declaring themselves as non-aligned nations.

The West especially had actively promoted its philosophy of free trade and private ownership of capital during the cold war era, but its success was limited by the counterbalancing presence of the communist ideology. Under this scenario, when nations found the economic pills of the West too bitter, they turned to the East. Several nations in Africa, the Americas and Asia did this, thus making the West to be careful in how it treated them. In the process, economic and trade agreements concluded by most Third World nations with the developed western world and embodied especially in General Agreement in Trade and Tariff were not as effective as the West would want them to be. The fact that there was an alternative in the East played a role. In fact, as explained in Item 4.4 in this chapter, from 1948 onward, successive U.S presidents were worried that the West's pressure on Third World countries to sign up on certain aspects of GATT might push them to the East, as such they were left hanging. Nevertheless, the desire on the part of the west to have a better-coordinated world trade system had always been obvious during the cold war period. Western economic and trade scholars had presented it to their governments as a necessity, but the politics of the cold war period was not conducive to forcing this agenda through.

Just as it was the case with economic and trade matters, other issues that the West would have wanted to have its way about could not be pushed through. For instance, the West wanted its values to be adopted in Third World nations. The West was convinced that it was in its interest to make every part of the world see things the way it did. Democracy, freedom of speech, freedom of the press, respect for fundamental human rights, respect for diversity, inclusiveness etc, were some of the values of the West that it would want other nations to adopt. It was keen to discuss these issues with nations it had contact with in any form. But during the cold war period the places where its values were accepted were limited. In West Africa, for instance,

governments considered discussions of such matters as purely internal affairs and throughout the cold war period would not allow it to be part of the partnership agreements they had with the western world. Pressure from the West to also make governments focus attention on some development-related issues were also resisted, as such were seen to be the internal affairs of the nations involved.

By 1989, the Soviet Union had shown enough internal weaknesses for it to collapse. Communism collapsed by 1991 and this set the stage for a global transformation that was unprecedented in the history of global politics. Certain basic trends thereafter began to show in international relations. According to Yilmaz (2009), the general wish of the dominant powers in the post-Cold War era was to preserve the status quo from which they mostly benefitted. Hence, international cooperation evidently increased among major powers, as exemplified by the increase of peace operations. The decreasing ideological clashes between the U.S and Russia manifested itself most clearly in the decline of the use of veto power at the Security Council (Yilmaz, 2005). Since the West had become the victor of the East-West ideological rivalry, Western systems and Western influences, in general, started to dominate the whole world. According to Yilmaz (2009), an example was that the U.S had enhanced its influence in the Middle East and in Caucasus since the end of the Cold War. The invasion of Kuwait by Iraq in August 1990 and the following Gulf Crisis, in a way, created an opportunity for the U.S to exercise its hegemonic power in the Middle East. In the following years, in the absence of a counter-power, the influence of the U.S increased further. With the military operation to Afghanistan and invasion of Iraq after the September 11, 2001 attacks, the United States perpetuated its dominance in the region. Also, NATO expanded into Eastern Europe, a region also used to be under Soviet influence. Moreover, the European Union expanded towards Eastern

Europe, symbolizing Western dominance (Yilmaz, 2009). As Yilmaz (2009) put it, while all these dictated Western dominance in the post-Cold War era, the effects of this dominance had manifested itself as both stability and instability. On the one hand, the hegemonic power of the U.S and expansion of Western-originated organizations had an impact on decreasing international anarchy and thus, increasing international stability. On the other hand, however, growing Western dominance brought about many reactions and challenges towards the West.

Two of the points made by Yilmaz (2009) in his analysis are important to this study. One was the increasing dominance of the West in the post-cold war period, as well as the expanding influence of Western-originated organizations. The two phenomena had worked together to lead to post-cold war era dominated by western philosophy of free trade. Just as the West had asserted its dominance in other areas on the international stage, so it did in the area of economics, trade, political and development issues. Areas considered by Third World countries to be their internal affairs gradually thinned out, most especially because there was no rival superpower to turn to as alternative. With the end of the cold war, all countries had become open to western influence and not many were strong enough to resist, except a nation such as China which had also in fact gradually become capitalist in its economic and trade model.

With the collapse of the bipolar international arrangement, the West had all the opportunity to push through its position on the need to organize world trade better; one that was guided by series of agreements that it believed would have the effect of projecting more certainty in the conduct of world trade. Therefore, in the course of the usual rounds of multilateral trade talks, negotiations and agreements from the late 1980s into the early 1990s, the West introduced the idea of a global body to coordinate trade-related issues. The idea for the setting up of this organization with greater power and rules was the brainchild of the West, one which it could not

have successfully pushed through without the collapse of a bipolar ideological bloc, especially because of the new stringent provisions that Third World Countries continued to see to date as inimical to their interests. The formation of such global trade organization in 1995 and the need for members to meet its new requirements were one straight line to the abandonment of the Lome Conventions in 2000, and the subsequent adoption of the Economic Partnership Agreement regime.

4.4 EPA – The Journey from 2000

This section explores the processes that the EPA had been through since it was introduced in 2000. It also takes the implementation of aspects of the agreement through its different phases, showing that the EPA regime had been a major framework for the activities of ECOWAS in its trade relations with the EU in the period under study (ECOWAS Annual Report, 2007; p.60).

It is important to point out that rather than see partnership agreements as static documents that are negotiated, ratified, and implemented in distinct and specific time periods, in reality they are like guidelines for an ongoing process; with one stage flowing into the other. Aspects of EPA as it had become known, for instance, had begun to be implemented as far back as 2000 (e.g. EPADP through EDF). Both nationally and regionally, members of ECOWAS had been involved in free trade process that included trade liberalization, privatization, reciprocal trade, as well as the facilitation of regional integration of their economies in the period under study. These had characterised reform activities in the ECOWAS region and the relations with the EU, just as aspects of what was to be captured in CPA in 2000 had been introduced in the 1995 five-yearly review of the Lome Conventions (also for the purpose meeting a requirement of the newly established WTO in that particular year).

The condition of West Africa in the new Millennium when it adopted a new trade partnership regime was captured by the Executive Secretary of ECOWAS, Lansana Kouyate, who noted that since West Africa's condition was not so enviable by this time the region had identified regionalism as the viable path in the new decade (ECOWAS Annual Report, 2000). The region adopted partnership arrangements and initiatives that were to encourage regionalism. It is in this context that the role of the EPA regime can be best understood. ECOWAS Commission admitted that the forty years that had elapsed since 1960, when most of the ECOWAS countries attained their independence, had been a particularly difficult period for West Africa, further acknowledging that the region was entering a new century facing very many difficulties. More than half of the population subsisted on less than one dollar a day; and the current economic growth level could not bring about any significant reduction of poverty. The model of development adopted in the sixties, and which was modified in the eighties under the various structural adjustment programmes, had fallen far short of expectations. Published statistics mostly gave a false picture of the economic situation, masking the fact that the vast majority of the West African population was slowly but inexorably becoming poorer. The recent economic history of the West African region could thus be considered to have been, for the most part, a period of often acute economic crisis. The region must act to reverse this situation (ECOWAS Annual Report, 2000, p.1). Initiatives that would speed up the process of regionalism (for the benefits therein) was one of such.

According to ECOWAS Commission, for a long time, the debate around this issue had focused on the choice that must be made between growth and social development, between stringent management and economic recovery. The neoliberal-inspired Bretton Woods institutions had been the greatest proponents of this theory which had now received short shrift.

The Commission was of the view that if the new pet theory- poverty reduction- were to be taken as being in opposition to growth, and the rigour which that implied, the issues involved would still not be any clearer. It was convinced that one must not preclude the other. This view informed why West African countries tried to avoid such clear-cut choices and the many attendant pitfalls. If they failed to avoid them it was clear they could remain locked in a vicious cycle of under-development - impoverishment - which had led to perpetual armed conflict, while all efforts to curtail these phenomena would continue to fail. ECOWAS in the new millennium had to grapple with the issues of development, and with the attendant problems which were many and varied. However, the new century afforded a golden opportunity to end the region's marginalization (ECOWAS Annual Report, 2000, p.2). Pointing out these conclusions by ECOWAS is important to understanding why the region made the choices it made in the form of partnership arrangement with EU, for instance.

Also, with the advent of more democratic governance in the sub-region following series of multi-party elections in different countries from the 1990s, there was now a broader consensus on the need to move away from the defective economic models of yesteryears. Now there was talk of development underpinned by economic reforms, improved management of public affairs, human resource development and infrastructural growth. In addition, there was a much clearer awareness of the crucial role that regional integration could play in promoting the economic growth and development of the countries in the region. All these factors combined, at this turn of the century, to place West Africa in a better position than was the case a few years back, despite the current difficulties. Conflicts and poverty were expected to give way to development and peace, economic growth, democracy and regional integration stood to be consolidated in the new

millennium. All this would of course be possible only where there was a commitment to the pursuit of these cardinal values (ECOWAS Annual Report, 2000, p.2).

In light of the foregoing, the region reached a broad consensus around a certain number of key principles that should guide the integration process in West Africa over the coming years. Some of these principles had been brought home by the constraints encountered, and by the conditions that were needed for the effective implementation of ECOWAS programmes. Among them were the need for internal political and economic stability, the need for coordination of macroeconomic policies at the regional level, and also the need to improve the operational procedures in the Community Institutions. Above all, all Member States needed to show a political commitment to implementing the Community's priority programmes.

In its years of existence, ECOWAS had undertaken many cooperation and integration programmes in the key sectors of the economy, particularly with regard to trade promotion, trade liberalisation, provision of better road and telecommunications infrastructures, and the development of the agriculture, industry and energy sectors. However, such programmes had had minimal impact because most of the decisions taken by the ECOWAS policy organs were never implemented (ECOWAS Annual Report, 2000, p.3).

The region admitted that lessons from past experience had not been lost on the Heads of State and Government who were keenly aware of the development challenges before West Africa as it responded to the imperative of globalisation. Thus, at their Lome meeting earlier in December 1999, they reiterated their political will to strengthen ECOWAS, and again pledged to execute Community programmes. They are to serve as the catalyst for the growth and development of the West African economies. As a means to this end, they adopted a strategy designed to accelerate integration of ECOWAS through the establishment of a single regional

market anchored on free trade, a common external tariff and uniform economic and financial policies (ECOWAS Annual Report, 2000, p.3).

West Africa's Heads of State at this time expressed their support for the various initiatives being undertaken, and established a plan of action to hasten the pace of regional integration in the region, essentially by streamlining their programmes. The ECOWAS Commission held several working sessions in 2000 to harmonise its programmes, particularly with regard to the common market and macroeconomic policy convergence. At the international level, the Commission demonstrated that it had grasped the issues raised during the negotiation of the successor agreement to the Lome Convention. According to it, "The countries of the European Union had stuck to the idea of signing regional economic partnership agreements (REPA) with regional economic groupings in developing countries, a clear indication that they no longer wish to trade with or invest in countries with small markets" (ECOWAS Annual Report, 2000, p.4). This reference in 2000 was to the agreement in goods between West Africa and EU that was initialized in 2014, and it was encapsulated in the EPA regime that the CPA introduced in 2000. The Authority of Heads of State and Government, meeting in Lome in December 1999, recognised ECOWAS as the appropriate framework for conducting region-wide relations between West Africa and the European Union, and as such made the ECOWAS Commission as the institution to negotiate sand implement the EPA regime on behalf of West Africa. "It must be pointed out, however, that by the terms of these REPA, ECOWAS must be an established customs union before it can work in partnership with the European Union" (ECOWAS Annual Report, 2000, p.4). It is important to note the link between this EPA regime requirement and the pressure it brings on the pace of integration process in West Africa. For, if

for nothing else, the region recognized that it had become imperative for it to achieve one of its major integration objectives i.e. a customs union.

But the region noted that its efforts to achieve economic and customs union in West Africa must be informed by political and strategic considerations. It must build a politically and economically solid ECOWAS, capable of negotiating with other blocs in the developed countries the bases for a mutually-beneficial form of cooperation that could guarantee West Africa's access to larger markets. The region desired to ensure the right conditions to encourage foreign investment inflows, in the context of a single regional market within which local and international private enterprise could enjoy the benefits of economies of scale. This new arrangement would afford West African countries an opportunity to consolidate their effort to bring about economic and political change within a wider regional forum. The link between this and the objectives of the EPA regime must not be missed as well. West Africa recognized the importance of foreign entrepreneurs setting up in the region, but during the negotiation issues such as what would be done to reduce the impact of this on local market had become a source of contention. The point here is that even before EPA negotiations began, the region recognized the cost, but it preferred to see more the advantages for its regional objectives. However, how to mitigate the cost had become an issue in the years that followed.

The region realised that the time had come to rethink the development strategy in West Africa, by adapting it to the new world economic and geopolitical realities, but without losing sight of the specific features of its national economies. Overall, it recognized that this could be achieved through regional integration, which it considered the best approach to integrating the West African economies into the world economy (ECOWAS Annual Report, 2000, p.4).

Meanwhile, the EPA between ECOWAS and EU has from 2000 onward become a framework (the destination) serving as a barometer for the activities of the regional body as well as its member states. In particular, EPA is better understood within the context of ECOWAS arrangement for the integration of the region. Once this point is realized, then the role, the impact, as well as the challenges which EPA (as a destination) presents to ECOWAS-EU relations in the period under study become clearer. For instance, in adopting the revised ECOWAS Treaty earlier in 1993, "the ECOWAS Heads of State and Government gave full meaning to the name of our organisation: the establishment of a true economic community, characterised by an economic union and a monetary union" (ECOWAS Annual Report, 2000). This revision reflected their commitment to broadening and deepening the regional integration process, which was a target of the EPA. In order to make this ambitious undertaking possible, ECOWAS had been working to achieve a level of supranationality i.e. Member States agreed to partial surrender of national sovereignty in order to make possible the creation of a regional economic identity. ECOWAS then strengthened itself institutionally, including the establishment of the Community Court of Justice, the West African Parliament and the Economic and Social Council. Another important provision was the introduction of financial autonomy, through Community levy. Here, the point made by neo-functioanlists becomes clear through ECOWAS activities and EPA that gives it momentum.

"The broadening of the ECOWAS mandate included active regional cooperation in the political and defence fields" (ECOWAS Annual Report, 2000, P. 108). The regional initiatives of ECOWAS were dictated by a dual preoccupation: relevance to current national economic priorities of Member States and contribution to the ultimate economic union objective. This involved the extension of ECOWAS to the economic liberalization and structural reforms of

Member States, as well as the harmonization of policies and the development of regional infrastructural facilities. According to ECOWAS (Annual Report, 2000, p. 109), "The current Community priority programme, therefore, covers the key areas of the national economies and the main concern of Member States and their development partners: liberalisation of regional trade, free movement of persons and services, establishment of a regional currency zone through the harmonisation of monetary and fiscal policies, harmonisation of business laws, development of transport, communications and energy networks, and promotion of private sector participation in the regional integration process."

The organization was convinced that the steps it had taken were both relevant to the ECOWAS integration process and future development priorities of its member states. It laid the basic foundation for the pursuit of a regional integration strategy. The organization believed the success of future development efforts would depend on the effective translation of the foregoing ECOWAS regional initiatives into concrete reality (ECOWAS Annual Report, 2000, P. 109). But the organization did not only celebrate what it had achieved by the millennium, it was contented at this stage about what it called the recognition by member states of "regional integration as a development tool" (ECOWAS Annual Report, 2000, P. 115). It nevertheless acknowledged the failure of the previous 25 years since its establishment in 1975. "For more than twenty-five years, this tool has been ignored as a viable development strategy to be fully embraced by all Member States. Hence, the poor attention paid to ECOWAS and its programmes and, consequently, the equally small impact that regional cooperation has had on the West African economy (ECOWAS Annual Report, 2000, P. 115). ECOWAS noted how it had journeyed up to this point, and no doubt, external factors (as stated in Chapter 2 of this study) played a part. Such

factors included donor agencies and other regional organizations such as the EU as well as the drive from the partnership agreements that ECOWAS had with them.

According to ECOWAS Commission (Annual Report, 2000, p. 119), "The dawning of the new millennium has produced a new spirit of regionalism, sweeping aside the age-old apathy that had plagued the regional integration process in West Africa. The amount of enthusiasm and commitment that many Member States have shown in ECOWAS programmes during this first year of the millennium gives us reason to hope that regionalism is going to ensure the development of West Africa". While ECOWAS noted that donor agencies in West Africa were by this time thinking regional in their operations, the body saw the potentials in the new trade regime that the Partnership Agreements from 2000 with EU were to usher in.

Trade relations which had always existed between West Africa (under the ACP States umbrella) and the European Community guided by successive Lome Conventions (1975 - 2000) were based on a trade regime that granted preferential access, without reciprocity, to the European Union for ACP products. This trade regime which was offered to the ACP States alone, was discriminatory against other non-ACP developing countries. On signing the Cotonou Agreement on 23 June 2000, this trade regime was maintained for a transitional period during which new trade agreements were to be concluded by the parties. The preferential trade regime was therefore the principal basis of the Lome Conventions and Cotonou Agreement. The fundamental characteristic of the trade regime was the principle of non-reciprocity (ECOWAS Annual Report, 2007). This meant that products originating in the ACP States had access without customs duties and taxes of equivalent effect or quantitative restrictions on the market of the European Union, without the same advantage being accorded European products. The only commitments of the ACP countries consisted in not practicing any discrimination between the

Member States of the European Union and applying to them at least the most favoured nation clause (MFN Clause).

In these principles, the non-reciprocal preferences lasted from 1975 to 2000 with the Lome Conventions and had been maintained during the 2000-2007 transitional period with the Cotonou Agreement, as a result of a grant of a WTO waiver (ECOWAS Annual Report, 2007). The advent of the WTO earlier in 1995 had induced a new approach in international trade relations, entailing deep changes in trade regimes between developed and developing countries. These changes had repercussions on ACP-EU trade cooperation which was consequently required to become adapted to the WTO. Thus, already Lome IV signed in Maurice on 4 November 1995 needed a WTO derogation for it to be applied, at least as regards the trade regime. Articles 34 to 37 of the Cotonou Agreement provided for modalities and timeframe for the negotiations leading to the conclusion of the EPAs to replace the Cotonou trade regime for each ACP region and the EU. At the request of the European Communities, the Fourth Ministerial Conference of the WTO granted a derogation contained in Decision WT/MIN (01)/15 of 14 November 2001 (ECOWAS Annual Report, 2007; p.118).

Primarily, the changes that were to be made in the ACP-EU trade regime were indicated by Article 36.1 of the Cotonou Agreement, which provided that the ACP and EU should conclude "new trade agreements compatible with the WTO rules, by progressively removing the impediments to trade between them and strengthening cooperation in all areas in relation to trade". The same Cotonou Agreement indicated in Article 37, paragraphs 1 and 5, that these new agreements, known as Economic Partnership Agreement (EPA), would be concluded by 31 December 2007, taking due account of the regional integration process between the ACP States. West Africa undertook the negotiations under the banner of ECOWAS Commission, in

conformity with the negotiating mandate issued by the Authority of ECOWAS Heads of State and Government in January 2003. Mauritania also negotiated in the West African framework. The EPA negotiating mandate was exercised in collaboration with UEMOA Commission (ECOWAS Annual Report, 2007; p.119).

In implementing the negotiation mandate, the ECOWAS Executive Secretariat and the UEMOA Commission organised regional preparatory meetings as well as workshops and seminars, with the participation of representatives from Member States, the private sector and civil society. These interactions made it possible to identify pertinent issues and achieve convergence of views, necessary for the deliberations at the regional level and between the two regions. The road map adopted in August 2004 by the two parties covered the following: (i) Deepening the regional integration process; (ii) Improvement of competitiveness: capacity building and upgrading; and (iii) Activities related to the preparation and conduct of negotiations. The negotiations timetable was in three stages:

Stage 1 - From December 2004 to September 2005: integration priorities, setting the EPA reference framework and programme, for upgrading;

Stage 2 - From September 2005 to September 2006: general scope of the EPA and draft agreement in trade-related areas;

Stage 3 - From September 2006 to December 2007: negotiations on liberalisation and conclusion of the negotiations (ECOWAS Annual Report, 2005, p. 65).

Following the adoption of the joint road map for the negotiations, there were meetings with the European Commission which also facilitated the elaboration of the composition and internal work procedures of the contact group and the thematic technical groups, and the determination of the work programme for both the Senior Officials and the Chief Negotiators.

Five technical thematic groups were identified by the two parties to facilitate the

definition of the negotiation positions.

In interfacing with EU, the main objectives of EPA the West African region was called upon to negotiate were: Gradual creation, between the WA region and the European Union, of a free-trade area compatible with WTO rules; Institution of trade and economic relations between West Africa and the EU, giving priority to development and poverty reduction, the prime objective of the Cotonou Agreement; Deepening the regional integration process in West Africa and making it the principal base for the development of commercial trade with the outside world; Improvement of the competitiveness of West Africa's economies through capacity building and upgrading of the production tool; and Improving access of West African exports to the market through the standardization and removal of non-tariff barriers (Annual Report, 2007; p.119).

The deepening of the regional integration process and improvement of the competitiveness of the region's economy constituted the key objectives that were defined in the mandate for the negotiation of the Economic Partnership Agreement between West Africa and the European Union which the ECOWAS Heads of State issued to the ECOWAS Commission. During the first negotiating phase which was to run between December 2004 and September 2005, priority was to be accorded activities enabling regional integration to be reinforced. Similarly, discussions were to enable the EPA reference framework and establishment of programmes for upgrading the production sectors. A second phase from September 2005 to September 2006 was to be devoted to the elaboration of the overall architecture of the EPA and drafting of the Agreement in trade-related areas. Finally, during the third phase, negotiations provided for between September 2006 and December 2007, the parties were to embark on the conclusion of the EPA.

According to ECOWAS (Annual Report, 2007; p.119), close to the 2007 indicative date of conclusion of the EPA negotiations, progress had been made but was “far from constituting

the complete results liable to lead to a coherent, mutually beneficial and development-oriented partnership agreement in West Africa." Nevertheless, by 2007, progress made by the negotiators on some issues of interest to the EPA led to joint consolidated documents which they expected to be translated into the final agreement. The topics therein concerned the regional integration and creation of the free trade area between the two regions, technical norms, trade in services, intellectual property, production sectors and the EPA reference framework.

As already noted, the year 2007 was the period scheduled in the CPA (2000) for the completion of the ECOWAS-EU EPA negotiations. This was not achieved. Nevertheless some conclusions were reached. The main conclusions of this first phase included:

A. Establishment of a free-trade area, the West African Customs Union and trade facilitation - With the establishment of a free-trade area between the region and the European market, West Africa reaffirmed its commitment to a common market among all the states, the base of regional integration. Thus, the EPA would be based on a single trade regime in West Africa, i.e. a customs union comprising all the countries party to the agreement. This free-trade area must be established progressively by taking account of the capacities of the economy of the region to effectively meet the new type of competition (ECOWAS Annual Report, 2007; p.119). The achievement of this position for its regional integration objective within the context of the EPA regime should not be missed, as West Africa had set it as a target at the turn of the century.

B. Technical norms and technical obstacles to trade (TOT), sanitary and phytosanitary measures (SPS) - In considering these issues, the two parties acknowledged that actual access to the EU was impeded by the existence of an increasingly large number of technical norms. In that regard they undertook to act through the EPA to build the capacities of the West Africa region for the respect of norms and establishment of control mechanisms regarding standardization. The

upgrading of the region's enterprises should thus comprise a standardization aspect of quality products and control.

C. Intellectual property rights - The objective here was to ensure an appropriate and effective level of agreement in all areas affecting trade between the two parties. The same was applicable for copyright, industrial property, traditional knowledge genetic objections, folklore, etc. …

D. Trade in services - In the area of services, some general principles were reaffirmed in such a way as to enable the States in the region not to be bound to open up their services sectors more than necessary. These principles concerned the progressive liberalization acknowledgement of autonomous liberalization efforts, the need for the West African region to pursue integration efforts in the services sectors decided by the two regional organizations, namely ECOWAS and UEMOA. In favour of the EPA, the negotiators decided that the EU would open up most of its services market to operators" (ECOWAS Annual Report, 2007; p.121).

E. Production sectors - The discussions held on this theme were carried out by: Examining the effects of the EPA in terms of challenges; stakes and opportunities for the productive sector in West Africa; and defining, in the EPA framework, the provisions to ensure the upliftment of these sectors and improve market access. Six areas for improving competitiveness were adopted, which would constitute the base of the different programmes for improving the competitiveness of the production sectors and upgrading enterprises. From the West Africa viewpoint, this aspect represented one of the prerequisites for the viability of the agreement and should constitute one of the supports of the development dimension of the EPA.

F. The EPA reference framework - In keeping with the Roadmap, a document presenting the report on the EPA reference framework was adopted by the Chief Negotiators during the meeting of 5 July 2005. The report presents the orientations on the possible content of the Agreement

being negotiated and some aspects of the implementation. The principal elements are: EPA and the issue of the reinforcement of regional integration; EPA and its impact on regional and sector development policies; the situation of the production sectors in the West Africa region and the impact of the ongoing negotiations on these sectors; the possible orientations of the improvement of competitiveness of West African economies and the conditions of EPA sustainability; the question of resource mobilization for the implementation of the EPA (ECOWAS Annual Report, 2007; p.122).

G. Review under Article 37.4 of the Cotonou Agreement - By February 2007, a report on the review of the negotiations was adopted by the two parties. The document gave the state of play of the negotiations, evaluated the negotiating structures, presented the areas of convergence and divergence between the two parties, and gave indications on the necessary measures for the conclusion and implementation of the agreement. In the report, West Africa specified that trade liberalization under EPA should respond to two requirements:

(1.) Accompany the process with development support through

(2.) Modulate the timetables for tariff dismantling on account of the level of development of the two regions; acting in such away as not to jeopardize the budgetary balance of the States, and the consideration of supply- side constraints as well as the related institutional and structural weaknesses.

In response to the needs of speed and efficiency of access to resources for EPA and accompanying programmes, the parties decided to set up a special EPA Regional Fund. The operating rules of this fund, as well as the resources to be mobilized under its oversight were to be mutually agreed upon. For the follow-up of the process, three negotiating groups that must lead to the conclusion of the Agreement were set up. They had to do with those that must tackle

the realization of the following three tasks, in relation to the 31 December 2007 deadline: Joint definition of EPA and accompanying programmes and their funding by the EC; formulation of timetables for access to both parties' markets, and elaboration of the text of the Agreement (ECOWAS Annual Report, 2007; p.123).

Major EPA Challenges

As negotiations of EPA were ongoing in 2005-2007, West Africa had identified some of the major challenges to the agreement that might arise. This is important to this study because from the outset of negotiations in 2003, deadline to complete negotiation was set to be 2007. The deadline came and passed but negotiations were not completed. In fact, negotiations basically stalled after the next 2008 target was also missed, and it was not until 2012-2013 period that any significant progress was made. Even at that stage, views popularly expressed were that technical negotiations had been exhausted and it was it was time for political solutions to be explored, if there must be any move forward in the negotiations.

The first challenge to the completion of negotiations which West Africa identified by 2007 was linked to the aim of sustainable development of the ACP which the Agreement was called upon to attain. Article 1 paragraph 2 of the Cotonou Agreement stated that the ACP-EU partnership was aimed at poverty reduction, promotion and acceleration of the economic, cultural and social development of the ACP states, as well as their progressive and successful integration into the global economy. Thus, the question of taking account of the development dimension in the EPA had been at the core of the EPA negotiations and the subject of intense discussions since the "All ACP" negotiating phase (ECOWAS Annual Report, 2007; p.123). In 2007, the ACP and EU had not succeeded in determining consensually all the constituent elements of the

development dimension of the EPA as well as the best way of transcribing the minutes to the text of the agreement. Nonetheless, West Africa and the European Commission had by this time decided to include in the EPA a chapter on development. This was to enable a bridge to be built between trade liberalization and development, and that the same must go for regional integration (ECOWAS Annual Report, 2007; p.123).

The areas of activities relating to the development dimension in the EPA were: Accompanying measures to take charge of the adjustment costs expected from the recessive effects, in the short term, on the tax revenues of the ACP countries, as well as on the production and employment sectors; support to the region in the implementation of tax and other reforms necessitated by the improvement of the business environment of the region; strengthening and deepening regional integration in the ACP regions. For the West Africa region, the finalization of the ECOWAS Customs Union, with the establishment of the CET, constituted a major concern of the authorities of the States in the region, as well as the two major Commissions, ECOWAS and UEMOA. One of the ideas most shared by the authorities was the effectiveness of the ECOWAS Customs Union which must constitute a prerequisite for opening up the region's markets to European products in the framework of the EPA; improvement of the competitiveness of the region's economies. This objective of improving the competitiveness of the economies of the region was an indispensable condition for the viability of the EPA. Thus, by 2007 the region was working to elaborate a coherent programme that took account of all the productive sectors, namely, agriculture, industry, fisheries, cottage industry, service enterprises. A consequent accompaniment by the EC of these programmes was expected at the same time as that of infrastructures to support these sectors; special emphasis was placed on the improvement of

exportable offer which comprised a facet of adaptation to norms; as well as adoption in the timetable of disarmament of the region from the longest possible period of transition.

In view of the foregoing, the meeting of ECOWAS-EU Chief Negotiators, which held in Brussels on 5 February 2007, laid emphasis on the need to define jointly EPA accompanying programmes and ensure their financing by the EC. Of relevance here was the fact that this decision was soon to create a major barrier to the final negotiations of the EPA, which was to drag on beyond all subsequent deadlines set after 2007.

As negotiation with EU dragged at this stage, West Africa was making some progress within the region in other EPA-related areas such as Common External Tariff (CET). The establishment of the ECOWAS Common External Tariff was decided by the Authority of the ECOWAS Heads of State and Government. The technical activities were underway, and were expected to be completed by the end of 2007. ECOWAS noted that the European Commission was committed to supporting the competitiveness of the production sectors concerned in the EPA, contributing significantly to alleviating the net fiscal impact of the EPA in full complementarity with fiscal reforms, and supporting accompanying measures for the implementation of the rules of the Agreement.

From ECOWAS point of view, there were a few essential conditions of success for the EPA. Thus, in the framework of regional integration as well as in that of WA/EU partnership, it observed that it was necessary to: improve the sustainable management of natural resources and environmental protection, ensure coherence between national indicative programmes (NIP) and regional indicative programmes (RIP), become resolutely committed to the implementation of the economic reforms induced by the EPA, take the necessary measures to consolidate the full use of the factors, ensure, in economic terms, coherence between the EPA, poverty reduction

strategies and general policies of development of the countries, improve considerably the implementation of commitments to the creation of the West African Common market; and work with the other ACP regions at political level vis-a-vis the EU Member States to render the development dimension in the EPA effective and ensure that resources were available (ECOWAS Annual Report, 2007; p.124).

Meanwhile, ECOWAS recognized that there were some necessary measures needed to make the EPA a development instrument for the region. It grouped these accompanying measures into four categories and these continued to inform its position in negotiations with EU. These are as follows: Measures for the implementation of the rules and obligations in the Agreement, and support to EPA institutions; measures for reducing the net fiscal impact of the EPA and accompanying fiscal reform to offset the loss in import revenue; measures for the elimination of offer constraints, strengthening competitiveness and production capacity and conformity with WTO norms; and measures linked to the social effects (ECOWAS Annual Report, 2007; p.125).

To these measures West Africa added those linked to strengthening regional integration:

A. Measures for the implementation of the rules and obligations in the Agreement and support to EPA institutions. The region was of the view that it was necessary to offer institutional and technical support to facilitate the region's adherence to the commitments made under the EPA. This support included the costs in the creation of new institutions, adoption of new laws or modification of existing ones, establishment of mechanisms to monitor the implementation of the agreement by the various government agencies, application of specific obligations, participation in the conflict resolution mechanism, etc. On its part, the EU made a commitment to support

accompanying measures for the implementation of the rules that would be provided for in the agreement.

B. Measures related to fiscal transition/reform and reduction of the net fiscal impact of the EPA. The fiscal structure of the States in the West African region was still based on port taxation and, more particularly, on customs duties. The States were willing to gradually transfer fiscal pressure from port taxation to domestic taxation to confer on domestic taxation a preponderant role in development financing. The ongoing creation of the ECOWAS Customs Union was to translate into a rationalization and significant reduction of port duties. This impact could become accentuated with the elimination of customs duties to an important part of exports from the EU in the framework of the establishment of EPAs. Multilateral liberalization in which the States in the region were involved in the framework of WTO could equally affect the States' level of revenue. Studies conducted on this recommended measures such as the removal of exonerations and exemptions, improvement of the relevant fiscal policy indicators by widening the tax bracket, taxation of informal activities and re-examination of excise duty directives, harmonization of direct taxation, modernization of tax and customs administrations, and the fight against tax evasion. To forestall this new approach and ensure the necessary efficiency expected, it is necessary to provide for capacity building and synergy between tax administrations and Customs. These reforms respond to the stakes in the implementation of the EPA and need to be sustained. The definition of the concept of fiscal impact in the EPA mutually accepted by the two regions led to difficult and complex discussions at the different levels of negotiation (ECOWAS Annual Report, 2007; p.126). Viewpoints ranged between the concept of compensation for losses in export earnings, concept of becoming the fiscal impact and that of reduction of the net fiscal impact. This last concept put in counterbalanced the eventual losses and possible gains

trade liberalization could induce. The European side had undertaken to contribute significantly to the absorption of the net fiscal impact of EPA, in full complementarity with the fiscal reforms (ECOWAS Annual Report, 2007; p.127).

C. Measures for the elimination of constraints of offer, strengthening of competitiveness and production capacity and conformity with WTO norms - In view of the commercial privileges traditionally accorded the ACP and their performance especially on the European market, West Africa considered that the main handicap to market access was linked to the norms and other non-tariff measures established on the principal export markets. The types of measures concerned bore on the necessary support to enterprises and producers to build the capacities of offer and competitiveness of the region in view of an optimal exploitation of existence potentialities. These measures equally concerned aid to countries to enable them adapt and conform to the norms and technical rules of international markets, especially
the European Union market, so as to profit from trade prospects (sanitary and phytosanitary measures (ECOWAS Annual Report, 2007; p.127).

Six areas were retained for improving the competitiveness of production sectors. They are: Restructuring and upgrading of the existing production tool; Broadening production bases and improving productivity in the sectors of industry, cottage industry, agriculture, livestock, fisheries and forestry; Hazard Analysis and Critical Control Points. Furthermore, it was decided to consolidate and strengthen sustainable development: Sanitization of the business environment; Building of the capacities of the private sector and civil society; Improvement and strengthening of the quality and capacities of financial intermediation; Improvement and strengthening of basic regional infrastructures.

In the region these were to be achieved through the: reinforcement of the macro-economic framework; improvement of natural resource management and environmental protection; and human resource development. With regard to accompanying programmes for the other production sectors affected by the EPA, the West African region was contemplating the preparation of a document comprising the broad lines of the accompanying programmes that would be submitted to the European side for approval.

D. Measures linked to social effects - These measures were aimed at encountering situations such as job losses or possible inflationary effects arising from the implementation of the EPA. Concrete actions had yet to be initiated for these types of measures in 2007 (ECOWAS Annual Report, 2007; p.190).

E. Measures linked to strengthening regional integration - One of the principal objectives of the EPA was strengthening the integration of the ACP regions. To advance towards the realization of this objective and to create an integrated regional market, West Africa took the position that the EPA should contribute to the implementation of the following principal measures: Establishment of a single commercial regime in West Africa, i.e., a Customs Union enfolding all countries party to the agreement; the free-trade area which will be gradually created within the West African region should be accompanied with the removal of non-tariff barriers and other obstacles to trade, simplification and harmonization of customs procedures and systems of origin certification; acceleration of the establishment of the ECOWAS CET; support to integrating sector projects (telecommunications, transport, energy, etc.).

F. Creation of the EPA Regional Fund - The meeting of the Chief Negotiators of West Africa and the European Union which held on 05 February 2007 in Brussels adopted the principle of establishing a Regional Fund to accompany the implementation of the Economic Partnership

Agreement between the two parties. The two parties reaffirmed the importance of development cooperation and undertook to give it the necessary priority in the framework of the financial institutions of the Cotonou Agreement on the one hand, and on the other hand, through the establishment of a new financial instrument, EPA Regional Fund, to function with the mechanisms and procedures peculiar to West Africa (ECOWAS Annual Report, 2007; p.129).

G. Conclusion of the Agreement at deadline - The parties agreed that the EPA negotiations between West Africa and the EU had encountered a stumbling block in the respect of the late 2007 deadline initially set for the conclusion of the Agreement. According to West Africa (ECOWAS Annual Report, 2007; p.129) the question of deadline for the conclusion of the negotiations continued to set on edge the discussions between the European Commission and some ACP regions. The ACP regions that felt they were unable to conclude the negotiations by 31 December 2007 had not yet succeeded in postponing the date; since the European Commission was opposed to introducing another waiver at the WTO. The ACP was bearing in mind the implications such a postponement could have on the trade relations with Europe, third countries and particularly at the WTO. However they also considered that a phase agreement as recommended by the EC could not be balanced nor could it be development-friendly. On reading the conclusions of the meeting of the Chief Negotiators of West Africa and the EC which held on 5 February 2007 in Brussels, it appeared the successful conclusion of the ECOWAS-EU EPA was contingent on the prior realization of three categories of tasks, namely: Joint definition of EPA accompanying programmes and their financing by the EC; formulation of timetables for access to both parties' markets; and preparation of the draft text of the Agreement (ECOWAS Annual Report, 2007; p.129).

In relation to the above prerequisites, experts on ECOWAS side and the

Ministerial Committee for monitoring the EPA negotiations, at an extraordinary session in Abidjan on 5 October 2007, raised a point. They said the level of execution of the activities stated above, which were of major importance for the effective implementation of development-friendly EPA, did not objectively allow for the deadline (2007) initially fixed for the signing of the EPA to be feasible. Consequently, West African Ministers of Trade and Finance requested the European Union for additional time beyond the 31 December 2007 deadline "to calmly pursue and conclude the negotiations in a calm climate" (ECOWAS Annual Report, 2007; p.129).

In that regard, they urged the European Union to submit to World Trade Organization (WTO), a request to extend the existing waiver so as to preserve for all West African countries the preferences regime of the Cotonou Agreement.

The Ministerial Committee of Monitoring the EPA negotiations (MCM) was composed of Ministers of Trade and Finance in West Africa. This organ examined the progress made by the Negotiators and issued directives to the ECOWAS and UEMOA Commissions in view of the negotiating stands to be defended by the region. During the meeting of Senior Officials held in Brussels, on 18 October 2007, the European side thought a request for an extension of the WTO waiver would not be compatible with the provisions of the Cotonou Agreement which put an end to the transitional trade regime under Cotonou on 31 December 2007. It therefore proposed that the two parties agree by late 2007 on an agreement containing a minimum of market access for goods. According to this proposal by the European Union side, questions of adjustment aid linked to liberalization would also be part of the agreement in appropriate fashion. It would be a complete EPA phase agreement on which negotiations would continue in 2008 (ECOWAS Annual Report, 2007; p.130).

. The European Commission's proposal bore essentially on one of the most controversial aspects of the EPA, namely, tariff dismantling. Tariff on import has been a major issue in the negotiation because all members of ECOWAS majorly depend on it to finance their annual budgets (ECOWAS TODAY). Shifting away from it as EPA requires creates practical challenges for these states that have yet to sufficiently shift to other sources of revenue such as tax. In the event, the ECOWAS region would not finalize the offer of access to the goods market. The activities undertaken by ECOWAS whose results were submitted to the 16 July 2007 session of the Ministerial Monitoring Committee counted on a hypothesis of opening of the West African market to spread over a transitional period of 25 to 30 years. Thus tariff dismantling could be applied until 2033, over 70% to 60% of trade according to an outline including a 5 to 7 years moratorium at the beginning of the transitional period to enable the region strengthen its integration, upgrade its economy and establish a fiscal transition programme. Beyond the market access offer made by the European Commission to all ACP countries in April 2007, detailed discussions had neither been held between the two regions on any offer, nor on the West Africa's trade liberalization timetable and its implementation procedures as per Article XXIV of GATT relating to fundamental rules governing trade in goods.

Despite the divergent positions on the conclusion of an EPA phase agreement, the two parties had undertaken to speed up the realization of the three tasks conditioning the conclusion of the Agreement as soon as possible, namely: joint definition of accompanying measures, formulation of market access timetables, and elaboration of the text of the Agreement.

G. Political momentum for a successful conclusion of the EPA. According to the evaluation carried out by the European Commission on the impact the EPAs could have on sustainable development, if liberalization could enable consumers to buy products at a cheap price, it could

equally speed up the collapse of the modern industrial sector in West Africa. ECOWAS admitted that "a high political will is necessary to prevent such adverse effects of the EPA" (ECOWAS Annual Report, 2007; p.131).

With the support of technical measures, therefore, the region considered some political guidelines it deemed necessary for the purpose. The first was that EU Member States should express their will to contribute to the success of the negotiations by making clean commitments to stock the EPA Special Regional Fund for West Africa, with consistent resources, that should actually be additional to the EDF; coherence and conformity with the national development strategies of the States in the region should be respected; and the EU should not bring any excessive pressure to bear on the ACP countries with a view to concluding the negotiations before the end of 2007, if the negotiated texts did not adequately reflect the objectives of promoting development and reducing poverty.

ECOWAS-EU EPA: The Negotiation Process

The negotiations of the Economic Partnership Agreement (EPA) between ECOWAS and the European Union were launched on 6 October 2003. This was in accordance with the mandate given to the ECOWAS Executive Secretariat by the 25th Ordinary Session of the Authority of ECOWAS Heads of State and Government on 21 December 2001 (ECOWAS, 2010, p. 3). A meeting of ECOWAS-EU Chief Negotiators decided that the EPA negotiations would be concluded in stages which would lead to (i) firstly, a partial regional agreement by the end of October 2009, covering· trade in goods, EPA-related development cooperation and some trade-related areas and, (ii) subsequently, the global regional agreement at the end of the second phase of negotiations during which trade in services and other related areas (investment,

competition, environment, etc) would be negotiated. The completion date was set for 31st December 2007 in conformity with Article 37, Paragraph 1 of the Cotonou Agreement. Efforts by the two parties to reach a comprehensive, balanced and development-oriented regional agreement did not materialise in spite of the successive deadlines they set for themselves (ECOWAS, 2010, p. 4).

The ECOWAS-EU EPA negotiations focused on the legal framework of the partnership, the accompanying programme and the trade liberalization scheme between the two regions (ECOWAS, 2013). The legal framework included the overall text of the agreement, the protocol on mutual administrative assistance in customs, the EPADP protocol, and the protocol on the rules of origin. The accompanying measures were classified under the EPA Development Programme (EPADP) and included five line of actions ranging from the improvement of competitiveness to human and institutional capacity building.

The joint meeting of West African Ministers of Trade and of finance held in Cotonou on 11 September 2002 had adopted priority areas of action for West Africa, the region's plan of action for the EPA negotiations, the regional negotiating structure and the terms of its negotiating mandate (ECOWAS Annual Report, 2003; p.35). With regard to the negotiating structure, a six-member Ministerial facilitating team had been added to the organs created by the Cotonou Ministerial meeting of September 2002, and the regional negotiating committee subsequently included the Council of Ministers. A series of reports were prepared on the following subjects as part of the studies conducted in preparation for the negotiations: Market access, Trade in agricultural products, Industrial products, Trade in services, Trade-related issues. A new road map was adopted for the region after the initial draft presented at the launching of negotiations was deemed to have failed to take the development dimension

sufficiently into account. The new, approved draft contained the principal activities scheduled for the period from December 2003 to the end of 2007. These activities could be grouped under three main heads: consolidation of the integration process, enhancement of competitiveness through capacity building and up-grading, and procedure for the conduct of negotiations (ECOWAS Annual Report, 2003; p.36).

The Phase l, or the all-ACP phase, which had taken off in September 2002, related to the principles, objectives, scope and content of the negotiations, and issues of common interest. Phase 2, which was scheduled to take off in September 2003, related to the negotiation of issues of specific relevance to the regions. But Phase 1 of the negotiations was not completed by September 2003, and it was therefore agreed that this phase should continue, in parallel with Phase 2, until such time an agreement was reached on issues of interest to all ACP countries. It was also agreed that Phase 2 of the negotiations should take off in October 2003. For this purpose, an official launching ceremony was held in Cotonou on 6 October 2003.

As a prelude to the launching ceremony, a series of seminars and meetings were organised by the Executive Secretariat at the regional, continental and ACP levels. They were attended by representatives of the Member states, the private sector, the civil society and the groups of diplomatic missions of ECOWAS Member States to Brussels and Geneva. The Ministerial meeting held in Accra on 24 April 2003 was the forum for a rubbing of minds between representatives of the region and a delegation from the European Union i.e. by the Commissioner in charge of trade. Issues addressed included the approach to phase l and to phase 2 of the negotiations. Other meetings subsequently organised focused on the following issues: Definition of modalities for the internal functioning of the regional negotiating structure, and its

external relations with the European side; joint preparation of a road map for the negotiations and a detailed plan of action (ECOWAS Annual Report, 2003; p. 36)

After the launching of the negotiations, a seminar on regional integration and trade was held in Brussels, with a special focus on familiarity with the European Union institutions and policies. ECOWAS activities within the framework of the WTO negotiations included the organisation of a meeting of WTO member countries which culminated in the Bamako Declaration adopted on 25 July 2003, and stating the position of the region on the different issues on the (WTO) Doha Agenda. A further action within the trade sector was the launching of the capacity enhancement project for trade negotiations. The project was co-financed by the Swedish cooperation agency, and the Project Head took up appointment on 1 October 2003 (ECOWAS Annual Report, 2003; p.35).

At this time, West Africa was focused on what it called a search for a development model (ECOWAS Annual Report, 2004, p.101). It was open to several initiatives that its development partners were ready to jointly undertake with it. Such initiatives included NEPAD, MDGs and others that could assist in its region-wide development efforts. Nevertheless, one of the greatest challenges to development in the region was fund and West Africa focused on this aspect in its relations with many of its partners, including EU. As ECOWAS Commission noted, even its North/South relations revolved round other financial issues such as the granting of soft loans, guaranteeing of loans and credits, facilitating the flow of foreign direct investment and technological transfer, the debt burden and particularly treatment of the various types of official debt (ECOWAS Annual Report, 2004; p. 106). In addition to these development finance issues, West Africa stated that there was the critical question of trade relations and, particularly market access for the export products of the developing countries. It went further to assert that despite,

"the wake-up calls to the international community (resulting from the failures of the WTO ministerial conference in Seattle and Cancun) and the acceptance to adopt a development agenda for the Doha Round (WTO talks), progress has been painfully slow towards evolving a pro-development global trading system. West African negotiators have developed a common front and are challenging the sincerity of the West by raising the cotton issue as a test case for agricultural subsidies," (ECOWAS Annual Report, 2004; p. 107). This is a significant point to note. Earlier in this chapter it has been pointed out the perennial call by the developed world (from the 1960 into the 1990s) to pay attention to the disadvantaged state of the developing nations within the context of global trade. That West Africa was repeating the same call in 2004 was an indication of the mentality it had with respect to its negotiations of EPA with Europe. It also indicated what its disposition was to the new trade arrangement that EPA represented.

In this respect, by 2004, ECOWAS welcomed what it called the emergence of a new international development partnership. Europe was not its only partner; there were equally the United States with its AGOA initiative, South-South arrangement, China and India. In all, ECOWAS was most concerned with its development, and the best model towards achieving it. It had chosen regional integration as the path to development. It was also convinced of the need to further promote free trade among member states in the region as path to development. What was left was the kind of partnership that would best assist it to achieve its objective. It found the regional integration approach most suitable, stating that "In contrast to the slow pace of global trade liberalisation within the WTO framework, regional arrangements appear to have better success. An emerging variant of this phenomenon is the special preferential treatment that selected Western countries are prepared to extend to developing countries. There is the African Growth and Opportunity Act (AGOA) of the US government, which some of the eligible

countries are using to develop their exports to the American market. AGOA has various features including the possibility of establishing a free trade arrangement between the US and eligible African states" (ECOWAS Annual Report, 2004; p. 108).

What is stated above is a region-to-region trade arrangement that WTO actually encourages. The idea is that when regions form bilateral trade relations and have agreements that bind them, they at least form larger economic blocs (as they may not be contiguous), if not political blocs. This cross-region relationship has its internal mechanisms that encourage free trade at such a larger level of trade relations. For WTO, the arrangement speeds up the process of a global free trade area. This way, as each region frees trade, so it forms trade regions with other regions across the world whether or not they are contiguous in land area. This is at the root of the ECOWAS-EU partnership agreements. It is the drive for the ACP arrangement. It also potentially can have a West Africa-US trade bloc that is seen as one trade region from WTO perspective; West Africa-Asia trade bloc etc.

By 2004, ECOWAS was keen to form diverse partnerships that could assist its own integration and development process. Of all the offers from partners, it stated that "The most outstanding offer of a new partnership, however, is that made by the European Union under the Cotonou Partnership Agreement. Together with other ACP states, ECOWAS countries negotiated the first phase (All ACP) of the economic partnership agreement (EPA) with the European Union. As indicated earlier, the second phase, which is the negotiation of a regional EPA between West Africa and the EU began in October 2003. The issues for negotiation that had been agreed upon in the Road Map reflected the EPA objectives announced in the Cotonou Agreement: a trade and development package for enhancing the regional integration and economic development prospects of the ACP States" (ECOWAS Annual Report, 2004; p. 109).

During 2004, ECOWAS cooperation with the European Union included the negotiation of an economic partnership agreement (EPA), the programming of the regional component of the 9th EDF, and the consolidation of the political dialogue between ECOWAS and the European Union. The European Union had allocated 235 million euro of the 9th EDF, principally in support of economic integration, trade, and transport facilitation areas of concentration as well as conflict prevention, health and other sectoral programmes. This was part of the EPA regime in its implementation process, especially for areas considered necessary to facilitate trade.

At the early stages in the EPA negotiations, there were signs that there would be areas of contention between the two Parties. Disagreements occurred on different issues and they were resolved through negotiations, often with the intervention of the resolutions by Heads of State of the member countries during ECOWAS summits. However, as time went on, more difficult issues arose.

Yet, both Parties recognized the need to negotiate the EPA. For instance, it was admitted by them, that is the ACP states and EU, that the Lome Convention provisions granting non-reciprocal trade preferences (for nearly 95% of ACP exports to the EU) were not enough to safeguard the share of ACP states in the EU market. Therefore, apart from the obligation of making the future EPA compatible "with WTO principles, it is intended that the EPA package to be negotiated would facilitate the building of a more competitive and diversified economy in the ACP states. The West African decision to negotiate a regional EPA highlights the priority being accorded regional integration as a development strategy. In effect the negotiation of any EPA implies a much closer cooperation arrangement and a more intimate involvement of the EU in the development process of its ACP partners" (ECOWAS Annual Report, 2004; p. 110).

As already explained above, for ECOWAS, an objective of the EPA regime was the establishment of a free trade area between the region and the EU. While the EU market could be made accessible to eligible West African products immediately the regional EPA came into force (as was then envisaged) in 2008, it would not be until 2020 before the West African market would have to be fully open to European exports. During the interim period, the West African production base and the regional economy as a whole were expected to be strengthened sufficiently to withstand European competition (ECOWAS Annual Report, 2004; p. 110).

West Africa noted in 2004 that the prospect of strengthening the regional economic base constituted a positive element of ECOWAS-EU cooperation through the regional EPA. Among other things, the process of strengthening the West African economy would involve the formulation of a comprehensive regional development programme or a series of long-term sectoral programmes. It would also mean an assured and longer-term commitment to the development of West Africa by the EU, one of the major donor institutions, and its member countries. The attraction is that the closer and more direct involvement of these developed countries in the West African development process could lead to a better EU appreciation and therefore a more sympathetic treatment of the development needs of the region. ECOWAS hoped that the EU, in creating a free trade zone with West Africa, would come to adopt an approach similar to its regional development policy employed to enhance the performance of the depressed areas of the EU member countries.

Through the adoption of the road map for the negotiations, the two parties agreed on the pursuit of some critical trade and development issues. In order to ensure a more level playing field when the free trade area status was attained, the negotiations would focus on market

access. The broad issue of deepening the West African integration process was another key point of focus for the negotiations. West Africa expected the EPA to contain provisions for consolidating the ECOWAS customs union, raising the level of performance of the West African economy by improving the infrastructural and production systems. Particular attention was also being paid to increasing the competitiveness of the region (ECOWAS Annual Report, 2004; p. 111).

Moreover, West African negotiators were also expecting that the EU would support a West African (and developing countries) demand for modifying WTO rules in favour of the commercial interests of the developing world. West Africa was of the view that the EPA had "the potential of becoming an important model for North/South relations. The arrangement should not be seen as the European Union carving out West Africa (or any other ACP regions) as its exclusive commercial preserve. Rather, it should pave the way for other development partners to get more involved in the region's development and integration endeavours. The EPA covers critical development issues, but West Africa admitted that the EU alone could meet the external assistance requirements of the West African countries. "The continued participation of the other donors is required in these areas and in the other areas such as the debt issue that are not covered by the regional EPA" (ECOWAS Annual Report, 2004; p. 112).

But the region recognized what it called the "Challenge of goodwill and political commitment." It observed that in taking EPA as an example of the evolving North/South relations, the underlying assumption of goodwill and commitment must be stressed. West Africa expressed its anxiety and optimism, stating that, "The EU negotiators could very conveniently adopt the attitude of negotiating to obtain a deal that serves EU interests best. If, however, they are animated by the spirit of the Lome Convention, a strong EU goodwill would prevail.

Together, the two parties could produce a development package whose basic objective would be to make West Africa a stable and viable economic partner of the EU, and a credible participant on the global market" (ECOWAS Annual Report, 2004; p. 113). West Africa further stated that, "Such caution needs to be sounded in view of the long drawn out process that 2004 witnessed before the draft road map could be mutually agreed upon" (ECOWAS Annual Report, 2004; p. 113). There is also the lingering debate over "additional resources" and the perspective on which the WTO "Singapore issues" should be handled in the regional EPA negotiations.

West Africa went on to put the question of goodwill in a more general context: how much goodwill was the developed world prepared to display in the development partnership that the Third World sought to build within the international community? The issue was at the heart of the current (2004) difficulties within the WTO regarding progress on the Doha Development Round. It needs to be noted at this point the interplay of negotiations at both the global WTO level and at the ECOWAS-EU level in the negotiation of EPA. This is particularly significant for this study because West African countries had actually agreed during the WTO negotiations to many of the provisions that they would later blame EU for in the EPA. It has been argued that developing countries in general were coerced at the WTO level, (as indeed this study notes in Chapter 5), but the fact remains that the root of some of the areas of contention in EPA negotiation could be traced to WTO agreements.

Like the issue of goodwill, questions arose during negotiations of EPA with respect to the unsustainable debt burden of the low-income countries, the replenishment of development resources, and the flow of official development assistance generally. West Africa hoped that greater goodwill was emerging with the good reception that G 8 leaders accorded other initiatives that targeted the region's development. Another issue West Africa was concerned

about was political commitment on the part of the developing world. It felt the slow progress of the development and integration processes in West Africa could be attributed in part to the inadequacy of political commitment. It observed that the negotiation and implementation of a regional EPA demanded that West African policy-makers have a strong collective political will and commitment. The negotiations required much background preparation in identifying regional interests, evolving appropriate negotiating strategies, and building the necessary technical negotiating capacity. Once the agreement had been concluded, there would be the greater test of faithful adherence to the EPA provisions, and implementing the policies and programmes agreed upon with the EU partners. Also, the task of structural transformation and diversification of the national economies, a process that had been dragging since the days of political independence, would "suddenly" assume great urgency (ECOWAS Annual Report, 2004; p. 108).

Again, this view by West Africa is relevant because the region sees positive aspects in EPA. As ECOWAS officials (Directorate of Trade, 2015; Directorate of Multilateral Surveillance, 2015) pointed out to the researcher, member states in the region seemed to concentrate more on what they saw as negatives in EPA; but the officials wondered if these states had devoted as much energy into putting the required infrastructure in place that would enable them take advantage of the positive aspects of the EPA.

In 2004, West Africa was complaining that the regional EPA would “in effect impose a twelve-year time limit on putting the West African economy on a much more competitive footing” (ECOWAS Annual Report, 2004; p. 108). Nevertheless, it called on member nations Africa to summon sufficient political commitment to be able to deal effectively with such seemingly intractable poor governance issues as political instability, corruption, mis-management of public assets, maintaining that greater determination would have to be shown in

order to succeed with public service reforms, privatisation and the general process of economic liberalisation. The region stated that it "would have to step up significantly the pace at which the integration process has been moving to make it serve as our development strategy and the core of development policy in the region. In sum, the EPA would force West Africa to be more development conscious and pursue the issues of development with. a greater sense of purpose" (ECOWAS Annual Report, 2004; p.109). The relevance of this call to this study was that there was an acknowledgement by ECOWAS Commission that it would no longer be "business as usual" in the region; that a new dispensation had been launched in 2000, and that the dispensation would begin to show its consequences by the time the EPA regime was taken to its logical conclusion.

By 2005, West Africa's Community Work Programme was shaped by three imperatives one of which was the perennial effort at deepening the regional integration process. The imperatives had helped in setting priorities necessary to meet the development challenges facing the Community (ECOWAS Annual Report, 2005, p.71). Given that ECOWAS did not possess the resources to enable it tackle effectively all its development challenges at once, the Community had set priorities to meet the objectives of some development initiatives. Within these were the economic integration programmes that included trade cooperation with the EU, regional peace and security etc. It is important to point out that the European Development Fund (EDF), part of the EPADP, was actively being utilized in some of the integration programmes. As has been indicated earlier in this section, West Africa had chosen by 2000 to utilize every development initiative (NEPAD, MDGs) that could assist it achieve integration and development objectives.

The region recognized that "the strengthening of the integration process is necessary for the EPA and also as a way of meeting one of its essential objectives" (ECOWAS Annual Report, 2005). According to ECOWAS (2005), even though much still needed to be done in some areas, progress made in the EPA negotiations in 2005 was in line with the stipulated objectives. There was success in areas directly linked to trade in goods: free trade area, customs union, trade facilitation, technical norms and quality control, sanitary and phytosanitary measures" ECOWAS Annual Report, 2005, p.65). Other areas such as intellectual property rights, competition policy, services and investment framework, to which eventually other trade-related issues could be added – were also part of the discussions between the two parties; and they were to be continued. With regard to activities on the production sectors, it was agreed that these would continue during the negotiation phase and beyond, into the EPA implementation period. Eight thematic technical groups were set and were operational in the region; while technical consultations with the European Union were regularly carried out in consonance with the EPA work programme. The preliminary meetings of the eight groups set up to see to each aspect of the negotiations were held in Abuja from 13 to 26 February 2005. However, during the meeting and a subsequent one in July 2005, the eight regional Groups agreed to limit their intervention to only five thematic groups, namely, (i) free trade area, customs union and trade facilitation; (ii) normalisation, quality control and related services, health measures etc.; (iii) other domains related to trade; (iv) investment and services; (v) production sector analysis consisting of agriculture, cattle rearing, fishing and non-agricultural products (ECOWAS Annual Report, 2005).

Concerning the interactions between the two parties in these technical issues in 2005, all

the five thematic groups contributed to the elaboration of the technical framework of the EPA negotiations through their joint technical reports that covered all the issues in the first phase of the negotiations. The joint technical reports were first approved by the appropriate government authorities in the Member States prior to their submission to the meeting of Chief Negotiators that was held in October 2005. The eight groups were: customs union, free trade area and trade facilitation; standardisation, certification, quality control, SPS measures and technical barriers to trade (TBT); competition and intellectual property ; investment; agriculture ; fishery ; services ; and nonagricultural and handicraft products. The two parties had reaffirmed their determination to conclude the agreement in 2007 and to implement the EPA as from January 2008.

To this end, it was decided that every effort would be made to achieve progress in areas where no success was recorded during the first stage and to commence the negotiations of the second stage from the beginning of 2006. West Africa noted that there had been an indepth exchange of views between the two parties on the respective regional integration processes, especially in the areas of intra-regional issues, common external tariff, customs issues, and technical norms, and SPS. The discussions on trade services and intellectual property rights had also facilitated the definition of a joint approach to the second phase of negotiations, in line with the road map for negotiations.

The European team had expressed regrets that it was impossible to deliberate on competition policies and investment envisaged in the road map. It was also of the view that if necessary, discussions could cover public procurement rules, environmental issues and labour laws as contained in the Cotonou Agreement. On the issue of competition and investment, West Africa did not consider it necessary to start discussions at this stage. West Africa also stressed that the issues of environment, labour laws and procurement were not

included in the road map for negotiations. Both parties agreed that in line with the road map, discussions should lead to the establishment of an EPA reference framework covering all the negotiation areas (ECOWAS Annual Report, 2005).

The second stage which covered the period September 2005 to September 2006 encompassed the general structure of the EPA and a draft agreement in the trade related areas. In 2005, the West African team was of the opinion that activities in the Stage 2 could not be carried out until all the activities envisaged in Stage 1 had been concluded, including the report on the reference framework. In line with the road map, both parties agreed to create groups for continuing the negotiations of the second phase. During this stage, the Regional Preparatory Task Force (RPTF) would continue its duties in accordance with the provisions of the road map. The RPTF was established in the road map of the EPA negotiations between West Africa and EU with the objective of facilitating the link between the EPA negotiations and the financial cooperation arrangements for development, which were the two pillars of the Cotonou Agreement (ECOWAS Annual Report, 2005, p. 68).

The West African region, aware of the implications of the EPA for the development process of Member States, emphasised the importance of taking into consideration the development dimension of the EPA. In this regard, the region planned to give more attention during the negotiations to include the fiscal and economic adjustment costs of the EPA as well as the definition of an appropriate reference framework which would include the development priorities of the region, especially strengthening competitiveness. The region decided that a partnership with the European Union must consider all these issues for it to be beneficial to the two regions and more importantly, meet the expectations of the West African population.

One of the major pointers to the role and impact of EPA regime on the ECOWAS region even as negotiations with EU continued in 2005 was how the region continued to make preparations concerning the achievement of customs union through the adoption of the common external tariff (CET), an essential phase in the EPA regime. At this stage, there were efforts made by ECOWAS to implement CET and achieve customs union; there were the more prominent of the activities engaged in as part of the EPA process. The creation of an ECOWAS customs union was predicated on the achievement of a free trade area involving total removal of import duties on products originating from the region, and adoption of a common external tariff in the Community (ECOWAS Annual Report, 2005, p.65). Some of the work done concerning this area:

1. Consolidation of the Tree Trade Area - The effective functioning of a free trade zone was one of ECOWAS priorities at this time, and the Secretariat conducted a sustained campaign of sensitisation of all stakeholders on the trade liberalisation scheme. This was done in collaboration with the national units in Member States. The main areas of focus under the programme in 2005 were (i) effective implementation of the ECOWAS trade liberalisation scheme (ETLS); (ii) trade facilitation, harmonization and simplification of customs clearance procedures; (iii) establishment of a common external tariff (CET); (iv) harmonisation of indirect internal tax laws; (v) and monitoring the implementation of the Community levy. In addition, in order to consolidate the free trade area that had been established since January 2000, the ECOWAS and UEMOA (for French-Speaking Member States) trade liberalisation schemes were harmonized. Some Member States had effectively started the implementation of the harmonized scheme at this time (ECOWAS Annual Report, 2005, p.66).

. The region organised sensitisation campaigns and awareness seminars – To encourage the participation of all Member States in the implementation of the scheme, awareness campaigns on the free trade area were undertaken by the ECOWAS Secretariat. During the 30th anniversary celebrations of ECOWAS in May, 2005, the ECOWAS Secretariat conducted sensitization campaigns and awareness seminars in the Member States on the ETLS and the regional integration process. With the assistance of the European Union capacity building project, seminars were organised in Abuja, Lagos, Bamako, Accra, Freetown and Conakry for economic operators, civil society and the private sector.

There were workshops on approval procedures – A workshop was conducted for members of the National Approval Councils in the Member States to promote quick processing of applications for approval, and proper drafting of approval of applications submitted by firms subscribing to the preferential regulations of the ECOWAS ETLS. Two hundred and forty two (242) industrial products up to that time were approved by the National Approval Councils of the Member States. In the area of compensation of losses of customs revenues, the Secretariat received compensation requests on losses of customs revenue from Benin, Burkina Faso, Ghana and Senegal. These requests were examined by the Secretariat and approval was given for payment to be made (ECOWAS Annual Report, 2005, p.66).

2. Facilitation of Intra-Community Trade -The facilitation of intra-Community trade was expected to be achieved through the harmonisation and simplification of customs procedures and clearance as well as adoption and implementation of the harmonized text by the Member States. Against this background, the ECOWAS Secretariat organised a meeting for senior customs officials to draw up terms of reference for a study for the adoption of a customs code and an ECOWAS customs value. The meeting, which was held in Accra on 21 and 22 March

2005 also explored ways to ensure an effective implementation of the conventions relating to inter-State transit of goods (ISRT), with recommendations that included the removal of customs escort for vehicles, containers, tanks and refrigerator lorries approved under the ISRT; Organisation of information and sensitisation campaigns on the IRST for relevant decision-makers and economic operators; Establishment of a National Approvals Council for vehicles within the framework of ISRT in the Member States; Interconnection of data processing systems of Member States, under the aegis of the ECOWAS Secretariat to ensure rational management; Organization in October 2005 of a meeting of customs experts and national guarantor for the effective implementation of ISRT from January 1, 2006.

Besides these, the ECOWAS Secretariat participated in the 7th meeting of the General Assembly of National Guarantors appointed by member states to provide guarantees for ISRT operations on 21 and 22 March 2005 in Niamey. The Assembly adopted a new agreement linking the national" guarantees and made several recommendations all of which facilitated practical requirements of the measures earlier listed, such as interconnection of the data processing/computer services of the customs offices concerned; Use of crossing papers/sheets to confirm the exit of goods from the territory; Elaboration and distribution of a manual of administrative and financial procedures to define the institutional framework and the practical modalities of implementing the agreement (ECOWAS Annual Report, 2005, p.69). The relevance of the aforementioned was in how much was taking place in order to bring the region in line with the requirements of the trade-related aspects of the EPA regime.

3. Adoption of a Common External Tariff

The implementation of the ECOWAS common external tariff (CET) was a crucial step towards the establishment of the customs union. Earlier in 2002, a road map for the adoption of

CET and for the establishment of the customs union had been drawn up by the Secretariat. To implement this decision, CET national units were created to facilitate the conduct of the impact studies and to promote national ownership of the process leading to the initiation of necessary reform measures. In pursuit of these objectives, ECOWAS institutions had the assistance of development partners such as the European Union and USAID. Although some activities were still pending regarding the adoption of a regional programme covering all Member States during the transition period, most of the individual countries concerned had drawn up national plans, and were by 2005 "quite prepared for the ECOWAS CET" (ECOWAS Annual Report, 2005, p. 68).

. Following the finalisation of the national plans, a meeting was convened in Banjul from 30 March to 1 April 2005 to (i) assess progress on the application of the CET; (ii) harmonise requested exceptions; (iii) consider the special situation of agriculture; (iv) prepare a draft regional plan for the adoption of the CET; (v) agree on a monitoring mechanism for the application of CET in the region and within Member States; and (vi) update the roadmap for the application of the CET and establishment of the customs union. In order to align the tariff lines of all countries in the region, Member States recommended a transitory period, and the categorization for some specific products which would become effective on January 1, 2008 for the ECOWASCET (ECOWAS Annual Report, 2005, p. 69).

Equally, certain products that were deemed sensitive would benefit from a special complementary protection tax under different forms that would be determined by the Council of Ministers during the transitory period on the basis of negotiation and complementary studies.

Regarding the transition period, although several Member States (the Gambia, Ghana, Guinea, Nigeria and Sierra Leone) had already begun the process of alignment with the ECOWAS CET,

the transition period was fixed to start from January 2006 to December 31, 2007. During the period, Member States would benefit from a special dispensation concerning products that were identified as the object of exemption lists of the known categorization. Against this backdrop, the 48th Meeting of the Trade, Customs, Taxation, Statistics Money and Payments Commission recommended that: Member States should submit to the ECOWAS Secretariat their final exemption lists of the categorization with their necessary justifications; The Secretariat should propose a text on the legal framework of the ECOWAS CET and the accompanying measures; and that a Joint Committee for the management of the ECOWAS CET should be established (ECOWAS Annual Report, 2005, p. 70).

In accordance with the recommendations of the Commission, a meeting was held with the French-speaking Member States' UEMOA Commission to discuss modalities for the creation of the Joint Management Committee of the ECOWAS CET.

There was work on the harmonisation of Indirect Internal Taxation of Member States – A number of activities carried out in respect of the harmonization exercise during 2005 included procurement of consultancy services between January and April 2005 and commencement of a study on harmonization of indirect taxes, especially VAT and excise duties in November 2005. The study was expected to be completed in March 2006. There was also the implementation of Community Levy. The implementation of the trade liberalization scheme had been hampered by the poorly-funded compensation mechanism. However, the Community levy which was by 2005 being applied more satisfactorily was expected to facilitate the functioning of the free trade area by ensuring the payment of loss in customs revenue (ECOWAS Annual Report, 2005, p. 70).

Monitoring of the application of the Community levy was being done more regularly. In accordance with the provisions of the Protocol relating to the implementation of the Community levy, the ECOWAS Secretariat undertook evaluation missions to seven Member States namely, Benin, Burkina Faso, Cote D'ivoire, Mali, Niger, Senegal and Togo. The main objective of the mission was to assess the status of implementation of operations relating to the effective application of the Community levy in the selected Member States and recommend measures to address the constraints identified in the mission. In addition, the ECOWAS Secretariat organised a seminar on 4 and 5 April, 2005 in Abuja for national officials involved in the management of the Community levy to agree on a common strategy for the correct and effective collection of the Community levy. The seminar adopted recommendations that were adopted by all the representatives of the Member States (ECOWAS Annual Report, 2005, p. 71).

Another area of work that received attention during these years was the creation of ECOWAS Solidarity Fund. The relevance of these efforts to implement CET and thus achieve a customs union should be noted not only for the integration process in West Africa, but for the link between it and the need to meet an EPA requirements spurred by the region's trade relations with Europe.

By 2007, the concerned parties were optimistic of a breakthrough in the EPA negotiation, but were to dismiss a conclusion of the negotiation in the course of year. This was as a result of some unsettled issues. The following year was targeted instead. As to how the EPAs would govern relations between the ACP and the European Union, they had a triple objective: facilitating access of ACP products to the European market, developing South-South trade, and supporting the regional integration process. They would enable the development dynamic to be re-launched by creating an enabling environment for the boom of the private sector. For that

reason, regional roadmaps and integration agendas bore on investments, public contracts and policies in favour of competition. Moreover, the EPAs, which must be compatible with WTO rules, proposed trade liberalization in three stages: first, within a regional grouping of countries, subsequently among the different regional markets of the South and, finally, between the countries of the North (Europe) and the South (ECOWAS Annual Report, 2007). The creation of regional markets was to enable the most isolated countries to be opened up and develop private enterprises. In that regard, countries should adopt a common customs regime and eliminate bottlenecks that hamper the free movement of goods. As regards North-South trade liberalization, the EU proposed an approach that would enable each region to negotiate safeguard measures for vulnerable sectors. Furthermore, the EU was aware that product quality standards might well penalize exports from ACP countries; aid programmes, as well as the extension of transitional periods and modification of rules of origin were therefore to be the subject of negotiations with a view to facilitating the entry of ACP products to the European market. At this time, the European Union was preparing a new European Development Fund (10th EDF) to lend financial support to the regional integration process and establishment of partnership agreements. It was accepted by all parties that EPAs would be meaningless unless they strengthened the regional integration initiatives existing in the ACP countries without compromising them. In that perspective, the EPAs should serve to consolidate the ACP markets before promoting trade integration with the EU (ECOWAS Annual Report, 2007). At this point, parties had agreed that "if well negotiated and accompanied with the appropriate measures, the EPAs would effectively constitute a development framework for the ACP regions" (ECOWAS Annual Report, 2007).

The 2008, and yet again 2009 deadlines to round off negotiations could not be met due to differences, and in 2010, efforts by the two parties to reach a comprehensive, balanced and

development-oriented regional agreement also failed to materialize. Beside the contractual deadline of 31 December 2007, the 30 June 2009 deadline was proposed by West Africa in the schedule adopted by the SMC during its meeting of 17 December 2007 and the deadline of late October 2009 was decided by the meeting of ECOWAS-EU Chief negotiators on 17 June 2009. This meeting of ECOWAS-EU Chief Negotiators decided that the EPA negotiations would be concluded in stages which would lead to (i) firstly, a partial regional agreement by the end of October 2009, covering· trade in goods, EPA-related development cooperation and some trade related areas and, (ii) subsequently, the global regional agreement at the end of the second phase of negotiations during which trade in services and other related areas (investment, competition, environment, etc) would be negotiated. However, since the last meeting of the ECOWAS Council of Ministers, very little progress was made in the EPA negotiations in 2010.

At the end of technical-level and senior officials' negotiations meetings held respectively in Ouagadougou from 8 to 12 June 2010 and Brussels from 13 to 17 September 2010, the negotiators failed to reach a compromise on essential issues still pending. But there were some conclusions from the different aspects of EPA negotiations at this time. The status of progress of the EPA negotiations could be assessed from the viewpoint of the compromise made by both parties at this stage on the different themes. The status of negotiations could also be assessed from the angle of the persisting differences between the two parties.

By this 2010, areas in which consensus had been reached were added to the text of the agreement, and they included defining modalities for the implementation of the EPADP initiated by West Africa, the current status of discussions with the European Commission on this important tool proposed by the region, the WA market access offer, Protocol on the Rules of origin in the EPA, as well as conduct of negotiations on trade in services (ECOWAS Memo on

EPA, 2010, p. 1). On the draft joint text under discussion since 2007, the two parties recorded significant progress on almost all the provisions of the partial agreement. This text was sub-divided into seven sections and 104 articles. It included a preamble, provisions relating to trade in goods (customs duties treatment, technical barriers to trade, safeguard measures, trade facilitation and customs cooperation), dispute prevention and settlement, institutional arrangements, EPA-related development cooperation, general and final provisions. The text of the EPA was to be complemented by some Annexes on the following in particular Protocol on the Rules of origin, Protocol on the Implementation of the EPADP, the schedule for dismantling West Africa tariffs, etc. (ECOWAS Memo on EPA, 2010, p. 2).

Following the different rounds of negotiation which were held at the technical level but also for the High level Officers and Chief negotiators, some points of consensus were stated in the text. They included in particular: The principle that West Africa may have a transition period for the implementation of the ECOWAS-CET; this period could be extended to 2014 upon request by West Africa negotiators; the principle of postponement of the date for opening the Ivorian and Ghanaian markets; the interdiction, except in exceptional cases to be considered by the joint EPA Council, to impose new export duties and taxes or to increase existing ones upon the entry into force of the agreement; the principle of free movement of goods between the Parties, especially the inauguration of the free movement regime by West Africa, after a transition period of five (5) years starting from the entry into force of the agreement. The actual enforcement was however contingent on an assessment of the region's capacity for an effective implementation by the end of the transition period; the possibility for the parties to use anti-dumping measures, countervailing measures, protection clauses or nascent industry clauses in accordance with WTO rules depending on the circumstances; the establishment of a

cooperation with the EU to promote a viable and sustainable agriculture; the interdiction between the parties to export prohibited products to each other's domestic markets in accordance with consumer protection principle, except if the competent authorities from one of the Parties say otherwise; the possibility for the West Africa region to review the liberalisation timetable agreed upon, as part of support measures for the development of its sectoral policies (especially agricultural and industrial); the principle of implementation of the EPADP and support to the EPA beyond the expiration of the Cotonou Agreement, based on a commitment of solidarity by the EU and its Member States to provide funding for the EPADP; the use of the EPA Regional Fund as the main instruments for channeling resources to be mobilised within the framework of the EPA. There were also agreements on the establishment of an EPA dispute settlement mechanism, with the possibility of using the WTO dispute settlement mechanism; the creation of solidarity between WA countries in the case of settling disputes arising from the EPA.

Nonetheless, adequate implementation of such a provision required the establishment of a regional legal assistance mechanism; the creation of management and monitoring bodies for the implementation of the EPA which involved all the stakeholders of the socio-economic life of the parties; the possibility for some parts of the agreement to provisionally enter into force, pending the definitive entry into force, in accordance with the procedures for ratification of the agreement by countries; the development objectives of the EPADP which involved a 5-year on year planning and the joint mobilisation of resources required for implementation of the programme; within the framework of the EPADP, the setting up for each party of individual operational arrangements which would facilitate in particular: considerable resource mobilisation, adequate matching of needs against finance sources, synergy between EPADP priorities and the regional integration agenda (ECOWAS Memo on EPA, 2010, p. 3).

There is also the issue of EPADP financing. Both parties shared in the insightfulness, originality and usefulness of this programme. An assessment of the EPADP activities included by West Africa revealed that 9.5 billion Euros was required for the first 5 years. The actual response of the EU to the EPADP consisted in making an inventory of ongoing or envisaged EPADP-related projects in the WA region. On this ground, it considered that the available resources to support EPADP-related activities for the period 2010 - 2014 representing 8.116 billion Euros, of which at least 6.5 billion Euros would come from the EU and the rest from other partners. This response by the EU on the financing of this programme did not appear satisfactory to West Africa insofar as it failed to take into account the extra requirements in terms of the activities and resources arising from the EPA, as well as the priorities indicated by West Africa due to the low level of resources allocated for infrastructures while this area represented the largest proportion of requirements identified by West Africa (ECOWAS Memo on EPA, 2010, p. 3).

Furthermore, West Africa made its Negotiators to realize that the provision of resources for the EPA should not be linked to conditions and political conditions in particular. The region noted however that having to resort to other donors for additional financing might involve conditions which the region and its countries had to respect. This emphasises the role and importance of other partners such as donor agencies, but it also brings out the cost of additional burden from other quarters in a situation in which West Africa had already picked EU as the best viable partner in its regional integration and development efforts (ECOWAS Memo on EPA, 2010, p. 4). Discussions in 2010 did not lead to the preparation by the two parties of a detailed table for EPADP financing which moreover, must show the approved resources, funding sources as well as the nature of funds (grants, loans, non concessional flows, etc).

Work was done on market access too as negotiations on the modalities for West Africa trade liberalization continued during the year. The EU side proposed a 100% liberalization offer upon the entry into force of the agreement for the access of goods from the countries of the WA region onto the European market (except for sugar). In return, it wanted an 80% liberalization offer over a I5-year transition period. On its part, based on the list of sensitive products, West Africa made several proposals for the liberalization of trade in goods and this served as the basis for several negotiation meetings. West Africa's last offer was on a 69.69% opening threshold for online trade and in volume, about 69.75% in tariff lines of trade to be liberalized over 25 years. This offer was in line with the conclusions drawn in the meeting of Senior Officials of 13 November 2009 (ECOWAS Memo on EPA, 2010, p. 4).

During the last negotiation cycles (June and September 2010), the EU Party made proposals for the liberalization of other products, which were either intermediary goods, or goods for which the EU was not the major supplier to West Africa, or goods with between 0 and 5% customs duties. The whole of these proposals was on 475 tariff lines and represented 7.364% of trade in the region. According to the EU, these suggestions would make it possible to improve the offer from the point of view of the development impact. This proposal was rejected by West Africa whether from the development impact view-point or the general level of liberalisation, which was about 77%. The region considered all goods it proposed for exempt from liberalisation as sensitive products and that the level and period of proposed liberalisation were appropriate because they mainly took account of the situation of West African economies. Furthermore, the proposed tariff dismantling calendar would enable West Africa to liberalize over the first fifteen (15) years (2011-2025), 86.5% of its trade proposed for liberalization, or 0.3% of its trade with the EU. The EU's single offer was made to all the ACP regions in April

2007. It was on a 100% dismantling (without duty or quota) on all products upon the entry into force of the EPA, except for sugar (I5-year transition period) and rice. The parties agreed, however, to present the tariff dismantling calendar in the form of a percentage reduction of the initial rates. This formula would be complemented with a table indicating the nominal rates applied for each year and each tariff line. A consensus on the market access offer remained one of the necessary conditions for concluding the agreement (ECOWAS Memo on EPA, 2010, p. 4).

Also, there were the negotiations on the Protocol on the rules of origin. A protocol on the rules of origin applicable to the EPA was at this time undergoing the negotiation process. The positions of West Africa on this issue were rooted mainly on the principle of special and differential treatment given the significant differences in the levels of development of the two parties involved. However, there were still divergences on the provisions relating to the definition of the concept of originating products and asymmetry and the issue of cumulation. Given that the protocol on the rules of origin must be finalized simultaneously as the other areas covered by the EPA, the parties agreed to organize meetings on the issue at more regular and frequent intervals.

Moreover, there was concensus on trade in services. In accordance with the conclusions of the meeting of Chief Negotiators held in June 2009 in Brussels, this thematic was one of the issues deferred till the second phase of negotiations in order to have a general consensus. However, there seemed to be a difference in approach between the parties on the duration of the interim period necessary for the conclusion of negotiations on trade in services. The West Africa region proposed a period of three years, which was considered as the time necessary for the conduct of sectoral studies which should provide sufficient time to prepare offers and requests in full knowledge of the facts, while the EU side would prefer a shorter period. Within the context

of sectoral negotiations on services, the ECOWAS Commission requested for the assistance of Tradecom Facility for the evaluation of trade in services for the entire region. Two teams of consultants were dispatched to countries of the region to prepare this regional study towards the evaluation of trade in services of each of these countries. The report of this regional study on services was presented to States during the validation seminar scheduled in Accra from 14 to 16 December 2010. The·findings of these diverse activities were to serve as the basis of sectoral negotiations in the area of services.

Nevertheless, there were unresolved differences in the text of the EPA in 2010. Despite the progress made during these negotiations, there remained some issues of divergence which would require a decision at the political level of the two parties. These include in particular the following: How to handle the community levies in relation to duties and taxes to be liberalized; Impact of EU agricultural subsidies on trade between the two regions; Inclusion of the MFN clause in the EPA text to ensure that the most beneficial trade preferences that the West Africa region is offering its other major trade partners might be extended to the EU; Including the non-execution clause which introduced a link between trade related concerns and the issue of political dialogue raised in Articles 8, 9, 96 and 97 of the Cotonou Agreement; A liberalisation level of trade in goods for West Africa accepted by the two parties; Establishing an acceptable level of EPADP financing by the two regions guaranteeing security, predictability and inclusion of all EPA requirements. Resolving the above-mentioned points of divergence and in particular, preserving the independent resources of the two regional organisations, consensus on market access offer and EPADP financing, West Africa opined, would open the way for the signature of the phase agreement.

It is of relevance to this study that West Africa pointed to the need for political resolution of the contentious aspects of this trade agreement. One reason is that many of the choices to be made would have not only implications on the revenue profile of member countries in the region but also political implications which a study in the political science would be interested in. It is equally of interest to this study that in spite of the unresolved issues the region continued to embark on efforts to prepare itself for the outcome of the EPA. The period starting from 2000 was dominated by negotiations and activities by the two Parties targeted at meeting conditions set in the EPA regime given impetus by the WTO requirements. Several sensitisation and information activities on the EPA were organised with Member States. There were public awareness campaigns organised for: Parliamentarians of ECOWAS Member States on 31 August to 1st September 2010; Representatives of the West African civil society and private sector on 2 and 3 September 2010; and West African Universities and media representatives on 6 and 7 September 2010. These sensitisation activities were complemented by assistance to national negotiation committees of some countries and by the trade and EPA seminars sponsored for private sector operators of other countries. ECOWAS Commission provided technical assistance for the organisation of these seminars (ECOWAS Memo on EPA, 2010, p. 5).

ECOWAS Commission surmised that in terms of regional prospects, the rapid conclusion of the regional EPA should make it possible for the region to regain the single trade regime it had with the European Union as its major trade partner. It is worthy of note that the Commission recognized that apart from the consideration of trade relations with Europe, "the persistence of the current situation (different trade arrangements i.e. Interim EPA and GSPs) was detrimental to regional integration" (ECOWAS Memo on EPA, 2010, p. 5). It was of the view that apart from other socio-political issues which the organisation was involved in, "the ECOWAS founding

fathers first of all chose to create a regional space integrated through trade and the economy. The climax of this integration through trade is the transformation of ECOWAS into a customs union with the creation of the ECOWAS Common External Tariff (CET), which process is at an advanced stage" (ECOWAS Memo on EPA, 2010, p. 5).

The observations above made by ECOWAS Commission shed light on the extent the region's objectives had become interwoven with, and informed by the EPA regime. The effort to transform the region into a customs union through the creation of the ECOWAS Common External Tariff (CET) was informed by the need to prepare the ground for some aspects of EPA. As ECOWAS officials (Directorate of Trade, 2015) explained, CET was one of the preliminary steps towards implementing the agreements on goods that was being negotiated. ECOWAS Commission submitted that CET, "an ambitious programme which is indispensable to the development of the region cannot suffer for too long from the coexistence of several liberalisation schemes, indeed by a disparity between the trade policy of Member States and the most important trade partner of the region. It is therefore expedient that at the political level, clear positions be presented to the European party particularly on the West Africa market access offer and EPADP financing. Satisfactory resolution of this issue will determine in large part the development of the region and consequently its ability to accept the EPA" (ECOWAS Memo on EPA, 2010, p. 5). Here, once again, the link between free trade and development using the EPA to achieve both is emphasized.

The 37th Summit of ECOWAS Heads of State and Government in 2010 reiterated the will of Member States of the region to sign an EPA that was fair, just and mutually beneficial to the two parties. ECOWAS Commission insisted that, "Any other solution that does not include the reestablishment of the single trade regime between the region and its major trade partner, the

EU, would not be suitable for the continued pursuit of the regional integration process and cooperation with the EU" (ECOWAS Memo on EPA, 2010, p. 7).

By 2011, the EPA negotiations were still a stalemate due in part to the same outstanding divergence between the two Parties (ECOWAS Annual Report, 2011; p.22). In February 2011, the 39th Ordinary Session of the Authority of Heads of State and Government held in Abuja which further provided directives to the West African Chief Negotiator on these outstanding issues. In the course of the year, three negotiation meetings were held between West Africa and the EU to discuss technical issues. In addition, thematic group meetings as well as workshops were organized for member states in order to continue the necessary consultations on negotiating positions. A meeting of the West Africa Ministerial Monitoring Committee was held in Accra in November 2011 to review progress made since May, 2010. The meeting referred a number of concerns to the ECOWAS Council of Ministers for further guidance (ECOWAS Annual Report, 2011; p.23).

In spite of the stall in EPA negotiations however, within West Africa in 2011, the region had consolidated on the Free Trade Zone through the ECOWAS Trade Liberalisation Scheme (ETLS). The objective of the scheme was to promote intra-Community trade by the removal of tariff and non-tariff barriers to import and export of products originating from Member States. Just as CET is, ETLS is a precursor to the Customs Union arrangement that must be a primary phase in the implementation of trade agreements on goods between West Africa and EU. Since the formal adoption in Niamey in January 2006 by the Conference of Heads of

State of the structure of the ECOWAS Common External Tariffs (CET) and creation of a Committee for the completion of the project, progress had been achieved. Ten (10) meetings of the joint Committee and several technical and specialised meetings were held to discuss the

activities, leading to the: coordination of the market access offer within the framework of EPA negotiations and the classification of products under the ECOWAS CET; finalisation of adjustment of the CET Tariff and Statistical Nomenclature; ongoing discussions on the finalisation of CET support and safeguard measures. (ECOWAS Annual Report, 2011; P. xix).

From 2010 onward, ECOWAS Commission demonstrated greater keenness to: accelerate the development of the ECOWAS Common External Tariff (CET) and ensure the effective implementation of the ECOWAS Trade Liberalisation Scheme (ETLS); accelerate the macroeconomic convergence of the economies of Member States through the effective implementation of prudent fiscal and monetary policies and effective implementation of the multilateral surveillance mechanism; accelerate implementation of the ECOWAS Agricultural Policy by ensuring that the instruments developed to that end were made operational; Finalise the formulation of the Community Development Programme (CDP) and strengthen its internal institutional base; accelerate finalisation of the EPA negotiations and ensure the signing of a development-oriented agreement in conformity with the efforts being made towards accelerating regional integration in West Africa (ECOWAS Annual Report, 2011; p. xxvi). By the end of December 2011, the draft outline of ECOWAS CET comprised a total of 5794 lines divided into five categories. ECOWAS Commission stated prospects for the creation of CET in the region in 2012, hinging them on a few conditions (ECOWAS Annual Reports, 2011; p.25).

The new leadership of the ECOWAS Commission that assumed office in February 2012 under Mr. Kadré Ouedraogo, reactivated the Economic Partnership negotiations with the European Union Commission. Two expert meetings, a meeting of senior officials and another meeting of chief negotiators, were held in 2012 consecutively to reconcile the positions of both

parties. The differences were mainly related to the West African Market openness to European products and the financing of the development dimension of the EPA.

ECOWAS Commission noted the observations and comments made by the European Union within the framework of the internal technical meetings of the Commission. The issues had to do with the Common External Tariff (CET) which had by this time been technically finalised. However, the EU proposal was fine-tuned taking into consideration all the products or group of products under the CET. But negotiations were to continue in the region in order to achieve still a better position within the framework of the CET. The current proposal and the procedures that would be utilised for its improvement were subject to a perfect agreement between the two Commissions (ECOWAS and UEMOA). A roadmap was formulated by the two Commissions for the outstanding work to be completed (ECOWAS, 2012; p. 135). Concerning the development aspect of the Agreement, a West Africa and European Union Task Force Meeting was held in April 2012 to take stock of progress made and adopt recommendations to continue with activities in this area, particularly by organizing national meetings on the financing of the EPADP, setting up a Regional EPA Fund, fiscal impact assessment through a Computable General Equilibrium (CGE) Model and the fiscal transition programme in West Africa (ECOWAS Annual Report, 2012; P. 136).

By 2013, in its renewed effort to accelerate the regional integration process and established a common market in West Africa, the 43rd Ordinary Session of the Authority of ECOWAS Heads of State and Government re-affirmed the need to establish the ECOWAS Common External Tariff and conclude a development-oriented regional Economic Partnership Agreement (EPA) with the European Union (ECOWAS Memo on EPA, 2013). It needs to be emphasized that from the time CPA (2000) was signed, West Africa's attention had been on the

negotiation, preparation for, and implementation of the settled aspects of the EPA. The negotiation with EU took a prominent place, and drove many national measures being taken across West Africa, such as implementation of fiscal transition programmes. Regarding the EPA, Authority welcomed the completion of work on the review of the trade liberalization scheme with the European Union as well as its coherence with the CET and development imperatives sought by the agreement. In order to implement the directives on the CET, the Integration Community Levy (ICL) and the EPA, Authority decided to convene an Extraordinary Summit in Dakar, Senegal in October 2013. This meeting of ECOWAS Trade Ministers was part of preparation for this Extraordinary Summit to be preceded by an Extraordinary Council of Ministers' meeting extended to Finance and Trade Ministers.

By this time, 2013, the EPA negotiations were in their tenth year and had been "mainly characterized by missed opportunity for their conclusion in 2007 and 2009, despite the many efforts and other initiatives undertaken by the two parties. At the ACP level, only the Caribbean region has been able to conclude a regional EPA in December 2007. The other ACP regions namely Central Africa, the Pacific, SADC, AFOA and West Africa were still engaged in negotiations. In these 5 regions, 17 interim agreements were initialed or signed at the end of 2007, including 2 for West Africa (ECOWAS Memo on EPA, 2013).

In the course of the year, progress made by West Africa was on the overall framework of the EPA. However, negotiations that had been deadlocked since 2011 on some differences remained the same, including in particular those related to market access offer and EPA financing, differences for which no consensus has been reached till date. The delay in finalizing the EPA was exacerbated by the foreseeable consequences of the entry into force as from October 2014 of the amendment to Regulation CE 1528 on the interim EPAs.

At this time, 2013, the ECOWAS-EU EPA negotiations focused on the legal framework of the partnership, the accompanying programme and the trade liberalization scheme between the two regions. The legal framework included the overall text of the agreement, the protocol on mutual administrative assistance in customs, the EPADP protocol, and the protocol on the rules of origin. The accompanying measures were classified under the EPA Development Programme (EPADP) and include five line of actions ranging from the improvement of competitiveness to human and institutional capacity building. The liberalization of trade in goods was currently the focus of discussions on the market access offer. Services were to be discussed at a later stage (ECOWAS Memo on EPA, 2013). West Africa obtained a number of concessions from EU during the discussions on the various areas covered by the EPA. These concessions centred on the structure of the EPA development dimension, namely:

a. In the text of the Agreement, the inclusion of various provisions to take care of– Sustainable development in the economic and trade partnership; The region's concerns in agriculture and sustainable fisheries; The definition of a cooperation for the implementation of the development dimension and the achievement of the EPA objectives; The preservation of ECOWAS and UEMOA independent funding mechanism; The development of a special protocol defining the modalities for the implementation of the EPA Development Programme; The possibility of suspending the liberalization of a product for the realization of development-based integration projects (with exception to the principle of status quo); The principle of continued EP A financing at the expiry of the Cotonou Agreement in 2020 and, The principle of termination of Cote d'Ivoire and Ghana's interim EPAs after the conclusion of the regional EPA.

b. On the rules of origin – There was the definition of preferential provisions applicable only to West Africa in order to promote the exports of the West African region. These provisions set out

in Annex were to help West Africa make the most of opportunities provided by the rules of origin for the export of processed products in the West African region.

c. On the EPADP – The definition of a coherent trade support programme framework for improving the competitiveness of West African economies; The EPADP and its use as the main instrument for achieving the development dimension of the EPA; The political commitment of the European Commission and its Member States to finance the EPADP; The establishment of an EPA Regional Fund to serve as a special instrument for channeling the resources to be mobilized as part of the WA-EU agreement.

In spite of this progress, negotiations were still deadlocked in 2013 on the issue of market access offer, the materialization of the EPA financing and some concepts relating to the MFN clause and the non-execution clause. But new proposals were made by West Africa on trade opening liberalization. The 'market access offer' component of EPA would determine the level and extent of trade liberalization, as well as the modalities for the implementation of the reciprocal opening of markets between the two parties. The formulation of the proposed market access offer implied, in particular for West Africa, the identification of products to be excluded from the liberalization. Also, for the products to be liberalized, this implies at what pace and within what time the customs duties initially levied by the countries would be dismantled.

Preparatory work for this West African market access offer included the identification of sensitive products, as well as the establishment of the liberalization scheme were carried out by ECOWAS in consultation with the States. The proposals on these were approved by the Ministerial Monitoring Committee on EPA negotiations (MMC) during the various regional meetings held in Accra from 20 to 22 February 2013, Praia on 21 and 22 March 2013, and Banjul from 6 to 10 May 2013. The deliberations in these various meetings helped to seek the

necessary balance between the imperatives for access to inputs and low cost production equipment, the protection of regional production through trade defence measures, improved competitiveness through support activities within the framework of the EPADP, preservation of State revenues and improved welfare of populations. These meetings validated the new proposed market access offer of the West Africa region with an opening rate of about 75%. West Africa had based its argument on the development differential between the two regions to propose an opening rate lower than the 80% sought by the EU and to spread the transitional period over 25 years instead of the 15 years requested by the partner (ECOWAS Memo on EPA, 2013).

This goods liberalization scheme in the EPA between West Africa and the European Union was approved by the 70th Ordinary Session of the ECOWAS Council of Ministers held on 17 and 18 June 2013 in Abidjan, which instructed Africa's Negotiators to resume discussions with the European partner and seek with it a set of compromises by including the other differences into this proposal. Other differences were to be removed for the conclusion of the EPA Negotiations.

In 2013, there were still areas of differences. Despite the significant progress made during the negotiations on the text of the agreement, there were still some differences regarding mainly the Most Favoured Nation clause, the non-execution clause and the principle of resource additionality. These differences are as follows:

1. The inclusion into the text of the EPA of a “Most Favoured Nation clause, MFN clause” (EPA, 2014, Article 16) is an EU request intended to extend it to all the most favorable trade preferences that West Africa might offer in future agreements with major trading partners; .

2. West Africa requested for the EU to significantly take into account in the EPA the impact of its agricultural subsidies on trade between the two regions ((EPA, 2014, Article 48.5);

3. The EU requested to include in the EPA the "non-execution clause" that empowered it to take action against any West Africa State that breached the fundamental elements of the Cotonou Agreement such as: the principle of the rule of law, good governance and human rights (EPA, 2014, Article 105). This inclusion in the EPA would introduce a link between trade-related concerns and the issue of political dialogue referred to in Articles 8, 9, 96 and 97 of the Cotonou Agreement;

4. The EU's request seeking West Africa commitment to negotiate trade agreements with countries forming a customs union with it (EU). These countries are Turkey, Andorra and San Marino and;

5. West Africa's request to introduce in the text of the EPADP protocol, the principle of "additionality" of resources to be mobilized from the EU to finance the EPA.

It is worth noting that West Africa admitted at this stage that "a consensus between the two parties on the issue of market access offer will pave the way to finding solutions to the other above-mentioned differences. Indeed, the level of opening of the West African market to the EU, the transitional period at the end of which this level of opening must be completely achieved as well as the level of resources likely to be mobilized to finance EPA-related projects, were by now the critical issues of the negotiation. In addition to these issues that delayed the conclusion of the EPA were the implications of the Amendment to Regulation CE 1528" (ECOWAS Memo on EPA, 2013).

West Africa was particular about the EPADP because it was the umbrella programme for most issues that had to do with the development dimension of EPA. But its relevance is also in the fact that it is a coherent programme to address the needs arising out of EPA. The programme aims at building a competitive regional economy which harmoniously integrates into the global

economy and stimulate growth and sustainable development. Specifically, the programme aims at supporting West Africa to derive full benefit from the opportunities offered by EPA as well as minimise the negative effects of the agreement (ECOWAS Memo on EPA, 2013).

The last regional meetings on the EPA suggested the updating of the EPADP operational plans that had been elaborated earlier in 2010 to ensure that future discussions with the EU on EPA financing were based on updated activities in view of the changing regional and world economic environment, and in consonance with the 11th EDF programming underway. The regional technical meeting on the updating of the operational plans held on 19-21 September 2013 retained four strategic orientations for the development of the priority matrices covering .the first five years of the implementation of the EPADP. These were: Assist the industrial development of the region; Assist intra community trade and the exportation of transformed products; Create employment and revenue for the population; Mitigate the risks associated with trade liberalization.

In order to operationalise these orientations, the meeting retained the four priority areas of intervention as follows: Increase and diversification of the capacity of production – Special attention would be given to the upgrading of existing industries, and the realization productive community investment projects which took into account the comparative advantage of member states; Access to intra regional and international trade; Trade-related infrastructure, notably, energy, transport and telecommunication infrastructure with the view to opening up the productive areas; Reforms, especially fiscal and customs reforms, economic and institutional reforms, trade defence measures; Studies, monitoring and evaluation of EPA. On July 1, 2014, the Chief Negotiators of West Africa and EU initialized the EPA in Ouagadougou, Burkina Faso. Members states were all expected to have ratified the EPA by October 2014.

The priority project matrix elaborated on the basis of these orientations and areas of intervention were to be presented to the EU party with the view to obtaining more precise commitment from the EU, and have a clear picture of the level of its contribution to the financing of the EPADP. But there were implications of the amendment to Regulation CE 1528. The European Council had adopted on 30 September 2011, Regulation N° COM (2011) 598 amending Regulation *CE-1528/2007* of 20 December 2007 on access to the European Union market for developing countries that had concluded the EPA, interim or full. This 2007 Regulation helped these countries to benefit from the provisional and anticipated application of trade preferences from 1st January 2008, in anticipation of the arrangements that they were to be put in place for the ratification of the EPA. In view of the delay by West Africa member states in the ratification process from October 1, 2014, the EU was considering denying preferential access to the European market to the ACP States that had concluded these Agreements, but had not ratified them.

The consequence for Cote d'Ivoire and Ghana was that these countries, in the absence of the regional agreement before the deadline might have to decide on a line of action that could be to initiate the procedures for the entry into force of their interim agreements to continue enjoying the preferential access to the European market or forfeit them and lose this access. West Africa was of the view that the entry into force of the interim agreements would have damaging consequences on regional integration in West Africa, as Cote d'Ivoire and Ghana's Interim EPAs had some trade liberalization schemes with the EU. The implementation of these schemes would jeopardize the establishment of the regional Customs Union for which the ECOWAS CET had been developed.

In addition, this situation would exacerbate the region's current trade relations

with Europe where there was a juxtaposition of four trade regimes (EBA for the 12 LDCs, GSP for Nigeria, GSP+ for Cape Verde, and Ghana and Cote d'1voire's Interim EPA).

However, the conclusion of the regional EPA would restore a single trade regime with the, EU. Besides, in order to pursue the region's trade and economic integration in consonance with ECOWAS and UEMOA Treaties, it was expedient to find solutions for the quick conclusion of the regional EPA to make the Cote d'1voire and Ghana's interim agreements obsolete (ECOWAS Memo on EPA, 2013).

Meanwhile, efforts towards implementing the CET that was considered important to EPA were further pursued. The CET received political support from the high political authorities of the Community during the Extraordinary Summit of the Authority of Heads of State and Government held in Dakar on 25 October 2013. The Authority instructed the ECOWAS Commission to take all necessary measures to ensure that the ECOWAS CET was implemented in all Member States from 1st January, 2015 (and this had taken place).

In July, 2014, in Accra, Ghana, the Authority of Heads of State and Government urged the Member States to sustain their efforts particularly by strengthening the economic, budgetary and financial reforms, as well as taking ownership and ensuring effective implementation of regional programmes, with a view to consolidating the achievements. In that regard, the Heads of State and Government welcomed the actions implemented in line with the different roadmaps adopted, particularly by ensuring that the ECOWAS-CET came into force on 1st January 2015, ensuring effective implementation of the trade liberalisation scheme and attaining the Monetary Union by 2020 (ECOWAS Press Release, 2014).

At the 73rd Ordinary Session of ECOWAS Council Of Ministers, in Abuja, in December, 2014, all member states agreed to this, showing a commitment to ensuring that the

ground was prepared for the EPA (ECOWAS Memo, 2014). In this regard, the Commission organized an extraordinary meeting of Directors-General of Customs of ECOWAS on 15 January 2014 in Ouagadougou. The meeting assessed the challenges and identified actions to be undertaken throughout the year 2014 in order to allow all member states to meet the 1 January, 2015 deadline. This meeting adopted a roadmap for the implementation of the ECOWAS CET. As at the end of October 2014, it emerged that over 90% of the activities contained in the CET road map had been· executed (ECOWAS Memo, 2014). Thus, all critical activities necessary for the implementation· of the CET in Member States had been· conducted. In order to give a strong political impetus to the implementation process of the CET in Member States from 1 January 2015, the Commission also organized a meeting of Ministers of Finance in Accra, Ghana on 27th November, 2014.

4.5 The state of EPA as at 2014

EPA negotiations were concluded by 2014, and endorsed by the two supranational institutions concerned i.e. ECOWAS Commission and the European Commission in Ouagadougou on July 1, 2014. However, it is important to state the following: The EPA negotiation which commenced on October 6, 2002 could not be concluded by 31st December 2007 as outlined in the original negotiation road map in the Cotonou Agreement's Article 37.1. The end of October 2009, as agreed on 17 June, 2007 by the Chief Negotiators of the two regions, could also not be met. This was because of several contentious issues that had remained unresolved in the negotiation process at the end of December 2007. For instance, Nigeria rejected the option of an interim agreement because most of its products were already entering the EU on zero duty, and by that decision, the other exports from Nigeria were subjected to a less favorable Generalized System of Preferences (GSP) trade regime thereby getting goods from the

country placed under various EU tariffs since 2007. The remaining 13 countries in West Africa are Least Developed Countries (LDCs) which have the option of enjoying market access under Everything But Arms [EBA], except Cote d'Ivoire and Ghana that initialed and signed interim EPAs. Nigeria however applied for GSP Plus (+) in 2007 and 2009 but was rejected because it did not ratify one of the 27 UN Conventions specifically Oil Genocide (ECOWAS, 2014).

The EPA negotiations between West Africa and the European Union are focused on several thematic areas, in particular on trade liberalization in goods between the two regions, development assistance within the context of EPA, structures for the management of the agreement, mechanisms for the settlement of disputes, etc. The provisions regulating trade relations between the parties regarding the above-mentioned themes, as part of the Economic Partnership Agreement, are spelt out in the text of the agreement. However, as at the time of the initialization in July, 2014, the issues that continued to be contentious and over which the Parties concerned had called for political resolution included the following:

EPA Market Access Offer: The discussions between West Africa and the EU on the EPA had focused on the interpretation of WTO compatibility and what would constitute a development-oriented market access offer. From the beginning, EU offered to provide 100% duty free and quota free market access to West Africa. In order to be WTO compatible, the EU's request relates to a trade openness rate of 80%, which is to be achieved after 15 years whereas West Africa proposes a gradual opening up to reach 70% but eventually offers 75% opening by the end of 25 years. The EU holds the view that an 80% trade openness rate is compatible with Article XXIV of the GATT. West Africa's proposals are based on the belief that shifting to a very high level of trade openness and dismantling trade barriers too swiftly will jeopardize the region's development.

In 2012/2013, West Africa proposed a market access of 75% that was hinged on 3 pillars: 1. Linking the West Africa Market access to the adopted ECOWAS CET (December 2012, in Abidjan), 2. Maintaining the coherence with the Regional Sectoral policies (mainly Agriculture and Industrial) and, 3. A feasible, transparent, and coherent dismantling calendar based ONLY on the CET. By 2014, the consensus agreement reached between the Chief Negotiators of both parties was 75% opening over 20 years.

EPA Development Programme (EPADP): To consolidate the development dimension of the Economic Partnership Agreement (EPA) between West Africa and European Union, West Africa formulated the EPA Development Programme (EPADP). The EPADP offers a coherent framework for the implementation of priority activities under the following five axes:

Axis 1: Diversification and increase of production capacities

Axis 2: Intra-regional trade development and facilitation of access to international markets

Axis 3: Improvement and reinforcement of trade related infrastructure

Axis 4: Necessary adjustments and other trade related needs

Axis 5: Support to the implementation and monitoring-evaluation of the EPA

The EPADP has the general objective of building a competitive regional economy that is harmoniously integrated into global economy, and to stimulate growth and sustainable development. Specifically, the programme looks at the West African region such that it may fully profit from the opportunities offered by the EPA while minimizing any negative effects arising from the agreement. The EPADP is implemented through operational plans which indicate activities identified for a five-year period, their estimate costs and implementation time frame.

Based on the operational plans formulated at national and regional levels, the current additional need (i.e. beyond existing commitment) as estimated by the West Africa region is about 15 billion Euros for the first five years. Appropriate financing of the EPADP is needed to assist in improving the competitiveness of enterprises; the development of national and regional trade related infrastructure; training of public and private sector operatives; financing of the fiscal deficit of Member States resulting from loss of customs revenues which in most countries is the major source of financing of their recurrent budgets; as well as for the implementation and monitoring of the EPA agreement.

The EU and its Member States reiterated their commitment to support the implementation of the EPADP. To this end, the resources made available by EU and its Member States are estimated to be about 6.5 billion Euros based on the existing or envisaged trade-related projects/programmes in West Africa.

Persistent divergences on the EPADP Protocol: The negotiations of this Protocol led to a consensus on eight out of ten Articles, in the EPA text. These eight Articles relate to the objectives, programming, sources of financing, eligibility to funding, the EPA Regional Fund, the operational arrangement, the evaluation and review of the Protocol respectively. However, divergences persist in two Articles and they concern the principles and the amount of financing. In terms of principles, the divergence specifically has to do with additional resources with regard to the amount of financing; the two Parties did not reach consensus on the mode of incorporating the amount to be allocated by the EU for financing the EPADP into the protocol and on the role of the EPA Joint Council.

During the negotiation session that held in Brussels in July 2011, the two Parties agreed to

submit the issue of additional funding to the political level and to pursue the negotiations on matters concerning the amount of financing and the role of the Joint EPA Council.

Additional resources: Since the inception of the EPA negotiation with West Africa, the region has been emphasizing that resources meant for financing the EPADP be made additionally, quite different from the existing resources in order to address the challenges arising from the EPA. The issue, in particular, for the West African Party is to have fund to support increased competitiveness of businesses, the development of trade-related national and regional infrastructure, capacity building in the public and private sectors, and the implementation and monitoring of the EPA.

Furthermore, additional fund is needed to ensure that the fiscal deficit of Member States is financed because of the loss of customs revenue, the main source of revenue for budget financing in most of the countries. The EU stated on several occasions that it had additional resources to finance activities under the EPADP. Its financing, it states, will be executed within the context of the appropriate rules and procedures stipulated under the Cotonou Agreement, in particular the procedures for programming the European Development Fund and relevant instruments financed under the European Union General Budget. The EU Member States will, among others, finance the EPADP activities through their respective development policies and instruments, within the framework of trade assistance.

The second aspect of the additions to be made goes beyond the mere increase in resources. It consists in ensuring that resources identified for financing the EPADP do not come from commitments already made by the donors within the context of their traditional donor support to the region. This additional aspect is not clearly demonstrated in the EU reaction to

the EPADP. In fact, the available resources announced by the EU as its contribution to financing the EPADP estimated to be about 6.5 billion Euros are mainly existing funds.

Certainty of financing: This second aspect of the additions requested by West Africa is the issue of certainty of the EPADP funding. The EU declared its willingness to contribute to financing the EPADP. However, the amount of contribution is not specified in a binding document. In fact, the amount of resources declared by the EU is indicated in the EU presentations during the meetings of the Regional Preparation Task Force and in the conclusions of the European Union Council of 10 May, 2010.

In reaction to the concern of the West African negotiating group on the need for EU to indicate the level of financing for the EPADP in a binding document, the latter proposed that the conclusions of the EU Council be incorporated in a binding document in the Preamble of the Protocol. Furthermore, the indicative amount of financing to be provided by the European Party for every multi-year plan must be indicated at the beginning of the period, subject to the time frame of the programming cycles of the cooperation instruments used for that purpose in the indicative financing plans relating to operational plans.

But the conclusions of the EU Council are not legally binding, in particular in relation to the EU Member States, and much less the response of the Regional Preparation Task Force. Moreover, quoting the conclusion of the EU Council relating to the financing of the EPADP in the Preamble of the protocol does not have the same force of law unless the conclusions are captured in the text. With regard to the financing plan, it specifies the resource planning and their distribution according to sources of financing but does to compel the partners to honour the provision of the resources indicated there.

The analysis above indicates that the positions taken by the EU do not provide sufficient guarantee on the amount of contribution expected from the EU which is the principal source of financing for the EPADP. This does not help in confidence-building with respect to the West Africa Party. The indication of the amount of contribution by the EU for financing the EPADP in a legally-binding manner will ensure predictability of resources and will provide greater assurance as far as programme implementation is concerned. The objective of this request, the West Africa Party has stated, is not to compel the EU to create another financing instrument.

Issues in the EPA Text: These include, **A. A** lot of consensus has been reached by the two parties in the discussions pertaining to the draft EPA Joint Text and the protocol on the modalities for the implementation the EPADP Protocol. Concerning these two joint draft texts under discussion since 2007, the two parties have made satisfactory progress in almost all the provisions of the partial agreement. The parties achieved consensus positions on the following aspects of the EPA text:

The flexibility in introducing the ECOWAS/CET up to December 2014 in view of the delay in finalizing the work on the ECOWAS/CET; The establishment of joint EPA management and implementation institutions to bring on board all stakeholders of the two partners (States, integration organizations, parliaments, private sector and civil society); Except in exceptional circumstances, the prohibition of the introduction of any new customs export duties and taxes as well as an increase in existing ones; The institution of the "free circulation" regime by the West African region after a transitional period of five years and evaluation of measures taken by the region towards the implementation of the said commitment; The recourse to antidumping measures, countervailing measures, safeguard clauses or nascent industry clauses, according to the circumstances; The institution of cooperation with the EU for the

promotion of a viable and sustainable agriculture; The possibility for the West African region to review the liberalization timetable agreed upon within the framework of support measures for the development of its sector policies (agricultural and industrial in particular); The implementation of the EPADP and accompanying EPA beyond the expiry of the Cotonou Agreement; The institution of and compliance with multi-year programming of the activities planned under the EPADP; Compliance with the principal of predictability of aid and sustainability of resources within the context of the Agreement; Subsidiarity between the regional level and the national level in the implementation of the EPADP; The use of the EPA Regional Fund as one of the key instruments in channeling resources to be mobilized within the context of the EPA; The contribution by the West Africa region, the European Union and other partners in terms of replenishment of resources into the EPA Regional Fund; The maintenance of self-generated financing mechanisms of the Economic Communities in the region (community levies) while waiting for the establishment of other mechanisms.

Others are the commitment on the part of West Africa and the States in the region to ensure consistency between the implementation of the EPADP, their economic development policies, strategies and their budgetary programming instruments. As for the EU Member States, to ensure consistency between the implementation of the EPADP and the development of the West Africa region which they are financing. There is also the institution of dialogue on fiscal reform and absorption of the net fiscal impact as a result of the impact of tariff dismantling caused by the market opening in the region; The establishment of an Observatory on competitiveness as part of the monitoring and evaluation mechanism for the implementation of the Agreement; The introduction of a mechanism for the settlement of peculiar disputes within the EPA, a mechanism that allows the entire region to be considered as one party in the dispute

(while avoiding collective services); The expectation of a regional mechanism of high assistance for the states in the region; A rendezvous clause indicating that the parties are going to engage in negotiations on other themes such as services and transferred issues in order to reach a comprehensive regional agreement.

B. There are persisting divergences in the text of the agreement**.** In spite of the highly appreciable progress made in the negotiation on the text of the agreement, there are some points of divergence which mainly relate to: The inclusion of the impact of agricultural subsidies by the EU on trade between the two regions; The inclusion of the Most Favoured Nation (MFN) Clause in the EPA text; The inclusion in the EPA of the non-execution clause which introduces a link between trade-related concerns and the issue of political dialogue referred to in Article 8. 9, 96 and 97 of the Cotonou Agreement; The request for West Africa to enter into trade negotiations with countries that have customs union relations with the EU.

C. There are issues surrounding subsidies. With respect to Article 48 paragraph 5 of the draft text, West Africa requests the EU to put a stop to the payment of subsidies and other internal support mechanisms which undermine production and exports from the region. This is based on the WTO Hong Kong Ministerial Conference Declaration requesting industrialized countries to substantially reduce and abolish subsidies which create distortions in international trade. According to the European Union, negotiations on agriculture are still ongoing in the Doha Round of negotiations. In view of this, the Union insists that it cannot undertake to resolve the issue of subsidy in a bilateral agreement such as the EPA between itself and West Africa. The EU maintains therefore that a negotiated settlement on export subsidies and internal support can only be obtained at the multilateral level through negotiations at the WTO. However, the few results obtained in the negotiations of the Doha Development Round at the WTO do not provide

any bright prospects of finding appropriate solutions to the problems of agricultural subsidies raised by West Africa.

D. The Most Favored Nation Clause presents its challenges. Under the terms of such a clause, West Africa has to extend to the EU more beneficial trade preferences which the former will also have to offer its other major trading partners in future trade agreements. Apart from industrialized countries, the requests by the EU mainly concern emerging countries such as China, Brazil, Korea, Singapore, Argentina, etc., with exception of African countries and other Members of the ACP Group. The objection by West Africa to such a clause is based on the following:

1. The concept of major trading partners which includes countries whose volume of trade is at least 1% of global trade is not a concept that has been adopted by the WTO. To the West African Party, the EU position on the matter has, in fact, effectively introduced a new classification of States other than the universally accepted norm by the United Nations (developed countries, developing countries and least developing countries), a classification relating to specific treatments in the multilateral trade system.

2. As the targeted countries are basically developing countries in the South, West Africa emphasized the need to maintain a political space to enable the region to promote and strengthen South-South trade. However, West Africa has shown its readiness to accept such a clause if it covers only trade relations with industrialized countries.

E. The non-execution clause has been dealt with. The non-execution clause is proposed by the EU by virtue of Articles 96 and 97 of the Cotonou Agreement which establishes the mechanism of political dialogue. The European negotiators maintain that the inclusion of such a clause in the agreements is now one of the requirements of the European Union. West African negotiators

object to such a clause being included in the EPA as the region believes that political aspects of the ACP-EU Partnership have been settled in the relevant provisions of the Cotonou Agreement. In fact, by means of this mechanism the EU can resort to suspension of cooperation on grounds of non-compliance with human rights. Such a sanction which the EU can apply against any country will inevitably have repercussions on the entire region as the EPA is heavily focused on integration of the region as a single customs area. As the EPA is a regional trade agreement, West Africa insists that such a mechanism should not apply to trade provisions, and that the non-execution clause is not justified from the perspective of compatibility with WTO rules.

F. The commitment to negotiate FTA with other countries presents problems. The EU is using its customs union agreements with Turkey, St Martin and Andorra as the basis to request West Africa to enter into the EPA by negotiating a Free Trade Agreement with these countries. For the West African negotiators, the mandate given to ECOWAS Commission centres on negotiations with the EU. As Turkey is not yet a Member of the EU, the region cannot enter into the WA-EU EPA by opening trade negotiations with Turkey. Moreover, no impact assessment has been carried out on a FTA between Turkey and West Africa. This also applies to St Martin and Andorra. It was proposed to the EU however that information on the existence of these customs union agreements could be incorporated into a unilateral declaration to be attached as an Appendix to the Agreement. The EU expects this declaration to be bilateral.

Other Issues: An early impact analysis, based on extreme assumptions, such as reducing tariffs on all products from the date of signing the EPA, gave rise to grave concerns among West African States about the detrimental effects of the EPA on business and development in the region. However, in the light of the mandate given by Heads of State of West Africa on January

24th 2014 to the Chief Negotiator to exercise 'flexiblity' in the negotiation with the EU, Chief Negotiators for the two Parties reached a consensus on February 6, 2014 on the following areas:

i. Agreement on 75% of trade to be liberalized over the next 20 years as against EU's request of 80% for over 15 years.

ii. EU agreed to refrain from export subsidies on products of interest to West African countries.

iii. ECOWAS accepted the controversial Most Favoured Nation (MFN) clause (with some exceptions) as a compromise.

iv. Parties agreed to delete the non-exclusion clause (which stipulates a general sanction or punitive measures to be taken against any member State that fails to implement any part of the Agreement.

v. There is a reference to the Cotonou Agreement to the effect that any party could be suspended from the agreement in case of breaches to human rights, democratic principles and the rule of law.

vi. On financing the EPA, the total agreed sum was 6.5bn Euro as against the original estimate of 15bn Euro for the period 2015-2019 (no commitment to provide additional fund was made).

vii. Parties agreed to a flexible Rule of Origin that is assymetrical.

viii. The setting up of a Joint ECOWAS-EU implementation team

ix. The agreement provides for periodic review.

xi. Exclusion list of some items excluded from CET.

On the basis of the consensual results reached by the Chief Negotiators on all the issues (particularly on the market access offer, the EPA Development Programme (EPADP) and the text of the Agreement), the Heads of State and Government (at the forty-fifth Ordinary Session of ECOWAS which held in Accra, Ghana, on the 10th July 2014) approved the EPA

negotiated and taking due account of the technical concerns raised. Consequently, the Heads of State and Government instructed the West African Chief Negotiators to take all necessary steps to quickly start the process of signing and implementing the Agreement."

Nevertheless, the fact that EPA is approved with the caveat: “taking due account of the technical concerns raised” is an indication of the reservations expressed by all Member States. It therefore does not come as a surprise that Nigeria still insists that it will not endorse the Agreement in its current form.

4.6 Conclusion

The CPA was negotiated with ACP as a bloc, but the EPA was negotiated between with each of the regional economic blocs across ACP. While the focus of this study is on ECOWAS-EU EPA, it needs to be pointed out that the negotiation between West Africa and EU does not take place in isolation. Largely, EPA was negotiated within the context of ACP-EU pact, and not out of it.

All the countries in West Africa are members of ACP, so most of the issues discussed and agreed with each regional economic bloc in EPA are an extension of the ACP guidelines, only that the peculiarity of each region is given closer attention. This also afforded members of each region to select what was important to them, what they wanted to negotiate first, based on what was immediately relevant to their needs. This is one reason ECOWAS-EU EPA at the moment is essentially about goods. Negotiations have yet to be extended to other areas such as services, copyrights, intellectual properties and investments. The Caribbean has negotiated all these aspects, but West Africa chooses to restrict itself for the moment. West Africa will still have to negotiate other aspects because they are covered by WTO rules. So all that has been done in the ECOWAS-EU EPA is within the context of ACP and the original understanding and

philosophy guiding the relations between the two since ACP came into special relations with the EU in 1975.

Moreover, ECOWAS holds regular consultations with other sister institutions on a number of issues. For instance, it holds regular meetings with the African Union Commission on matters such as the Continental Free Trade Area (CFTA) and on the action plan for Boosting Intra-African Trade (BIAT). These meetings and their outcomes have bearing on activities, relations, and the partnership agreements West Africa enters into with bodies such as the EU. There are also discussions and sharing of notes with other regional economic blocs on the continent. Such consultations are often geared towards developing regional strategies for engagement in trade negotiations either within or outside the continent, and sometimes to identify areas for capacity building at the national and regional levels with the support of African Union Commission, the United Nations Economic Commission for Africa (UNECA), and other partners such as the United Nations Conference on Trade and Development (UNCTAD) (http://www.ecowas.int/).

Meanwhile, the African continent and Europe are intricately bound together by history and geography, and not least by the very close exchanges which they engage in at economic and political level. For this reason, the EPA happens within the context of the Africa-EU special relations. As an EU official in the EU Delegation informed the researcher (Head, Trade and Economics, 2014), Europeans saw West Africa in particular as their next door neighbours and they felt most comfortable with the region. The same extends to the rest of the continent where Europe had made its presence felt in the colonial past. Cooperation between the EU and Africa has reflected early on the rich and diverse nature of the relations between both continents while

also keeping to speed with wider economic and political developments (http://www.eeas.europa.eu/africa/).

Two grand frameworks govern EU-African relations. The most long-standing of them is the one established with African, Caribbean and Pacific (ACP) countries, enshrined in the 1975 Lomé Convention and updated in 2000 in the Cotonou Agreement. More recently, a continental approach gained ground with the adoption of the Joint Africa-EU Strategy (JAES) by 80 African and European Heads of States in 2007. The Africa-EU Partnership, enshrined in the JAES, embodies a new forward-looking vision for relations between Europe and Africa as one single continent, and sets out the overarching political framework defining relations between both sides.

Another measure is the College-to-College meeting. The 7th College-to-College meeting between the European Commission and the African Union Commission took place on 22nd April 2015. It provided political and operational impetus to Africa-EU relations within the context of the Joint Africa-EU Strategy (JAES).

It should be noted that these relations at the continental level form part of the holistic approach of EU to its activities in Africa as a whole. The instruments in them are however what have been broken down and applied according to each of Africa's regional economic blocs. These are contained in agreements and aid pledges to each region, including EDF that drives EPADP in West Africa. Not much is done with each bloc in area of trade, aid, security, development, that is not a step down of the continental framework under which EU relates with Africa. For instance, EU's assistance to encourage integration of West African is part of EU's vision to encourage an integrated continental market; EU's vision is to encourage the integration of Africa through the incremental integration of each of the regions within it.

CHAPTER FIVE

ISSUES IN ECOWAS-EU PARTNERSHIP AGREEMENTS

5.0 Introduction

This chapter provides answers to the fundamental issues on the role that free trade regime has played as well as the challenges it poses in the period under study. The chapter is thematically divided into, The condition of ECOWAS member states in relation to Partnership Agreements; EU Member States and their stakes in Partnership Agreements; From the Lome Conventions to the EPA regime; Trade-related provisions in CPA and EPA – An Analysis; EU's assumptions about EPA and West Africa; Arguments For and Against EPA, and Issues Beyond EPA.

5.1 The condition of ECOWAS member states in relation to Partnership Agreements

Patterns in ECOWAS-EU Trade

West Africa's regional trade policy is developed along the lines of boosting exports to member states, as well as to the rest of the world. Imports into the region are therefore seen as complementary to the exports of goods and services. However, interregional trade is not as much as external trade for reasons already enumerated in the previous chapters of this study.

External trade of ECOWAS is dominated by a number of products and generates local value added due to the preponderance of fuels coming from extractive industries. These represent three-quarters (75%) of exports (excluding re-exports) and are provided mainly by Nigeria (73%). Cocoa and cocoa food preparations (5% of exports), precious stones (3%) and

secondarily cotton, edible fruit, rubber, plastics, wood and wood products, fish and shellfish (about 1% each), form together with fuel, the major export products of the West African Community (http://www.ecowas.int/).

Europe accounts for about 28% of ECOWAS exports with 23% for the European Union. The Americas account for 40 % of the Free Trade Association of North America (NAFTA) involving the United States, Canada and Mexico. Trade openness fostered by the development of South-South trade shows substantial breakthrough of Asian Countries and those of Oceania, capturing 16% of exports, with 0.3% for the near and Middle East. These exports are dominated by Nigeria and Ivory Coast that carry between them, 87% of these transactions. Nigeria provides 77% of regional exports and Côte d'Ivoire 10%. For their part, Ghana and Senegal are placed third and fourth with 4% and 2% respectively. Mali follows the traditional leaders with 1.7% of regional exports. Five Countries (Benin, Burkina Faso, Guinea, Niger and Togo) carry each 1% of regional exports (http://www.ecowas.int/).

Significantly in the ECOWAS region, imports are dominated by about ten products. Crude oil products such as fuel for vehicles and machinery still hold a leading position in this list. They represent 24% of total imports. They are followed by motor vehicles, tractors, cycles and other vehicles (2nd place), machinery, mechanical appliances and boilers (3rd), machinery and electrical appliances (4th), cereals (5th), plastics (6th), works in iron, iron and steel (7th), iron, cast iron, steel (8th), pharmaceuticals (9th) and fish and seafood (10th). As for the exports, Nigeria appears here also in a dominant position by making alone 41% of transactions against 18 % in Ghana, 10% each for Senegal and Côte d'Ivoire. Nigeria and Ghana together perform 59 % of the Community imports against 36% for the eight French-speaking Countries of the West

African Economic and Monetary Union (WAEMU). The other five Countries of the ECOWAS Member States realize only 5 % of the Community imports (http://www.ecowas.int/).

To some extent, trade in services which ought to promote growth in West Africa is hampered by institutional, regulatory and infrastructural constraints. In addition to the lack of visibility and data for the potential of the service sector at the regional level, various other internal and external constraints are undermining its competitiveness. Among the internal constraints are fiscal pressure, development of the informal sector, difficulty of access to credit and inadequacy of the financing mechanisms for the export of services, poor quality of performance (poor compliance with ISO Quality Assurance Standards 9001 2000 Version), energy deficit, lack of transparency and good governance, execution of a substantial part of public contracts by foreign companies in many countries, inadequacy of service infrastructure, high cost of trade transactions (factors of production, administrative bottlenecks), etc (http://www.ecowas.int/).

West Africa is EU's largest trading partner in Sub-Saharan Africa and represents 2% of EU trade (2.2% of EU imports and 1.8% of EU exports). The EU accounts for 37.8% of West Africa's exports and 24.2% of West Africa's imports. While in recent years, West Africa's trade with the rest of the World had seen an increase in some trading partners such as China, the United States and Japan, the EU remained West Africa's first trading partner, with 34.4% of the region's foreign trade in 2011. During this same year, the EU market accounted on average for 33.3% of the region's exports of goods, while 32.7% of the region's imports came from the EU. Among the ACP regional groupings, ECOWAS was the second EU's trading partner behind CEMAC. Apart from oil, WA exports to the EU are mainly agricultural commodities, little or unprocessed (coffee, cocoa, cotton, fish, citrus, cut flowers...). They

are highly concentrated between three countries, Nigeria, Cote d'Ivoire and Ghana, which together account for nearly 80% of the region's total exports. Cocoa alone accounts for 20% of all the region's exports to the EU. The share of industrial and craft products to the European market is very low. West Africa imports from the EU are mainly vehicles and parts as well as machinery and capital goods representing on average nearly 60% of the total imports during the last decade. As a result, WA-EU EPA must be analyzed in the light of this trade environment (ECOWAS Memo on EPA, 2013).

In terms of value, ECOWAS-EU trade amounts 68 billion Euros, and has a trade surplus of 5.8 billion. Over the last five years (2010-2014), EU imports from West Africa grew by 14.2 percent annually, and EU exports to West Africa by 7.7 percent annually. In terms of sectors, West Africa's exports to the EU consist mainly of fuels (77.8%) and food products (14.1%). West Africa's imports from the EU consist of fuels (36%), food products (13.2%), machinery (26.1%), and chemicals and pharmaceutical products (9.55%). EU-West Africa trade in services is expanding (reaching 15 billion Euro in 2013) covering notably transportation and logistics, travel, and business services: 64% of West Africa's exports of services were directed to the EU, and 31% of West Africa's imports of services originated from the EU. West Africa is the most important investment destination for the EU in Africa. The EU's stock in West Africa accounted for more than 32 billion Euro in 2012 (31% of West Africa's inward stocks from the world) (http://www.ecowas.int/).

West African States and the EPA

From the foregoing trade figures, as well as other related factors, it is obvious that provisions in Partnership Agreements affect West African states differently. As stated already majority of these states belong to the LDC and DC region of the world with common

development problems, and thus they share many of the impacts that EPA may have on their economies. They are equally agreed on some of its positive aspects, but by and large, they realize they will be impacted differently as individual nations. This fact has led to a situation where some of them sign the EPA agreement, while a few have not.

It perhaps calls attention to some of the provisions in the EPA that long before the CPA (2000) was signed, member states had had common market, and option of common tariff regime stated as part of the preparatory steps to take in the years before EPA negotiation was concluded. Member States were aware of some of the issues EPA entailed because CPA stipulated them. Thus, it would appear that they had not expected the extent to which studies later showed it would potentially impact their economies. This realisation was such that the initial 2007 date to finalise the negotiations and implement EPA had to be shifted due to serious objections they raised concerning some provisions. In 2012, further talks stopped completely. It was not until February 2014 that both Parties returned to the negotiation table, after a meeting of Heads of State and Government urged flexibility in the negotiation.

The latest turn of events that sees some nations signing the EPA while others refuse has led to allegation of levity with which it is said that West African party has handled the EPA negotiations. Nigeria, for instance, had the most to lose in revenue, but it was not until 2014 that it took the dramatic action of refusing to sign after years of negotiation. Could the nation have pulled out earlier on? Nigerian officials informed the researcher that as far back as 2007 they had often led the protests against what they saw as the negative impact of trade-related provisions in the EPA. But it took the boldness of a particular Nigerian Trade and Investment Minister in 2014 to break ranks with ministers of other West African countries and insist that Nigeria could harm its economy if it signed EPA in its current form, and for this reason he would not sign. This

aspect is discussed further below, but for now the point is that all West African member states know from the provisions in CPA, as well as other documents, what awaits them in EPA. In fact, they had also made preparatory provisions in some ECOWAS documents in preparation for the implementation of EPA, another evidence that they realized the importance of EPA and the role it was to play in ECOWAS-EU trade relations. So West Africa, with the assistance of EU, had engaged in active preparations even in practical ways such as setting up mechanisms that must be in place for EPA to take off when negotiations were completed. Incidentally, some of the major provisions that were already envisaged in ECOWAS documents still turned out to be sources of contention.

For instance, in the Revised Treaty of ECOWAS (1993), in Chapter VIII, Articles 35-53 treat issues relating to cooperation in trade, customs, taxation, statistics, money and payment. Article 35 in particular, which is about liberalisation of trade states that, "There shall be progressively established in the course of a period often (10) years effective from 1 January, 1990 as stipulated in Article 54, a Customs Union among the Member States. Within this union, customs duties or other charges with equivalent effect on Community originating imports shall be eliminated. Quota, quantitative or like restrictions or prohibitions and administrative obstacles to trade among the Member States shall also be removed. Furthermore, a common external tariff (CET) in respect of all goods imported into the Member States from third countries shall be established and maintained." As for Customs Duties under Item 1 in Article 36, "Member States shall reduce and ultimately eliminate customs duties and any other charges with equivalent effect…"

In addition, under Item 2 of Article 36, mention is made of what has to do with rule of origin: Community-originating unprocessed goods and traditional handicraft products shall

circulate within the region free of all import duties and quantitative restrictions." It is worth noting also that the same Item 2 proceeds to add, "There shall be no compensation for loss of revenue resulting from the importation of these products." In Article 37 on Common External Tariff, the treaty states under Item 1 that "Member States agree to the gradual establishment of a common external tariff in respect of all goods imported into Member States from third countries…" and in Item 2, it is stated that "Member states shall…abolish existing differences in their external Customs tariffs."

The significance of these provisions in the treaty is that what Member States have agreed on in it relate to provisions they now have issues with in the EPA. This is elaborated in Chapter 6 of this study, but for now, these provisions in the treaty are relevant in the effort of States in West Africa to integrate their regional market. The provisions point to how committed they are on the matter of integration and how to achieve it. It also shows they are willing to take steps that will lead later on to the integration of their region into world economy, and that it is not only in EPA that this begins; EPA simply moves it forward. The point cannot also be missed that the revised ECOWAS Treaty had been agreed upon almost ten years before CPA came into being in 2000.

5.2 EU member states and EPA

EU member nations are situated in the Northern hemisphere with known common features that differentiate them from countries in the Southern hemisphere. Members of EU are in the developed/advanced nations classification. They therefore do not exhibit so much disagreement with regard to the partnership agreements EC undertakes on their behalf with West Africa. Their desire for integration and the need to expand their market access through free trade in all regions of the world are therefore a prime motivation for their support for partnership

agreements. Compared to West Africa, EU member states have been able to forge a stronger integration and operate at that higher integrated market level. They do not have many of the development issues that have challenged West African countries' effort to integrate.

EU members are agreed on the imperative for integration both on their continent and in other parts of the world. They believe that development policy is much more than the mere granting of financial assistance to West Africa. They believe development policy is also about supporting sustainable integration of West Africa into the world economy. Based on the European Union's experience, its members agree that regional integration of developing countries is an important means of facilitating this inclusion into the process of globalization. They are persuaded that the partnership agreements are a veritable way of encouraging this. For this reason, EU members agree to pursue regionalized EPA with West Africa as one of the regions in the ACP.

The coming together of 28 EU member states is an indication that they believe they stand to benefit when they have joint negotiation and joint agreement on trade-related issues with the rest of the world. With such agreements, EU nations note that at the level of their consumers, they are set to enjoy: 1. Lower prices; because removing trade barriers produces healthy competition on the EU market and lower prices for consumers; 2. Provides more choices; because exotic new produce from Africa, the Caribbean and the Pacific (ACP countries), and new varieties of familiar goods like coffee, cocoa, mangos, pineapple etc. can be imported 3. They will enjoy good quality and good value especially with tropical products grown in tropical climates 4. There are more jobs in the long run because trade will help ACP countries become more prosperous. In turn, these will generate more demand for European products and expertise which will be good for employment.

But there are still more benefits for EU at even higher levels. One point to note is that there is so much in the public space about what West Africa will benefit from EPA, possibly because there has been an orchestrated campaign mostly to convince West Africans about the good for them in the Agreement. On the other hand, the researcher notices the brevity and sometimes shallowness in the explanation given in public platforms, including European Commission websites, about the benefits in EPA for EU. Hardly is any mention made about benefits of EPA for EU, than texts move on to elaborate on what West Africa stands to benefit. For this reason the researcher had asked an EU official, Massimo De Luca (Head, Trade and Economics, 2014) what EU would win from EPA. He admitted that the EU was "going to win a lot." Why, because according to him ECOWAS (West Africa) is EU's second neighbourhood, close to West Africa geographically. It is to EU's benefit to have prosperity and investment and predictable business environment in its neighbourhood. Massimo says this allows his region to export machines to ECOWAS and to further have its investment diversified. "The first region to benefit from the prosperity of West Africa is the EU," he said. As to how the political climate in the region affects EU, he also notes that instability in the ECOWAS region is a problem that EU would like to have curbed, and economic prosperity is one solution. On the fallouts of terrorist activity in the region, he says EU bears part of the consequence. Having identifies poverty as one of the causes, he is of the view that EPA provides a way out of poverty. So EPA is a comprehensive solution that makes EU feel something will change for the better in the region. "When it comes to relations with our biggest neighbour, the EPA gives that kind of comfort, because we are signaling in trade where we want to go." He was confident that his region could carry the load EPA may confer on it, and as such ECOWAS has nothing to worry about

regarding the implementation of the terms of the agreement. “We are capable of making commitments at international level, and as a region.”

Massimo De Luca (EU Delegation, 2014) was categorical about the market that West Africa offers European products. But he denied that all that EU would do under EPA regime would be to take raw materials away and export finished products to West Africa: “It is not true that we only import raw materials. We are already importing finished goods from Nigeria like leather, finished leather; we have finished shoes moving from Kano to the EU. But most people don’t want to know these things,” he explained.

From the foregoing, it is obvious the extent EU member states are committed to the Partnership Agreements.

5.3 From the Lome Conventions to EPA

There are immediate and remote causes for the move away from Lome Conventions to the negotiation of a free trade agreement called the EPA by the EU and its ACP partners. As already noted elsewhere, trade agreements meant to meet the guiding principles of free trade adopted at the end of the cold war have been entered into by several other countries too. For instance, by 2004, Morocco, had partnered with the United States on a free trade agreement that sought to go beyond the conventional FTA by seeking to effect environmental and intellectual property policies. Other FTAs are called by other names (North Atlantic Free Trade Area (NAFTA - 1996); Cannada-EU Trade Agreement (CETA); Trans-Atlantic Trade Partnership (TTP) between the US and the EU). As for the ACP-EU Lome Conventions and the EPA, evolution actually began at the global level at the end of the cold war in 1989 which had facilitated the Doha Rounds of Trade Agreement which had led to the formation of World Trade Organization, the body set up in 1995 to supervise execution of free trade arrangements among member nations.

West African nations were signatories to the WTO free trade agreements, meaning that they accepted the decision to move away from the old trade practices of the cold war period which in one form or the other had substantially hindered free trade. West Africa had thus agreed that it would have to negotiate agreements with its trade partners that were in line with the new free trade rules. The first regional acceptance of this took the form of the new free trade agreements that the region had to enter into with its immediate and largest trade partner, the EU. This earliest regional acceptance of the new situation took the form of the Cotonou Partnership Agreement (CPA) that was signed in 2000 under the bigger umbrella of the ACP. This agreement made extensive references to the need for a new trade regime that ACP and EU chose to call Economic Partnership Agreement. This CPA acknowledged that under the new EPA regime West Africa and EU would negotiate free trade agreement (in goods and development). Meanwhile, as the negotiation was going on, ACP countries had had to comply with some immediately crucial rules as stipulated by the WTO even right from 1995. They continued to comply with the same by 2000 and up till 2007 (the initial closing date for ECOWAS-EU EPA negotiations to be concluded) and till 2014 when ECOWAS Commission and the European Commission initialed the agreement. As already stated elsewhere in this study, many measures that were pre-conditions for free trade had begun to be put in place in West Africa as far back as 2000. This means that free trade regime had become operational with regards to several issues between ACP and its EU trade partner since 1995. As a matter of fact, WTO had to grant special permission to ACP countries including West Africa to have some time to negotiate their free trade agreements with EU in some special areas because of their more fragile economies. These buttress the point already made in this study that the question of an EPA that is not signed by any country in West Africa does not arise. Free trade regime had been endorsed by all countries in West Africa in

1995 and in the 2000 CPA. It is only the modality concluded in 2014 that had some areas to be resolved. As such, ECOWAS-EU EPA cannot be seen as an agreement that has yet to be signed and thus not in operation. It cannot be seen as an agreement that is neatly divided into neat phases i.e. negotiations and implementation. Rather it is an agreement that guides an on-going process.

But the issues or factors responsible for the movement from Lome Conventions to the free trade regime tagged EPA between ECOWAS and EU have their immediate and remote causes. The immediate causes include, The need to comply with rules of World Trade Organization, Resolution of Dispute between India and EU over EU's tariff preferences for other developing countries to the exclusion of the former, Dispute DS246 over EC's Tariff Preferences, The need to comply with provisions made in each successive agreement, The need to meet compliance deadlines set by the WTO. The remote causes on the hand include, The need to execute joint decisions of ACP-EU members, The desire to cater to the peculiar needs of each region, Desire to take charge of their own fate, EPA makes ACP-EU partnership objectives more manageable, The encouragement by WTO for more active operation of regional economic blocs, EU's view that previous preferential trade arrangement did not work, The ECOWAS integrated regional market objective of EU, As a step towards integrating regional economies into the world economy, To bring ACP-EU relations to the level of "equal partners", To rebase the agreement on the principle of "reciprocity", as well as an EPA that takes to the next level the hierarchical arrangement in the economic integration process for ECOWAS.

5.4 Trade-related Provisions in CPA and EPA – An Analysis

This section takes a more detailed look at the trade-related aspects that begins in CPA and is gradually being given life in the EPAs. As already explained elsewhere in this study, the two agreements are best conceived in hierarchical order. CPA laid the foundation, and EPA built on it, extending further a process that had begun in 2000. CPA is the framework, EPA is an extension of the framework, moving it towards completion. The negotiation of EPA that culminated in the initialization of the document in 2014 was a step forward. ECOWAS officials (Directorate of Trade, 2015) see any effort at looking at the two agreements as looking at a relationship between "…a father and his son." As a result, these officials posit that the West African-EU version of the EPA sits largely within the context of the existing ACP-CPA's provisions.

Despite this, the point cannot be missed that the CPA is not a trade agreement in the strict sense of the word; rather it is more like a guideline for a new regime being introduced in the relations between ACP and EU. An EU official, Francis Fay (2015) explains to the researcher that the Cotonou Agreement was not a trade agreement, rather it was set up like a guideline for relations between the ACP and EU, and at some point like a commercial relations.

Nevertheless, CPA has a detailed trade section. On the other hand, EPA is a more detailed trade agreement, with other sections. It only happens that so far what West Africa negotiates with EU is on goods and other development issues. The agreement has yet to cover all the areas stipulated by the guidelines in CPA which in turn is informed by the guidelines in WTO rules. As for the reason negotiation on goods is what ECOWAS-EU EPA focuses on, Fay informs the researcher that from the beginning, EU also wanted to negotiate on intellectual property (and others such as services etc.) but this couldn't be part of the negotiation at first. It

was because ECOWAS was not ready for it. This is where one of the advantages of the regional negotiations of EPA could be seen. Each region took on what it could handle.

Unlike EPA, CPA is a stop-gap. It was put in place in 2000 to urgently take care of some issues that WTO ordered the EU to tidy up in its trade relations with ACP, following the litigation that India brought against EU over lack of compliance with the non-discriminatory rule, an aspect of the free trade principle. Clearly, the Lome Conventions did not address the need for such compliance. But some of these were addressed in the CPA, resolved mostly in the interim, while other major aspects were left for resolution and agreement under EPA. For instance, under the Lomé Conventions, the EU granted "non-reciprocal trade preferences" to ACP countries. This meant that ACP countries could export nearly all of their products to the EU market without having to pay customs duties, and without having to open up their own markets in return. Under the Cotonou Agreement, this preferential, unilateral (WTO-incompatible) trade regime was to be provisionally maintained until it would be replaced by the EPAs. So, the trade related provisions of the CPA simply provide for a temporary/transitional application of the previous trade regime while waiting for the entry into force of the new trade regime introduced by the EPAs (Head, Trade and Economics, EU Delegation, 2015).

EPA has important provisions with respect to West African markets that CPA does not have, such as defence or safeguard mechanisms, expected in any trade agreement. What CPA has, according to ECOWAS officials, are to a large extent unilaterally outlined and presented to West Africa in 2000. ECOWAS (Directorate of Trade, 2015) explains that the CPA did not have some needed defences, adding that it was not really a negotiated agreement, but one that EU brought full of gifts and which ECOWAS signed. This way, many of the provisions were not in line with WTO, “so we were doing something about it in the EPA.”

Further interactions by the researcher with other ECOWAS officials also had them speak along this same line. The sense in which they said it and the impression gotten seemed to be that the conception and writing of the CPA document was largely the work of the EU, and that ACP members simply went through it to check what they had reservations about before they signed. It would appear that, somehow, the fact that much trade concession was given to ACP overshadowed the fact that the document was drawn up by EU, so ACP members only read it, and after some observations and modifications, agreed to sign up. This is not improbable when it is remembered that some of what developing nations had been agitating for in the form of fairer trade deals with developed nations (explained in Chapter 4 of this study) from the 1960 into the 1970s, 1980 and 1990s were reflected in both the Lome Conventions and the CPA. Nevertheless, with the introduction of WTO in the 1990s, CPA had to be introduced to prepare the grounds for the far-reaching and seemingly unfair trade arrangement (to ACP nations) that would have to be in the EPA. In comparison to CPA, EPA was definitely more of a joint effort between West African and EU diplomats.

EPA has fulfilled aspects of CPA. According to the EU (Trade Commissioner, 2015), the main result of the trade-related aspect of the Cotonou Agreement for WA-EU trade relations has undoubtedly been the negotiation of Economic Partnership between the two regions. As mandated by the Cotonou Agreement, in 2014 both regions agreed on an Economic Partnership Agreement, joining 16 West African States with the EU and its 28 member states. When it is fully implemented, the EPA would replace the unilateral general trade regimes (GSP and Everything But Arms) and provisional market access arrangements that followed the expiry of the Cotonou Agreement's non-reciprocal trade regime as at the end of 2007. As such the

implementation of the Cotonou Agreement's trade provisions has led to the creation of a stable, development-friendly economic partnership (ECDPM, 2010).

Until EPA is negotiated, ACP secretariat has been entrusted with the leading role in the implementation of the CPA. It may still continue to do so in a way; but with the negotiations of EPA and the regionalization of its provisions specifically tailored to the peculiarities of each region, the ACP Secretariat may play fewer roles, but may be more involved in coordinating capacity with regard to mutual issues among ACP member states. This new situation, has in fact, been a source of criticism that EPA threatens the integration objective set out in CPA both at the ACP level, and at continental (Africa) level with the negotiation of seven different EPA with different regional economic blocs.

In terms of scope, the ECOWAS-EU EPA is limited at the moment compared to what is stated in ACP's CPA for future negotiation. The West African version of the EPA, at this stage, is about goods, with aspects on cooperation for development of the West African region captured especially in the EPADP. Thus, the West African version is not as broad in scope as the ACP-wide CPA foresees, and the EPA that others such as the Caribbean have negotiated. The only region that has negotiated a broad aspect of trade as stipulated by WTO and according to the provisions in CPA is the CARIFORUM which does not only stop at agreements on goods, but a more comprehensive agreement including services, intellectual property and many more.

While CPA contains some elements of special treatment as far as EU's special relations with ACP States go, a major feature in EPA is the principle of "reciprocity" which is at the root of the issues West Africa has with EU in the EPA's trade-related provisions. Reciprocity requires that what EU does for ACP countries in the duty free and quota free arrangement, ACPs must do for EU goods as well. If EU does not collect duty on West Africa exports to EU, the same is to

be done to EU's export to West Africa. Most West African countries depend on tariffs on imported goods for revenue, and as such the potential loss in revenue has been a source of concern to many of the countries. Reciprocity thus becomes an unfair trade deal from the perspective of the DCs and LDCs in West Africa. In the event, the lengthy negotiation of EPA and the contentions raised thus far inherently draw a distinct line between the "unfair" and "obnoxious" provisions in the EPA and the milder, fairer provisions in the CPA in terms of their different impacts.

In EPA, the idea is that robust and competitive trade in a free market area within West Africa, and between West Africa and EU will lead to growth and development. In this sense, provisions in the CPA that amount to treating ACP countries differently in trade matters give way to open market rules that should spur them to be more competitive, because as EU sees it, trade promotes development. EU idealises the EPA regime as a means of bringing development to West Africa and other ACP regions.

However, while some ECOWAS officials (Directorate of Trade, ECOWAS, 2015) were of the opinion that there was no fundamental shift in the negotiation of EPA at the ECOWAS-EU level (compared to ACP-EU level that obtained under the Cotonou Partnership Agreement), officials in the EU Delegation to ECOWAS had no issues with this. In fact, they see the shift from ACP-EU CPA to West Africa EPA negotiation as fundamental to the achievement of EU's aims for the trade of West African region to be better integrated into the ACP regional arrangement. They see the regionalized negotiation of the agreement with West Africa as the fastest route to dealing with ACP as one region in global trade. To them, negotiating EPA is the execution of some of CPA's provisions, and this execution is best done at regional (West Africa) level. EU officials see in EPA that is negotiated and implemented at regional level the

opportunity to further integrate West Africa by turning it into a common market, even though the stage where the region is at the moment is the Customs Union with the recent adoption of the Common External Tariff (CET) which is a relevant foundation for the implementation of the negotiated EPA. For EU, the EPA negotiated with each regional economic bloc brings its objectives much closer to fulfillment than CPA that is cross-continental. To EU officials, compared with the EPA, the CPA is essentially like drawing a plan, without taking action on the plan; and the action is best taken at the regional level.

Two top officials in EU (Head, Trade and Economics at the EU Delegation to ECOWAS, Amanto Felipe, and Head of Unit, ACP and Development Issues at the EC headquarters in Brussels, Francis Fay (2015), as well as email respondents to interview questions in the office of EU Trade Commissioner) did not raise any objection to conceiving a regionally-negotiated EPA with West Africa as a shift in some form. Reacting to the researcher's questions on why negotiation for the EPA shifted from ACP-EU to ECOWAS-EU unlike the case of CPA, Fay (2015) said it was what ACP countries themselves wanted i.e. the regionalization of the negotiation. He said the decision is not that of the EU and, of course "it makes sense to negotiate your agreement with your main trading bodies internationally as a group, and not as an ACP."

However, while EPA is an integral part of the Cotonou Agreement, this study sides with the position of EU officials, as well as some other reasons already stated earlier, such as the view of Babarinde (2001) that in some fundamental ways the EPA regime is taking ECOWAS-EU relations in a new direction. Arguing that EPA is not a shift at all in any sense is like stating that Cotonou Agreement is not different from Lome Conventions simply because the former is building on the ACP foundations laid by the latter in a relationship that must of necessity be continuous. As Babarinde (2001) puts it, in a sense the name change from Lome Convention to

Cotonou is both symbolic and an embodiment of the shift in philosophy and in design of the relationship. He notes that this is an embodiment of a break from the past as if to signal that the new relationship would not be business as usual, but the dawn of a new era. He adds that,

> Cotonou is, thus, a departure from the Lome, albeit some components (objectives, provisions etc.) of the expired accord have been preserved in the new one.

Just as CPA has taken ACP-EU (including West Africa) relations in a new direction different from the Lome Coventions, this study argues that negotiation of EPA at the regional (West Africa) economic bloc level (although recommended in CPA) in a way redefines ECOWAS-EU trade relations. This point is better understood when it is noted that ACP member states negotiated in CPA the basic framework for an EPA regime. But when it came to the details of the agreement which implementation would affect them differently, they chose to negotiate it at their different regional paces and forms. Thus West Africa negotiated on goods and development issues, while CARIFORUM negotiated an agreement that was more comprehensive. Conclusively, this means that the EPA regime applies to all ACP member states, but through each of their economic blocs member states negotiate according to what they can handle in their region one at a time.

Cotonou Partnership Agreement As Launching Pad for EPA - The Cotonou Partnership Agreement of 2000 launched the free trade arrangement that informs the EPA. The intents of the CPA are in the principles and objectives that the agreement enunciates. The principles are as follows: (a.) Equality of the partners and ownership of the development strategies; (b.) Participation (central governments as the main partners, partnership open to different kinds of other actors) (c.) Pivotal role of dialogue and the fulfillment of mutual obligations (d.) Differentiation and regionalization**.** The actors of cooperation in Cotonou

Agreement are: (a.) States (authorities and/or organisations of states at local, national and regional level); (b.) Non-state actors (private sector; economic and social partners, including trade union organisations, civil society in all its forms according to national characteristics).

As regards its objectives, CPA states that it wants to promote and expedite the economic, cultural and social development of the ACP group of states. This is with a view to contributing to peace and security and to promoting a stable and democratic political environment. The partnership wants to reduce and eventually eradicate poverty consistent with the objectives of sustainable development, as well as the gradual integration of the ACP countries into the world economy. These objectives and the Parties' international commitments are to be the basis of all development strategies, which are tackled through an integrated approach taking account the political, economic, social, cultural and environmental aspects of development. The partnership provides a coherent support framework for the development strategies adopted by each ACP State; sustained economic growth, developing the private sector, increasing employment and improving access to productive resources are part of this framework.

Support is given with respect to the rights of the individual, meeting basic needs, and the promotion of social development and the conditions for an equitable distribution of the fruits of growth. Regional and sub-regional integration processes which foster the integration of the ACP countries into the world economy in terms of trade and private investment are encouraged and supported. Building the capacity of the actors in development and improving the institutional framework necessary for social cohesion, the functioning of a democratic society and market economy, and the emergence of an active and organised civil society are made an integral part of the approach. Systematic account is taken of the situation of women and gender issues in all

areas - political, economic and social. The principles of sustainable management of natural resources and the environment are applied and integrated at every level of the partnership.

CPA states that these are based on the fundamental principles of equality of the partners and ownership of the development strategies. For the purposes of implementing the objectives of the partnership, the ACP States are the ones that determine the development strategies for their economies and societies in all sovereignty. The partnership encourages ownership of the development strategies by the countries and populations concerned. The partnership, apart from central government as the main partner, is open to different kinds of other actors in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life. There are essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance.

There is political dimension to EPA which requires the Parties to engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides for the purpose of exchanging information, foster mutual understanding. The dialogue facilitates consultations between the Parties within international fora. The Parties are to promote the strengthening of peace and international justice. The Parties also agree to fight against terrorism and undertake to combat terrorism through international cooperation. They also cooperate to counter the proliferation of weapons of mass destruction. They adopt measures that take into consideration other elements of the political environment which they consider as elements that contribute to the maintenance and consolidation of a stable and democratic political environment. The agreement also has peace building, conflict prevention and resolution process. The Parties, in addition, agree to subject to in-depth dialogue issues of migration, and coherence

of Community policies. This is what EPA intends to do as a whole. Compared to Lome Conventions before it, CPA is wide, bringing in more areas beyond trade, and such topics as has been considered internal affairs of ACP previously. Since the focus of this study is the trade-related provisions in the CPA, a closer look is taken at this aspect.

Trade-related provisions in Cotonou Partnership Agreement - The trade-related provisions in the CPA are under Title II with the heading "Economic and Trade Cooperation". This states that the provisions intend to foster the smooth and gradual integration of the ACP States into the world economy; enable the ACP States to play a full part in international trade; enhance the production, supply and trading capacity of the ACP countries, as well as their capacity to attract investment. It further aims to create a new trading dynamic between the Parties, strengthen the ACP countries trade and investment policies and improve the ACP countries' capacity to handle all issues related to trade.

Moreover, it pays attention to the impact of the wider liberalisation initiatives (as required by WTO rules) on ACP-EC trade and the development of ACP economies, as well as make necessary recommendations with a view to preserving the benefits of the ACP-EC trading arrangements. It builds on regional integration initiatives of ACP States, with the intent to foster regional integration which it regards as a key instrument for the integration of ACP States into the world economy with due regard for their political choices and development priorities, thereby promoting their sustainable development and contributing to poverty eradication in the ACP countries. It takes into account the different needs and levels of development of the ACP countries and regions. It also has as its ultimate objective, ensuring special and differential treatment for ACP states and to maintaining special treatment for them in international trade. In this context, there is particular regard for the ACP LDCs which are vulnerable, and there is

encouragement for small, landlocked and island countries to participate in multilateral trade negotiations. The trade related provisions also seek to enable the ACP States manage the challenges of globalisation and to adapt progressively to new conditions of international trade, thereby facilitating their transition to the liberalised global economy.

In order to facilitate the transition to the new trading arrangement, CPA envisions provisions of alternatives during the "preparatory period" for all ACP countries "in order to provide these countries with a new framework for trade which is equivalent to their existing situation and in conformity with WTO rules." Negotiations are to be as flexible as possible "in establishing the duration of a sufficient transitional period" (CPA, 2000).

It is worthy of note that in these provisions in the CPA, the EPA is already in the picture, as the former states that negotiations of the economic partnership agreements shall aim notably at establishing the timetable for the progressive removal of barriers to trade between the Parties, in accordance with the relevant WTO rules. It adds when the preparatory period will end, set a timetable for tariff dismantlement, while formal negotiations of the new trading arrangements shall start in September 2002 and the new trading arrangements shall enter into force by 1 January 2008, unless earlier dates are agreed between the Parties.

Moreover, it states that all the necessary measures shall be taken so as to ensure that the negotiations are successfully concluded within the preparatory period. To this end, the period up to the start of the formal negotiations of the new trading arrangements shall be actively used to make initial preparations. Moreover, CPA (2000) states that the Community (EU) will start by the year 2000, a process which by the end of multilateral trade negotiations and at the latest 2005 will allow duty free access for essentially all products from all LDC. This will be built on the level of the existing trade provisions of the Fourth ACP-EC Convention which will simplify and

review the rules of origin, including measures to enhance competitiveness. According to CPA (2000), this is for the purpose of strengthening regional organisations and for support to regional trade integration initiatives where appropriate with assistance to budgetary adjustment and fiscal reform, as well as for infrastructure upgrading and development and for investment promotion.

The important point to be restated here is that CPA is not only looking forward to streghtening regional institutions in line with neo-liberal institutionalism philosophy, but is looking forward also to EPA and CPA has already made provisions for a timetable with regard to what should be done in the latter. The Parties agree to cooperate in international fora, and in Chapter 4 of the CPA, this is followed with the set range of trade items, most of which are expected to have been negotiated and concluded by 2008. In the list are trade in Services, Maritime Transport, Information and Communication Technologies, and Information Society, Competition Policy, Protection of Intellectual Property Rights, Standardisation and Certification, Fishery Agreements, Food security, Consumer Policy and Protection of Consumer Health, Tax Carve-out Clause, Sanitary and Phytosanitary Measures, Trade and Environment, Trade and Labour Standards, and many more. The areas to be covered in EPA negotiations were wide, and one important point to note here was that by the time EPAs were negotiated, the fact that they were done at REC level made it possible for West Africa to choose to negotiate only on goods and aspects related to it, leaving the rest to later dates.

Economic Partnership Agreement As Instrument for Implementing CPA Guidelines

The preamble to the Economic Partnership Agreement between West Africa and EU, its principles, as well as its objectives show what the intents of the agreement are. Foremost, in its preamble, EPA (2014; Article 2:1) makes references to the Cotonou Partnership Agreement

between the members of the African, Caribbean and Pacific Group of States on the one part, and the European Community and its Member States on the other.

EPA considers "the common values" and the links between West African region and the European Union, and that both sides wish to strengthen their close links and establish enduring relations based on partnership, development and solidarity. The document is mindful of the need to promote the economic and social progress of the people in a way that takes account of the need for sustainable development and environmental protection; the principles of the United Nations Charter, particularly the observance of human rights; their commitment to the principles and rules governing international trade, in particular those contained in the Agreement establishing the World Trade Organisation; the need to strengthen integration between the West African States and Euro-African relations; their commitment to working together towards the achievement of the ACP-EU partnership as defined in the Cotonou Agreement, namely the reduction and long-term eradication of poverty, sustainable development and the successful and harmonious integration of the ACP states in the world economy; the achievement of the (now defunct) Millennium Development Goals (now replaced by Sustainable Development Goals); the willingness of the European Union and its Member States to provide significant support for West Africa in its efforts to reform and adjust in terms of the economy and social development and their commitment to implement the Joint European Union-Africa strategy.

It recognizes the differences in the level of economic and social development between the West African region on the one part and the European Union and its Member States on the other part, and the need to strengthen the process of integration and economic development of the West African region; recognizes the fact that the West African region includes a large number of less developed countries (LDC) and that it is facing serious difficulties due to its special

economic position and its specific needs with regard to development and the promotion of its trade and finances. In light of the above, the document therefore intends that the EPA must be a development tool for promoting, in particular, sustainable development, increasing the production capacity and exports of the West African States and supporting the structural transformation of the West African economies. This is with the aim of encouraging their diversification and competitiveness, leading to the development of trade, technology, the creation of jobs in the West African States and attracting investment to them.

It is on these bases that West Africa and EU express their determination to jointly achieve the mentioned objectives while preserving the achievements of the Cotonou Agreement and therefore wishing to conclude a mutually beneficial Economic Partnership Agreement (EPA) that is conducive to development. The agreement that the two Parties negotiate wants to establish an economic and trade partnership to (a.) achieve rapid and sustained economic growth that creates employment, to reduce and then eradicate poverty, to raise living standards, to achieve full employment, to diversify economies and raise real income and output in a way that is compatible with the needs of the West African region while taking account of the Parties' different levels of economic development; (b) to promote regional integration, economic cooperation and good economic governance in the West African region; (c) to increase intra-regional trade and encourage the formation of a unified and efficient regional market in West Africa; (d) to contribute to the harmonious and progressive integration of the West African region into the world economy, in accordance with its political choices, its priorities and its development strategies; (e) to strengthen economic and trade relations between the Parties on a basis of solidarity and mutual interest in accordance with World Trade Organisation (WTO) obligations,

in a way that takes account of the significant difference in competitiveness between the two regions.

For the purpose of achieving the objectives, the Parties undertake to: (a) encourage an improvement in the supply capacity and competitiveness of the production sectors of the West African region; (b) strengthen the capacity of the West African region with regard to trade policy and the rules relating to trade; (c) to contribute to the effective meeting of the commitments undertaken by the Parties in international fora concerning sustainable development, development financing, enhancement of the role of trade in development and raising the volume and effectiveness of aid; (d) establish and implement an effective, predictable and transparent regional regulatory framework in the West African region in order to promote investment, development of the West African private sector, Public-Private dialogue and partnership between the private sectors of West Africa and the European Union; (e) establish an effective, predictable and transparent framework for cooperation measures that will make it possible to promote the objectives of the Agreement, including the EPA Development Programme and provisions concerning its implementation; (f) effect the progressive and asymmetrical liberalisation of trade between them and strengthen cooperation in sectors relating to trade in goods and services.

The Principles guiding the EPA are as follows: (1.) The principles and essential points of the Cotonou Agreement, as set out in Articles 2, 9, 19 and 35 of the said Agreement. The EPA is founded on the achievements of the Cotonou Agreement and previous ACP-EU conventions in the areas of financial cooperation, regional integration and economic and trade cooperation.
(2.) The EPA is to be implemented in a way that complements the achievements of the Cotonou Agreement, and for it to be viable the commitments of both Parties must be met, including those

of the European Union regarding development finance cooperation and aid for trade. (3.) The Parties are to honour their commitments with regard to development cooperation throughout the life of the EPA and undertake to set up the arrangements necessary to ensure consistency over time between EPA accompanying measures, as set out in the EPA Development Programme contained in Part III of the Agreement, and development cooperation. (4.) The trade relations between the two regions are based on reciprocity and the difference in levels of development. The commitments undertaken in this regard under the Agreement are to comply with Article 34 of the Cotonou Agreement, which applies special and differential treatment to commitments between the two Parties.

The Parties are, in particular, to ensure that account is taken of the vulnerability of the economies of the West African region and that the liberalisation process incorporates the principles of progressivity, flexibility and asymmetry in favour of the West African region. (5.) While observing the trade commitments made under the Agreement, the Parties are to refrain from undermining the implementation of agricultural and food security, public health, education and any other economic and social policies adopted by the West African region under its sustainable development strategy. (6.) For the EPA to be successful, the Parties desired a demanding partnership based on the mutual responsibility of the Parties for its implementation. (7.) The Parties reaffirm the commitment they made in the Doha Round (WTO negotiations) to reduce and avoid measures likely to create distortions in trade and their support for ambitious results in this regard. (8.) To ensure efficient implementation of the Agreement, the Parties are to set up joint institutions to establish a permanent management and monitoring/evaluation arrangement to make possible any adjustments that are necessary for achievement of the objectives of the Agreement.

On economic growth and sustainable development, the parties states that the objective of sustainable development is to be applied and integrated at every level of their economic partnership, in fulfillment of their commitments set out in Articles 1, 2, 9, 19, 21, 22, 23, 28 and 29 of the Cotonou Agreement, and especially the general commitment to economic development and reducing and eventually eradicating poverty in a way that is consistent with the objectives of sustainable development. They view the objective of sustainable development as a commitment to take full account of the human, cultural, economic, social, health and environmental interests of their respective people and their future generations. In the fight against poverty, the two sides reaffirm their commitments to draw up and implement programmes likely to strengthen the macro-economic framework, promote rapid and sustainable economic growth and create the infrastructures essential for the development of the intra-regional and international trade of the West African region. The parties therefore support the institutional reforms intended to adapt the national and regional administrative authorities to the requirements of trade liberalisation and strengthen the capacity of the production sectors in the West African region. The parties support the efforts of the West African region with regard to the sustainable management of forests, fisheries and the emergence of modern agriculture. They therefore plan to initiate and implement innovative forms of trade favourable to the preservation of natural resources. The parties are to work on strengthening the technical capacities and abilities of the operators in order to promote the creation of jobs and provide for adjustments to achieve the social goals of the EPA.

Specifically in the area of regional integration, the parties recognise that regional integration is an essential part of their partnership and a powerful tool for achieving the objectives of the Agreement and agree to give it their strong support. For the purposes referred to in Item 1, the European Union Party is to contribute, according to the provisions of Part III of

the EPA, through technical and financial assistance to the efforts of the region with regard to integration, in particular the achievement of customs union and a common market, the implementation of macro-economic and trade surveillance and the preparation of regional rules for making the business environment more attractive in the West African region.

The trade-related part of the EPA (2014) has 45 articles, which are Articles 5-51. Under the title "Trade Policy and Questions Concerning Trade", it treats issues such as Customs Duties which Scope states that, "The provisions of this Chapter shall apply to trade in goods between the Parties." This essentially notes the limited extent of the EPA negotiations between West Africa and EU, compared to that of CARIFORUM-EU that covers wider areas including services, copyrights etc. Furthermore, there are Rules of origin, Customs duties, Fees and other charges, Status quo, Elimination of customs duties on imports, Autonomous resources of the regional Economic Communities of West Africa, Change in the tariff commitments of West Africa and common sectoral policies of the West African region, Export duties and taxes, and Movement of goods. Other provisions include rules on, Classification of goods, Most Favoured Nation (MFN) clause, Special provisions on administrative cooperation, Management of administrative errors, Trade Defence Instruments which objective is to "lay down the conditions in which the two Parties may take trade defence measures while at the same time working on the development of trade in goods between them". There is also, Anti-dumping and countervailing duties, Multilateral safeguard measures, Bilateral safeguard measures, Fledgling industries clause, Cooperation, Technical Barriers to trade, sanitary and physosanitary measures which have the objective of facilitating "trade in goods between the Parties while increasing the capacity of the Parties to identify, prevent and eliminate unnecessary obstacles to trade as a result

of technical regulations, standards and conformity assessment procedures applied by either Party while increasing the capacity of the Parties to protect plants, animals and public health."

There is also provision for Scope and Definitions that apply to technical regulations and standards, Competent authorities, Mutual obligations, Equivalence, Determination of sanitary and phytosanitary areas, Transparency of trade conditions and exchange of information, Regional integration which, for the purpose of facilitating "trade between them, the Parties undertake to harmonise the rules, measures and conditions relating to imports at regional level, as far as this is possible." There is provision of rules for Cooperation. There is equally, 'Other non-tariff barriers' which include, Prohibition of quantitative restrictions, National treatment of internal taxation and regulation, and facilitation of trade, customs cooperation, administrative assistance which seeks to encourage "customs cooperation and of facilitating trade in the evolving context of world trade."

There are rules for Customs legislation and procedures, Facilitation of transit movements, Relations with the business community, Customs value, Regional integration in the West African region, Cooperation, Transitional measures, Special Committee on Customs and Trade Facilitation, Agriculture, fisheries and food security, the need for regional integration of this (Agriculture, fisheries and food security), as well as Exchange of information and consultation on matters relating to agriculture and fisheries under Article 51. The next segments after this are the rules guiding EPA Development Programmes, where much of the issues relating to development cooperation are agreed upon.

Main Features of Trade-related Provisions in EPA

Having made the point that CPA is not a trade rule agreement, rather it is an agreement that sets out guidelines for negotiating trade agreements in the EPA, the basic features of the EPA that is negotiated specifically between West Africa and EU are enumerated as follows:

1. The EPA establishes a partnership which is based on common objectives and asymmetrical obligations. The EU in particular considers this arrangement to be in West Africa's favour (Conference on EPA, 2015)

2. All West African exports are granted immediate duty free access to the EU.

3. In turn, West Africa will gradually reduce duties on 75% of EU imports over a transition period of 20 years.

4. It is to enhance one single trade regime for all West African countries.

5. The EPA is aligned with EU development assistance to support implementation – including at least 6.5 billion Euro from 2015-2019. This support will continue beyond 2019, during the whole transition of 20 years (2035).

6. Safeguards are provided to support domestic production, infant industry and food security, and the EU will not use subsidies on agriculture exports to West Africa.

7. There is enhanced cooperation on issues such as standards, trade in services, agriculture, fisheries, investment, business environment, customs cooperation.

8. There is provision for joint monitoring institutions including EPA Council, an implementation Committee, a Parliamentary Committee and a Civil Society Forum.

9. There are clauses which either of the Parties can invoke for diverse reasons in the course of implementation.

5.5 EU's assumptions about EPA and ECOWAS

A. It encourages constructive ECOWAS-EU engagement- EU is convinced it has done much to build confidence and assure its West Africa partners during the years of negotiating EPA, and that it has continuously done so. It insists there is nothing harmful to West Africa in the EPA. It therefore situates contentions over some of EPA's provisions on lack of

understanding as well as lack of information on the part of critics. It feels it has always constructively engaged West Africa so there is no reason for EU's position or the provisions in EPA to be misunderstood. According to EC, the EU has a continuous and long-standing political dialogue with ECOWAS; regular Ministerial meetings, Senior Officials Meetings and interactions at other levels ensure a constant dialogue and a constructive exchange of views. The main ECOWAS-EU shared political priorities include Peace and Security, the fight against drugs and drug trafficking, migration issues and improved governance.

European Commission also maintains that under the European Development Fund (EDF), the EU-ECOWAS partnership is underpinned by a Regional Strategy, in the framework of Regional Indicative Programme (RIP), amounting to €597 M for the 2008-2013 period. The RIP, along with the National Indicative Programs (NIP), provides the instruments necessary to promote further regional integration, as well as Peace and Security in West Africa.

B. Pre-EPA trade arrangements have not resolved West Africa's challenges- EU is of the view that the thematic provisions in EPA are necessary because the Lome Conventions and their special preference regime have not helped West Africa. The trade preferences – special tariff rates for selected goods – have not helped ACP countries to strengthen their industries and integrate into the world economy. Thus EPA with a new trade regime is part of the strategy to remedy the situation (http://eeas.europa.eu/).

C. External competition is needed to wake West Africa into action- EU's arguments tend to suggest that it believes the region should be spurred into action by competition from outside if it must be brought into world economy, and EPA is important to getting this done. With regard to the new directions trade-related provisions in EPA have for West Africa–EU trade relations therefore, EU states that EPA is meant to promote ECOWAS-EU trade

relations that support sustainable development in West Africa. According to EU's Francis Fay (2015); ECOWAS and EU have gone into a completely new relation. They have gone from the relation of donor-recipient which was the model of the past to equal trade partners. Now there is a negotiated agreement which has legal obligations on both sides, particularly on the EU side.

In Fay's view, this is a completely new arrangement. It has rights and responsibilities on each part; it is no longer a case of the EU importing raw materials, process them in Europe. So West Africa does not necessarily need to always supply the raw materials. EPA has completely moved away from this.

D. To promote interregional trade - EU argues that EPA is intended to promote trade not only between the two regions, but also within the West African region. By providing a stable and transparent trade regime, the EPA is set to attract fresh investment to West Africa, both foreign and domestic. Trade relations will also be boosted by an EPA which will have all the trappings of a genuine partnership promoting dialogue and cooperation on all areas relevant to trade and development (http://trade.ec.europa.eu/).

Moreover, other aspects to the CPA and EPA such as the political dimension and development aid are designed to aid the West African trade integration process. According to EU, strong synergies are pursued between the EPA's trade provisions and EU development aid. The EPA Development Programme (PAPED) is the clearest expression of this approach. Likewise, the EPA remains embedded in the Cotonou Agreement's partnership, which means that the political dimension in CPA remains an integral part of WA-EU relations (http://ec.europa.eu/trade/).

E. EU has no "offensive agenda" - EU has no "offensive agenda" through the EPA. Several EU officials use this phrase in the course of interview with the researcher, meaning they do not have the intention of using EPA as an instrument of offense against West Africa, and that EPA is not in any way another scramble for Africa as some have alleged. Therefore, EU states that what it is doing with EPA should not be seen in the light of the 1884-1885 Berlin Conference. EU (Head, EU Delegation, 2015) says the EU has no "offensive agenda" in the EPA. According to him, people are always comparing competition as an issue of price, that an item is competitive because it is cheaper; he says this is not true. He believes one is competitive because he/she can sell something that offers better value for money. He thinks people may prefer to buy things that are a bit more expensive but which will provide more in terms of quality or duration. To him, EU has no "offensive agenda", rather the regional body wants to contribute to the industrialization of the West African region.

EU believes there are no reasons for anyone in West Africa to be resistant to EPA or the changes it is bringing to bear on the region. The EU ambassador thinks people are wary of change, they are wary of anything that will cause a turnaround in the way they have been doing things. EU believes it is time ways of doing things that it considers inimical to development in the region such as corruption, bad economic governance, ineffective tax administration, lack of transparency in government processes, military coup d'états, have to be addressed using the EPA provisions, otherwise the region would be left behind as the world moves on. It believes many of the objections that have been raised against some provisions in the EPA can be further discussed and tackled as their implementation continues, and as such there is no reason for anyone to fear. According to Fay (2015); fears about EPA is something he cannot explain. He cannot give reasons, but the message EU wants to pass is that no one should fear. For EU, this agreement is

to create immense partnership that will get both sides closer to all these issues (of concerns). Instead of thinking of it (EPA) in the way of theories of capitalism, liberalisation and so on, he wants it to be seen as a strong commitment by the EU to stay as a strong partner, sharing common interest and common vision (with West Africa).

F. EPA is a pathway to diversification- Most West African countries desire to diversify their economies in order to enhance revenue and to create jobs. EU believes EPA is a catalyst for this process. According to EU Trade Commissioner, Maelstrom (2015) the need to diversify economies in West Africa, and especially in a country like Nigeria that has depended on crude oil for revenue for so long, is more urgent than ever. She states that the wider the range of production in any of the West African countries, the better insured it is against price fluctuations. For her, "deepened trade and investment ties with the European Union are a way to help achieve that goal."

G. EPA is an opportunity for ECOWAS member states to improve on good governance - EU is convinced that to implement the EPA and with minimum impact of some of the anticipated challenges being mentioned, all that ECOWAS member states need to do is engage in governance that is according to standard found in developed regions of the world. EU is concerned about many issues outside the EPA, not within it, which are hampering development in the ECOWAS region. It argues, for instance, that most ECOWAS member states depend on tariff rather than tax for revenue, which is contrary to the standard practice in developed nations. If the region focuses on improving the tax collection mechanism instead of tariff on goods therefore, it can offset better much of the potential loses that some of the countries may experience at the initial stages of the execution of EPA.

The position of EU on this is not limited to tax. There is the area of economic and political governance that has been less than sublime in most West Africa countries. Most of the time, elections have not been free and fair and transparent. Regular changes through democratic and peaceful means have not often applied, as well as the presence of a well-informed electorate. The repercussion of bad governance and corruption has led to unstable governments and insecurity. These are reasons for which EU takes the EPADP aspect of the EPA seriously, and wish West African nations would make progress on these issues. It sees EPA as a mechanism to further engage the region on such issues. In order to cope with the more rigorous demands of the EPA that has been fashioned to ensure West African nations meet global standards, EU argues that what countries in the region need to do is clean up their internal mechanisms, prepare themselves for competition and by so doing other thematic and contentious issues in EPA would not appear so tedious to overcome for the purpose of implementation.

H. By nature free trade is about competition and West Africa cannot avoid competition - EU has been of the view that West Africa can only develop if trade is allowed to be free, rather than protected as it is mostly the case at the moment. EU argues that a regime of too much protection of domestic market is inefficient, breeds corruption and denies nations of the benefits of free trade. According to EU, (Head, EU Delegation, 2015), competition creates emulation. Of course, EU understands the infant industry theory. It understands that ECOWAS wants to defend its nascent industry. But he feels ECOWAS has enough time to do that in the EPA. ECOWAS has been allowed a period of twenty years. His regret though is that Nigeria has had fifty years of protection in Nigeria (to develop infant industry); unfortunately, the Nigerian economy missed a lot of the opportunities in particular in the area of research, development, getting the know-how, the technical progress which makes a sound economy.

The point EU makes here is clear, and it is one this study takes cogizance of (see 6.3). There has been an ingrained orientation of protection for internal markets that has not benefitted the Nigerian economy and those of other West African states. If they subscribe to WTO rules, a body that promotes free trade, then they have to be ready to comply in totality with its requirements.

I. ECOWAS Commission is not doing enough to sell EPA to antagonists-

EU believes there must be opposition to any new initiative, but it is left for the proponents to make the opposition see otherwise. It feels ECOWAS Commission has not done much of this in the region. European Commission wants to do all it can to get opponents of EPA to see the agreement differently, but it is convinced that this should primarily be the business of ECOWAS Commission that negotiated the EPA on behalf of the West African region. While commenting on the need for EU to do more to buy over anti-EPA elements in the West Africa region, especially in Nigeria, EU (Head, EU Delegation, 2015) states that it is the business of ECOWAS Commission to explain the benefits of EPA to people in its area of operation and have their buy-in. Moreover, to him, one ECOWAS member state that is dissatisfied with some aspects of the EPA cannot approach the EU. If Nigeria is not comfortable, the first thing is to let ECOWAS know as a member of the ECOWAS.

J. ECOWAS has already signed up for Common External Tariff - All ECOWAS member states signed the Common External Tariff (CET) without exception in 2014 and it came into force on January 1, 2015. As this is the precursor of many of the tariff contentious issues being mentioned in EPA, EU sees no reason why there should be problem with regard to signing the EPA. The idea of CET is that all nations in a region agree to charge the same duty on imported goods. If one does not charge, others cannot charge. What one charges is what other

nations must charge. This is fundamental to tariffs and EU wonders why objection is not raised about CET, but about EPA which tariff-related parts have the CET as their foundation. EU (Head, EU Delegation, 2015) points out that the basis of the EPA comes from an offer made by the West African community, ECOWAS, which is based on CET of the area of West Africa. It is just as well because in order to have a trade and tariff agreement with the EU as a bloc, ECOWAS member states must have a common rule applied to their importations. As it turns out, what some members of ECOWAS (e.g. Nigeria) do not like is to be obliged to open their country to importations from Cote d'ivoire, Ghana, from Senegal, or from other states of West Africa. But protectionism cannot work, "because you cannot close the border," he added.

K. Negotiating EPA with the private sector would have achieved better results- EU recognizes that if it can do more in getting the right information across to relevant segment of West African citizens, opposition to EPA will be taken care of. It notes that it has negotiated with ECOWAS Commission delegations (or government) over the years to the detriment of the private sector, especially the business groups. EU, in fact, expressed regret that had it taken EPA up with businesses, the agreement would not have met with so much controversy since much of the pressure on governments not to sign EPA come from this segment of the society. On this, EU (Head, EU Delegation, 2015) wished the EU business world had discussed and negotiated the EPA with West Africa's business world and not ECOWAS. He said EU could actually have reduced the time for the negotiations. But unfortunately, the appropriate politics have to be entered by the actors, which is to deal with governments. Nevertheless, he would like to further engage Abuja, but with a clear message that people wanted to sit together at the table and discuss. EU, he said, had been doing this in the last ten years, "but we have to do

it again. I want to say that we will do that with ECOWAS (Commission), because it is a deal with ECOWAS, and it is between ECOWAS and the EU..:"

It is also acknowledged that even government officials that take decision on EPA might not necessarily have all the knowledge they need about EPA. This is likely because of the frequent change of staff necessitated by political change and the nature of the civil service that provides information to political decision makers. A top state government official, Dr Manzo Maigari (2015) provides a perspective to the effect that virtually every decision taken has political implications. But a great deal of the issues has to do with perception. People often assume that people in government understand all things. But they do not. Unfortunately, they are the ones that take decisions that affect everyone else. He is of the view that the EU should open up a window for further discussions, and once perceptions are right barriers are likely to be reduced. No matter how beneficial EPA is, or it is seen to be, if those who will make the decision do not believe or think so, no progress can be made.

L. EPA is in the interest of consumers, and consumers are paramount- EU believes the debate around EPA has centred around government revenue and local manufacturers for too long, and consumers are being overlooked. It thinks free trade benefits consumers the most because competition leads to quality, and consumers want quality rather than what is cheap but is junk. It believes EPA assures quality as more companies, local and foreign, are allowed to invest and compete for consumers' attention through better quality goods and services. EU feels this benefits the country and the producers in the end, and this right to quality products should not be denied consumers who are kings. Interestingly, large manufacturing companies in Nigeria agree with EU position that EPA throws out low quality products that may be harmful to

consumers while it encourages high quality products instead. Comments from Dangote Group and some other manufacturing brands in the region have been noted earlier in this study. EU (Head, EU Delegation, 2015) puts this view this way: "Another issue that always comes up in our discussion is the consumer. We are all discussing about the manufacturer, the businesses. Yes. But what about the consumer?"

He goes on to explain how a West African nation (Nigeria) has been feeding its people with poisonous beans that have too much pesticides. Thus, EU has had to ban the importation of the beans into its market. As he explains, EU places a ban on the beans from being imported into Europe not just for the sake of the consumers in Europe, but to get the Nigerian government to stop feeding its populace with poison. He notes though that the step EU has taken in this case is the job of ECOWAS, which as the regional body, should have checked Nigeria, "…because integration is not just about harmonization of goods and services, but about harmonization of norms and standards (across nations in West Africa)."

He goes further (still using the example of Nigeria) to give a picture of what is happening across West Africa where consumers are forced to patronize low quality goods. He said the Nigerian consumers have no choice; they have to buy products produced in Nigeria. This is good as long as those products provide value for money. But if it is of bad or poor quality or if it is too expensive there is a problem, the consumers have a problem, because they do not have their voice heard too often.

M. Government has no business in business - As already noted in Chapter 2, EU works from the position that the economy is driven by the private sector while government concerns itself basically with the task of formulating policies. This is fundamental to the philosophy

behind free trade. It is equally obvious from the expressed goals of EPA, that EU wants to use trade to promote development and reduce poverty. It is a carry-over from the philosophy that drives advanced economies with emphasis on mercantilism, free trade, and a market driven economy. EU therefore wishes to see less government presence in business in West Africa, which it sees as impediment to trade. The provisions in the EPA document are a clear indication of where Europe, WTO or other bodies in the structure of world trading system stand with regard to free trade.

N. Arguments against MFN clause in EPA are not valid- Many issues have been raised about MFN clause at different levels of trade negotiations, including the various rounds that led to the creation of WTO. The same is raised with regard to ECOWAS-EU EPA. EU has never agreed that MFN clause in the EPA gives any reason to become contentious. EU provides its justifications as follows: (1.) Parties to an international agreement may decide to include a most favoured nation (MFN) clause in their agreement. An MFN Clause ensures that either party is able to benefit from better terms entered into by the other party with third parties. The MFN principle evolved from the early days of international trade where it was usually applied on a bilateral basis. An early example is the 1794 Jay Treaty, in which the United States granted MFN trading status to Britain and vice versa. (2.) MFN Clauses can apply to any agreed sphere of relations including trade in goods, services or government procurement. In all these areas, an MFN clause is not the standard. For instance, an extensive 2007 World Bank study examined the existence and type of MFN provisions in service chapters of twenty-five East Asian FTAs. It concluded that no clear patterns could be discerned: there are almost as many FTAs without a binding MFN clause as there are with a binding MFN obligation. (3.) The MFN Clause is a basic feature in most Bilateral Investment Treaties (BITs). A BIT is an agreement between two

countries that protects investors against expropriation and other forms of unfair treatment when investing in the other country ("host state"). MFN offers a BIT signatory the same treatment by a host country as the most favourable conditions the host country offers to any other foreign country under other investment treaties (http://www.acp-eu-trade.org).

The general philosophy behind the EPA is to gradually transform the relationship between West Africa and the EU from one of dependency to one of mutual trade partners in the long run (UNECA, No. 29, 2012). However, the EPA is meant to recognise the different levels of development of both economic blocs – West Africa and EU; thus it allows West African countries to apply safeguards to protect their infant industries and sensitive products as well as provides trade-related support for West African countries under the EPA Development Programme (EPADP). The EPA is expected to be applied asymmetrically, with the EU fully opening up its market and ECOWAS only over time, while retaining the right to protect a share of its sensitive industries from European competition (UNECA, No. 29, 2012).

Also, the EPA will not only regulate the trade in goods, but in services and investments, it will provide a legal framework for West African producers, businesses and banks to engage in trade relations with the EU market, and thereby giving them a competitive advantage towards other emerging economies. In addition, while the gradual liberalisation of West Africa's tariffs may, over time, increase the flow of European goods into the region, EPA takes into consideration the fact that the nature of traded goods between the two regions are different and therefore tries not to create a room for them to be in competition with each other (UNECA, 2012). For instance, West African countries mainly import cars, chemicals and other manufactured products from Europe, whereas the EU imports raw products (oil and minerals) and agricultural commodities (coffee, cocoa and bananas) from West Africa. Furthermore, for

products where competition exists, the interim EPAs that Ghana and Cote d'Ivoire have with the EPA, for instance, excludes the liberalisation of tariffs for products like cereals, flour, oils and vegetables. Reducing tariffs and thereby the costs of importing machinery from Europe as contained in this latest economic agreement is meant to have benefits for local businesses and industry as trading costs will gradually reduce. This in turn should boost growth, creates new employment opportunities and contributes to poverty reduction (UNECA, 2012).

In fiscal terms, the EPA is to help the ECOWAS countries in moving from a system of tax collection that is excessively reliant on high import duties to a system that relies on domestic taxation. This will help to make revenue generation more predictable and hence stimulate better budget planning and execution practices. The reduction in import tariffs will be progressive and will give concerned countries time to modernize and improve their tax administration. The introduction of the Goods and Services Tax in some of these countries in 2010 is in line with the efforts at ECOWAS level to harmonize fiscal legislation and also takes into account the changes that will be eventually introduced by the EPA. According to UNECA (2012), other than creating a new dynamic in West Africa's development by facilitating trade and regional integration, the EPA is also about making the new trading relationship between West Africa and the EU compatible with WTO rules. Under the current arrangement, the EU is giving preferential treatment only to the ACP group (among which West Africa is), but not to other developing countries outside of those regions. The eventual step-by-step implementation of the EPA will however align West Africa and the EU with their WTO partners and make the trading regime much fairer (UNECA, 2012).

Experience worldwide indicates that economic diversification and expansion of non-traditional exports to the rest of the world remain the best – if not the only – strategies for

accelerated growth in Africa's sub-regions. EU wants to promote this through EPA because high levels of protectionism not only raise costs for both producers and consumers, they systematically discourage investment in export-oriented activities and inhibit economic transformation. Thus, lower and more uniform tariffs, the total elimination of non-tariff barriers and concomitant reforms of domestic taxation must remain in the menu of regional programs. Furthermore, from EU's perspective, EPA has the following elements, all of which it argues weigh in favour of its West African partners:

1. Improved market access

Goods from West African countries will enter the EU duty-free and quota-free, and vice-versa. There is an offer of market access that is better than the Generalised Scheme of Preference (GSP) which is important for mostly the non-oil exporting countries in West Africa. Products involved include banana and other fruits, vegetables, fish and fishery products, processed cocoa and other processed foods, as well as textiles and leather products.

For agricultural products or finished consumer goods currently produced in the region or for which the region has to develop production capacity, West Africa will not need to reduce its import duties at all on goods from EU. The market access offer of West Africa liberalizes 75% of tariff lines only at the end of the transition period, meaning that 20 years after the entry into force of the EPA, 25% of tariff lines will remain the same as for all third countries. West Africa has excluded all the products which are considered most sensitive and currently face a 35% duty under the ECOWAS CET, such as meat (including poultry), yoghurt, eggs, processed meat, cocoa powder and chocolate, tomato paste and concentrate, soap and printed fabrics. Also excluded from liberalization are half of the products currently attracting 20% duty under the ECOWAS CET such as fish and fish preparations, milk, butter and cheese, vegetables, flour,

spirits, cement, paints, perfumes, and cosmetics, stationeries, textiles, and apparel and fully built cars. At the same time, tariffs will be progressively eliminated on goods such as equipment and other inputs making them cheaper for local businesses (http://www.acp-eu-trade.org).

2. A relaxed rule of origin

West Africa will be able to produce goods for exports to Europe using materials sourced from other countries without losing the free access to the EU. This will increase West Africa's ability to benefit from opportunities in the EU and its capacity to participate in global value chains.

3. Safeguards

The EPA includes a variety of safeguards which can be deployed if imports of liberalized products are increasing too quickly thus jeopardizing local markets. Special protection is foreseen for infant industries, and the EPA allows West Africa to take specific measures in case food security is threatened (http://www.acp-eu-trade.org).

4. Enhanced cooperation in Agriculture and fisheries

The EPA foresees the establishment of a high level dialogue on agricultural policies, creating transparency and improving coherence on agricultural matters within the region and with Europe. Also, financial and technical support is provided to assist West African farmers meet EU's sanitary and phytosanitary (SPS) standards.

5. Predictable transparent rules

The EPA as a whole is packaged to contain predictable transparent rules in line with international standards on government procurement, intellectual property rights or sanitary and phytosanitary measures. These provide stability to the trade environment. Together with the

lowering of import prices for capital and intermediate goods, so fundamental for local industries, West African countries are expected to become more attractive for foreign investment.

6. Fostering regional integration

The EPA is the first trade agreement between developed and developing countries which explicitly promotes regional integration and takes account of the region's development needs and interests. It aims at reinforcing endeavours to build a bigger, more competitive regional market, e.g. by obliging West African countries to extend to each other the same tariff preferences that they have extended to the EU. The integration focus is built into every major segment of the agreement whereby the 16 member states in the region have to define common positions and policies on the issues at stake. The West African market access offer is aligned with the ECOWAS Common External Tariff (CET), which lays the foundation for an ECOWAS customs union. The implementation of EPA and ECOWAS CET are to go on hand in hand, and they are to reinforce each other. EPA also includes important provisions to make customs procedures easier and more efficient (http://www.acp-eu-trade.org).

7. Development cooperation

The EPA includes a number of provisions on sustainable development and development cooperation. The EPA will enable the region to benefit from substantial and unparalleled development support, in particular Aid for Trade (AfT), designed to help West African countries to make best use of the EPA, to build their trade capacity and compete effectively in the global economy (http://eeas.europa.eu/).

5.6 Arguments For and Against EPA

The following arguments have been offered in favour of EPA:

1. From EU's perspective, EPA is a new trade and development agreement between it and West Africa that has one main goal – To help all countries involved grow their economies. EPA also aims to help individuals and businesses in West Africa by making it as easy as possible for them to sell their goods and services in Europe. EPA also makes it easier for them to buy imported goods for less, acquire new technology; attract investment, since EPA promotes – clearer, simpler rules for doing business, paying taxes, and clearing customs; it enables easier access to legal advice and other services which businesses depend on; as well as get their goods into export markets – for example, by helping them meet international quality standards. According to Jeremy Youmans, Chairman, Clothing Manufacturers' Association, Zimbabwe, "The EPA paves the way for increased trade and investment, which should in turn drive jobs and growth." (Conference on EPA, 2015)

The aforementioned is further explained below:

The benefit of EPA for West Africa's business community has been said to be to ensure that businesses get a real boost. This is because EPA trade-related provisions ensure that businessmen export freely to Europe, even when they use some foreign inputs. It also enables them to import quality EU inputs for less; sell more in the local market, and do business and secure investment more easily. According to Jean Pierre Imele, DG, Biotropical, Cameroon: "EPAs offer real opportunity for growth and sustainable development for companies in the South." (EPA Conference, 2015). EPA has also been justified on the basis that it opens up trade. Thus the partnership agreement has two main commitments:

a. Both partners open up their trade in goods. This means the EU offers fully free access to its market. There are no import duties, no quotas. West African countries can source some of their inputs from other countries to make their end products, and still export to EU freely. Also, West Africa opens up its market to EU goods, this time more slowly, and not completely; they can keep tariff they identify as sensitive in their economies.

Added to this is the justification that EPA makes it easier for consumers or businessmen in West Africa to buy imported goods for less and acquire new technologies; attract investment as EPA promotes – clearer, simpler rules for doing business, paying taxes, and clearing customs, as well as easier access to legal advice and other services for businesses; as well as get their goods into export markets, by helping them meet international quality standards.

b. The second commitment which is another justification for EPA is that Parties work together though EU-funded aid for trade programmes. With this, the EU provides financial support to help West African governments put EPA into practice; and also help West Africa-based businesses use EPA to export more and secure more investment. The EPA, it is noted, boost trade in other ways such as opening up trade in services, which means that (when West Africa eventually negotiates trade in services) accountants or a vets from the region can provide services to customers in Europe. This also can help improve services available to businesses in West African countries.

In addition, EPA boosts trade in that it makes doing business easier. In this sense, it gets governments to make commitments in areas directly affecting trade, such as rules on ensuring fair competition and investing. Furthermore, development aid is at the heart of EPA. For pro-EPA groups West Africa can get the most out of the document in three main ways:

One is by helping governments in West African countries to meet their EPA commitments and open up their markets to each other more. It also helps governments to help businesses compete globally, for instance, by improving infrastructure like ports and custom posts; setting up schemes to help businesses meet international standards; and also to help government update their tax systems.

Through the EU Development Fund, EU Countries provided over 20 billion Euros in development aid to ACP countries between 2008 and 2013. This is considered to be part of the implementation process of aspects of the EPA in its preparatory stages. Of the amount, almost a quarter went on aid for trade. In addition, some individual EU countries also provide support on their own.

Where exporters in West Africa are concerned, EPA has been seen to be justified because EPA means the exporter can sell more easily in Europe since he has fully free access, and he can export for less than a rival in other parts of the world under a no-import tariffs, no quotas regime. Within West Africa, the exporter will benefit from a more integrated market across the region. The manufacturer can also import top-quality European inputs that he needs for less. In most cases, the importer pays less, and eventually nothing in customs tariffs. The importer can also source inputs on the same rate in any of the ACP region without facing any import tariffs or quotas when the final product is exported. Equally, businessmen can operate under clearer, more stable rules as well as find investors more easily.

Moreover, the West Africa EPA Development Programme is put forward as being developed in the context of the EPA negotiations through a participatory approach led by the ECOWAS Commission, including regional and national actors (governments, private sector, and civil societies. The overall goal of the EPADP is to accompany the implementation of the EPA.

This, it is argued, will help West Africa address adaptation and adjustment needs in the economic, social and taxation fields, among others.

In the light of these however, there are a few points that need to be noted:

A. It needs to be noted that, justification for EPA or the arguments against it may vary from individual to individual, and the organisations they may be connected to. The researcher noticed that while European Commission officials were completely for EPA, this was not often the case among ECOWAS Commission officials. Even this depends on which officials are being interviewed, and in which directorate of the ECOWAS Commission. Officials who are fully involved in the negotiations with EU are for EPA, while those who have nothing to do directly with the negotiations tend to be against it irrespective of the West African country they are from. But there is a third position: ECOWAS officials who are not part of the negotiations, but appear to be viewing the document from a purely professional perspective. The researcher sensed that they too had their reservations, but they approached EPA from the prism of a professional duty they had to carry. The response of ECOWAS (Directorate of Multilateral Surveillance, 2015) in the course of interview with the researcher shows this third position. According to the Directorate, the Cotonou and EPA have given access to the LDCs to access the EU market with the provision of what is called Everything But Arms, EBA. In West Africa, apart from four that are developing countries – Nigeria, Ghana, Cote d'ivoire and Cape Verde – the rest are LDCs. Under the Cotonou Agreement the LDCs can send goods to Europe under Everything But Arms, but they do not we take advantage of it. "And as we now go to EPA, how ready are we to take advantage of it also?" (ECOWAS, Directorate of Multilateral Surveillance, 2015). The Directorate insists that ECOWAS member states need to address the issues that are impeding their growth. He asks, "What are the things that are impeding us (ECOWAS) from developing?

Can't we address them?" He is of the view that ECOWAS member states live in a global environment, the whole world will not wait for them. As such, ECOWAS member states have to ensure that they address those issues like infrastructure. By physical infrastructure, he meant the network of roads, the maritime space, railway, aviation sector. He equally thinks the issue of power and energy is of serious concern which must be addressed, noting that because this is largely lacking it is much cheaper to ship a good from China to Lagos than from Abidjan to Lagos. Another reason for this is the issue of cabotage law; most ECOWAS member states do not own indigenous shipping lines. So, if ECOWAS member states must get ready for the inevitable competition, they need to address some of these issues.

Among those who are also apparently for EPA are officials in ECOWAS' Directorate of Trade, and this is not surprising since it is the Directorate that is primarily in charge of the negotiations of the agreement between West Africa and EU. In fact, the Directorate justified to the researcher many of the controversial elements that have been linked to EPA such as the principle of "reciprocity". Officials here feel it is West African countries that need to take care of some internal weakness, and once they get their acts right and run their economies well, there is nothing to worry about in EPA. This is a point that the current study carefully takes note of and fully agrees with as shall be seen in subsequent pages. For as this study argues, a few negatives in EPA 2014 text (that is even periodically reviewable) cannot undo ECOWAS member states whose political and economic foundations have been carefully and solidly laid. Those foundations are not in existence and it is not outsiders that will lay them for West Africa. Every nation or region is responsible for laying its own. On the issue of loss of revenue and competition, for instance, ECOWAS officials in the Directorate of Trade (2015) have a few

things to say in defence of one of the vital criticisms of EPA with respect to exposure of industries in West Africa to European competition.

The Directorate of Trade (2015) notes that some believe the first thing to look for in EPA is competition and that as a result of competition most local industries will go out of business. But as trade experts, the Directorate of Trade (2015) says there are other aspects that take care of this concern in the EPA. These are the clauses (the safeguard measures) on infant industries which say that in order to protect some industries, certain things can be done. For instance, if it is realized that West African industries are going out of business because of the EPA, some things can be done to curtail such a trend. In essence, the agreement brings competition and businesses will go out; but there is a provision that can be triggered in order to protect the local industry. The EU has also promised to give some development assistance to offset possible loses. The other argument is whether this amount is enough, because ECOWAS is talking about 18.5 billion Euros and the EU is only able to offer 6.5 billion Euros.

Some officials in other ECOWAS Commission who were not involved in the negotiations but were aware of the proceedings were totally against EPA. Many explained this from the historical perspective, and their conviction that Europe had always been involved in anything with the intention to take more from West Africa than to give. They saw EPA as Europe's latest effort to further enslave the region. An official alleged that in pursuing, with EPA, Europe only had its eyes on Nigeria's large market, and nothing more. What could have opened up the thought process of some other officials to the researcher was if they had agreed to answer every single question the researcher put to them. But not all officials was so willing, and for especially any question that had to do with the details of the provisions in EPA, some promptly directed the researcher to contact the Directorate of Trade.

In spite of their expressed concerns, some West African nations had largely shown themselves to be pro-EPA. Ghana and Cote-d'ivoire had signed the Interim EPA back in 2007 so that they would continue to send their primary products such as Cocoa to Europe. They are among the thirteen countries that have signed the latest EPA, and back in 2007, the Interim EPA. This is understandable. Without them signing the Interim EPA, their social, financial and economic conditions would have suffered. In this light, other smaller countries, especially LDCs in West Africa, have their justifications for signing the EPA. In comparison to what the researcher found out, it was amazing how silent other West African nations had been in public space, either in publicly justifying the signing of EPA, or in criticizing Nigeria and Gambia for refusing to sign up. All of them were eager to sign, as indeed they had done, but they did not publicly speak in favour or against Nigeria. This is a sign that they too had reservations, but under the circumstance they found themselves, they could not refuse to sign up. Moreover, it is observed by the researcher in the course of study that Nigeria has been able to convince other West African member states that it has a convincing case against EPA. The only difference is that while Nigeria can deflect EPA because it depends largely on oil, others cannot not because they depend on agricultural raw materials. It has also been suggested in other quarters that West African nations are signing up more for fear of the immediate consequences of not signing as EU has threatened, rather than out of conviction.

An official of Nigeria's Ministry of Foreign Affairs (asked to not be named) involved in EPA-related meetings at ECOWAS level narrated to the researcher how, at a ministerial meeting, ministers of other West African nations had between 2013-2014 taken on Nigeria's former Minister of Trade and Investment, Dr. Olusegun Aganga, at their meetings. The West African ministers had put pressure on Aganga to agree that Nigeria should sign up. But he refused,

informing them that he was a competent minister, that he knew his onions, and what he had analysed of the EPA indicated that it was not in Nigeria's favour in its current form. The Ten Point objections to trade-related aspects of EPA that Nigeria had so far raised included:

1. The need to address the product mix in Group 'C' and 'D' (in EPA Annex of Products), in order not to hurt Nigeria and West Africa's industrialization drive.

2. There is need for the development of clear support programmes to enhance the competitiveness of products in group 'C' by the EU and ECOWAS Commission and annexed to EPA.

3. The agreement did not address the issue of re-imbursement of the fiscal loss estimated to be about 1.3 trillion dollars to Nigeria and over 50% of some LDC budget that rely on customs duties, as well as loss of jobs and investment that will arise from signing the EPA. Some Member States that rely on customs duty will lose up to 50% of their budget.

4. The 6.5 billion Euros for the EDAPD financing is not satisfactory, as its sources – the EDF; EU Member States funding, Aid-for-Trade etc., already exist without the EPA; Nigeria wants to be assured about additional funds to the current support.

5. The need for additional safeguard clause as declaration that would become integral part of the agreement.

6. The EPA text needs to be re-examined. For instance, Article 60 on transfers is based on cooperation instead of legal guarantee to compensate for fiscal loss and ensure transfer into West Africa's economies.

7. Review Clause makes possible a review of the agreement every five years. Using agreed indicators is needed in the agreement.

8. The EU needs to work out specific modalities with its own private sector and relate this to the EPA to locate production plant in West Africa in a joint venture agreement to take advantage of raw materials for EU market.

9. Monitoring provisions/benchmark that should include economic indicators like loss in revenue, jobs, impact on SMEs, loss of investment etc. Given the size of Nigeria's economy and the fact that it is the only GSP economy in ECOWAS, Nigeria proposes that it should be a member of the EPA Monitoring Group.

10. There is need to put in place clear monitoring and evaluation indicators to assess the impact of EPA on Member States' growth and industrialization by ECOWAS Commission and Member States.

Moreover, according to Nigeria's position, the private sector in Nigeria is opposed to the signing of the EPA in its current form. Given that the private sector is the driver of the economy, it is critical that any agreement signed has its buy in. One obvious point here is that, depending on which side of the economic scale each member country in the West African region stands, this influences whether or not it justifies EPA and signs up. LDCs, twelve of them out of the fifteen members of ECOWAS, prefer the idea of the large market in Nigeria that EPA opens up for them. They do not have the market, but Nigeria has, and the integration objective of EPA opens this to them. The other two developing nations in the region, Ghana and Cote d'ivoire, prefer to have EPA because when Nigeria signs up, they are assured of their revenue from continuous export to Europe. If EPA is not ratified, they are at risk.

On its part, Nigeria has its own vision of how it wants to expand into the West African market. The nation had drawn up its own regional economic vision long before 2014. Obviously, EPA negates this in several ways, thus Nigeria perceives aspects of EPA as a threat to its vision.

Thus, what the nation has calculated for itself from the current state of play in the region would be lost with the implementation of EPA. Also, crude oil rather than agricultural raw materials has been the mainstay of the nation's revenue. EPA does not cover crude oil in any way, so the nation's oil revenue that makes up about 90% of the total remains intact, compared to other members of the region. Nigeria's export to Europe in agricultural goods, many of which are core to the EPA as it stands, is minimal. The nation has a large market such that it can decide to go alone to some extent, reach another kind of separate agreement with EU, and decide what it wants as well. All of this has been put into consideration in Nigeria's justification not to sign the EPA document in its current form. In a way, and to some extent, Nigeria as a member of the region is holding up every other nation on EPA, and there is not much either EU or the region can do about it for as long as Nigeria's oil revenue sustains it. In that sense, other factors will have to come into play to get the nation to play along with other West African nations. This point is taken further in subsequent discussion.

B. It is not only the EU that has provided justifications for the EPA. The researcher found that contrary to the more widely-acknowledged views of some local manufacturers, other local manufacturers see EPA as an agreement that is full of opportunities for them. They argue that EPA opens up opportunities for them to expand their businesses beyond borders and have healthy competition, rather than the dumping of low quality goods which they believe ruins markets for them. In total agreement with Youmans' position on EPA, for instance, is one of Africa's leading business conglomerates, Dangote Group, headed by the man rated as Africa's richest man, Aliko Dangote. Asked by the researcher in the course of a conference on EPA in Lagos, (Nov. 5-6, 2015), if their companies had worries that they would face stiff competition from companies from Europe if EPA was implemented, the heads of some of the big local

manufacturing brands that were present at the conference in Lagos responded in the negative. Some top Nigerian-owned companies noted that companies such as theirs were interested in manufacturing quality products and if completion from abroad would drive up quality and give them greater access to markets in Europe and elsewhere, then they were for EPA (See Appendix 3).

Arguments against EPA

The following are some of the arguments against EPA:

> Africa is in trouble. Its future is once again on the diplomatic table and as so many times before in its troubled history, Europe holds the ace. The EU's approach to Africa, via so called economic partnership agreements, is the equivalent of the 1884-1885 Berlin Conference that divided the continent among the great powers. At stake is whether Africa should be allowed to conduct policies for its own development – of for the development of Europe." - Prof. Charles Soludo, Former Governor, Nigerian Central Bank (cited in *Africa Today* magazine, Sept.-Oct., 2015 p.25).

Several arguments have been raised against the EPA by citizens of West African countries, both in the public and private sector, as well as by people from other regions of the ACP e.g. the Caribbean. Some of these arguments are as follows:

A. Lack of fulfillment of EPA promises- The EPA promises several things, including development of the partner countries through trade. The only region, Caribbean (CARIFORUM), that has so far signed a comprehensive EPA that includes goods and services, investment, trade-related issues like competition, innovation and intellectual property, as well as development cooperation, has returned a non-performance verdict. According to Ronald Sanders (cited in *Africa Today* Magazine, Sept.-Oct. 2015): "So far, the CARIFORUM EPA has delivered few, if any, real commercial benefits, while promises of aid to implement the agreement has fallen short

significantly. Caribbean exporters have yet to experience significant market presence in the EU. Our exports continue to face non-tariff barriers in the EU market, especially technical and sanitary and physosanitary (SPS) barriers.

Furthermore, our service providers confront similar barriers related to mutual recognition standard issues and difficulties in obtaining visas. This is not my personal view it is confirmed by the EU itself. The Joint Communiqué of the recent Joint CARIFORUM-EU Council notes that: 'CARIFORUM State had not yet been able to fully convert the market access offered by the EPA into meaningful market presence.'"

This view from a region that has begun the implementation of EPA is to say the least discouraging, and it appears to be a confirmation of the worst fears of West African nations.

B. The global trading system that favours developed countries - The EPA may promise several positive things, but it has been argued that the world trading system, its monetary and financial aspects, have remained the same, thereby locking developing nations into a circle from which they can hardly escape. In that sense, whatever EPA promises amounts to effort to move ahead in a restrictive enclosure. For instance, not much has changed in global monetary and financial institutions such as the IMF and World Bank which developing nations agitated for from the 1960s into the present. The call to have these institutions reformed to take the situation of developing countries and LDCs into consideration has been rebuffed, with western countries dominating the institutions. These institutions manage the global financial system and under their watch there have been global financial crises that harm DC and LDCs in diverse ways. For Sanders (cited in *Africa Today* Magazine, Sept-Oct., 2015), "the signing of EPA coincided with the global financial crisis that adversely affected many Caribbean and African economies. Hit by a decline in revenues from decreased tourism, high energy costs, and little investment, the

removal of tariffs on EU imports caused all governments to lose much needed income. Notwithstanding these difficulties, EU demanded full implementation of the EPAs tariff cuts and intimated that non-compliance would lead to a dispute and costly arbitration; a prospect of David versus Goliath for CARIFORUM countries."

C. EU is unresponsive to needs of West Africa - In the light of the difficulties that CARIFORUM countries faced with the execution of EPA; it had been argued that a responsible EU, concerned about the economic stability of the region, would have acknowledged the difficulties that the region was facing. If developing the region through trade was its real intention, Sanders (2015) argued, EU "would have tried to engage in a constructive dialogue with countries it claimed to be 'partners' with and opened the space for negotiations, rather than arbitration… I share this CARIFORUM experience, since it may be the daunting reality for many of the African EPAs in the future." The point here is striking as rules and the need to stick to rules in the world trading system seems to be taking away the human face that any human to human, or country to country relations should have. One argument for having trade rules translated from WTO to CPA to EPA is to create trade free, bring about stability, predictability and order to trade relations. While this is good, many have argued that free trade rules that further worsen the condition of either of the Parties involved cannot be worth the hardships it has caused.

D. EPA is part of a plan to subvert Nigeria's influence in West Africa- Nigeria has strategic economic interest it wants to pursue in West Africa. It has thus been argued that EU has made EPA to be so stringent on West Africa (when it can do otherwise) because a member of EU, France is out to curtail the influence of Nigeria in the West African region. Many have read the ease with which French-speaking West African nations signed the EPA as part of the pressure

from France. EPA is seen as France's means of ensuring that West Africa's trade is targeted more towards Europe, instead of being one led and dominated by Nigeria.

E. The burden of "unequal partnership" - It has also been stated that ECOWAS-EU partnership is a partnership of two 'unequal' Parties. Sanders (2015) argues that, "Reciprocity principle in the EPA has a ring of fairness about it, but this is between unequal regions." ACP countries as a whole had been for 'proportionality' in weight placed by world trading system on members. This had been at the heart of the Lome and Cotonou Agreement. It featured prominently in the special and differential treatment for developing countries contained in them. This, it is argued is at the centre of "fairness that requires movement to rated 'proportionality' by special development measures in trade agreements between rich and poor countries. But in EPA advantages to EU from reciprocity have triumphed over imperatives of development for the ACP countries. The fundamental challenge with 'reciprocity' is that Africa and Europe are not equals in the economic domain. It is a case of giants and dwarves, or sharks and sardines" (Sanders, cited in *Africa Today* Magazine, 2015).

It is argued further that in ECOWAS-EU relations, Europe holds most of the cards – market power, financial power, and negotiating power. Against that background, it is pointed out that the relative fairness of the Lome Conventions and Cotonou Agreement is abandoned in EPA for the unfairness of 'reciprocity'.

F. EU's desire to secure access to West Africa's market and resources- It has also been argued that a major reason EU is fastidious about EPA especially in relation to West Africa (and Africa in general) is to secure better foothold and have access to West Africa's large market, and raw materials in the face of competition from other nations such as China and India. This competition

for market and resources is said to be the reason EU engages in the mercantilist move, and as such, the interest of West Africa is not the number one motive behind the EPA.

The political and economic pressure being placed on West African nations to sign EPA is also cited as a point to buttress this argument. Nations here are mostly LDCs with little political, diplomatic or financial power to resist pressures from outside. The EU unilaterally withdrew market access from October 1, 2014 in the absence of substantial EPA progress. This was one situation that nations which depended on revenue from export of agricultural products to Europe could not play with. It is therefore not surprising that 13 out of the West African nations have signed the EPA, leaving Nigeria (that depends mostly on crude oil), The Gambia, and Mauritania. In fact, long before negotiation was completed on EPA in 2014, EU had pressured nations such as Ghana and Cote d'ivoire to sign an Interim EPA for them to continue to export their agricultural products to Europe. "Some countries in the Central Africa and the Eastern and Southern Africa (ESA) groups are provisionally applying their interim agreements. But they do so, not out of faith but out of fear – fear that higher tariffs will be applied to their exports into the EU markets that would make their products uncompetitive, leading to loss of jobs and foreign exchange" (Sanders, cited in *Africa Today* Magazine, Sept-Oct., 2015).

G. Europe will benefit more in the area of Agriculture - The ECOWAS-EU EPA that is for the moment about goods makes provisions for agricultural goods. While non-LDCs may slightly improve their market access into Europe for a small range of agricultural products such as dairy, rice, sugar and meat, it has been argued that it is the well-resourced European companies and subsidized agro-industry and farmers that will benefit the most from the bulk of the tariff cuts. Local companies, commercial and subsistence farmers and the informal women traders in West Africa could be faced with competition before they were ready to cope with it. As a result, many

of them may fizzle out, creating problems of unemployment in a growing economy that does not necessarily create jobs.

H. Possible displacement of intra-West Africa trade - It is argued that EPA may provide more favourable treatment to a number of EU imported products compared to similar African products. In this way, European products may end up displacing intra-West African exports, notably in the manufacturing, oil, and food sectors. And while European agricultural products would eventually flood West Africa markets, the effect of this could dislocate local farmers. In effect rural communities might be adversely affected and soon West African nations might not be able to produce their own food, thereby threatening the much avowed food security.

I. Loss of revenue - With the principle of reciprocity guiding ECOWAS-EU trade relations in EPA, the EU will liberalise all imports except arms and munitions. West Africa will open up its market gradually but eventually reduce tariffs on 75% imports from Europe, including significant manufactured products that many West African nations aspire to produce for their own domestic and regional markets. A study by the UN Economic Commission for Africa, for instance, found that Nigeria alone would account for the highest percentage of revenue loss in the first year of EPA implementation. No doubt this may make many governments unpopular as they have to shift to increasing value added tax, income or they may become indebted through borrowing to finance their budgets.

J. EPA does not fully address issue of re-imbursement of the fiscal loss by West Africa - There has been allegations at ECOWAS Ministerial level that, contrary to EU's claim, the agreement did not address the issue of re-imbursement of the fiscal loss estimated to be about $1.3 trillion for Nigeria and over 50% of some LDC budget that rely on custom duties, as well as loss of investments and jobs that will arise from signing the EPA. Some member States that rely on

custom duty will lose up to 50% of their budget. Furthermore, it is not clear how the fiscal/revenue loss will be recovered. Ministers contend that the 6.5 billion Euros offered by EU for the EPADP financing is not satisfactory. The ministers therefore called for additional funds to the current support totaling 18 billion Euros, a request EU has rejected (ECOWAS, Council of Ministers' meeting, 2014).

K. Resolution of disputes arising from EPA cannot favour West Africa - There are provisions for dispute resolution between the two Parties in the EPA, but questions are asked as to the feasibility of 12 LDCs and 3 DCs with scarce resources, technical and manpower deficiencies confronting 28 advanced EU nations successfully. Within EPA terms, West African nations have to contend with the capability of all the EU nations at once. This does not look like a viable prospect for the region because in the event of a dispute the capacity of EU would dwarf the resources that West Africa could pull together. "Realistically, therefore, the dispute mechanism has not much value beyond the paper on which it is written. This is typical of much of EPA" (Sanders, cited in *Africa Today* Magazine, 2015).

L. EPA is not an agreement with EU, it is an agreement with the whole world - As a result of the WTO origin of the rules followed in EPA, and the implications for trade relations between West Africa and the rest of the world, it has been stated that the agreement extends beyond ECOWAS-EU trade relations, that it extends to all other countries in the world. One reason is that other nations outside of EU are likely to start citing the EPA in the conduct of their trade relations with West Africa. EPA will become the benchmark agreement for every other region or country with which West Africa trades. West Africa will have to relate with others on the same terms as it does EU. This leaves the region little option of making up on what it loses in its trade relations with EU under EPA. "As an example, negotiations between Canada and the Caribbean

for a Free Trade Agreement came to an unsuccessful end last year (2014) when Canada insisted on terms no less than those accorded to the EU under EPA. The Caribbean could simply not afford it. The Caribbean should expect that the United States - its largest trading partner – will adopt a similar stance, insisting on the terms accorded to the EU" (Sanders, cited in *Africa Today* Magazine, 2015). The implication of this possibility is serious for West Africa, and it is real for the simple reason that most countries of the world that West Africa has any significant trade relations with are members of the WTO. In that case, if they contended that West Africa discriminated against them and challenged the region at WTO panel, there would no way out just as there was no way out for EU when India challenged it over the discriminating preferential treatment EU gave ACP.

This point about West Africa having an EPA with the entire world is succinctly captured in the position of National Association of Nigerian Traders (cited in *Africa Today* Magazine, 2015) this way: "…the MFN Clause means that the region (West Africa) cannot grant a more favourable treatment to fellow developing countries especially in a bid to foster South-South cooperation for development. Countries affected by MFN clause include India, China, Mexico, Thailand, Malaysia etc., and these and the G8 are countries Nigeria is working with for potential increase to her balance of trade" (cited in *Africa Today* Magazine, 2015). It is obvious from this that West Africa cannot enjoy independence of economic relations and determine the provisions of its other trade partnerships without recourse to EPA. Under the EPA umbrella, even the EU has more advantageous relations with West Africa and the Caribbean than West Africa and the Caribbean have with each other.

M. EPA negates the continent's integration vision - As already pointed out in Chapter 4, EPA is meant to take into consideration AU's grand vision for an integrated Africa. But many of the

provisions made run counter to the continent's vision of itself. "Africa envisages a Continental Free Trade Agreement (C-FTA) as one of the key pillars of the African Union's 'Agenda 2063' which sets the development visions and pathway for Africa over the next five decades. It is an entirely African vision and an admirable one" (cited in *Africa Today* Magazine, 2015). Having a negotiated EPA for each region is thought by some to be against the continent's vision to integrate its economies. "The fact that different group of countries in Africa have negotiated separate EPAs with different tariff phase down commitments, both in terms of products and time frames; different exclusions list, and different rules of origin, will undoubtedly complicate intra-regional trade as new controls will be required at borders in order to enforce EPA commitments" (Sanders, cited in *Africa Today*, 2015).

N. Risk to West Africa's sovereignty in policy formulation and autonomy - It is also observed that EPA provisions could limit trade policy options open to West African countries in implementing their development agendas. "In some instances, there would even be need first to consult with the EC before certain measures could be put in place" (*Africa Today* Magazine, 2015). In other words the region's decision making is hampered by the requirement to get the approval of the EU in certain circumstances.

O. MFN clause- Ministerial conferences of West African states have always pointed out that there are contentious issues in the EPA (such as the definition of "substantially all trade", transitional periods, export taxes, free circulation of goods, national treatment, bilateral safeguards, infant industry, non-execution clause, MFN clause) and have called for a review and re-negotiation. EU, they allege, has not shown flexibility on the MFN clause.

P. West Africa has alternatives to EPA – It has been noted that West Africa has options and that it does not need to be forced to sign EPA with EU based on the current terms. Such options

include the FOCAC, a China-Africa forum, where cooperation in development and trade issues are regularly discussed. Comparison has been made between EPA and what other nations and regions of the world could offer. Recently, China offered 60 billion dollars to Africa at the FOCAC gathering in South Africa. Out of the amount, each regional bloc on the continent could get more than the 6.5 billion that EU had offered West Africa. EPA is considered a threat to these other alternative trade relations. Aside from China, other trade relations which have offered easier terms than EPA include the following:

1. US-Africa relations
2. Japan-Africa relations
3. India-Africa relations
4. Arab nations – Mauritania
5. South-South Cooperation
6. North-South Dialogue

Nevertheless, EU (Head of Delegation, 2015) has tried to explain some of these alternatives as having no binding agreements as EPA does, and in that regard, are of little effect on improving West Africa's condition. He especially dismissed AGOA (a concessionary free trade agreement) that US has placed before the African continent as a mere offer made by one side, not a binding agreement, and it could be withdrawn at anytime unlike EPA.

5.7 Issues Beyond EPA

A few of the other issues dealt with under the EPA regime help to shed more light on the general nature of the partnership agreement between West Africa and EU. Both CPA and EPA, for instance, have features that make the partnership of the two Parties comprehensive i.e. they include provisions that extend beyond trade, but which are regarded as relevant for trade to

thrive. These include the political dimension that incorporates dialogue on issues of governance, rule of law, as well as other developmental issues as contained in the EPADP in ECOWAS-EU EPA.

Moreover, the 'essential elements' of human rights, democratic principles and rule of law apply to all signatories of the CPA, whether or not they have already signed an EPA. So whether any ACP any member state signs or not, it is under the coverage of the wider arrangement that affects all ACP members. Hence, based on Article 9 and 96 of the CPA, a violation of these essential elements could provide the grounds for suspending EU assistance and trade cooperation with the ACP country concerned. The only comprehensive regional EPA so far, the CARIFORUM-EU EPA, makes reference to promoting good governance as one of the objectives of the trade agreement. This is founded on the foundation already laid in CPA, and irrespective of whether any region has signed EPA or not, the principle subsists.

In addition, good governance is a prerequisite for subscribing to certain trade arrangements with the EU. Given that non-signatories of EPAs fall under the GSP or GSP+, non-LDCs that have not signed an EPA have the possibility of adopting the GSP+, but only if they meet set criteria relating to 27 good governance and economic criteria, and have ratified and implemented certain conventions (ECDPM, 2010). The agreements state modalities and procedures for the negotiations of longer term trade frameworks in the larger ACP-EU trade relations; Institutional arrangements for joint consultations on agreed areas; Commitment on cooperation in international fora, as well as Means of settling disputes, Means of financing etc. The EPA regime has provisions for the Most-Favoured-Nation arrangement that have been major source of contention at the WTO and a common instrument in trade partnership agreements. The

two agreements state their intention to deepen partnership of equals between the two Parties in their objectives.

CPA is not a trade agreement in the strict sense of the word, rather it is more of a guideline for relations between ACP and EU, laying the groundwork for negotiating a WTO rule-complaint trade relations. Prominent in it are the extensive provisions in non-trade issues that are conceived to aid free trade. An official of EU, Francis Fay (EU, 2015) explained that the Cotonou Agreement was not a trade agreement; rather it was set up like a guideline for relations between the ACP and EU, and at some point like a commercial relations.

On the other hand, EPA is a trade agreement. But so far what West Africa negotiates with EU is on goods and development issues. The agreement has yet to cover all the areas stipulated by the guidelines in CPA which in turn is informed by the guidelines in WTO rules. But it nevertheless deals with development issues, a situation that has opened up contention over what West Africa considers a shortfall in the amount EU is ready to release to fund EPA Development Programmes or support the deficits they will come up with when trade aspects of EPA are implemented.

The EPA regime is meant for all ACP member states, but aspects of it are negotiated separately with each regional economic bloc. Though the principles (as contained in CPA) followed for all the ACP regions in EPA are the same, regionalization of the negotiations has ensured that the peculiar needs of each region are taken into consideration, and each region is allowed to move at its own pace. The EPA has thus become the first trade agreement between developed and developing countries which explicitly promotes regional integration and takes account of the region's development needs and interests (www.europarl.europa.eu, 2012). It aims at reinforcing endeavours to build a bigger, more competitive regional market, e.g. by obliging

West African countries to extend to each other the same tariff preferences that they have extended to the EU.

CPA has served as a stop-gap between immediate compliance with WTO and the future negotiation of concerned trade-related issues between ACP regions and EU. It was put in place in 2000 to urgently take care of some issues that WTO ordered the EU to tidy up in its trade relations with ACP, following the litigation India had against the EU. These were issues that the Lome Conventions did not take care of. In the CPA, some issues were resolved, but other major ones were left for negotiated resolution in the EPA. For instance, under the Lomé Conventions, the EU granted "non-reciprocal trade preferences" to ACP countries (CPA, 2000). This meant that ACP countries could export nearly all of their products to the EU market without having to pay customs duties, and without having to open up their own markets in return. Under the Cotonou Agreement, this preferential, unilateral (WTO-incompatible) trade regime was to be provisionally maintained until it would be replaced by the EPAs. So, the trade related provisions of the CPA simply provide for a temporary/transitional application of the previous trade regime while waiting for the entry into force of the new trade regime introduced by the EPAs (Head, Trade and Economics, EU Delegation, 2015).

EPA has provisions meant to protect West African markets which have been envisaged in 2000 (CPA, 2000). As knowledgeable officials explained, as against EPA, the CPA did not provide the complete aspects of a trade agreement such as defence or safeguard mechanisms which should have been carefully negotiated (Directorate of Trade, 2015).

In further interactions by the researcher with other ECOWAS officials who spoke along this same line, the sense in which this was said and the impression gotten seemed to be that the conception and writing of the CPA document was largely the work of the EU, and that ACP

members read it, and after some observations were made they agreed to sign it. This is not improbable when it is remembered that some of what developing nations had been agitating for in the form of fairer trade deals with developed nations (see Chapter 2) from the 1960 into the 1990s were reflected in both the Lome Conventions and the CPA. Nevertheless, with the introduction of WTO in 1995, CPA had to be used to prepare the grounds for the negotiations of more trade-related issues in EPA.

The EU Trade Commissioner (2015) corroborated this, noting that the main result of the trade aspects of the CPA for ECOWAS-EU trade relations has undoubtedly been the negotiation of Economic Partnership between the two regions. As mandated in the CPA, in 2014 ECOWAS and EU agreed on the text of an Economic Partnership Agreement. When it is fully implemented, it will replace the unilateral general trade regimes (GSP and Everything But Arms) and provisional market access arrangements that should have followed the expiry of the non-reciprocal trade regime at the end of 2007. Even with the contention over it, the implementation of an EPA regime as started in CPA has been eulogized as leading to "the creation of a stable, development-friendly economic partnership that is now prepared for ratification (the EPA) by all the countries and organisations involved" (ECDPM, 2010).

The ACP secretariat has always been entrusted with the lead role in the implementation of agreements between ACP member states and EU. It may still continue to do so to some extent. But with the negotiations of EPA at regional level and its provisions that are tailored to suit the peculiarities of each region, the ACP Secretariat may play less role, and may be more involved in a coordinating capacity with regard to mutual issues among the ACP regions. This new situation, has in fact, been a source of criticism that negotiating trade-related issues in EPA at regional level threatens the integration objective of partnership agreements between ACP and EU. This

view is that ACP will be less able to act as one and be integrated into global economy as one region, as each regional economic bloc becomes emphasized.

The West African version of the EPA, at this stage, is a negotiated agreement on goods, with aspects on development of the West African region captured especially in the EPA Development Programme (EPADP). This is a programme which implementation has been on for more than a decade.

A major feature in EPA, the principle of "reciprocity" has raised some contentions between West Africa and EU. Meanwhile, this principle had been envisaged back in 2000 in the CPA. In fact, some steps towards achieving it had been laid out and had been followed through by West Africa as from 2000 e.g. the adoption of the Common External Tariff (CET). The adoption of CET is a vital stage in the implementation of the reciprocity principle of free trade and all West African nations had gradually been preparing themselves for it internally and across the region in the period under study, thus pushing forward the regional integration objective. Reciprocity requires that what EU does for ACP countries in the duty free and quota free arrangement, ACPs must do for EU goods as well. If EU does not collect duty on West Africa exports to EU, the same is to be done to EU's export to West Africa. Most West African countries depend on tariffs on imported goods for revenue, and as such the potential loss in revenue that the adoption of CET portends has been a source of concern to many of the countries. Reciprocity thus becomes an unfair trade principle from the perspective of the DCs and LDCs in West Africa; meanwhile it is a requirement in the post-cold war global trade arrangement that promotes free trade. In the event, the some contentious aspects have been tagged "unfair" and "obnoxious".

The idea behind the negotiation of EPA is that it will promote competitive trade in a free market area within West Africa, and between West Africa and EU will lead to growth and development. For EU perspective, provisions in the CPA that amount to giving ACP countries special treatment in trade matters have to give way to open market rules that should spur them to be more competitive. As EU sees it, trade promotes development. EU therefore idealises EPA as a means of bringing development to West Africa and other ACP regions.

CHAPTER SIX

FINDINGS: EFFECTS AND THE CHALLENGES OF EPA IN ECOWAS-EU TRADE RELATIONS

6.0 Introduction

This chapter discusses the findings of the study in the context of the effects and challenges of the EPA regime in ECOWAS-EU trade relations in the period under study. It is thematically divided into Key Findings; The effects and challenges of EPA in ECOWAS-EU trade relations; and Conclusion.

6.1 Key Findings

Trade Matters

1.

This study found that many free trade-compliant measures/principles were already being executed in ECOWAS-EU trade relations even as the negotiation of EPA on goods (which culminated in the 2014 text) continued in the period under study. This means EPA-related measures have always been a part of the relationship, and the codified EPA (2014 text) is basically meant to take it to the next level. This calls attention to what the nature of the relations has been in the period in focus, and which the current study has as an objective. With the end of the cold war, ECOWAS-EU trade relations has been largely WTO measure/EPA-driven, conducted with those measures ever in focus like an overarching umbrella. In essence, phased implementations of measures that are in accordance with free trade principles characterize the relations. It equally indicates that issues involving EPA are part of a larger process; they do not

start and end with the 2014 EPA text which is just an aspect of the entire FTA regime. It is also an evidence that the principles and spirit of free trade that EPA encompass are already subscribed to by concerned parties, while they negotiate regionalized bilateral EPAs meant to move other aspects of the process forward. As such, the following are noted:

a. The principles behind EPA had begun to influence trade relations between ECOWAS and EU as far back as the formation of the WTO in 1995. It is on record that when the Lome Convention was reviewed during its five year review cycle in 1995, few aspects of WTO-complaint measures that ACP countries could afford to bear at that stage were included. The EPA (a free trade agreement between West Africa and EU) is a modality for implementing the free trade principles or process between West Africa and EU. Reaching complete agreement on this modality (EPA text) is what has become a challenge for further implementation of aspects of the FTA regime, not the overarching free trade principles themselves. One example of how aspects of EPA principles were already being implemented even as negotiation of the EPA text continued was the insistence of EU that since EPA negotiations could not be concluded as scheduled in 2007, West African nations must sign Interim EPA. The Interim EPA involved immediate compliance with some free trade principles, otherwise some goods from West Africa would not be permitted to enter the EU as this would breach agreed WTO free trade rules. In trade relations between the two Parties in the period under study, evidences abound that they adopt a gradual move towards full compliance with FTA principles, meanwhile the EPA text is to formalize (codify) an aspect of this process that has begun with the formation of WTO. This finding is contrary to the popular impression that EPA has not been implemented at all, which downgrades the role that free trade regime has played in the trade relations between the two parties over the years.

b. In the period under study, ECOWAS gradually undertook measures to be in conformity with free trade principles both nationally and regionally. As an advanced region, EU was able to comply at a faster rate, while it allowed the ACP regions (including West Africa) to move at a slower pace. ECOWAS member states had actually made significant progress in reforms that made their economies, tax regimes and budgetary policies to be in conformity with WTO rules, a fact that subsequent popular focus on the EPA text had caused to be downplayed. While it continued negotiations with EU on some free trade rules which WTO had given the Parties extended time to resolve, ECOWAS member states were in compliance with aspects that were 'preparatory steps' for the implementation of the negotiated EPA text. For instance, free trade regime places emphasis on liberalization, privatization, while insisting that forces of demand and supply should rule the market. ECOWAS member states had substantially moved in this direction over the period under study by liberalizing trade, encouraging private sector participation in otherwise state-run sectors, creating free trade area within the region as well as customs union. The post-cold war free trade regime spurred these efforts. Although they had been part of the region's integration agenda, the need to prepare the ground for the higher stages of the implementation of EPA was an impetus. The changes made along these lines brought ECOWAS member states closer to EU in trade practices as required by the free market philosophy of the post-cold war period. With the signing of the Cotonou Agreement in 2000, ECOWAS member states had effectively been brought into western sphere of influence in all trade-related matters.

c. The FTA regime has led to unilateral opening up of EU market to goods from ECOWAS member states since 1st January, 2008. One of such is in the GSP and Everything But Arm arrangement. This is another evidence of EPA as a process, an indication that even before the

EPA text was initialed in 2014, a vital free trade requirement was being implemented in the trade relations between ECOWAS member states and EU. This market access contrasted with the previous arrangement in which there were restrictions on products emanating from the region. On the other hand, ECOWAS member states had a 20-year period during which it could open up to EU imports while providing protection for sensitive 20% of imports. The overall view on this is to encourage West Africa to industrialise and be strengthened for global competitive trade which free trade has as focus.

d. In the period under study, trade relations between ECOWAS member states and EU had been taken in a direction different from what existed in the pre-WTO period. Under the EPA regime, trade relations between ECOWAS member states and EU are now based on the principle of "reciprocity", which is founded on the idea of equal partnership, the need to encourage "free trade" and shelve most aspects of trade protectionism. This provision under the EPA regime contrasted with the prior trade arrangement in the Lome Conventions that was non-reciprocal. This fundamentally redefines trade relations between the two regions. According to ECOWAS (Directorate of Trade, 2015), in the last few years the trade relations had been unilateral, non-reciprocal in terms of the key features over the years. The EU determined everything. It has been a situation in which ECOWAS can bring her goods to Europe and EU can bring hers. EU would pay customs duty but ECOWAS would not. This is non-reciprocal, it is unilateral and it has been the case over these years. There was this general ambience of EU granting special preferences, doing favours, treating ECOWAS as a big brother would.

In its timelime for the negotiation of EPA text, CPA (2000) stated that there would be an EPA trade arrangement based on reciprocity principle. This was signed by all ACP regions, another indication that free trade principles was accepted by concerned parties and the challenge

they had was what they considered as the not so favourable terms (as contained in EPA text) on which the EU wanted this principle implemented.

e. This study found that free trade agreements (i.e. EPA regime) represented an immediate, as well as one of the most conspicuous fallouts of western-dominated post-cold war era with respect to trade relations between developing and developed regions of the world (e.g. West Africa and EU). With no alternative for developing countries to turn to, the West was able to forcefully push through its free trade agenda by establishing WTO as well as adopting the principle of single undertaking which has created challenges for ECOWAS member states in implementing EPA. More than the largely cost and benefit narrative that has popularly attended the EPA in the period under study, the study finds that free trade agreements call attention to the changing nature of North-South relations in the post-cold war era. This has implications for a host of other issues in their relations and therefore begs for further academic investigations that are of interest to Political Science and International Studies.

f. The adoption of EPA became imperative for the signatories to the WTO rules in order to arrive at workable trade terms among themselves that were in compliance with WTO rules on the conduct of free trade across the globe. This is the foremost reason for the adoption of EPA as this study sets out to establish. It also explains why neither ECOWAS member states nor other ACP partners can avoid EPA because it is simply the localized, regionalized term for conducting trade in a global market that is ruled by western philosophy of free trade.

Other Economic-Related Issues

g. Placed side by side with the Lome Conventions, the free trade arrangement that EPA stands for has further aggravated the unequal trade relations between the two Parties in the period under study. This is understandable considering that most of the benefits of the EPA dispensation are

scheduled to become accruable in the period following the 20 years moratorium in the agreement for ECOWAS member states to adjust their fiscal as well as industrial base. As this study finds out, having taken the reality on ground in West Africa into consideration, the claim that EPA will make its trade relations as one between two equals is a matter of conjecture, and any equalization is essentially a probability in the future of the relations. For the moment, any equalization is in the aspect of ensuring that EU is given the same treatment it has been extending to ECOWAS member states. With the principle of reciprocity that is core to EPA, no impact study has indicated that ECOWAS member states will be able to move at the economic and development pace that EU claims free trade will facilitate. Such a claim is even based on the assumptions that all conditions in West Africa will be right for trade to thrive. The claim about equality in the ECOWAS-EU trade relations only makes sense within the ambit of international relations where it is posited that all nations are equal, and this is where it stops. That 13 out of West Africa's 16 nations are LDCs and 3 are DCs place the principle of equality on its head where equality in trade-related matters between West Africa and EU are concerned. This thus proves right the second assumption in this study that in spite of the change from Lome Conventions to the EPA regime, the interest of West Africa is not better served, at least in the short term. In fact, available evidence indicates that unless the region is able to commit itself fully – politically and with good economic governance – the chances of it reaping the long term development benefits that free trade offers and which the EU is enjoying already, is remote.

Political Matters

2.

The introduction of the EPA regime through CPA (2000) heralded an increase in the areas in which EU became more actively involved in the affairs of ECOWAS member states and the

ECOWAS Commission; this was potentially on a scale never witnessed since the apparatus of colonialism was dismantled in the region. A reason for this was in how ECOWAS member states had insisted they wanted a development-oriented EPA, thereby including political and development dimensions in the FTA it negotiated with EU (inevitably encouraging more EU involvement in their affairs). This addition has been criticized by some as being contrary to free trade principles; but the fact remains that ECOWAS member states ask for it. Since such a call for a development agreement involved EU parting with funds, the result was that EU insisted on certain conditions being met in political and economic spheres. This arose from the argument that a good political atmosphere allowed for free trade. The wind of multi-party democracy that swept across West Africa from the late 1990s through the 2000s, and the internal economic reforms to conform to free trade arrangements which ECOWAS member states undertook over the years were the fallouts of this greater EU involvement.

Under this scenario, trade-related issues, more than ever before, become fundamental instruments for driving most aspects of ECOWAS-EU relations from 2000 onward. It is noteworthy that even in the second half of the 1990s, following the end of the cold war and the establishment of WTO in 1995, EU had increased the pressure to get ECOWAS member states to embark of reforms in the political, economic, trade, and social spheres. The needed reforms are formally included in the CPA (2000, Article 21:1; 37:3) with the overarching argument that they are necessary foundations for trade to thrive. To show how committed EU was, the funds to drive through these areas of reform were provided by EU through the European Development Fund which had since been housed under the EPA Development Programme.

3.

Equally, the campaign for democratization in the West African region at the end of the cold war, and in favour of which EU was vocal, was captured in the CPA (2000) and pursued relentlessly from then on using trade-related measures. This same trend has been consolidated in the EPA. Another instance is that breach of human rights has now been accepted as a reason for EU to impose sanctions that may include trade sanctions. Therefore, partnership agreements between the two regions had increasingly become instrument by which their trade relations are shaped; they are key instruments for defining the bilateral trade relations between the two regions. One outcome is that EU can use trade-related issues to force a desired outcome in issues that West African countries have traditionally considered as their internal affairs. This has happened several times in the period under study. In the light of this development, the known pattern of Master-Servant relationship where one is coerced to accept the dictates of the other has deepened in ECOWAS-EU trade relations, a point that is one of the Assumptions of this study. This greater involvement in the internal affairs of ECOWAS member states thus proves right the first assumption in this study that the partnership agreements between the two Parties have aggravated Master-Servant relationship that has always characterized the North-South, developed-developing countries configuration in international politics.

Moreover, from 2000 onward, FTA had become a comprehensive toolbox adopted by ECOWAS and EU to house almost every other aspect of their relations, from political issues to development. The EPADP is an example. The comprehensive trade agreement that is in compliance with WTO rules which WTO stipulates all its member should enter into is at the root of this. It is worthy of note however that in the period covered by this study, it is essentially one aspect of the partnership agreements – the trade-related provisions – that have presented the most challenge.

Legal-related Issues

4.

The EPA text includes measures that make its provisions legally binding on both Parties. With some of the provisions, West Africa is more than likely to come out worse off in the case of trade dispute between the Parties. West Africa has also called for other provisions in the text to be made legally binding as a guarantee that EU will implement them. Thus from CPA into EPA, trade relations between the two Parties have increasingly become rule-based, rather than the previous basis of historical link as justification for the special preferential treatment EU granted West Africa. The Lome Conventions were perceived by most West African diplomats as unilateral agreements graciously fashioned by EU, and readily signed by ACP countries because they were offered on favourable terms while their provisions were implemented by EU as it pleased. In the EPA text however, from trade to political and development issues, legally enforceable rules now apply and they are binding. This is more so as, with any breach in politically-related matter, it is possible for sanctions to come by way of applying certain clauses in trade-related aspects of the agreements. With the rules, disputes may arise often as each side tends to point to what the rules say and go for arbitration, rather than resort to a friendly resolution that had characterized the 25 years of Lome Conventions. Binding rules set in the EPA that define rights and obligations thus prove right the assumption of this study that the new trade regime poses new challenges to ECOWAS-EU trade relations from which West Africa may not come tops as a result of the region's prevalent condition.

5.

Unlike the pre-WTO period, the EU, which has entered into free trade agreements with other major economies across the world, has made implementation of these agreements a policy

agenda under the EPA regime. For EU (European Commission Progress Report, 2015), while trade negotiations are essential to prepare for the future, the most effective way to boost the contribution of trade to growth in the short term is to ensure robust enforcement of EU's existing rights under the current rules. EU regards this to mean having a systematic, consistent and strategic approach to defending its interests with any trade partners including ECOWAS member states. Its approach to getting this done is by deploying all the tools at its disposal – from diplomatic and political contacts to negotiations, regulatory cooperation, as well as the WTO and other bilateral mechanisms.

In fact, since 2006, a strategic approach to market access has been an increasingly prominent feature of EU's trade policy. Since the end of negotiations with West Africa in 2014, EU has demonstrated full use of the trade instruments at its disposal to ensure that rules are respected. "When all interventions fail, we have consistently shown we are ready to take countries to the WTO dispute settlement (European Commission Progress Report, 2015). Over a nine year period ending in 2014, EU had launched the same number of offensive WTO cases (for flouting free trade principles) against its trade partners as the United States. This determination by EU to enforce free trade rules can task the West African Party to the limit, considering the region's obvious inabilities.

6.

Furthermore, provisions in EPA text bring West Africa-ACP-EU trade relations more in line with requirements in the world trading system that are guided by rules. This serves the purpose of integrating the West Africa-ACP-EU trade regions thus bringing them as a bloc into the global economy. This is important as West Africa conducts most of its trade with the EU that sees itself as a policeman of WTO rules, and more so as the EPA text especially serves as a

blueprint in trade relations with other regions of the world who are also members of WTO. However, the fragile economic situation of the West African region, its relatively unstable political condition, as well as the weak state of its infrastructure presents challenges in meeting the stringent conditions of WTO rules which guides ECOWAS-EU trade relations. This additionally poses challenges to ECOWAS-EU trade relations as this study has clearly indicated in its third assumption.

7.

Free trade regime has served literally as a "shepherd dog" in the implementation of regional integration programmes including trade-related matters in the period under study. Against the background of work programme undertaken by the ECOWAS Commission in the area of capacity building, strengthening of national and regional institutions, the achievement of a customs union in the region through the Common External Tariffs, as well as undertaking region-wide EPA development programmes related to promotion of trade or otherwise, the free trade regime had quickened the regional integration process in the course of the fourteen years under review. In especially the area of engendering good economic governance, integrated trade policies that were crucial to regional integration objectives, these gradual executions of free trade rules (which the EPA text crystallized) had assisted in quickening the pace at which the regional integration objectives were achieved. In fact, the fund earmarked for EPA development programmes (EPADP) and provided by the EU had made many of these measures possible. Further effects of this is that the EPA text, under the watchful eyes of EU, will continue to serve as a catalyst in the implementation of measures that will lead to better trade integration in West Africa, and between West Africa and Europe. Moreover, requirement for driving the free trade arrangement forward had led to a situation in which all West African country are required to

adopt free-trade complaint monetary and fiscal policies, and many of these were regionally monitored through the ECOWAS Commission's Multilateral Surveillance (Directorate of Multilateral Surveillance, 2015). This way the process of executing free trade principles had had the effect of tidying up the process of governance across the region in the period under study.

Other Findings:

8.

This study found that the EPA had been initialed by the Chief Negotiators of both parties i.e. President of ECOWAS and President of European Commission. This happened as far back as July 1, 2014 in Ouagadougou, Burkina Faso (EPA, 2014). The researcher has a copy of this initialed text). This finding is particularly important in the context of this study because as at May, 2015 (and until November, 2016), there was hardly any information in the public space to that effect. In fact, news reports were to the contrary. As already stated elsewhere in this study, this impression was also partly due to the paucity of relevant academically-researched information regarding the state of the EPA at the time. The initialization of the EPA text is however a proof that there is an official acknowledgement by ECOWAS Commission and the EU Commission that a negotiation has taken place, that agreements are reached, that a text of the agreements exists, and this text is recognized by West Africa and EU as a valid document that awaits further implementation, subject to resolution of minor grey areas.

9.

Most member states in West Africa have actually signed the EPA. Contrary to the pupolar impression pre-November 2015 that no West African country had signed the EPA, this study found that 13 out of the 16 Member States of the West African region had signed up, leaving out Gambia, Nigeria and Mauritania, as ECOWAS (Directorate of Trade, 2015) confirmed to the researcher. Further confirmation of this is found in *Africa Today* (September-

October, 2015) which equally states that some nations in other economic blocs of ACP (e.g. CARIFORUM) have been pressured by the EU to sign up, adding that, "something like this has happened in West Africa, where nearly all members of ECOWAS have already signed the EPAs with the EU – some say under duress – except Nigeria, The Gambia and Mauritania." The publication also points out that, "Nigeria has had the opportunity of signing the agreements twice when it was smuggled into the agenda of a recent ECOWAS summits and presented for signing by the heads of government. As the document was passed round the table country-by-country in alphabetical order, when it got to the turn of Niger Republic and the Nigerian President, former President Goodluck Jonathan, knew it was going to be Nigeria's to sign, he grabbed his mobile phone, pretending as if he was picking a call, and quietly diplomatically walked out of the conference room, avoiding signing the agreement. His colleagues did not see him again until it was time for them to take a group photograph after their summit. Jonathan did this twice! And he refused to sign the EPAs before he left office May 29." (*Africa Today*, September-October, 2015).

Another acknowledgement of the progress being made on EPA, indicating that most West African States had approved the document was also made by the ECOWAS Commission (ECOWAS Annual Report, 2014, p. 55) thus: "This (progress) was achieved with the definitive approval of the Agreement at the 45th Summit of Heads of State and Government held in Accra on 10 July, 2014." This happened just ten days after the Chief Negotiators of both Parties initialed EPA on July 1 in Ouagadougou.

Also, as if to correct the popular impression that EPA had been totally abandoned by all ECOWAS member states, in November 2015 the researcher found that the European Commission (for the first time) prominently placed a notice on its website categorically

acknowledging that ECOWAS-EU EPA had been initialed. EC website states thus: "The EU has initialed an Economic Partnership Agreement with 16 West African states, the Economic Community of West African States (ECOWAS)…" (http://ec.europa.eu/trade).

10.

The study finds that the refusal of a few ECOWAS member states to sign the negotiated EPA text cannot in any way stop the implementation of the partnership agreement. Out of the 16 member nations in West Africa only Nigeria, Gambia, and Mauritania have not signed up. However, other member states can go ahead and implement. The only challenge is that such refusal by some members to sign may hamper the regional integration process. Free trade practice will go on among member states. The study finds that Nigeria may choose not to sign the EPA but go for other options. For instance, Nigeria may opt for GSP+ and also leverage on other markets outside EU such as China, USA, Brazil and India. If this happens, Nigeria's National Industrial Policy (with its own vision of how Nigeria intends to impact trade in West Africa) will remain on course and will lead to reduction in unemployment.

However, the consequences of this course of actions include the following:

a. For ECOWAS member states - With the signing of the partnership agreement by other Member States leaving out Nigeria, this may undermine regional economic integration due to the coexistence of multiple trade policies in the region. EPA's main objective of using its provisions to facilitate further trade integration in the region will suffer setbacks.

b. For Nigeria - The country will suffer losses because of increase in smuggling due to the influx of imports in ECOWAS States and porous borders in Nigeria. This will lead to significant revenue and job losses; loss of investments, closure of factories and unquantifiable negative

impact on small scale enterprises; Nigeria's official share of the ECOWAS regional trade, which is estimated to be 10%, may decline due to un-competiveness; and loss of ECOWAS Market.

11.

Furthermore, this study finds that some other regional economic blocs within the ACP (e.g. the Caribbean's CARIFORUM) have signed, and since 2007 it has been implementing even a more comprehensive free trade rules than West Africa. This is also an important finding in this study because the popular impression is that none of the economic blocs in Africa or in other ACP regions has signed the EPA. In fact, the point was raised during the first proposal defence of this research in May 2015 that no region had neither signed nor implemented the EPA with the EU. The researcher noticed that the signing of the EPA text by some West African nations was something ECOWAS Commission officials hardly talked about in the public space prior to the researcher's contact with them. As a matter of fact, they were reluctant to talk about it to the researcher; any reference to this point was made to seem like a mistake, an unintended slip, in those moments when officials referred to it in the course of interview with the researcher. They refused to speak further about it each time the researcher asked more probing questions. The researcher surmised that by placing the fact of this matter prominently on its website late in 2015, more than a year after EPA had been initialized, it was part of European Commission's means of breaking up this curious secrecy around the signing of EPA, as well as to put pressure on Nigeria and others to sign up.

12.

The study found that the private business sector was divided with regard to the acceptance or rejection of the EPA regime. A segment of the private sector is for EPA, contrary to the general impression that the private sector as a whole is against it. It is well known that key

organizations for local manufacturers in West Africa complain about the negatives of EPA for their business. Meanwhile, other manufacturers, especially West Africans whose businesses transcend borders see advantages for their businesses in the EPA. They believe that under EPA they have more opportunities to cross more borders to invest in West Africa, in Africa, and in Europe. Members of this segment of the private sector say they are not afraid of competition from European companies, and that they are for quality. They insist that if EPA will open doors of West Africa to European companies, and if this will make West African-owned companies to sit up and come up with more quality products that will further make them competitive on the global stage, they have no problems. Companies in these categories included Dangote Group, Nestle, Friesland Wamco (whose MD informed the researcher that the company was a wholly-owned Nigerian brand) as well as others in this category. It is clear that such companies would not mind putting pressure on governments to comply with EPA, thus affirming the Neo-functionalists' postulation that bodies in nations would lobby government for greater integration process. However, those referred to in this study here are large-sized companies. The small and medium scale local companies in the ECOWAS region mostly speak against EPA.

13.

ECOWAS Commission and West African countries had been implementing aspects of the free trade regime which the EPA text later formalized as far back as 2000 when the CPA was signed. The negotiation of EPA starting from 2002 was an implementation of a stated EPA requirement as agreed to in CPA. Working from then on to meet the 2007 deadline for the negotiation of the EPA text was also a requirement. The adoption of Interim EPA by Ghana and Cote d'Ivoire when negotiations deadlocked in 2007 was in keeping with the timeframe for the implementation of free trade rules as stated in CPA (Articles 21 & 37). The implementation of

sanctions by EU against regions or nations that did not adopt the negotiated trade agreements was a requirement of the free trade rule. In fact, since 2007, EU has been rejecting some commodities from Nigeria, while it accepts the same goods from Ghana and Cote d'Ivoire because those countries have signed an Interim EPA. One of such goods is yam which some traders take from Nigeria to Ghana and then export to the EU as Ghana yam. These are evidences that from 2000 till date free trade rules that the EPA text is to promote have been in operation as far back as 2000. This thus negates the popular notion of an EPA that had not been implemented in any form between West Africa and the EU.

Moreover, the EPA text was scheduled to be negotiated in Phase 1 and Phase 2. Even for Phase 1 with regard to goods and development cooperation that has been negotiated, its implementation is to be carried out in phases. But this had begun to be carried out sector by sector from early 2000. The summation of this study is that contrary to popular impression that the EPA text is a document that must be signed and then implemented in delineated periods of time, free trade rules that inform it are in reality guidelines that have informed an ongoing process across West Africa in the period under study. In fact, since 2000 many of the member states in West Africa have been beneficiaries of the measures indicated in CPA (2000) as preparatory to the implementation of other aspects of the negotiated EPA text. According to CPA (2000; Article 37:2), as efforts were being made to start the negotiation of the EPA text in 2002, "the period up to the start of the formal negotiations of the new trading arrangements shall be actively used to make initial preparations…" Thus, even before negotiation of the EPA text began, preparatory measures for its implementation had been regularly undertaken as part of the 'work programme' of ECOWAS Commission and were regularly outlined in the Commission's annual reports. This had characterized ECOWAS-EU relations in the period under study. So

while negotiations of some aspects of the EPA were ongoing, other aspects were being implemented. CPA had stated areas and issues to be negotiated in the EPA text. Some of the areas involved required long term preparation (so CPA made provisions for a preparatory period and programmes to be executed in phases during the period), especially with regard to building of staff and institutional capacity for EPA-related purposes, provision of facilities, and other necessary EPA-related reforms both at the ECOWAS Commission and across the region. In order for the negotiated EPA text to be executed once it was signed, there was a body called "Task Force for Regional preparation" (as stated in CPA) which had begun work as soon as CPA was ratified in 2000. In the process, West Africa and EU trade relations had been taken beyond where they used to be. Thus implementation of provisions in free trade rules had been a continuous process. In the course of field research, the researcher was aware of meetings that took place between ECOWAS officials and EU officials in order to assess and also chart the way forward concerning the implementation of 'preparatory' aspects of EPA and some other aspects that were being gradually implemented since 2000 such as EPADP. This regular contact was generating new and closer dimensions to ECOWAS-EU relations. This was in 2014-2015, a time when it was popularly conceived that nothing was being done with regard to the implementation of EPA. The same had actually been happening from 2000 to 2014.

14.

This study found that the keenness for the integration of West Africa was what had kept all members from breaking rank and abandon EPA thus far. All ECOWAS member states were keen on integration, and EPA had the integration of the region as its foremost objective. Some aspects of the modality for the implementation of the EPA regime are so contentious that the desire of member states to pursue the regional integration objective for the purpose of reaping

the benefits involved is one main reason they stay together on EPA, while they seek a better deal within the context of what has been negotiated. For instance, the benefits for it in the integration of the economies of the region is the main reason Nigeria has not broken rank and opt out of EPA to adopt other free trade options as have been noted earlier (Musa, 2015, cited in Africa Today, Sept-Oct. 2015; p. 18). Instead, it seeks for a better deal in areas involving the cost-benefit issues with respect to its economy. It has even been suggested that the nature of Nigeria's economy is such that it can stand alone without signing the EPA. As things stand, the country has looked at alternatives, and has come to the conclusion (according to an unpublished document that the researcher has read) that it needs to sign the EPA (most probably with changes), otherwise it will fare negatively if other West African nations go ahead and implement it. The reason is that the Nigerian market is the target of all West Africa countries, and the EU; Nigeria will be the dumping ground for goods imported or exported under EPA which agreement with respect to goods it does not sign.

15.

The study finds that the 2014 EPA text has been debated and consequently projected far beyond its overall contextual relevance in ECOWAS-EU trade relations. The EPA text as it stands between the two Parties is only on goods. It has yet to include other more extensive areas such as services, copyrights etc as stipulated in the WTO rules. The 2014 EPA is a modality for implementing the FTA principle, not the principle itself, and aspects of which have already been implemented even by ECOWAS member states over the years. In fact, a great deal has been achieved in the period under study with regard to making the economic governance of ECOWAS member states comply with free trade requirements in spite of the 2014 EPA text. Also, the current text is a minuscule of what remains to be negotiated. But as a result of its cost-benefit aspects that the concerned Parties are naturally interested in, the signing or otherwise of the EPA

text has been made to seem as though ECOWAS-EU trade relations have not been impacted in any way by the free trade principles which inform the EPA. This is not true. A huge percentage of preparatory steps for the execution of the EPA text on goods have equally been taken by the two Parties in the last fifteen years, and have in fact influenced the conduct of trade practices between them.

16.

The study finds that as a result of Item 16, adequate attention has not been given to some vital aspects of West-EU relations in the field of Political Science and International Studies in the period under study. An immediate implication is that essential academic investigations of some EPA-related issues that have characterised ECOWAS-EU relations over the years have not been undertaken. Generally, reviewed literature showed that some useful aspects of free trade arrangement that had featured in ECOWAS-EU trade relations in the period under review were remarkably understated while attention was focused on cost-benefit aspects of the EPA text. One of such is how EU's closer involvement in West Africa in political, social and development-related issues through the instrumentality of the partnership agreement has impacted democratization, development programmes, economic governance, as well as security across the region. This happens because the EPA in popular discourse has been reduced to the cost-benefit analysis of the negotiated agreement on goods, leaving out other equally important and even more elaborate issues where real gains have been made by the two Parties in the last fifteen years. This calls attention to the imperative for further academic investigation into the diverse aspects of the free trade regime (which inform the EPA and have engendered closer ECOWAS-EU cooperation in other related areas) in the period under study. Such areas of possible academic investigation include how the partnership agreements have impacted changing

political, security and development issues between the two regional blocs. It is worthy of note that like the EPA, these other angles to their relations equally have their backdrops in the predominating neo-liberal philosophy and policies adopted by western countries in the post-cold war period.

17.

This study links the efforts made towards EPA as an extension of the execution of neo-liberal philosophy that has spurred the setting up of the WTO and the free trade arrangement. Through the EPA, the neo-liberal institutionalism position has seeped down to regional as well as national levels in West Africa where one of the declared objectives of the EPA is to strengthen regional intitutional mechanisms. Significantly, this has become the case in the post-cold war period when there are no alternatives to western position on most issues such as trade.

18.

Findings showed that Nigeria was the only ECOWAS member states that prepared a position paper on EPA, and which ECOWAS Commission could refer to. Even this happened towards the tail end of the negotiations, at a time Dr Olusegun Aganga became Nigeria's Minister of Trade (2011-2015) and he paid closer attention to EPA-related issues and their overall consequences for the Nigerian economy. That Nigeria has remained adamant about signing the EPA text is therefore understandable as it seems to have been the only nation that has undertaken any significant check on the implications for its economy. Generally, Nigeria's position was that it wanted an EPA that was based on three cardinal principles: a. It must not lead to net fiscal loss as well as losses in jobs and investment. b. It must not undermine the process of regional integration. c. It must

safeguard the capacity of the region to engage in value addition and promote industrialisation in member states.

Since much of this was lacking Nigeria objected to the EPA in 10 areas which it presented to ECOWAS Commission, namely;

i. The need to address the product mix in some aspects of the Agreement in order not to hurt Nigeria and West Africa Industrialization drive. ii. It wants the development of a clear support programme to enhance the competitiveness of some products by the EU and ECOWAS Commission and have this annexed to the EPA agreement. iii. Nigeria states that the agreement does not address the issue of re-imbursement of the fiscal loss estimated to be about $1.3 trillion for Nigeria and over 50% of some LDC budget that rely on custom duties, as well as loss of investments and jobs that will arise from signing the EPA. Some member States that rely on custom duty will lose up to 50% of their budget. Furthermore, it is not clear how the fiscal/revenue loss will be recovered; iv. The country insists that the 6.5 billion Euros for the EPADP financing is not satisfactory, as its sources i.e. EDF, EU Member States funding, Aid-for-Trade etc all exist without EPA. Nigeria wants to be assured about additional funds to the current support. v. Nigeria seeks for additional safeguard clause/instrument as declaration that will become an integral part of the Agreement. The Regional Supplementary Protection Measures should be annexed or embedded in the agreement. vi. It feels the EPA text needs to be re-examined. For instance Article 60 on transfers is based on cooperation instead of legal guarantee to compensate for fiscal loss and ensure transfers into our economies. The language used by the EU for removal of export subsidy is on the best of endeavours and not binding. viii. In addition, Nigeria has concerns for a development-oriented EPA including the need to ensure that

any agreement signed should: a. not threaten regional economic integration. In particular, it should not undermine efforts to boost intra-African/regional trade. b. not lead to losses in fiscal revenue, investment and jobs and; c. not undermine the region's industrialisation plans. ix. Nigeria emphasizes that there is need to re-classify some products in order for the EPA not to lead to de-industrialisation as well as significant losses in revenue, investment and jobs. Secondly, the nation underscores the need for an evidenced-based decision on the EPA through robust analytical process to understand the implications of the EPA to West African economies. x. With regard to the result of the CGE model used to assess impact of EPA on West Africa's economy and presented by ECOWAS, Nigeria raised the following concerns:

a) The model estimates the fiscal loss in revenue to be $7bn pre-EPADP, and slightly positive after factoring EPADP. However, for fairness and transparency, Nigeria states that ECOWAS Commission should have made the results of model available to it so that its consultants would review the results and also compare them with the work undertaken by Nigeria which showed a significant loss in revenue, investments and jobs. Nigeria was therefore unable to comment or rely on any work presented by ECOWAS Commission.

On the specifics of the findings by ECOWAS Commission, Nigeria said it was not clear what the assumptions were, and how the EPADP measures were factored in. Also the impact on the regional/inter Africa trade was not presented and the economic impact on Ghana and Cote d'ivoire if EPA was not signed before 1 October, 2014 was not presented. Equally, Nigeria's expressed concerns on reclassification of some products to ensure that its industries were protected were also not addressed. In the light of these, Nigeria's position was

that the two Commissions had not done enough work on areas of concern. Furthermore, enough consultations had not been carried out with the private sector and other stakeholders who were part of Nigeria's decision making process and it would not accede to EPA without adequate consultations with the stakeholders/private sector.

However, the view of a section of Nigeria's private has never been different from that of the government from the outset of the EPA negotiations to the end**.** A meeting of a section of Nigeria's private sector that took place in May, 2014 arrived at the following conclusions: a. The five year period is not good for investors' confidence building. b. EPA will jeopardise the first position that Nigeria is currently enjoying in Foreign Direct Investment in Africa. c. There is no guarantee that the re-classification requested by Nigeria will be carried out. Based on Nigeria's insistence the ECOWAS Commission has decided to do the following: a. The commissions is to follow up with the EU on all the points raised by Nigeria on EPADP, Fiscal loss financing, agric subsidy language and will, get a legal team to review the agreement; b. The Commission agreed that more work should be done on the economic impact, reclassification and other implementation issues but because all these will take time, the commissions should commence work on them immediately and ensure that these and other issues form part of the end of 5 year review of the agreement.

6.2 Effects and challenges of EPA in ECOWAS-EU trade relations

Any assessment of the effects as well as the challenges of the EPA in ECOWAS-EU trade relations is of necessity two-sided. This means that there are issues that concern both ECOWAS member states and EU, and there are issues that are of particular concern to ECOWAS member states. Equally, some issues have their advantages in certain aspects, while

they have disadvantages in others. In order to enhance clarity therefore, this section is treated under the following sub-themes:

1. Trade

Advantages

A. LDCs enjoyed some benefits as EPA negotiations continued

As the negotiations continued in the period under study, one immediate effect that the EPA regime had was the adoption of the GSP and Everything But Arms arrangement for use by the LDCs among ECOWAS member states (see 5.7). ECOWAS officials recognized this as a benefit for the nations concerned as it granted them some preferences regarding the export of their products into EU market.

B. Accelerates the integration process in West Africa – The EPA regime has served to accelerate the integration process in the region on several fronts. Many instruments have been utilized to make this possible as shown in Chapter 7 of this study. The requirements of the EPA regime provided the catalyst. One of the more common areas is the trade liberalization scheme that has led to the formation of a free trade area in the region. The other is the formation of a customs union with the adoption of CET. For more than ten years efforts had been focused on adoption and implementation of measures that led to these two important trade statuses relevant in the integration process.

C. Promotes intra-regional trade in West Africa – The free trade regime has targeted the promotion of inter-regional trade. Even if this has achieved limited success thus far, more than before there is an acknowledgement among ECOWAS member states

that this is the inevitable direction to follow. Many of the steps taken in this direction are seen in the work programme of ECOWAS Commission in the fourteen years that this study covers (ECOWAS, 2005; 2007).

D. Introduces a more strategic approach to trade issues in the region – The free trade arrangement that is the foundation to EPA had introduced a more systematic and strategic approach to conduct of trade across the West African region. Some of the measures being executed as part of the 'preparatory period' as stated in CPA opened up the region to standard in the conduct of trade relations. Through the negotiation process new developments in global trading system have been elaborated, and West Africa has been brought up-to-date on them. This had taken the form of workshops, conferences, meetings and the recruitment of experts to coordinate some strategic areas in regional trade matters. The experience from EPA negotiations will be useful in trade negotiations with other development partners or regions. New institutions that are needed for trade-related issues across the region have been set up, and their activities aligned with other agencies in the region which roles are important to regional trade. Many of these steps are borrowed from the EU example, and they have to be carried out because they are requirements under an EPA regime. Since 2000, there is this steadily increasing sense of order and improvement to what has seemed like an insurmountable challenge in regional trade matters.

E. Promotes capacity building and the strengthening of institutions across the ECOWAS region – The preparatory period (CPA, 2000, Art. 37:3) for the implementation of some EPA provisions has promoted capacity building in trade-related matters in West Africa. The relevance of the period is that ECOWAS has executed several free trade-complaint measures. There has also been the strengthening of institutions vital to trade such as the reform of customs agencies across the region. In many of them, funding from EU under the EPADP had

led to the training of staff, adoption of technology-driven process, and recruitment of professionals to handle specific trade-related issues in different countries.

F. Compels ECOWAS member states to abide by international best trade practices - The EPA regime has made international best practices in trade-related issues a requirement that has to be met. This requirement as well as the encouragement from EU in various ways has led to changes and adaptations that would not have occurred but for the new regime that EPA has brought to bear on the relations between the two regions. EPA regime has led to tax reforms in different countries, better fiscal management, greater accountability, changed tariff practices and ensured that better tax collection systems are adopted in order to take attention of countries away from customs duties as a means of generating revenue.

G. Serves as impetus for competitiveness – Lack of quality competition, encouraged by protectionism through imposition of high tariffs on import has been pointed out as a reason the manufacturing sector in West Africa has not developed. The EPA regime with its central principle of "reciprocity" has been noted to be the best means of getting West Africa's manufacturing sector to be competitive. This has made nations and exporters in the region to wake up to the challenges of competition, realizing that unless they do, they may be out of business.

H. Higher volume of trade translates into development – Operating at small scale level in most trade-related areas in the region has been blamed for the level of poverty. The EU (Head, Trade and Economics, 2014) reiterates this to the researcher, insisting that the reluctance of West African countries to open up to competition and large scale industrial activity that EPA visualizes is an invitation to poverty. In fact, he blames small scale operation in diverse fields – agriculture, manufacturing etc – to poverty. The game changer, as far as he is concerned, is the

EPA. Nations in the region have equally realized this, and have therefore intensified their efforts to improve relevant sectors to make them more productive.

I. Creates a single market – EPA is considered to have one of its most important impacts in the creation of a single market at three different levels. One is a single market at the West Africa regional level. The other is a single market at the ACP level i.e. the whole of African continent, the Caribbean and the Pacific area; while the last is the creation of ACP-EU as a single market in the global trade system. WTO actively encourages this. Most nations prefer it because of the opportunities it offers. Speaking in April, 2016 about the debate over whether or not Britain should withdraw its membership of EU, U.S President Barack Obama said America preferred to negotiate trade agreements with the larger EU rather than with Britain as one country. The EU Delegation (Head, Trade and Economics, 2014) considers the single market system that EPA encourages as important. Regarding it, he said, "It's the creation of single market that will be phenomenal, and I think everyone wants it, including Nigeria…"

J. Brings West Africa and EU closer in trade practices - The bilateral contact that the negotiations of EPA afforded had brought the two regions closer on trade matters over the last fourteen years. Regular meetings were held to find solutions to trade-related issues. These meetings took place at the technical, political, and chief negotiators' levels; they take place at ECOWAS headquarters in Abuja, in other West African countries, and in Brussels. The cumulative effect is that both sides appreciate and understand each other's position better. This has deepened their relations in many more areas than trade. However, this could not be said to be the case under the previous trade regime that had all negotiations undertaken at the ACP level, and at ACP headquarters.

K. West Africa's trade is on surer ground with EU – With its foremost position in global economy, EU has both the political and financial muscle to see to the success any partnership agreement it has with West Africa. The EU Delegation (Head, Trade and Economics, 2014) is convinced of this, stating that when it comes to relations with EU's biggest neighbour, the EPA gives a kind of comfort, because EU is signaling through trade where it wants to go. EU sees EPA as a means of indicating to ECOWAS that it is capable of making commitments at international level, and as a region. "For us, it's a big business opportunity which is the intent of the region because once it (West Africa) improves it attracts investment" (EU Delegation - Head, Trade and Economics, 2014). To him, ECOWAS is in business with a viable partner. All it therefore needs to do is put its house in other with agendas that will ensure it gets the most out of its trade relations with the EU.

L. EPA helps the diversification agenda – West African nations are making efforts to diversify the kind of products they export. This earns them additional revenue, as well as reduces their susceptibility to fall in prices of certain commodities that they are used to exporting. Integration into EU market opens up more doors of opportunity for these countries and their commodities, which assists in pushing their diversification agenda.

M. Benefits from the preferential market access – Most West African nations have more than ever benefitted from EU's preferential market access; the ones that have signed the Interim EPA more so. The average applied tariff for goods imported to the EU, taking account of the preferential market access most countries enjoy, is very low. EU claims that more than 70% of imports are entering it market at zero or reduced tariffs. With its commitment to free trade, EU says it remains one of the most open economies in the world. Such openness is in conformity with the EPA regime that is a fallout of the WTO requirements (European Commission website).

According to European Commission, in 2008, before the full onset of the recession, imports of goods and services represented 16.9% of EU GDP. After a small decline in 2009 (in line with the global collapse in trade flows, which was proportionately greater than the contraction in world GDP) the situation has completely rebounded: In 2011, imports reached 18.1% of EU GDP. That means that almost one fifth of EU economic activity is linked to imports. This is an opportunity that West Africa can benefit from if it works on identifying products and goods it has comparative advantage in, and meets the sometimes stringent quality control demands (European Commission website).

N. Greater commitment to liberalization – Free trade regime has ensured that West Africa is committed to liberalization negotiations, both intra-region and inter-region. This is more so as the region has since discovered that strictly maintaining the status quo of mixed economies of the pre-EPA days is not an option. EU has in fact warned that its trading partners should not see its commitment to free trade as a reason not to engage in trade liberalisation negotiations. Europe will not close its market but it has a highly ambitious programme of negotiations with partners from around the world. This includes Asia, the Americas – where it wants to launch a ground breaking agreement with the United States, and concluding ambitious negotiations with Canada. As for Africa as a whole, Europe is keen on EPAs which it sees as having the potential to spur development by freeing up trade and investment across the continent. Its determination to achieve this is not in doubt when it is considered EU is perhaps the strongest supporter of the Doha Development Agenda negotiations at the WTO. It is sure that concluding those talks would be the best boost trade policy could offer to the global economy. As European leaders concluded at their summit in June, 2014) they asserted that, "The European Union is determined to promote free, fair and open trade whilst at the same time asserting its

interests, in a spirit of reciprocity and mutual benefit especially in relation to the world's largest economies" (European Commission website).

As it does this, one of EU's aim is to improve on its statistics. Already it has trade agreements either applied or concluded that cover 26.4% of its imports (European Commission website). If it concludes the agreements such as EPA as well as those it plans to launch in the near future, this figure would rise to 61.8%. As such, countries that do not have preferential access to EU's market stand to see their competitive position eroded if they do not take action by negotiating and signing the free trade agreements (European Commission website). This has in fact begun to happen to a few countries in West Africa, especially Nigeria which products have been randomly rejected, leading to complaints from exporters.

Disadvantages

A. Fallouts of the "Reciprocity" principle

The key defining element in EPA regime is the principle of reciprocity. More than any other issue, it redefines EU trade relations and the fallouts of this principle are many especially for West Africa. Under the previous trade regimes that have linked them to Europe for three decades, the ACP have not been required to treat imports from the EU differently from those sourced in other industrialized countries. On the other hand, under EPAs, the ACP are to remove tariffs on 'substantially all' imports from the EU during an implementation period. It is this requirement that has led to the assumption that EPAs are aimed at opening up ACP economies to subsidized European exports (Stevens and Kennan, 2007).

As already pointed out in this study, a primary objective of EPAs is to make the EU–ACP trade regime more easily defensible within the WTO. One peg upon which a defence can be hung is Article XXIV, from which the phrase 'substantially all trade' is taken. This allows

countries to discriminate in their trade policy in favour of each other, and against other WTO members, if they are creating a free trade area (FTA). One requirement of an FTA is that most – but not all – trade be liberalised.

According to Stevens and Kennan (2007) because not all trade must be liberalised, the ACP countries have some room for maneuvers in order to maintain their current barriers on some imports from the EU. How much room for such maneuvers and the use to which ACP countries put them are a vital part of the EPA negotiations. Part of the outcome of the reciprocity principle under the EPA regime is as follows:

Creating regional consensus - Establishing national priorities for liberalisation is only a first step in the EPA negotiations. The second step is to reach a regional consensus. Some ACP states expect to sign any deal agreed with the EU as part of a customs union that includes some or all of their EPA partners; others do not. The customs union signatories can have only one, common, schedule of tariff liberalisation towards the EU, which they will have to agree formally in advance of concluding the EPA (Stevens and Kennan, 2007). West Africa had already crossed this milestone on January 1, 2015. So the regional consensus had been achieved. For the states that belong to a regional FTA, but not to a customs union, such pre-EPA agreement is not required. However, if no attempt is made to harmonise each of these countries' liberalisation schedules there will be post-EPA integration problems (Stevens and Kennan, 2007). This is why the current unwillingness of Nigeria and the Gambia to move to the next stage of the EPA regime becomes problematic for West Africa. For example, if country A excludes widgets from liberalisation and maintains a 100% tariff, but its neighbour, B, removes all duties, traders may circumvent A's restrictions by transporting EU goods across the border from B. To avoid this, either the tariff difference between A and B must be sufficiently small to make such trans-

shipment commercially unviable or rigorous border controls must be maintained to prevent trans-shipment, which will hurt intra-regional trade in the process (Stevens and Kennan, 2007).

According to Stevens and Kennan (2007), such differences in national inclusion/exclusion lists are likely. They arise not only from different tariff structures among the EPA members but also from differences in their imports from the EU. ACP states will have three chances to deal with such problems. The first is natural overlap in their initial strategies for product inclusions and exclusions. Countries may autonomously choose the same products to include or exclude. The next step is for pre-EPA negotiation to determine whether countries can compromise on their initial liberalisation schedules in order to obtain a better overlap with their partners. This will leave a core group of products where compromise is not possible and for which post-EPA accommodation will be needed (Stevens and Kennan, 2007).

Revenue effects - ACP countries rely heavily on tariffs for government revenue because they are relatively easy to collect. The items that ACP governments would need to exclude
from liberalisation to protect revenue may be different from those thrown up by the exercises just described. It is often the medium-level tariffs that yield the most revenue, since the highest-level tariffs are so restrictive that there are few imports on which to collect the tax. If countries choose to exclude from liberalisation only their highest-tariff items, they may find that they have to liberalise on their key revenue-generating items. This is a tough task, and a balance needs to be struck (Stevens and Kennan, 2007).

Liberalisation- Would the ACP have to eliminate substantial barriers that they currently maintain on imports from the EU? The broad picture is that a few countries would need to do so, but many would not (Stevens and Kennan, 2007) and this creates complications.

Regional overlap- The problems that EPAs may pose to ACP regionalism appear to be profound. For instance, it has been found that, "There is very little natural overlap. There is not a single product that would be in all the exclusion lists of all members of any of the groups. And there would be very few that are common even to half of the members of a group" (Stevens and Kennan, 2007). As much as 92% of West Africa has shown that the products included in any one country's basket of exclusions would be absent from the exclusion lists of all its partners. If there is very little natural overlap in the initial negotiating strategies devised, independently, by each country in a group, the task of pre-EPA negotiation between countries is a substantial one.

Revenue- Will a strategy of minimising the competitive effect of EPAs by excluding items with the highest tariffs maximise the adverse revenue impact? Studies show that three-quarters of the ACP countries could lose 40% or more of their tariff revenue from the EU, and for over one-third of them it could be 60% or more. This revenue would need to be replaced in full only over the 12–20 years of EPA implementation (Stevens and Kennan, 2007). Two-fifths of the countries would lose less than 20% of their revenue, and for almost three-quarters the loss would not exceed 40%.

Implications for EPAs- One widely known criticism of EPAs is that they will force open ACP markets. However, EU thinks this is a desirable outcome. One of the arguments advanced by the European Commission, many EU member states and liberal trade economists in favour of EPAs is precisely that they will encourage liberalization in West Africa and other ACP regions. It is also argued in favour of this position that that "EPAs seem likely to give ACP governments substantial opportunities to avoid significant liberalization" (Stevens and Kennan, 2007).

While it has been argued in favour of EPAs that is that they will foster regional integration, studies have however shown that there will be "a significant effect – but a negative one. Part of

the problem arises from differences in the commodity composition of countries' imports from the EU" (Stevens and Kennan, 2007). Also, the task of adjusting to tariff revenue loss could be substantial. Findings though show that that "the costs need not be high for many countries in the initial period adds urgency to the need to define the length of this period – which
may be critical for both the liberalisation and revenue effects of EPAs. How long have
ACP states got to roll in new systems such as a general sales tax? Should the final phase of EPA liberalisation be made conditional on such new systems being in place? These are the sort of informed questions that need to be directed to the negotiators" to mitigate one of the more fundamental fallouts of reciprocity in the EPA regime (Stevens and Kennan, 2007).

B. No hiding place for EPA non-signatories – As discussed at length in Chapter 2 of this study, the global trading structures, institutions (e.g. World Bank, IMF) and conducts are configured to support free trade, therefore every nation is under their influence whether they sign EPA or not. All global financial, economic, trade or lending institutions are instruments of western philosophy of free trade that EPA promotes. All nations operate within these structures and what they may reject by refusing to sign EPA they will yet confront in one form or the other when they trade with other nations, seek for loans, credits or foreign aids from western nations and international institutions. These leave these nations with no options as was the case in the cold-war period when developing nations could turn to the East once western pills proved unpalatable.

C. Market Access pushes locals out of business – The reciprocal arrangement in the EPA regime will lead to the closure of local small and medium scale manufacturing companies. No side in the negotiations has admitted otherwise. One worry is that major companies from

Europe will take over most areas of production in the informal sector that is the largest in West Africa, may be out of business.

D. Market Access in Europe may be a mirage – CARIFORUM had claimed that the market access Europe promised its formal and informal service sector in Europe had not materialized almost ten years after it adopted EPA. Yet, this is one of the major benefits Europe says EPA has for the South. If CARIFORUM with its relatively better developed manpower could experience this, what hope is there for West Africa?

Moreover, stricter conditions are being placed on exports from LDCs and developing countries on what EU will accept. Even with raw agricultural produce, the players in West Africa do not find it easy as their exports are regularly rejected. For instance, EC (http://ec.europa.eu) announces the following on its website: "ACP countries need to ensure their exports comply with changing EU standards (e.g. on food safety and animal welfare)." EU rules are ever changing and this is something both small and medium scale farmers in West Africa have already found difficult to cope with. Under that condition, how bigger exports from West Africa can become, and how much access they will have to EU market under EPA remain questions that have yet to be adequately answered.

E. Inadequate fund to compensate losses of member states under the EPA dispensation – The EU does not make enough funds available to cover initial deficits that West Africa will experience when the new tariff regime come into operation. This had made West Africa to be reluctant to endorse the negotiated agreement because it was not in their best interest if their losses were not to be adequately compensated. In fact, the losses outweighed the benefits with respect to covering their deficits. This led to a situation whereby a political

resolution, rather than trade and economic arguments, had to be found before some member states agreed to sign the negotiated EPA as it stood in the period under study.

F. The asymmetric configuration of North-South trade – A fundamental challenge of ECOWAS-EU trade relations is its perennial asymmetric configuration. The uneven configuration of the trade between them reinforces the Master-Servant assumption that is at the root of most North-South relations. Can the South ever catch up with the North to change this? How long will it take West Africa to catch up, in a situation where EU perpetually gains momentum through the unhindered access to West Africa's market that the EPA regime allows? This is a relevant question in the face of EU argument that more trade means development.

G. WTO's role in trade-related issues – In a global trading system presided over by the west's inspired WTO, there are doubts that the global South would not always be pressured by WTO into bowing to the wishes of the North. This concern is predicated on the coercion at the WTO negotiations (as canvassed by the North) which made countries to accept every issue as one single basket (single undertaking), rather than selection of what each country or region wanted to be a part of from the basket. This has led to the current nature of EPA that West Africa has had to negotiate with EU, and its inability to back out of whatever it considers to be inimical to its development agenda. In fact, single undertaking principle is at the root of the contention over the EPA (2014) text. During each stage of the negotiations, EU had had to point to WTO rules which the West African party could hardly argue against, even when such rules do not help its situation.

H. The leverage EU has over ECOWAS member states through the EPA – EPA requirements have brought about a situation that sees EU issuing threats and deadlines to its West Africa partner. The need to comply with WTO guidelines on deadlines for negotiation in

the period under study has led to this situation. From 2007 onward, after the EPA negotiation deadlines were missed several times EU began to exert its power over West African party that was unwilling to accept the agreement except it was sure it was signing a development-oriented EPA. By this time though, a few of the West African countries had been forced to sign Interim EPA to guarantee the entry of their agricultural goods into EU. This fallout presents the possibility of a darker scenario in the relations between the two Parties when other aspects of EPA in the area of services, copyrights etc are fully executed.

I. It is doubtful if there will be significantly more trade with EU under EPA- Significantly more trade with EU has not happened in the period under study. Moreover, significantly more trade may happen in the area of export of raw materials by West Africa to EU, but not in the export of the more sophisticated hi-tech products. One reason is that ECOWAS member states are far from acquiring the capacity to produce more technology-propelled products. Even the needed infrastructure for a technology-driven manufacturing sector, such as adequate supply of electricity, is absent. Two, in spite of being under European Commission, each European nation still comes up with different reasons with regard to what it wants imported and what it does not want. As things stand, diverse clauses in trade agreements are invoked to ensure that a product does not get into the EU for different reasons. These clauses have been identified to the researcher as inbuilt mechanisms to protect economies even in the face of the avowed free trade regime. ECOWAS officials (Directorate of Trade, 2015) especially cite them as measures West African countries can adopt to protect their economies if the need arises, but the assessment of the researcher is that these mechanisms will be more effective in the hands of EU countries than West Africa whose countries are ever under one pressure or another; as such being heavy on implementing some clauses may be a luxury they cannot afford.

J. Some of EU's activities negatively impact West Africa's regional integration effort- On 30th September, 2011, the European Council adopted a regulation on market access to the European Union for developing countries that had concluded Economic partnership Agreement (EPA, interim or full). Given the slowness of the ratification process, the EU planned to exclude ACP States which have concluded the EPA agreements but have not ratified them from the benefit of preferential access to the European market with effect from 1st October 2014. It was agreed that the conclusion of the Regional EPA would render the interim agreements null and void. A step similar to this was taken in 2007 whereby EU made Ghana and Cote d'ivoire to sign an interim EPA in order for them to continue have EU market access for their agricultural products. With these two countries ratifying the interim EPA while the comprehensive regional Agreement had not been concluded between West Africa and the EU, the effect was that the continuous progress already made in regional integration process was sacrificed as a result of the different trade regimes which co-existed in the region (EBA for the 12 LDCs, GSP for Nigeria and probably for Cape Verde, interim EPA for Ghana and Cote d'Ivoire).

K. EU's abuse of its relations with ECOWAS member states – The EU had begun to place new demands on West Africa in the course of negotiation of EPA. One example was when EU demanded that West Africa sign agreements with other countries with which it (EU) has a customs union agreement such as Turkey. This implication of this demand is that it takes away the independence of action of the West African region, and the extent to which EU may continue to make demands such as this may not be foreseen yet.

Other Economic-Related Issues

Apart from the trade relations between ECOWAS and EU, the EPA regime has as target the overall development and integration of the West African region's economies. With this, the agreements support the principle of sound economic governance; especially stable public finances, transparent public procurement etc. Both also seek to provide institutional support in order to build capacity of the regional organization and specialist institutions needed to ensure that the economic ends of the agreements are achieved.

Advantages

A. Greater integration of West African economies- One focus of the EPA especially is the greater integration of the economies of the West African region through the implementation of the CET, trade facilitation and modernization of customs administrations. Further broken down, EPA has far ranging implications for the customs union process, the common market, similar economic governance among member states, and economic stability across the region. As diplomats explained to the researcher, these are needed as foundation for several other economic objectives of the EPA. This much is acknowledged by ECOWAS (Directorate of Customs, 2015) when it points out that the CET is so fundamental to the operations of Customs across the region that a whole new system, including reorientation of manpower in agencies responsible, as well as provision of facilities will have to take place for the effective implementation of the CET in the region. ECOWAS (Directorate of Customs, 2015) pointed out that it would be a different regime under the EPA, as some of the measures that would have to be taken would remove the old system that had not encouraged transparency and had placed restrictions on regional trade.

The advantage of the integration focus of EPA on the economic front in the West African region is further explained by ECOWAS (Directorate of Multilateral Surveillance, 2015), noting that the partnership agreement is an economic partnership agreement. It is more than trade. It has

to do with the whole vast area of economic development. It is the reason West Africa is talking of development-oriented EPA, and issues of development particularly for ECOWAS relate to economic development. It is here the multilateral surveillance aspect comes in. Multilateral surveillance is from the word multilateral, involving more than one party. It is an analysis, an appraisal of the format of the economies of the ECOWAS 15 member states. From time to time the Directorate does an appraisal of the economic performance of each member state in relation to the regionally agreed criteria. The Directorate calls this the macro-economic convergence criteria.

Perhaps it is in this area that the most efforts at integrating the West African region economically take place. This Directorate (ECOWAS Multilateral Surveillance), more than any other sees to the implementation of integration measures, and it has the picture of the overall performance in the integration aspect of ECOWAS activity. The Directorate is one of those in the ECOWAS Commission that has benefitted from the preparation stages for the implementation of the EPA. The Directorate has been strengthened to carry out its responsibilities, as the integration of the economies of West African States is a core objective of the EPA. Where the advantage is in the effective operation of the Multilateral Surveillance Directorate is that the economies of the region are closely watched to ensure that they are better managed.

There are basically six criteria that the Directorate assesses the ECOWAS States on at the moment in terms of regional economic integration. Four of the criteria are primary, while two are secondary. Among the primary criteria, the first has to do with budget deficit. The Directorate looks at the issue of budget deficit, including grant, as a ratio of GDP; it does not want budget deficit to be more than 3 percent. This is to ensure fiscal discipline in the member states. In other

words, if the deficit of the budget of a Member State is not controlled, it talks of indiscipline because it means the country is spending more than it earns; it means recurrent expenditure will be more than capital expenditure. The second criterion in this category has to do with inflation. Inflation, which is the primary responsibility of central banks, according to the Directorate, is preferred to be in single digit. It must not be more than ten percent. Towards 2020 the Directorate wants to see to it that all Member States achieve 5 percent inflation rate.

The third primary criterion is central banks' financing of budget deficits. There is often budget deficit in most nations in the region, but how it is financed is one issue the Directorate is interested in. This is because how the government finances deficits affects the economy and this affects the region. Is the budget deficit that the government incurs financed by it, or is it through ways and means of Central Bank? The Directorate puts a cap that the Central Bank financing of budget deficit should not be more than 10 percent of the previous year's tax revenue. In other words, the Directorate does not want governments to have recourse to the Central Bank for financing their deficits too often; rather they should go to capital market or to other areas to source for their financing.

The final primary criterion has to do with reserves; reserves in terms of months of import that a nation's foreign reserve can sustain. How many months of import can a member state's reserve finance? The international benchmark is three months. So, the Directorate ensures that each government's reserve is able to finance at least three months of import. Of the two secondary criteria on the other hand, the first one is public debt. The Directorate of Multilateral Surveillance is concerned about how sustainable a nation's debt is? It wants to ensure that the ratio of public debt to the GDP of any member state is not more than 7 percent. The final secondary criterion is the ratio of the exchange rate. The Directorate wants the nominal exchange

rate of each nation to be plus or minus 10 percent. With these criteria, the Directorate seeks to ensure stability in the economies of the region; it plans to have convergence of its macroeconomics. According to ECOWAS (Directorate of Multilateral Surveillance, 2015), If there is convergence, then ECOWAS member states can do common things together, common policies can work, and that is where it affects the EPA. For ECOWAS Commission, in order to work well within the framework of EPA there has had to be a Custom Union, a common external tariff which has been in operation since January 1, 2015, and common policies for the economies of the region to be comparable and converge. So what the Directorate of Multilateral Surveillance works on is to ensure that there is macro-economic stability which can lead to Foreign Direct investment, because if the inflation rate is low, the investor can think of coming into that economy. If there is fiscal discipline, there is budget deficit that is not so high, people can look at the economy and say it is strong enough to withstand any shock. If the reserves are high, it means there are buffers to be able to cushion against any external shock. These have been part of what Directorate of Multilateral Surveillance has been doing, and it works together with other departments, particularly trade to ensure that the environment is stable, that there is a conducive economic environment for the economic aspects of the EPA to operate.

As already noted the work of the Directorate, propelled by the need to implement the objectives of EPA, is geared towards integrating the economies of the region. This is a major step forward in a region where there has been criticism about the slow pace of its integration. The activity of the Directorate adds significantly towards ensuring better economic governance envisioned in CPA and EPA. There are other effects this has down the line, such as better budget discipline, better management of recurrent expenditure concerning which the Directorate reports that many Member States in the West African region are already operating under the strict

guidelines that the Directorate has set. It needs to be further noted that this Directorate is one major instrument that has been empowered to carry out its duty effectively with the funds made available according to the vision set out in the EPA.

The implication of this goes beyond funding; it points not only to the increasing integration that is taking place, but it holds up the management of the economies of the region to higher standards for the benefit of the region. However, much as there are benefits, so also is the opportunity that this provides to open up the region's economies to greater influence and scrutiny of the outside world, a point that should not in itself be considered negative as there must be minimum standard observed in the economic activity of any nation. With better integration, the concern about the isolation of the economies of the West African region from global economy (in its different facet) is increasingly being taken care of.

B. Strengthening of economic and financial institutions - As already noted, the implementation of free trade arrangement is incremental and institutions are being prepared gradually for this purpose. These phases are seen both in the free trade measures executed from 1995 in ACP-EU trade relations, as well as the phases identified for the negotiations of EPA between West Africa and EU. Some phases are regarded as foundation to be laid first, in order for other phases to be implemented. Thus, while there are areas of contention in the provisions of the EPA, there are the trade and developmental aspects which are being implemented with their outcomes already impacting political, economy, development issues in the West African region. Creating and strengthening institutions for the implementation of other aspects of the EPA is one of these. This process had formally begun with the signing of CPA (2000) in which areas to be negotiated in EPA were first listed.

Under such provisions for instance, institutions that would ensure further integration and the achievement of a common market for the region had been put in place, and were being increasingly strengthened. In other words, free trade process is being implemented. In fact, in the course of this study, the researcher was aware of the regular meetings which took place between ECOWAS and EU officials in order to assess state of implementation of free trade measures, and also chart the way forward concerning the implementation of especially developmental aspects of the EPA. This pattern had been the case since the signing of CPA and it was intensified around 2007-2008 when EPA was initially scheduled to be concluded and signed; such meetings had been stepped with the completion of the negotiation of EPA in 2014.

In the process, the implementation of aspects of EPA in preparation for other aspects has attracted EU's support (using the instrumentality of EPADP) on some issues that West Africa identifies as its priority. This will likely increase in the years to come, bringing EU further into more diverse activities in the region.

C. Coherence of regional strategy and national strategy- This is another of the steps being taken to foreshadow other aspects of EPA. Coordinated economic policies had at this level been lacking in the past, and were one of the factors that had slowed down the pace of regional integration. EPA's region-wide measures in the area of economic policies are to be executed in such a way that all countries in West Africa key into every aspect of its provisions. This requires coordination and close monitoring. The regional organization, ECOWAS Commission, has been acknowledged by the two Parties to EPA to be in need of the ability to provide the necessary impetus and coordinate overall process for integration. This is more than being able to stipulate to Member States what should obtain according to the agreement, but to also build continuous relations of trust between national and regional bodies involved in the process. For this to be

achieved provisions have been made in the EPA regime and they will continue to expand over the years as they are core to the achievement of the integration objectives of EPA.

D. Development of value chain - Another advantage the partnership agreements have is the development of value chain across the region. As ECOWAS (Directorate of Customs, 2015) explains, There are many benefits that nations in West Africa could gain from an integrated market, but which they miss as a result of the uncoordinated tariff regimes. There are value chains across the region that can be developed to the benefits of citizens and their nations. There are aspects of EPA meant to encourage this. This includes areas of goods and services among others, and there is greater reward for this as products manufactured across value chain gain access to EU market under the EPA more than before.

E. More investments in the region – But West African and EU officials have called attention to the opportunity for greater investment that EPA offers. They state that with a more stable political and economic environment, guided by rules, there is predictability and certainty, two factors that investors like to have as they move their investments around. This is important as West African nations, especially Nigeria, had requested EU to provide more assurances that EU companies would actually move factories to the region, as part of its demand before it would sign the EPA.

Disadvantages

a. Market Access that EPA promises does not favour West Africa in the long run. More than the West African region, EU is better able to take advantage of market access that EPA guarantees than West Africa under the current condition as LDCs and developing country. The negative effect of opening up of West Africa's market is one of the most widely-acknowledged implications of EPA. Although opening up of West Africa's market is gradual, the chances of

ensuring that majority of small and medium local manufacturers and even farmers thrive in the more competitive atmosphere that this will create is bleak. For one, most of the indicators of where the advantages will go point to the EU. Hi-tech machines emanate from the EU. The technical know-how is there, the high-end materials needed for sophisticated production activities are within the EU. This has always been the pattern from the 1960s, and it has not changed. How this particular equation can suddenly change through EPA is what many observers find difficult to explain, as in fact EU in particular has not been able to do in its various attempts to convince doubters of EPA. In the event, all West African nations view the EPA with skepticism.

b. Implementation of customs union will be costly for the region. The effects of the implementation of customs union on tariff revenue, industrial output and export performance is costly for the West African region. This also affects investment and employment in the developing economies in the region. This is even more so for the LDCs that make up majority of its Member States. Studies that have countered this claim are rare and the best that some pro-EPA reports such as the ones from the UN have said, and which pro-EPA groups have quoted widely, is that loses in tariff revenue will be minimal.

c. Trade creation and trade diversion effects. There are trade creation and trade diversion effects, including the consequences for trade diversification with West Africa's non-EU partners such as China. One significant point here is that in the area of regional integration, even EU-commissioned reports have indicated that EPA-related trade diversion is likely to hinder rather than enhance intra-regional trade (Oyejide, cited in *Africa Today*, Sept-Oct., 2015).

d. Balance of payments effect. The balance of payment effects of relative import surges and export growth that will be experienced at some stage in the implementation of the EPA cannot make up for the longer term negative effects on the LDCs and developing nations in the West African region.

e. The implementation of EPA will negatively affect the robustness of trade and the policy instruments of the countries in the West African region. The costly policy options for the region in this situation to compensate for revenue loss would include some painful fiscal policy reform and loss of jobs both in the public and private sector (Akpanyung, cited in Africa Today, Sept-Oct., 2015).

f. When compared with other trade options that West African countries can explore, EPA is a huge burden that can only but be endured. This is shown in any comparative analysis of the impact of EPA with the EU with that of other unilateral and multilateral options which allow each country to implement its own trade liberalization at its own pace. Save for the drive for integration that EPA gives impetus to, nations in the region can as well explore other options and on terms that are not as strict as what EPA offers.

Overall, some of the arguments to justify the EPA can be faulted on the basis of the current realities that form background to the implementation of the partnership agreements. These realities, including the given international economic order, still exit. Meanwhile EPA promises change. It had been argued that the provision of preferential market access to West Africa under the ACP-EU Lome Conventions did not achieve the aim of assisting ACP countries to diversify or enhance their markets in the EU, and that how ECOWAS-EU EPA would achieve this same objective remained to be seen. This was because lack of adequate supply capacity

made it impossible for the targeted countries to take advantage of the preferences and the concessions offered in CPA. This same limitation makes it doubtful that the new EPA arrangement will make this possible.

2. Political

As this study has demonstrated, trade agreements are increasingly becoming an encompassing instrument for driving most other issues in international relations. This includes political and security-related issues. As European Commission states, one of the main frameworks for EU relations with West Africa is the Cotonou Agreement, the most comprehensive partnership agreement between developing countries based on Development cooperation; Economic and trade cooperation; and the political dimension (http://ec.europa.eu/trade/).

Since free trade process was formally introduced in 2000, West Africa had had to put up argument as to why EU should not tie some aspects of the negotiations on goods and development to purely political matters. While a few of such conditions have been diplomatically played down, they have not been totally taken away from the negotiation table; more so as funding for aspects for trade and development dimensions of ECOWAS-EU's version of the EPAs are being provided by the EU. There is an acknowledgement that political environment must be right for trade to thrive. These days, most western donors, western institutions and governments link democracy and human rights to the fund they release. Since 2000, the EU had more than ever tied the release of funds in certain areas of EPA Development Programmes to the promotion of its own idea of good political and economic governance in West Africa.

Advantages

A. Closer Political Engagement – The EPA regime makes provisions for instruments that will fundamentally transform the political aspect of the relations between West Africa and EU. CPA (2000) makes this intention clear in its three pillars which adds political dimension to how EU wants to relate with ACP countries. CPA's Article 8 gives priority to political cooperation, stating that, "The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides". The same is pursued in the negotiated EPA, and given action in the instruments that are in the EDF arrangement under EPADP.

B. It aids democratic process - CPA emphasizes 'politics', and states that partners will support democratization process and reforms for the purposes of improving governance in ACP countries. There is also a scope for the partners to impose sanctions (as a measure of last resort) if a party violates agreements on politically-related issues. This emphasis on political engagement had had its positive results in West Africa, because from 2000 onward there was a gale of political reforms and democratization in the region. Many countries that had been under military rule and one man ruler for decades began to democratize, giving way to elected governments. In Benin, Togo, Ghana and several other nations, one-man rule ended at the turn of the century and military rulers either went to the polls to legitimize their stay, or they organised election for a return to civil rule. Regular election had been taking place in these countries, unlike in the past when there were no elections. In fact, there is no nation in the region where election has not been taking place since 2000, even though incumbents may extend their stays in power using a combination of intimidation and manipulation of the electoral process. This is a significant improvement, and has contributed to stability which trade needs in order to thrive.

Significantly, it was at about the same time (1999) that the military handed over power in Nigeria and there had never been a single successful coup d'état in the country ever since.

Increasingly, and with the support of the EU, West African states have collectively made it clear that they would not tolerate disruption to democratic rule. On several occasions, countries in the region had banded together to negotiate settlements and get countries where military coups took place to return to democratic governance. Often, EU joined West African countries to issue statements urging return to civil rule after a military take-over, and threatening sanctions if this did not happen. From the end of the cold war, EU had more than before been playing this role in the region, and it was as such much easier to include politically-related issues in the CPA in 2000, capturing in the form of an agreement what it had been involved in right from the early 1990s. Fallout of this is that, more than before, the EPA regime gave EU more say in the region. Its aids had on several occasions assisted in deepening democracy in many countries.

C. Closer political watch from the wider world - With EPA, West Africa becomes more closely linked to the outside world than before. When the region's trade better integrated with ACP and then EU, more European investors will utilize the opportunity to invest in the region. This makes political condition in West Africa become a matter of greater interest to ACP and Europe. In the event, the EPA regime has moved political affairs in West Africa to the world stage, and thus strict separation of internal and external political affairs are being redefined.

D. Meeting the challenge of deeper integration and globalization - The economies of the region need to be strong enough to withstand the challenges of opening the region to the wider world. The EPA regime is more than likely to ensure this. Diplomats from West Africa and the EU agree that the challenge of deeper integration and opening up markets to EU represent a major challenge for the region. The negotiated gradual removal of tariffs and opening up of market are meant to take care of this challenge, although they may not have gone far enough to satisfy the desires of West Africa. EU officials insist however that there is enough time and

resources for countries in West Africa to develop their competitiveness in the time frame given before they open up their market. They insist competition is the way to grow economies, rather than allow fear make countries stick to protectionism in the age of globalization. They feel this is the right direction and West African countries should not miss it, and that EPA is designed to make it easier for them. EU's view about the provisions in EPA is that it has opened up diverse trade opportunities which West African region need to seize. As already noted in Chapter 5, a section of the local private sector agrees with this position. This section does not take the same position with some of the more vocal sections of the private sector that are against EPA; rather they say that West Africa should use the window of opportunity that EPA provides to make its industries competitive. They add that competitive companies which make quality products are the ones that can survive globalization and help West Africa integrate into global economy.

E. EPA regime positively changes key features in ECOWAS-EU relations in the last fourteen years-

EPA regime, as officials admitted, had changed the pattern in ECOWAS-EU trade relations as known in the fourteen years that this study covered. In recent past, trade relations between the two sides had been mostly unilateral (each West African country with Europe), and EU seemed to be the one ever extending to West African countries (non-reciprocal). But the EPA is taking the relations effectively into a bilateral (region to region) level. At one level, the notion of reciprocity with the idea of equal partners behind it is perceived as beneficial; on the other level, it is argued as a disadvantage especially from the perspective of West Africa.

Disadvantages

From the perspective of sovereignty of West Africa member states, aspects of the political dimension in EPA have their negative implications.

A. **Reforms are EU-driven** – The impression cannot be missed that EU has been rather forceful in pushing West Africa with respect to politically-related issues. Many are critical of the extent to which the CPA mechanisms (i.e. political dialogue, financial support, appropriate measures, and suspension of development cooperation) have contributed to improving human rights, democracy, rule of law and good governance, including the fight against corruption. Political dialogue as foreseen in Article 8 of the CPA (also pursued in EPA) is seen as too EU-driven, technical and formalistic (European Commission, 2016).

B. West Africa will experience difficulties - Both Parties to the EPA have not disagreed that there will be discomfort on the part of West Africa at some stage in the implementation of the EPA. West Africa argues concerning this in the following way: (a.) That there will be more interference in internal political affairs of West African States, using trade-related issues. (b.) That governments in West Africa lack the political will to implement many of the political reforms that can promote democracy and good governance in their enclaves.

3. Development Cooperation

Both West Africa and EU do not separate trade from other development issues. They consider one as enabling factor for the other, and vice versa, and thus EPA is fashioned as a development agreement with a high free trade contents. EPA is to give impetus to development cooperation between West Africa and EU. The CPA introduced a relatively comprehensive development dimension. From the outset of the negotiations of the EPA, West Africa had been

set on ensuring it signed a development-focused agreement, rather than what would further impoverish the region. This is understandable as reasons nations or regions agree to integrate with other nations or regions are that the benefits in the arrangement outweigh the cost. This is the case for both Parties involved. For West Africa, some of the advantages in reaching agreement on development dimension are as follows:

Advantages

A. **Development becomes the epicenter of trade** – The EPA makes development a core objective of the partnership between the two Parties. CPA (2000) states its objective to be, Promoting and accelerating the economic, cultural and social development of the states involved, contributing to peace and security and promoting a stable and democratic environment. It is therefore clear why the subsequent negotiations rooted in this provision (EPA, 2014; Art. 2:1) places development issues at the centre of the trade relations between the West Africa region and the EU. West African Heads of State and Governments at their 33rd Ordinary Conference held in Ouagadougou in January 2008 reaffirmed their support for a development-oriented partnership agreement that served the interest of the population of West African region. Up to 2014, West Africa continued to emphasise the development focus of the EPA, and it did not accept a conclusion to the negotiations until it was relatively persuaded that the costs of the EPA on goods were offset in the provisions under EPADP.

B. **People-oriented initiatives** - EPA is conceived to have far ranging effect on not only governmental institutions but the citizens of West Africa. Through its different dimensions EPA is configured to touch every segment of the populace at one level or the other, not just government officials and businesses, but even consumers too. EU (Head, EU Delegation, 2015) reiterated this as one of the benefits of the EPA regime (as explained Chapter 5 of this study),

noting that EU's effort to make governments in the region pay attention to the safety of a particular agricultural produce was not only for the benefit of EU consumers to which such produce is imported, but the people of the West African region. EPA, though limited to goods for West Africa, has people-oriented intentions which when fully implemented will assist in improving the quality of life of the masses. Through this there is an external body paying attention to what West Africa does with its citizens.

C. **Engaging the Civil Society in relevant development processes** - The Civil Society is one important segment that has been largely ignored in West Africa over the years. Voices of the opposition, especially, have been repressed and some are driven underground especially under military rule. But CPA formally drew attention to the Civil Society, and with the democratization process that took place in the West African region from 2000 onward this segment of the society had since become a regular feature in development and governance processes in the region. Increasingly, civil society is regularly heard calling on governments of other nations to use trade as an instrument to exert pressure on the government of a particular nation. The civil society is expected to play the role of the watchdog. Members serve as election observers, ensuring the transparency and fairness of the process. They are appointed to sit on panels, boards and commission to take care of the interest of the civil society. EU provides funds for the NGOs and CBOs that make up the civil society, and the effect of their activities trickle down to the poorest of the poor. Generally, under the EPA regime, EU ensures that governance and development are brought closer to the masses using the instrumentality of the civil society, rather than through the traditional government to government contacts only.

Disadvantages

A. Greater EU interference in the internal affairs of West African countries - More than West African countries can ever do in EU countries, the EU under the umbrella of encouraging development is moving more into areas that have been considered internal affairs of nations in the LDCs and developing countries of West Africa. It has been using this to stipulate sanctions on issues that have nothing to do with trade, and members of the West African region have actually put up resistance on a few occasions with respect to this trend. For instance, by citing Articles 96 and 97 of the Cotonou Agreement which establish the mechanism of political dialogue, the EU can resort to suspension on cooperation on grounds of non-compliance with human rights. More specifically, when Nigeria refused to sign an Interim EPA but applied instead for GSP Plus (+) in 2007 and 2009, it was rebuffed on the premise that it did not ratify one of the 27 UN Conventions specifically Oil Genocide (ECOWAS, 2014). This is projected by observers to grow worse as free trade principles are further implemented, and it is considered by many as a move back to the Master-Servant relations that exists in the colonial era where Europe dictates what should be done in every aspect of the lives of its colonies.

B. **EPA development dimension covers up the harsher realities of the Agreement**- It is feared that the development dimension of the EPA may have served to temporarily divert attention away from the harsh realities that the agreement portends for West Africa. This appears to be the case going by the testimonies of CARIFORUM, which insists that it has not reaped the benefits that EU promises would be the outcome of the EPA. West Africa does not have issues with the development aspect of the EPA, but the trade provisions. Except for the amount of development fund from EU that has not been settled to the satisfaction of West Africa, major source of contention in EPA is essentially on the trade-related aspects. The disagreement over

the trade related aspect had ensured that the EPA negotiation lasted over ten years, and it still remained contentious.

4. Peace and Security

The EPA regime has placed emphasis on the need for peace and security in West Africa as a means of facilitating trade. Peace is necessary if trade must thrive and if the integration process must not be hindered. This is treated under the development cooperation as well as the political dimension. There are the following implications for ECOWAS-EU trade relation:

Advantages

A. **External assistance to combat security threats**- The inability of nations in West Africa to securing themselves from internal and external aggressions is well known. Sometimes, bad governance has led to military coup d'état, as well as rebel or militia attacks. Lately, Islamic insurgents have been attacking many of the nations in the region. The door of assistance with regard to such an issue has been opened wider under the EPA regime. The period 2000 to 2015 had actually witnessed more joint actions among troops from West African countries, called ECOMOG, and between ECOMOG and EU armed forces to deal with security threats across the region. Man and material that EU made available in these troubled spots had proved decisive.

In fact, there were occasions when West Africa directly requested for man, material and fund for joint operations. The case of Mali where rebels had to be ejected by West African and European troops in the northern part of the country was a case in point. There had been several of such threats across the region. In a sense, the assistance from EU had sent messages to troublemakers that the region as a whole with assistance from abroad could always deal with security threats in any of the member states. More of the effect of such messages shall be seen in the years to come; but for the moment, peace that is needed for trade to thrive in the region has

not really eluded it unlike the situation in the 1990s when several countries in the region slid into civil war and destroying in the process the economic gains made. Lately, EU nations have had to make offers and guarantees in fund and materials to get Niger, Chad, Nigeria and Nigeria (in Central Africa) to come together and combat the Boko Haram Islamist insurgents that operate across their borders. Fallout of this is that, more than before, EU wants its involvement to take a more formalized pattern and it realizes this can be achieved through partnership agreements. In fact, EU envisages the following: Supporting the implementation of ECOWAS Standby Forces policy and in particular its civilian aspect; Supporting the promotion of ECOWAS measures in the humanitarian and natural disaster/crisis intervention sector; pursuing the implementation of the regional programme to combat the proliferation of small arms and light weapons, ammunitions and allied equipment; Supporting ECOWAS measures and initiatives to promote good governance, combat terrorism and money laundering, and combat drugs and trafficking in human beings; Resolving post-conflict problems, developing preventive diplomacy and consolidating peace; Supporting institutional capacity building in the area of political governance in order to strengthen decision-making assistance, monitoring and supervision systems. This support from EU is also intended to promote good governance, reinforce the rule of law, ensure respect for human rights and involve non-state actors.

B. **Emphasis on the interdependence of global trade** - It is striking how wide the area where EU wants to play more partnership role in West Africa is. This is borne out of EU's conviction that peace and security in West Africa are essential for trade, and maintaining peace is in the interest of the two Parties. Peace and security in West Africa are necessary if raw materials must continue to flow from the region to the EU, for instance. The effect of insecurity on trade is not felt only in West Africa; it extends to the EU where manufacturers wait for the raw agriculture

produce that they need to stay in business. The interdependence of global trade is thus emphasized. This is part of what EPA and related programmes and projects captured in other documents that West Africa and EU have signed want to consolidate.

Disadvantages

A**. It f**osters dependency- With EPA, the areas in which EU is now involved in West Africa is wider. While this calls attention to the interdependence of nations across region, constantly turning to EU for assistance even to combat local threats as has been the case in recent times is a tendency towards dependency. This is one toga West African nations have struggled for so long to shed. The current trend does not help as EU nations become more involved than before in securing nations in West Africa.

B. **More legalistic approach to the relations**- The EPA regime has introduced an era of binding agreements that state rules concerning the rights and obligations of the two Parties. In effect, this opens a new chapter in ECOWAS-EU relations. As the two regional economic blocs have acknowledged, their relations almost in entirety are now encapsulated in CPA and EPA. This points to a more legalistic approach to their relations. The agreements contain binding rules that may require a third party to adjudicate, and nations have actually been dragging one another to WTO panel or other bodies for arbitration on trade disputes. This cannot be said to encourage cordial relations among nations, and in fact a close study of Indian's reactions to each step taken by the EU in the banana and drug (WTO-adjudged) cases shows this trend. In the past, the historical link between West Africa and EU had made many issues to be resolved by dialogue, and even by special preference considerations. This will basically change under EPA and conflicts will no longer be seen as a brotherly disagreement, but as a legal one. The first point to

worry about naturally is if West African nations can afford this in every sense that legal trade disputes may place demands on them.

Future challenges to ECOWAS-EU trade relations

International relations have their challenges, and partnership agreements are part of the mechanisms to minimize them. In a relation fraught with wide difference such as the one between West Africa and EU, there will continue to be challenges to deal with. Some of them are examined below:

Trade conflicts- Conflicts or sharp disagreement will characterize trade relations between the two Parties in the future. One factor for this is the fact that the EPA has some clauses, including the non-execution clauses that leave the agreement open-ended. The implication of this is that Parties may be somewhat relaxed in their implementation, and this may lead to accusations and counter-accusations. As at 2014, all the areas stipulated in ACP-EU CPA for negotiation had yet to be fully covered in the ECOWAS-EU EPA. What has been covered so far are goods and development cooperation. Even this has generated contentions that the two Parties have not resolved. EU in particular insisted that such areas must be reserved for the period set in the agreement for review. While other West Africa member states appear to have accepted this position by signing the EPA, Nigeria and The Gambia have not been so persuaded.

Other aspects of EPA such as agreements on services, copyright and investment are scheduled for negotiation later, and at the pace that is acceptable to West Africa. In its current form, some of the provisions in the ECOWAS-EU EPA generated much contention such that the negotiations lasted for over ten years. The foundation of contention on which all of this is laid makes more trade conflict inevitable between the two Parties. The next phase in negotiation is

expected to be more complicated than the first phase, raising complex technical issues and more serious disagreements in the area of services, copyrights etc.

Implementing the Agreements - Efforts have been made over the years to prepare West Africa, its institutions and their managers for the execution of the EPA regime, but challenges remain nevertheless. One of them is the capacity of the West African States to meet stringent requirement as the other Party will like to see, as well as seize the opportunities that exist in the agreement for themselves. This situation is more than likely to witness West Africans pointing accusing fingers at EU when the initial negative impacts of the implementation of EPA on goods are felt in the region. ECOWAS (Directorate of Trade, 2015) admits that the region does not have that capacity to match the EU, noting however that:

> If we had the capacity we can match them in anything.The major challenge is implementing the agreement.

This is important because EU makes its projection of EPA on the strict implantation of areas such as preparatory period that allows West Africa to improve in order to be competitive. It is convinced that the region does not need more than 20 years to get its house in order. This conviction is based the expectation that West Africa will undertake certain measure and based on them the impact of EPA would be reduced. The question is: What happens in the event that these measures are not followed as mathematically as EU has projected them? There is always something scientific to projections that developed countries make in how to develop an economy. They have done it and it has worked for them. But the same cannot be said of most developing countries. For various reasons, they do not always follow through measures that can lead to economic growth. Lack of strict implementation has been a reason most recommendations made by monetary institutions on how to improve economies of developing

countries have not really worked out. Sometimes, the underlying factors are political instability, corruption, armed conflict in these developing nations. West Africa experiences these negatives at the moment and they may be the reason the consistent development that EU expects during the preparatory period may not work as smoothly as it expects. There is no doubt that when the consequences of the inability of West Africa to implement the measures set out in the preparatory period start to manifest, it may lead to more tension between the region and the EU.

Greater dependency by ECOWAS member states on EU - The dependency pattern in the ECOWAS-EU relations will deepen, at least for the foreseeable future. From available unpublished documents from ECOWAS Commission that the researcher has studied, and in some of which what both Parties agree to do together in diverse areas are fully stated, one conclusion the researcher comes to is that EU is eager to offer while West Africa is keen to receive more than before. The excuse is that EU has to offset the immediate impact of EPA. On face value, with some of the different forms of assistance EU is willing to render it appears that interdependence of nations, a necessary equation in international relations, is what is being deepened between the two sides. But this is so to the extent that ECOWAS-EU relations can be placed on the same pedestal as U.S-Germany relations, for instance. The former is unequal, the latter is relatively equal. The outcome therefore, as far as what is agreed to be achieved in EPADP is concerned, is that EU continues to give, and West Africa continues to look up to EU for everything it can offer; West Africa also specifically asks for what EU does not offer. For instance, West Africa has sometimes blamed the EU for not coming on time to offer assistance to quell violent outbreaks in its region. When the region formed an armed force, ECOMOG, it was asking EU for logistics and financial assistance. Under the scenario that EPA makes EU offer to West Africa more than before, and West Africa still goes to a great extent to

pressure EU to give, the reality of the relationship is dependency not interdependence in that strict sense of the word. Moreover, through the EPA, dependency will not only deepen in the area of compulsory export of commodities to Europe by West African States in order to earn revenues, the same will also happen increasingly in other areas such as development, as well as other aspects that are scheduled for the next phase in the EPA negotiations.

More areas of inequality between ECOWAS and EU- One of the ideas behind EPA is to obviate inequality between the two Parties, but this does not look like a possibility in the foreseeable future. In fact, if there is any inequality being made equal as far as the content of the current agreement is concerned, it is essentially in making West Africa give EU the same treatment in their trade relations. This is how far the implication of reciprocity goes, without having any other substantially tangible benefits for the West African States in trade, aside from projections of future positive impact. Reciprocity presents a precarious picture for the DCs and LDCs in West Africa as it stands. Based on this, this study foresees that a few years down the line, ACP countries may accuse EU as the reason for the inequality between developing and developed regions of the world as they had been doing from the early 1960s. On another level, the claims that with market access in EU more trade and investment will come to West Africa and inequality will be reduced can be said to remain largely at the level of conjecture. From impact studies that even EU and its affiliate institutions have commissioned, the provisions of EPA, especially the principle of reciprocity deepens inequality, rather than obviate it. Several independent studies have equally shown sector by sector the negative effects on West Africa, some of the provisions in the trade-related aspect of EPA. This state of inequality cannot make EPA to achieve its objectives, and from all indications, a few decades down the line everyone is likely to look back and see the damaging effects EPA regime as

empowered by WTO rules had had on DCs and LDCs. This is much in the same manner the damage done by colonialism is still being regretted decades after it has happened. In that sense, the question may be asked: What development can there be in a partnership that available evidence shows will sink one of the parties involved further into an unequal and dependent situation in an already skewed global economic order?

6.3 Further Analysis

Based on what has been stated as the benefits of EPA as discussed in Chapter 5, and some of the counter arguments raised, a few questions can be asked which afford the opportunity to shed more light on the issues involved and aid in the general assessment. One: EPA is a free trade agreement and one of its benefits is to use trade as a catalyst for integration and development especially with regard to developing nations. But are ECOWAS-EU EPA trade-related provisions in sync with the development needs of the former? Two: Is the adoption of the principle of reciprocity realistically fair in view of the asymmetrical relationship between the two Parties? Three: Will this given gulf not be further enlarged by the principle of reciprocity; and with it not further perpetrate the existing Master-Servant relationship between ECOWAS member states and EU? Four: Are some of EPA provisions with regard to MFN not hindrances to the capacity of the ECOWAS region to take independent action in relation to other trade agreement options with other countries and regions of the world? Five: Will other provisions in EPA such as political and development dimensions not stifle West Africa's capacity for independence of action, and thus deepen further existing dependency relations? Six: Will provisions in EPA not be used as weapon in trade wars, and vice-versa in cases of disputes between the two Parties? Seven, how much political will do ECOWAS member states have to

adopt measures that can mitigate the adverse effects of the EPA as the ECOWAS Commission admit they need to have? (ECOWAS Annual Report, 2007; p.131).

Starting with the last question is important as it casts a general political ambience that is of importance to the current study. It also pointedly calls attention to issues in ECOWAS-EU economic or development-related partnership agreements that Political Science as a field should take keener interest in considering the current unipolar global political environment. Why should this be the case? One, partnership agreements regarding trade require the approval of the political leadership in every country to become operational. In fact, in theory a country's highest political leader is its Chief Trade Negotiator. This implies that political considerations that are the purview of Political Scientists come into play. Here, politicians consider internal political as well as economic dynamics in arriving at a decision to either adopt or reject a partnership agreement. And politicians can adopt and revoke an agreement at will, depending on a number of factors ranging from the ideology of the political party in power, to strategy to win in an election. In fact, any trade deal, however beneficial or otherwise it may be is only as good as what politicians say about it. This has been demonstrated by President Donald Trump in the U.S. with regard to NAFTA, and he had actually campaigned and won with the promise that he would revoke NAFTA that the Democratic Party approved in 1995. In that sense, is there a perfect trade deal?

Moreover, Political Science or International Relations provide a window to see many aspects of the activity that take place on the international stage – politics, trade, military, diplomacy etc. In reality, these are interwoven directly or indirectly and one aspect cannot be cleanly separated from the rest. Trade/economic model and the principles that underpin it are informed by global political cum economic currency, as the neoliberal views of the West has

certainly informed the formation of WTO that makes EPA a necessity. Thus how the current global political climate has affected trade/economic model can be seen through the lenses of Political Science or International Relations, and in fact it is one area that should continue to stimulate research in these fields.

An extension of this is how much internal conditions of ECOWAS countries enable them to live up to the demand of the current global political and economic climate. This is important because unless there is a move in that direction i.e. changing the internal political and economic dynamics, it means nations in the region have yet to be configured to meet the challenges that the current global political and economic climate presents. "Preparatory period" for EPA has been focused on such preparation in the period covered by this study, and as such one of the gaps in knowledge that the current study notes is that attention has not been devoted to how these have taken place, and what impacts they have had at the national and regional level in the ECOWAS area. The reasons for this have been partly due to certain misconceptions about EPA as already identified in different parts of this study (e.g. subsection 2.5). The matter is not helped by ECOWAS members states whose public postures and pronouncements give the impression that they are encountering principles that inform EPA for the first time, without acknowledging that they had actually been executing aspects of such principles in phases national and regionally ever since they became members of WTO. Many of them had seized on the drive by WTO since 1995 to implement liberalization/privatization and tax reform policies in their countries and many of them have become better for it. As already pointed out, these are needed preparatory measures for EPA (2014 text) to be executed. But they are hardly connected to the EPA negotiations in any form in the public space. Without these internal conditions improved sufficiently enough, efforts to implement provisions in a partnership agreement such as the EPA will amount to placing a

cooking pot on fire without the tripod/stones to support it. This is of particular importance to this study, i.e. whether or not ECOWAS member states turn around the missing internal fundamentals that have been identified severally in this study. The reason for this is simple: this study is not convinced that ECOWAS member states should always seek for solution to their challenges from outside. What are they doing internally to meet the challenges from outside? This view is based on the fact that other developing countries in especially Asia have taken time to strengthen themselves from inside, so they are able to meet challenges from the outside. ECOWAS Commission must have recognized meeting internal and regional requirements as relevant to moving forward on its partnership agreements when it points to the need for leaders in the region to exercise the needed political will (ECOWAS Annual Report, 2007; p.131).

In making the call, in 2007 when EPA negotiation was at its most contentious and negotiations had actually stalled for the next six years, does it point to the possibility that the Commission agrees with the following view in this study? One, there is no perfect trade agreement, rather taking full advantage of the positives that each agreement has, while pursuing means for mitigating noted adverse effects, is what matters most. Are ECOWAS member states now better prepared to take advantage of the benefits in EPA, the kind that the "preparatory period" since 2000 has afforded them? The political will on the part of ECOWAS political leaders becomes even more relevant to the adoption of EPA because ECOWAS Commission officials who negotiated it wonder how many of the ECOWAS leaders have prepared themselves to take advantage of the positives that the EPA has. How important it is for partners to take advantage of the positives in a partnership agreement has been demonstrated in the argument by the Democratic Party in the US (which adopted NAFTA in 1995) when President Trump dumped NAFTA, labelling it an unfair deal. The Democrats said, yes, there are some aspects in NAFTA

that do not favour the US, but overall US has benefitted tremendously. This position is core to the conclusion in this study. In any case, there is a review process which ECOWAS can trigger at any stage in its implementation of the EPA.

Two, after considering the pros and cons regarding the next phase (i.e. the implementation of the EPA) this study regards EPA more as a wake-up call for ECOWAS member states to sit up and do better than before in the management of resources and their political and economic governance. Is this view avoidable considering the staggering figures of waste and missed opportunities especially in the area of industrialization that the region is noted for? The amount in funds that ECOWAS asks EU for through EPADP in order to support the development dimension of the EPA is not even up to the amount that it loses in waste and illicit movement of capital from the region. From the perspective of this study, the challenges involved in the implementation of the next phase (EPA) of the neo-liberal principles that inform current global political economy is a note to ECOWAS region that this is a new global and political environment and it cannot afford to be left behind. What is more? ECOWAS (ECOWAS Annual Report, 2004, p. 109; pp. 456) admits this much by noting that that "the EPA would force West Africa to be more development conscious and pursue the issues of development with a greater sense of vigour." For this study therefore, the EPA is a challenge to ECOWAS to wake up to the reality that the world owes it nothing, and that it has to hold its destiny in its own hands. In any case, the current global trading environment is a given factor that ECOWAS can hardly do anything to change. A neo-liberal free trade-propelled world is unavoidable in the current unipolar global arrangement. Against this backdrop, it is the position of this study that the ECOWAS region has to factor into its strategy ways and means of taking advantage of the current and given global economic order. Moreover, given that in recent past some other

developing nations such as China, Malaysia, Brazil have pulled themselves up in the face of stiff external challenges to become challengers to Europe, this study is of the firm believe that ECOWAS region has no excuse not to achieve the same feat if it pulls itself together internally.

However, the aforementioned are not plainly informed by trade decisions, they require political decisions which nature and texture should interest both governments and academics. In fact, the political/diplomatic angle to the global phenomena that have influenced trade so radically is an area where Political Science has something significant to offer policy makers, and this should increasingly be the case if governments have the political will to think out of the box and confront current challenges with current ideas. How developing nations can benefit more from the neo-liberal-driven principle of reciprocity (i.e. in its sense of equality of all nations), as well as its merits and demerits for them, should be of concern to researchers in Political Science. This is an interesting area because, as the principle of reciprocity (equality) stands in relation to trade issues, most developing nations dispute it. Meanwhile they desire it in its political and diplomatic usages. An extension of this view is that western/developed nations too appear to take pride that they adopt the neo-liberal view regarding reciprocity in the area of trade, but their posture is significantly different when it comes to reciprocity (equality of all nations) in places such as the UN Security Council and votes in global trade/financial institutions such as IMF and the World Bank. Can a middle ground be found? Can reciprocity be adopted in one area while it is revised in other areas? These are issues that deserve academic attention in developing regions of the world in view of the unleashing of neo-liberal principles on them in a post-cold war world.

Yet a few issues are raised here regarding the principle of reciprocity as it is core to ECOWAS-EU EPA. Is the adoption of this principle realistically fair in view of the asymmetric relations between the two parties? This could be assessed from two perspectives. The first is that

other agreements outside of ECOWAS-EU relations form the basis of EPA (GATT and WTO); they are the platforms from which reciprocity takes off. A requirement in these platforms include members having to sign all trade protocols in bulk (single undertaking), rather than selectively. Some of the people involved in the negotiations later expressed their regret over the adoption of the protocol requiring a basket to be adopted in its entirety, rather than parts of its contents. This wholesale adoption of trade agreements was not done in the global political climate of the cold war period. In fact, it could not have been done in that era, because even the US worried about some members rejecting GATT (and thereby lose influence over them in the face of the bearish communist Soviet Union), if western nations forcefully pushed the single undertaking protocol through. By the end of the cold war however, it was a unipolar world with western philosophy on trade being the unchallenged view. This allowed western countries of Europe, Canada and US to push the single undertaking protocol through, developing and LDCs being too weak to put up a successful resistance. Had that WTO protocol being rejected at the time for the purpose of catering to the special needs of the weaker countries, it was possible many of the provisions that further called attention to the unequal status of nations in the North and South, and which now showed up in subsequent trade agreements such as the ECOWAS-EU EPA, might not have been there. Provisions on the requirement for reciprocity in trade agreements had their root in WTO, found their way into ACP-EU Cotonou Agreement and later into EPA. It therefore seems that if this principle must be expunged from EPA and a better deal made for weaker nations, there would have to be a revisit of WTO rules, and the GATT rules that they protect. As things stand, all that could be done to EPA would be to tinker with it within the rooms provided to offer special treatment to developing nations and LDCs, a process that

amounts to a mere face-lift rather than dealing with the fundamental issue that could further deepen the Master-Servant relations between North and South hemisphere.

Meanwhile, there are a lot that EU could have done to avert this situation that has put West Africa in a tight corner (http://www.euractiv.com/). Until 2000, in the context of the Lomé Agreement with the countries from Africa, the Caribbean and the Pacific (ACP), EU gave exports from West Africa almost completely free access to the European market in order to contribute, through trade, to the development of the region. From their side, the West African states did not have any obligation to offer the same advantages to the EU. However these unilateral trade preferences were contrary to the WTO rules adopted in 1994. But the WTO did permit the creation of free trade zones, for example between the EU and West Africa, and the EU decided to use this as a replacement, even though in these zones preferences had to be reciprocal, meaning that West Africa had to offer the same treatment to the EU. Nevertheless, there are options for maintaining unilateral preferences. It is further argued that the EU could have asked the WTO for a waiver, as it had done in the case of Moldova where EU had stated thus: 'Moldova is the poorest country on the European continent ... and does not have the necessary competitiveness to undertake the reciprocal obligations of a free trade agreement with the EU'. The EU refused to give such treatment as it gave Moldova to West Africa. This fundamental decision by the EU is at the root of the Cotonou Agreement which forms the basis for the EPA negotiations, and thus creates the precarious situation the LDCs and DCs in West Africa find themselves in.

Initially, the negotiations of EPA should have led to the creation of free trade zones between the EU and six ACP regions, including West Africa, by 31 December 2007. Applying the principle of reciprocity, the EU had at first asked West Africa to open up its market to

European products by 80% over a period of 15 years, in exchange for immediate 100% EU market access for West African products. Yet WTO rules would have allowed for an interpretation that took more account of the enormous differences in development between the two regions. The EU could have accepted 60% market access over a period of 25 years, as proposed by the West African states. It did not do this. During the negotiations the EU also went much further than WTO requirements on liberalization, by including services, investment and procurement alongside goods. But West Africa was opposed to this, and wanted to maintain its ability to protect these sectors from EU competition (http://www.euractiv.com/).

Twelve out of sixteen West African states fall into the category of Least Developed Countries (LDC). They do not have any interest in concluding an EPA because the EU grants LDCs unilateral trade preferences under the Everything But Arms regime, which offers them free access to the EU market without obliging them to liberalise in exchange. This partly explains why at the end of 2007 the EU was not able to get agreement on a regional EPA with West Africa. However the EU has threatened all the non-LDCs of ACP with loss of free access to the European market, and with application instead of the Generalised System of Preferences (GSP). This system, which already applies to other non-LDC developing countries, is more favourable than the one which applies to developed countries, but it re-establishes customs duties on exports to the EU (http://www.euractiv.com/).

As a result, following strong EU pressure which was denounced by the ACP Council of Ministers, instead of a regional EPA, two non-LDCs, Ivory Coast and Ghana, signed bilateral interim EPA limited to trade in goods. With this, the EU has continued to give Ivory Coast and Ghana free EU market access. Given the prolonged regional negotiations, these countries have not finalised the procedure to bring the bilateral interim EPA into force. In view of this situation,

the EU could have accepted the proposal from the Trade Ministers of the African Union, to consider West Africa as an LDC region. This would have enabled West Africa to benefit from the Everything But Arms regime, without having to conclude an EPA. Instead the EU set a new deadline for the completion of negotiations by threatening to withdraw free access to the EU market for the ACP non-LDCs that have not taken the necessary steps for the implementation of the interim EPA by 1 October 2014 (http://www.euractiv.com/).

In this regard, are some of EPA provisions with respect to MFN not hindrances to the capacity of the West African region to take independent action in relation to other trade agreement option with other countries and regions of the world? Some of the provisions in EPA have even been noted to require that EU be consulted, if ECOWAS wishes to enter into trade arrangement with other regions of the world. There is no doubt how far reaching this could be in the face of EU that has the capacity to take a matter to WTO panel and drag it out when its interest is affected. If EU could implement the MFN arrangement in WTO in different ways for different countries as it chose, the extent to which it could drag a trade dispute with ECOWAS under EPA the regime if the occasion arose could be better imagined.

In addition to what is stated above is the need to give closer attention to the principle of reciprocity as represented in trade-related matters in EPA. The reality is that differences in wealth, power, level of development, capacity to manufacture costlier end-products which weigh heavily in favour of EU is the first indication that the principle of reciprocity in EPA provides a ground that is not level for both parties. Here, the assumption of this study that free trade principles which inform EPA (in the EPA current format) will not advance the economic interest of West Africa is in view. Also in view is the assumption of this study that the EPA will

intensify, rather than reduce inequality between ECOWAS and the EU. These are further discussed below.

These points have been sources of concern to ECOWAS member states and other anti-EPA elements. For instance, EU's argument is that trade will promote development. At the moment most West African countries are in a fallen state from where they need to rise economically; if reciprocity is applied and it deepens their state of indebtedness to Europe, at what point will they begin to experience a turnaround with regard to the development that EPA promises? This is one question that has not been dealt with satisfactorily. In fact, as Nigeria argues, the calculations and the figures as to how EPA will assist West Africa to grow their economies do not add up. Nigeria for instance says that, yes, the figures may even be in favour of the country up to a point, but after that, it will move in the direction of EU, and monumental loss and a level of servitude in trade relations will then follow. This had been the country's counter argument to the 20 year period during which only 75 percent of West Africa's market would be opened up gradually with regard to certain products as EPA provides. So far, EU has not offered an answer that proves Nigeria's claim to be wrong.

Aside from Nigeria, other West African nations have expressed worries about this angle to their relations with EU, but pressure to ensure they get their raw agriculture produce to Europe and earn revenue to finance their economies have made them to sign up for what amounts to immediate gains. In the event, these countries appear to overlook long term negative effects which Nigeria and Gambia, that have not signed so far, appear to be particular about.

From this perspective, how much of the objective to use trade as an instrument to speed up the development of the region (as EPA is configured to do in the current form) becomes suspect. It is an aspect that remains unclear and will continue to be a source of contention. EU in

particular has insisted that it is not going to dump goods and stifle the manufacturing sector in the region as have been alleged by local manufacturers. It says that EPA will encourage investment, get EU companies to produce from West Africa, ensure that there is competition in the production of quality products, as well as offer consumers a better deal. This has however not taken care of the worry about the effects on infant industries that may not be able to compete in the face of well-funded companies from Europe. The researcher notes that even negotiators of EPA on the side of ECOWAS refers to clauses that provide room for the region to protect its infant industry at any stage of implementation if it feels threatened. In fact, one thing the researcher notices in the agreement is that there is a provision for maneuvering under any item in virtually all the trade-related aspects of the EPA between ECOWAS and EU. But this is easier said than done; it is easier writing the provisions down than implementing them. This same pattern is prevalent in most trade agreements, including WTO. Some clauses in such agreements appear positive and in favour of LDCs and developing nations. The reality however is the extent to which these countries have the capacity and the will to take steps to protect their economies as provided in agreements, and succeed at it. The simple step of taking EU to a court in the event of trade dispute is too tasking for ECOWAS member states that lack the personnel, the technical capacity, and sometimes the luxury of the funding such process requires.

In the area of invoking a clause to protect its market when such a need arises, and as EPA provides for, this too is better imagined than executed. These are nations struggling to get EU to allow their products to enter its market (and there is need to remember that EU can equally invoke a clause in retaliation). How effectively West Africa can utilize the trade clauses thus becomes a matter of conjecture.

The EU on the other has in its favour the use of clauses in order to have its way on trade matters. For instance, it can place a ban on products under diverse pretenses to achieve purposes other than trade. It can use clauses in a trade agreement to successfully pursue matters that are beyond trade because it has the resources and the instruments more than ECOWAS member states to do so. When EU offers technical assistance to West Africa in basic trade issues, such as getting a grasp of technical matters, then who benefits from clauses provided is never in doubt. The researcher saw this in the field in the course of research. For instance, there is a dispute as to how much development fund should be made available by EU as aid under the EDF to offset the immediate impact on West Africa for implementing trade-related aspects of EPA. ECOWAS member states want about 15 billion Euros. EU offers 6.5 billion Euros, and asserts that this is a new provision in EPADP for EPA. The researcher interacted with the European in the ECOWAS Commission's bureaucratic set-up who studied the technical details pertaining to EU's claims that 6.5 billion Europe was to be provided in EPA. This European's finding was that this amount had been built into other financial framework initially and was never a new provision in the EPA. ECOWAS confronted the EU with this fact, and till today this discovery had not been denied. As the researcher was informed, this European's main responsibility was looking into the details of whatever EU offered ("…because he knows his people very well", as a West African diplomat stated), to check where such were genuine and where EU was playing pranks, capitalizing on the inadequate technical capacity that ECOWAS had. Had ECOWAS not recruited an expert hand to take care of this aspect, what amounted to a fraudulent claim on the part of the EU would have gone unchallenged. It was not surprising that the diplomat who explained this to the researcher was anti-EPA in its entirety, he was happy that Nigeria had yet to sign (even though his own country had signed up), and he was equally anti-Europe on some

other issues that were beyond the scope of this study. Nevertheless, this point further illustrates part of where the deep mistrust of EU and EPA comes from.

Will other provisions in EPA such as political and development dimensions not stifle the capacity of ECOWAS for independence of action, and thus deepen further existing dependency features in the relations? Will pressure from here not be used as weapon in trade wars, and vice-versa? EU never hid its desire to see changes brought to West Africa on political and development fronts, as well as improved regional capacity to execute EPA provisions. With the end of the cold war that created a unipolar world, it became easier for EU to include political and development dimensions into the CPA, and this had been steadily pursued in its EDF programmes from 1st EDF to the latest 11th EDF. These have included political, development and security issues (previously guarded jealously by West Africa as internal affairs) on which EU wants to see changes, and it uses diverse means including aid and trade to drive it.

As noted in subsection 6.2, the EPADP covers a large scope of thematic areas which require that the institutional implementation and monitoring mechanism be operational at national and regional level. This has been going on consistently at national and regional levels in the period under study, and it has assisted in strengthening these institutions. But withdrawal of aid fund and other such assistance in the EDF had been witnessed each time any of the countries in the region had a break in democratic governance and, increasingly, armed forces from Europe had been deployed to deal with security threats in places such as Mali. As already noted in Chapter 5, EU had used ban on importation of raw beans to Europe as a means of putting pressure on Nigeria to pay attention to the quality of food it fed its citizens with.

With the way major trade related provisions in EPA are designed, the conclusion cannot be avoided, and EU has not convincingly denied this, that EU the largest economic zone on earth is

trying to implement a disproportionate trade arrangement with a regional economic bloc that has one of the largest concentrations of poor nations.

Closely related to the above is the view held by the EU regarding what it called Nigeria's reluctance to lead West Africa. Many of the blames for the problems that the EPA negotiations have encountered have been placed at the doorstep of Nigeria (Head, Trade and Economics, 2014). This is the largest country with the largest market in West Africa. It has much to gain in an integrated West African economy that EPA regime promotes. But there are reasons many say Nigeria has not been totally committed to the regional vision. It has its own national vision it wants to pursue in the region. Its funding of ECOWAS is one thing, but really leading the region is another. For instance, it was stated that a committed Nigeria would not have been without its own positions on the EPA for almost ten years that the negotiations lasted. When it eventually came up with a position in 2011 and pressured other member states to see its point, this led to further delay in the calendar already agreed for the EPA. EU Delegation (Head, Trade and Economics, 2014) pointed out that the fact that Nigeria did not have a Minister on Integration was a sign that the nation did not want to lead the effort as it should. The EU Delegation further stated that, with Nigeria not presenting a position on EPA until Dr Olusegun Aganga became Trade Minister in 2011 and raised issues over the negotiated EPA, it was a sign that previous ministers and past governments did not attach importance to West Africa's integration process, or had any desire to really lead it. The EU Delegation was convinced that the regional integration process was slow and ECOWAS-EU EPA negotiations took so long because Nigeria did not lead. According to Head, Trade and Economic (EU Delegation to ECOWAS, 2014), Nigeria should have led, but the problem was that Nigeria never had a regional focus.

For this study, the position of Nigeria in the region is so apparent that if it has issues with how EPA would clash with its regional interest, it needs to align both and make them mutually benefitial to it and the region that is automatically its backyard. The reason for this view is that whatever decision Nigeria takes regarding the region, it cannot escape the consequences as the largest single market in West Africa and in Africa. There are consequences if it leads, there are worse and unavoidable consequences if it chooses to turn its back to either the region or the EPA.

Moreover, the Agreement is negotiated through a regional authority which many members hardly truly trust. There is always the question of those people in ECOWAS, do we trust them? Two, as Head, Trade and Economic (EU Delegation to ECOWAS, 2014) explains, even if these nations trust ECOWAS, ECOWAS has to please everybody. It has to settle everybody in the region. Everyone (must have) what they want; and it is not easy to please everybody. This is part of the complexity of forming a common position. The third reason as Head, Trade and Economic (EU Delegation to ECOWAS, 2014) explains is that the biggest country (Nigeria) is not playing balls. As far as EU is concerned, Nigeria is following, and it does not help when there is "a dead weight like Nigeria." As EU (Head, Trade and Economic, 2014) further puts it, Nigeria had a new Minister of Trade (Dr Olusegun Aganga) who "is certainly in a different world", and it was shocking for him to find that for the last ten years, nothing has happened, nobody really had pushed for a Nigerian position in the EPA. It was bogged down by people with specific interest. Aganga "made some changes, and he did upset us a lot, and we still responded" (EU Delegation – Head, Trade and Economics, 2014). There is no doubting the critical role Nigeria needs to play in West Africa. With its refusal to sign the EPA among all the other members, the implications for the regional integration process are many.

At this juncture, there is a need to interrogate to what extent have the neo-liberal institutionalism propositions that underpin EPA addressed the assumptions in this study? The theory addresses the assumptions in certain respect, as well as regarding some other developments seen in ECOWAS-EU trade relations between 2000 and 2014. One, some of the vestiges that led to allegations of a Master-servant relationship between the developed North and the developing South in the cold war era, and which had made many developing nations to previously turn to the Socialist world, had been intensified through the implementation of neo-liberal suppositions that informed the establishment of the WTO. This allegation has been made even more stridently in view of some provisions in the EPA (2014) text. With the phased implementation of the underlying principles of EPA, ECOWAS member states have asserted that if the negotiated agreements on goods are proceeded with in their current forms they would be at the mercy of the wealthier, more powerful North.

Also, ECOWAS member states have stated that free trade principles which inform EPA will not advance the economic interest of West Africa in EPAs current form. As explained in the study, this has to do with areas such as market access for industrial goods and production, agriculture and subsidies on agricultural products, and removal of tariffs. Incidentally, unhindered market access is a core requirement in neo-liberal position regarding free trade. But the negotiated details on this in EPA (2014 text) regarding influx of manufactured goods and agricultural produce from the EU have remained largely unresolved.

However, the third assumption in this study that the EPA will intensify, rather than reduce inequality between ECOWAS and the EU, may or may not be justifiable when viewed from neo-liberal institutionalism perspective. The theory actually posits cooperation among nations under supranational institutions based on the principle of equality. In reality though this

is never the case and it is perhaps one weak area in the theory as far as the core issues in this study are concerned. Whether within global supranational institutions (WTO) or trade relations between regional institutions (ECOWAS Commission and EU Commission), it is obvious that neo-liberalists do not deal effectively with the questions of nations that are not equally economically empowered relating in a cooperative manner on the international stage.

On the other hand, the benefits of cooperating through the mechanism of these supranational institutions can obviate the obvious inequality. For instance, incidents that could lead to conflicts in which the less powerful of the two parties suffers are significantly reduced as neo-liberalist have envisioned. This is in fact the claim of the EU, and WTO as well (since it can mediate and get more powerful partners to treat the other parties fairly). As a matter of fact, since the adoption of the principles guiding EPA in their relations, cooperation among nations as neo-liberalists advocate has expanded significantly. From trade to political and development-related issues, member states of ECOWAS especially have received assistance in areas that they have initially considered internal affairs such as conduct of free and fair elections, combating insurgency, tax reforms etc. This has, no doubt, led to a level of stability in the region which can encourage cooperation regionally and inter-regionally in yet some other areas. Furthermore, this cooperation has spurred a change in pace of ECOWAS regional economic integration is some aspects such as CET, tax reforms, and deficit financing all of which are in tandem with WTO neo-liberalist position on such matters.

Another relevance of the neo-liberal theoretical framework in this study is the centre stage that governments occupy in trade-related partnership agreements. This role played by the government – internally and externally – is one that is in the calculations of Neo-liberal Institutionalism, unlike many other liberal approaches that rule out the involvement of

governments in trade-related matters. Just as neo-liberals propose, governments of ECOWAS member states and the EU are the ones that have cooperatively empowered their respective supranational institutions to negotiate on their behalf. These governments are the ones that adopt the agreement for implementation or reject it on behalf of their nations.

Generally, the view held by Neo-Liberal Institutionalism that the international system is anarchic, that states are rational unitary actors, that cooperation is possible through international regimes and institutions and they are more than likely to focus on long-term benefits instead of short-term goals (collective goods) have been amply demonstrated in the circumstances that led to the formation of the WTO and in ECOWAS-EU relations in the period under study. This is particularly obvious in the expanding areas of cooperation among ECOWAS member states, between ECOWAS and EU, as well as in the legal framework for the next phase in the implementation of neo-liberal ideals on goods that the EPA text contains.

CHAPTER SEVEN

SUMMARY, CONCLUSION AND RECOMMENDATIONS

7.0 Introduction

This chapter gives a summary, conclusion and recommendation of the study. It is thus divided thematically into Summary, Conclusion as well as Recommendations.

7.1 Summary

Trade Agreements are one of the essential vehicles by which relations are driven on the global stage. The EPA regime powered by the WTO rules and given expression in the Cotonou Partnership Agreement and the Economic Partnership Agreement has proved to be the vehicles in the relations between West Africa and EU in the last fourteen years that this study covers. The latest of the agreements is a comprehensive document that states the conduct of relations between the two regions in the areas of goods and development cooperation issues. Other issues such as peace and security as well as political and social issues are found by the researcher to have been stated in other documents too, with the categorical statements that such form part of the areas covered by the EPA, including its development programmes such as the EPADP.

EPA regime is a fallout of the WTO rules, a body to which West African countries and EU belong. EPA is negotiated by EU with West Africa as a result of the decision of leaders to have an agreement that is specific to their region. As far back as 2000, CPA had stated areas that would be negotiated in EPA and the principles that would guide the negotiations on trade-related matters. Both Parties knew they had to abide by these requirements. When the EPA was being negotiated however, West African member states began to see more clearly some of the

unfavourable impacts the trade-related provisions might have on their economies, leading to contention. Others saw the more positive impacts; but this depended on a host of factors. The study found out that some West African countries had signed the negotiated EPA because they did not want their economies to be harmed by not signing. Others, Nigeria, Gambia and Mauritania had not signed, claiming that the negative effects of the trade related aspects on their economies were more than the positive aspects. Nevertheless, the EPA had been initialed by the Chief Negotiators of the two Parties i.e. ECOWAS Commission President and the European Commission President. More talks are going on to get the three countries that are yet to sign to do so. Meanwhile, aspects of the EPA are being implemented in phases as agreed by both parties, and trade relations continue to be run effectively based on the provisions of CPA that remains operational until 2020. This is the current state of the trade relations between West Africa and EU.

Disagreements over some provisions in the EPA, and the position of EU that the review clauses will be invoked to resolve the disagreements, signal that negotiation of the partnership agreement is a continuous process and will remain a regular feature in the ECOWAS-EU trade relations far into the future. In the post-2014 period, the two Parties still attend regular meetings in order to deal with issues, programmes and projects that have been agreed as preparatory to the execution of EPA. Negotiations and discussions also continue between them on other aspects (not those disagreed on) of their relations, especially the development cooperation aspects.

Certain trends have been noticed in the ECOWAS-EU relations in the fourteen years covered by this study. One, with the EPA regime, trade relations between the two has left the realm of the consideration of historical links between West Africa and EU, and is being brought in line with the dictates of a rule-governed world trading system. Two, trade relations between

the two Parties are increasingly becoming legalistic in nature as the provisions in the agreements are binding, and a third party may be needed to adjudicate in cases of disputes. Three, agreement on trade-related issues is seen as dependent on other development-related issues such as security and good economic governance, without which trade cannot thrive. This has led to extensive agreement in areas of development, as well as peace and security cooperation. Four, in spite of the contention over details of the agreements, the West African region is convinced that it does not want to lose the benefits inherent in integrating the economies of the region. In the event, West Africa (especially a dissenting nation like Nigeria) appears prepared to continue to dialogue until it gets what it considers a 'better' deal in what the EU is willing to offer under EPA.

Moreover, the two Parties cherish their relations, and they feel closer to each other more than any other two regions of the world. By and large, West Africa wished EU would find ways to treat it as a brother, in spite of the requirement to abide by WTO rules and as complied with in EPA. Five, in spite of the criticism of the 'harsh provisions' in the agreements and the need to abide by rules of the WTO, this study considers that it is improbable to conceive of EU that will not find means to give West Africa special preferential treatment in one form or another. This may be in the area of trade or otherwise. This is because of the deepened relationship between the two made so by other well-known factors. Therefore, while trade partnership agreements between the two Parties have significantly redefined their relations and both sides will have trade conflicts to resolve from time to time, other relevant factors are certain to sustain and keep their trade relations strong.

Above all are some of the positive effects that the EPA regime has had on ECOWAS national/regional work plan in the period under study, and none of which ECOWAS would like

to see reversed. As already explained, a major self-declared objective of the EPA (2014 text) is to encourage regional integration that ECOWAS has as a plan. However, through the phased execution of free trade principles which inform EPA in the period under study, this has had a double-edged effect. One has been the national/regional reforms undertaken to meet neoliberal ideals of free trade, and the other is the regional integration process the effect of which is explained in detail in Chapter 6.2 (Item 1). The establishment of the ECOWAS Directorate of Multilateral Surveillance (2015) which engages in an appraisal of the economic performance of each member state in relation to the regionally agreed criteria i.e. the macro-economic convergence criteria is perhaps a clear indicator of this outcome. Equally, it must not be forgotten that part of the contributions to these regional programme is generated from funds from the EU, especially its EPADP, or agencies that support EU free trade ideals in different parts of the world.

Nevertheless, it must be acknowledged that there remain some hurdles in ECOWAS-EU relations and by extension progress in EPA in the context of their trade relations. Some of such hurdles include the following:

1. Lack of trust in EU by ECOWAS member states- Given the historical antecedent especially on the trade front, both government officials and the West African public remain ever suspicious of the real intentions of the EU concerning EPA. Generally, DCs and LDCs view agreements between them and developed countries with distrust, but they view agreements concerning trade with the Europeans with even greater distrust. This is obvious from comments made to the researcher by ECOWAS officials and people from the region's private sector. As far as one particular West African diplomat is concerned, EU does not mean well for West Africa with the push to adopt the EPA. According to him, the EPA basically targets the Nigerian

market, and he is pleased that Nigeria has yet to agree to adopt the EPA in its current format. He says EU wants Nigeria's market, it has no other means of getting it so it resorts to negotiating partnership agreements of equals in the EPA when EU knows this is not realistic. Other individuals who feel the EPA should be signed and that it has advantages for the region express their suspicion about Europe's motive nevertheless. While commenting on CCTV, China's satellite TV station in November, 2015, about China's relations with Africa and with respect to the 2015 FOCAC summit that took place in South Africa, a discussant, an African, had this to say: "Whenever China come to Africa, they say, this is what we want, this is what we will do, this is what we are getting out of it; what do you want? But Europeans don't say what is in it for them. They hide it?"

This kind of distrust expressed by West Africans was common, and the researcher encountered it in government offices, among diplomats, and even among officials who had been in delegations that negotiated the EPA with EU. Often, when some of them chose to express themselves concerning how strongly they really felt about Europe's intention with regard to EPA, they asked the researcher to ensure that it was "off record." Sometimes, they asked the researcher to switch off his recording device before they freely expressed themselves. The general notion among them is always that Europeans want to enslave West Africa once more, using the instrumentality of the EPA. Suspicion of EU is a major hurdle that has been built by years of learning not to trust not only Europeans but white men in general, especially by millions of West Africans who do not have close contact with Europeans. People in this category automatically buy into arguments that are anti-Europe, no matter what the issue is. A case in point are the issues surrounding the activities of the International Criminal Court, and the recent trial of some African leaders in the court. Many Africans do not see the positives in ICC, they

simply follow the argument their leaders give that ICC is created to victimize Africans. As for EPA, all that one needs to do is open an online news page that discusses what is seen as negative provisions in EPA, and the comments of readers on this show who is winning the minds of the masses – the EU, or anti-EPA West African elements who have learnt to instinctively distrust any agreement with Europeans.

2. The view that Europeans care more about rules than the unenviable economic condition of West Africans- The acrimony over EPA negotiations has piled up, and has created the impression that the Europeans are more concerned about implementing the rules made in EPA than for the projected human misery that anti-EPA elements have suggested will be the outcome of its implementation. (EU's position is therefore like leaving sentiments and emotions in order to objectively implement what the rules say. This is a situation an average West African does not fully grasp.) Evidence that EU is keen about sticking to rules and time frames rather than take its time to pay closer attention to the discomforts expressed by ECOWAS member states with a view to finding solutions to them could be gleaned from the strict similar time frames adhered to in the negotiation of EPA with other economic regions on the African continent (see Appendix 2). Like ECOWAS, interim EPA were signed with willing nations in 2007-2008, while the negotiations of regional EPAs were rounded off in 2014. This happened in spite of the reservations that had been expressed by the nations in each of these economic blocs.

The same view about EU's penchant for rules and time frames in spite of expressed reservations has also been expressed by citizens of CARIFORUM (as noted in Chapter 5 of this study). Diplomats from West Africa have equally expressed their displeasure about it to the researcher. How the minds of West Africans work with regard to rules and time frames is a phenomenon that, this researcher submits, EU officials do not understand so well. EU officials

are from rule-based societies, or rather societies where people have been conditioned to stick to what the rules say; otherwise they have to face the full weight of the law, no mercy. Out there, there is emphasis on the rule of law. What the law says is exactly what it says; the time set is the time, the law once made must be implemented, and enforcement is stricter. This is not exactly the case in the West Africa region. West Africans have laws, they obey laws; but other issues come into play in the process. This is an environment where a government official sacked for corrupt practices could run to an Emir/Oba/Obi or any other influential personality, plead for intervention because he has a large family to cater for, and he is restored to his post as a result of the intervention. In this case, sentiment and emotion has played a part, but in Europe the rule is more than likely to be allowed to follow its course. By contrast, a West African official will consider rules, but he will also remember obligations from cultural, religious and kinship ties as well. He may even avoid some rules because it is against his religious obligations. That is how tenuous the matter is on the side of West Africa. The West African official who sits with Europeans to negotiate EPA may exhibit all of this, and he is more than likely to be sentimental, giving thoughts to dozens of his people back in his village or town that depend on income from a small scale factory which may have to close down if certain provisions in the market access rule in the EPA are executed. Coming from this position, he may speak more against EPA, and advise politicians back home accordingly.

To fail to recognize that the sophisticated, highly educated men and women that represent ECOWAS at trade negotiations in world capitals can think this way and offer advice to their governments accordingly is to fail to appreciate the traditional, cultural and emotional ties that officials representing ECOWAS have to their people. This region is a highly cultural, tradition-driven, religious, and kinsmen-focused environment. Officials do not see partnership agreements

as cold impersonal rules on paper as Europeans appear to see them; beyond the agreements, West African officials also see the condition of their people who will bear the implications of the EPA that appear rather harmless on paper.

At the conference on EPA which EU Delegation to ECOWAS organized in Lagos between November 5th-6th, 2015, the Head, EU Delegation to ECOWAS responded to a question by saying that EPA negotiation had been concluded, it could not be reopened, and that any other contentious issue would have to wait for a review process after it had been signed as scheduled. This sounded straightforward enough to a European mind because such position kept things in their logical order and as scheduled by the European Commission. However, the average West African cannot understand this; he sees written documents as something that could be rewritten and made to care for needs of those that write it. The position of the Head EU Delegation would seem incomprehensible to a West African who feels for those close to him back home that may lose jobs before any aspect of a signed EPA is up for review. A West African, except for lawyers, would not understand how a written word can be so sacred that it cannot be touched in order to take care of people's immediate needs on the premise that negotiations have been concluded. That would seem to him a cold and impersonal way of treating what he considers a risk to his kith and kin who may be negatively affected, and whose burdens culture requires that he shares.

3. Concerns over negative intra-regional trade- Although one argument from EU for EPA is that it will encourage integration of the economies of West African region, as shown in Chapter 2 of this study facts are on ground as to the reason nations in the region trade with Europe more than they trade among themselves in West Africa. For the moment, this situation has yet to change, and there is fear that with EPA what will happen more is that some nations in

the region will take goods from Europe and move them to other markets across West Africa (a worry Nigeria has expressed because its market is a destination). As this goes on, these same nations will continue to send their raw materials to Europe to, among other reasons, offset their balance of payment deficit. This is an uncomfortable possibility for a nation like Nigeria to consider. It has the vision to access West Africa's market, but it worries that its national economic objective will be destroyed when Europe floods the region with goods, making Nigeria even a bigger haven for smugglers in the process.

4. The anti-EPA position of a section of the private sector- Information disseminated to the private sector in West Africa and in Nigeria in particular is largely anti-EPA. It is rare to find small or medium scale producers who favour an agreement that will bring big, better resourced EU companies to their countries. Farmers' associations have spoken strongly against EPA. Manufacturers associations (e.g. Manufacturers Association of Nigeria), have been commending the Federal Government for not signing the EPA. These are bodies that are vocal, influential and have the ears of government officials.

Involved in the anti-EPA battle with the private business sector is the large pool of local and international aid agencies that publish reports of how EPA will negatively impact their specific area of operation, as well the economies of the countries where they operate. Some reports have been on West Africa, others have been on Africa as a whole, and yet others are on ACP countries in general. The pictures painted in these reports can make a reader hate EPA without ever reading the content of the EPA document itself, a thing that the researcher in the course of this study has had cause to surmise as the exact situation.

Other non-governmental organizations, local and international, are not left out in the anti-EPA crusade. Some of them that work to reduce poverty in West Africa and in other regions of

the continent have published alarming reports of how EPA will wipe out their achievements in poverty reduction in just a few years, if not months. Members of the public read and get to hear about the high figures of the damages that these bodies say EPA will do to the poor in West Africa, and they take their cue and argument from there. This had created a large pool of resentment against EPA, and if such a policy issue had been featuring in election campaigns across West Africa, one could safely argue that some of the countries that signed up would either not have signed, or the electorates would have had governments that signed EPA voted out of power.

Moreover, West Africa is a region where many major services are provided by the government. Also, West Africa with its development challenges has a large population that depends on government patronage to be lifted out of poverty in any significant way. Unlike developed economies where it is accepted that government has no business in business, development challenges force governments in the West African region to take more interest in business and the provisions of certain services. Governments find it difficult to withdraw from supply of motor spirit in many countries in West Africa. The same applies to electricity supply where the slightest hike in tariffs leads to public protests. From the perspective of governments in this kind of clime, it is difficult to match some of the provisions of EPA with local reality. This is a hurdle to cross for governments across the region, aside from several others.

5. Fear of the unknown that EPA has created- The West African economic environment is fragile, and any political leader would want to think twice about the possible implications of EPA on the welfare of the state and citizens. In a region that is used to doing things in a particular way, there is no doubt that immediate shocks would be experienced in some aspects as seen in the provisions of the EPA. Experiencing the shock and how to get out of it have become

sources of concern. EU officials have pointed out that EPA should be signed first, and it is only in implementing it that anomalies could be noticed and be revisited, if necessary. Trade experts at ECOWAS (Directorate of Trade, 2015) have also argued that competition from outside the region should not be a reason to fear the implementation of the agreement, and that the main thing in any trade agreement is about capacity to seize and maximize the opportunities that are built into it.

Many diplomats and politicians in West Africa do not see it this way. With the negative noise that has heralded EPA, they do not see a simple, seamless transition with respect to some of the provisions. Instead, there is this conception of a tsunami, implying that the economies of West African countries will be thrown into turmoil, that small and medium scale factories will be forced to close down within days as Europe floods their markets with goods, and millions of citizens will be without job, thereby creating more social and security problems for countries and the region. Even if the impact is not as serious as has been painted, the possibility of any citizen losing job, however remote the possibility, or far in the years ahead it may be, is not a situation that diplomats and politicians in the region are willing to consider.

6. Nigeria's refusal to sign the EPA in its current form- Thirteen of the countries in West Africa have signed the EPA, leaving the Gambia, Nigeria and Mauritania. Refusal of Nigeria to sign actually emphasizes what the problem with EPA is. Nigeria has been cooperating well with WTO over the years through its national programmes such as privatization etc. Bills meant to fastrack implementation of free trade principles in the country are passed by the Nigerian Parliament, and in recognition of Nigeria's progress along this line its Minister of Trade is elected as Vice-president of the WTO Conference on Trade (NTA, 2017). Yet the country has staunchly resisted signing the modality for free trade practice with the EU as currently contained

in EPA. But Nigeria is crucial because of its place in the West African region. It has more than half of the region's population. It is the largest economy on the continent, the largest in West Africa and without it the integration agenda of the region cannot work so effectively. This explains how much a cog in the wheel Nigeria's refusal to sign the EPA is to the process. However, EU has said it will continue to hold dialogue to persuade the Nigerian government in order to get EPA signed.

7. Weaknesses of countries in West Africa- Countries in the region exhibit some common weaknesses with respect to their ability to implement the EPA, as well as other trade issues. One of such is their technical capacity in the area of manpower to manage aspects of the agreement. The implementation will require technical depth that many countries in the region do not have at the moment. Except for some of the reforms carried out by governments in areas such as customs and so on, administration of trade related issues in the region remain highly manual, rudimentary and subject to diverse human manipulations that have rendered this aspect inefficient, and may not be effective for the management of EPA provisions. Some of these weaknesses could be gleaned from the level of technical assistance EU had had to offer West Africa on several issues. A diplomat informed the researcher in the course of interview that some of the negotiations on the international stage that West Africa was part of had involved the other parties providing logistics and technical assistance to the West African delegation. This is a common occurrence and it is doubtful how much of the requirements for the execution of EPA the region will be able to fulfill even as capacity building continues. West Africa also lacks needed fund. As a matter of fact, EU has had to provide the fund utilized in making pre-EPA preparations in West Africa in the past years. Moreover, more funds needed to put other mechanisms in place to facilitate the

implementation EPA have become a source of contention, with West Africa accusing EU of not releasing enough funds.

7. Lack of ready alternative source of revenue - EU has predicated some of its arguments on the assumption that when West African nations move away from import duties as EPA requires them to do, they can depend on revenue from tax revenue as it is the case in advanced countries. This is easier said than done. West Africa is one region where it has been reported that most citizens are outside the formal sector, so most do not pay their tax. Reform undertaken to get people to pay their tax will take time to yield fruit. The effect is that this still leaves decision makers in places such as Nigeria skeptical as to where they will recover the huge loss of revenue that the implementation of EPA entails.

8. The threat of mega-regional trade agreements – As deep integration partnerships between regions (comprising developed nations) with a major share of world trade and foreign direct investment (FDI), the two most significant mega-regional trade agreements, Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP) have been described as posing danger to developing nations. They also constitute a risk to EPA as negotiated between ACP and EU. They are also seen as costly distractions for the World Trading System as known in the past 25 years. According to WEF (n.d.) both TPP: 26.3%; TTIP: 43.6% would affect at least a quarter of world trade in goods and services and of global Foreign Direct Investment (FDI).

If these trade agreements and their power configuration take over the existing arrangement, it will prove dangerous for the WTO which might soon disappear in a world where rich nations are bent on writing new rules. This is a discouragement for developing nations. In other words, while ACP nations are trying to come to terms with the WTO, developed nations

are moving on to set up new rules that will throw developing nation into more difficulties, raising concerns as to whether or not the EPA challenge is worth taking on.

7.2 Recommendations

In view of the above, this study makes the following recommendations:

1.

Current global politics dictates that FTA is the norm, and there is no escaping it by ECOWAS member states. Therefore, countries in the region need to improve significantly on their governance process if they must provide conducive environment for competitive trade to thrive and enhance consistent development in the region as a whole. This is because no matter the level of a better deal or preferential treatment they receive from EU, if actions of political leaders lead to instability and frequent disruption of economic activities, such deal will not amount to anything. In addition to this is the need for fiscal discipline. Wasteful government expenditure must be stopped in order to make revenue available to pursue policies that promote trade.

2.

The integration process of West African economies under the EPA arrangement should be intensified because there are advantages in it. This, of course, is one of the major objectives that EPA promotes. Benefits from a better integrated West Africa will lead to rapid development of the region, no matter the extent of the negative aspects of the EPA. The region itself is large enough to be economically buoyant and through trade lift itself out of the challenges confronting it. But there is not as much intra-regional trade going on at the moment as the potentials indicate. This should be improved upon.

3.

West African nations must diversify their economies. EU in particular works from the position that, with diversification, ECOWAS member states have opportunity to export more products to the EU and thereby shore up their revenue base. There is an urgent need for this because diverse revenue sources leave the region less vulnerable to negative price fluctuation, thereby placing it in better standing in its trade relations with the EU.

4.

Good political and economic governance in ECOWAS member states is called for urgently, and more than ever before. One aspect to this is predictable and regular transition through free and fair elections. This produces stable, purposeful and accountable leadership. The other aspect has to do with good fiscal policy that drastically curbs wastage, corruption and strict implementation of policy decisions regarding developmental and industrialization issues. As listed in this study, opportunities to put ECOWAS member states on strong footing in this respect have been missed over the years due to political instability and poor governance, coupled with escapism that saw developing nations turning to the Socialist world during the cold war, each time they found the neo-liberal demands of the Western world unpalatable. Now these demands are unavoidable. As such an immediate turnaround in political and economic governance is needed.

5.

There is need for more dialogue between West Africa and EU on EPA. There is also the need to engage relevant stakeholders including the academia and the private sector whose views are relevant in shaping opinion of the larger public. This is needed at this time to counter much of the misinformation about EPA that is prevalent.

7.3 Conclusion

Partnership Agreements have become indispensable tools in trade relations. The EPA between ECOWAS and EU has stated in print what the duties and rights of either side are. Generally, the contentious areas in EPA will not impede their relations. The negotiated text may impact some segments of their trade relations in particular, more so as deadlines to meet some other requirements in free trade compliance are set by the WTO and EU itself threatens consequences for nations that do not sign the EPA. In other aspects however, ECOWAS and EU relations have been made stronger and closer by some of the measures undertaken under the EPA regime since 2000, and it is the position of this study that this will positively influence the manner they handle subsequent disputes arising from their trade disagreements. As it is, thirteen member states in the ECOWAS region have signed up, leaving Gambia, Nigeria and Mauritania. Nigeria wants to sign up, but subject to major reviews. The other countries, despite signing up, have asked for review too at one point or the other. EU has reiterated that it is not averse to review. According to Head EU Delegation, the negotiation has been concluded, review can only be carried out as stipulated in clauses in the EPA, and this shall be between ECOWAS Commission and European Commission, not between any aggrieved member state and EU. Somewhere in the midst of this, this study is convinced that the strong ties the two regions have always had would assist them in finding a common ground on disagreements that momentarily present a challenge to their trade relations.

This study takes careful note of some of the issues regarding free trade, and how they affect relations between ECOWAS and the EU. Such, as noted in Chapter 2, include elimination of a major source of government income by eliminating tariffs. It is argued that this inevitably results in decreased social spending on education, health care, and other vital social services

(www.citizenstrade.org, 2014). However, this study is of the view that there is one straight line between the lack of competitiveness of most local industries, lack of growth in the non-oil sector, bad governance, and corruption (as had been proven in the case of Nigeria where so much looting of public fund under the Goodluck Jonathan Administration (2010-2015) led to a situation where government had no cash to pay salaries of workers). Based on this, the study concludes that ECOWAS should sign EPA, even as it continues to seek ways to secure for itself better condition under the regime, take hold of some of the advantages it contains, as well as adopt good economic and fiscal governance devoid of corruption internally.

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Appendix 1

Interviews/ Email interviews/Chats with ECOWAS and EU officials at the ECOWAS Commission and the EU Delegation to ECOWAS

	Directorate/Post	Name	Date/Venue of Interview	Remark
ECOWAS	Trade/Director of Trade	Dr Gbenga Obideyi	May 2014/Sept. 10, 2014/ Oct. 8, 2015/ ECOWAS Commission Annex, River Plaza, Central Business District, Abuja.	He leads ECOWAS technical negotiation team (on EPA) with EU. The initial contacts (May 2014) with Obideyi (a former university lecturer) provided vital insights that assisted this study in the selection of researchable areas in EPA.
	Trade/ Principal Programme Officer (PPO)	Mr. Peter Joy Sewornoo	Oct. 23, 2015/As Above	He is effectively the officer in charge of Trade Issues/Deputy to Director of Trade
	Directorate of Customs/ PPO	Mr Felix Kwakye,	Oct. 23, 2015/As Above	
	Monitoring and Evaluation Unit/ Head	Mr Adjogou Akou	May 2014/ ECOWAS headquarters, Asokoro, Abuja	Mr Adjogu has since retired.
	Monitoring and Evaluation Unit/PPO .	Mr Franck Afam	October 8, 2015/ ECOWAS headquarters, Asokoro, Abuja	
	External Relations Department/PPO	Mr Jerome Boa	October 15, 2015/ ECOWAS	This Directorate says it has been assisting students from Political

			headquarters, Asokoro, Abuja	Science (ABU) for a long time. It would not mind having a letter of acknowledgement of this from the Department which it could keep for record purposes.
	Directorate of Macroeconomic Surveillance/Acting Director	Dr. Nelson Magbagbeola	October 23, 2015/ ECOWAS Commission Annex, River Plaza, Central Business District, Abuja.	This Directorate is in charge of regional integration policies and has good knowledge of how EPA-related programmes have been executed by ECOWAS member states and at the ECOWAS Commission
EU Delegation To ECOWAS	Head EU Delegation to ECOWAS	Ambassador Michel Arrion	November 5^{th}-6^{th}, 2015/Lagos	Ambassador Arrion invited the researcher to the conference on EPA that he hosted at Eko Hotel, Lagos, Victoria Island, Lagos, on November 5^{th}-6^{th}, 2015. Although the researcher personally asked him for formal interview, he insisted that the person to respond most appropriately to questions on EPA was the Head, Trade and Economics, EU Delegation to ECOWAS, Abuja. Nevertheless, Arrion's speeches and remarks at the conference on EPA in Lagos recorded by the researcher offered useful insights into EU's position on EPA.

	Head, Trade and Economics, EU Delegation to ECOWAS	Mr Amanto Felipe	November 5^{th}-6^{th} , 2015	He attended the conference on EPA at Eko Hotel, Lagos, on November 5^{th}-6^{th} , 2015; organized by the EU Delegation to ECOWAS. He responded to interview questions.
	EU Delegation to ECOWAS/Head, Trade and Econmics	Mr De Luca Massimo	May, 2014/EU Delegation office, Business District, Abuja.	Initial contact with Massimo back in May 2014 provided vital insights that assisted in selecting area of research for this study. Massimo was later transferred to South Africa where he works in the same capacity. He attended the conference on EPA in Lagos, Nov. 5^{th}-6^{th} 2015.
	Commissioner of Trade, European Commission, Brussels, Belgium	Mrs Cecilia Malmstrom	November 5^{th}-6^{th} , 2015	Malmstrom was a member of Panel at the conference on EPA at Eko Hotel, Lagos, November 5^{th}-6^{th} , 2015, organized by the EU Delegation to ECOWAS. Her speech at the EPA Conference offered useful insights. She also had email interview questions sent directly to her responded to.
	European Commission/Head of Unit, ACP and Development Issues, DG Agriculture and Rural Development, Brussels, Belgium.	Mr Francis Fay	November 5^{th}-6^{th} , 2015/Lagos	Fay was a member of Panel at the conference on EPA at Eko Hotel, Victoria Island, Lagos, November 5^{th}-6^{th} , 2015, organized by the EU Delegation to ECOWAS. He responded extensively

				to interview questions from the researcher at the conference venue.
	European Commission/ Deputy Head of Unit, ACP and Development Issues, DG Agriculture and Rural Development, Brussels, Belgium.	Mr Jules Seitz	November 5th-6th , 2015/Lagos	Seitz attended the conference on EPA at Eko Hotel, Victoria Island, Lagos, November 5th-6th , 2015, organized by the EU Delegation to ECOWAS. He responded extensively to interview questions from the researcher at the conference venue.
	Directorate-General for Trade/Deputy Head of Unit, Economic Partnership Agreements - ACP, Overseas Countries and Territories, Brussels, Belgium.	Vahl Remco	Nov.2015	He responded to email interview questions.
	European Statistical Data Support (ESDS) EUROSTAT, Central Support.	Kraszewska Katarzyna	Nov. 2015	She responded to interview questions by email.
Private sector players (Nigerians and Foreigners)	Dangote Group/ Group Vice-President, and Chairman, NABG.	Alhaji Sani Dangote	November 5th-6th , 2015/Lagos	Dangote was a member of Panel at the conference on EPA at Eko Hotel, Victoria Island, Lagos, November 5th-6th , 2015, organized by the EU Delegation to Nigeria and ECOWAS. He responded to questions posed by the researcher at the event.
	Nestle Nigeria Plc/ Managing Director/CEO.	Mr Dharnesh Gordhon	November 5th-6th , 2015/Lagos	Gordhon was a member of Panel at the conference on EPA at Eko Hotel, Victoria

				Island, Lagos, November 5th-6th , 2015, organized by the EU Delegation to Nigeria and ECOWAS. He responded to questions posed by the researcher.
	TGI Group/Deputy Group Managing Director.	Mr Christian Wessels	November 5th-6th , 2015/Lagos	Wessels was a member of Panel at the conference on EPA, Eko Hotel, Victoria Island, Lagos, November 5th-6th , 2015, organized by the EU Delegation to Nigeria and ECOWAS. He responded to questions posed by the researcher.
	Olam Nigeria Limited/Rep.	Ms Jennifer Abuah	November 5th-6th , 2015/Lagos	Abuah was a member of Panel at the conference on EPA, Eko Hotel, Victoria Island, Lagos, November 5th-6th , 2015, organized by the EU Delegation to Nigeria and ECOWAS. She responded to questions posed by the researcher.
Nigeria's Government Ministries	Officials		Oct, 2015/Abuja	Most of these officials wish to remain anonymous. They offered useful unpublished materials/memos relating to trade and ECOWAS-EU relations.

Appendix 2

OVERVIEW OF ECONOMIC PARTNERSHIP AGREEMENT NEGOTIATIONS BETWEEN EU AND OTHER REGIONS IN THE ACP

(July 2014)

REGION	NEGOTIATING DIRECTIVE	CURRENT STATUS	NEXT STEP
ECOWAS The regional agreement covers good development-cooperation and includes rendezvous clauses providing for further negotiations on services and rules chapters. Both sides will now prepare the signature and subsequent ratification of the agreement.	All EPA negotiations: Council Decision on 17 June 2002 – provides for WTO-compliant agreements, covering "substantially all trade" in goods (at least 80%) + services, investment and trade-related rules, with a view to fostering ACP integration into the world economy thereby promoting their sustainable development	Two West African countries, Côte d'Ivoire and Ghana, initialled bilateral "stepping stone (or "interim") EPAs" with the EU at the end of 2007. The interim EPA with Côte d'Ivoire was signed on 26 November 2008. The interim EPA with Ghana has not been signed. Neither agreement has been ratified; both will be replaced by the EU-West Africa EPA. West-Africa-European Union negotiations of an Economic Partnership Agreement were closed by Chief Negotiators on 6 February in Brussels and the agreement was initialled on 30 June 2014. On 10 July 2014, ECOWAS Heads of State endorsed the EPA for signature.	

Central Africa	As Above	Cameroon signed the interim EPA for Central Africa as the only country in the region on 15 January 2009 and ratified it on 22 July 2014. European and Central African negotiators have discussed at technical level on market access, services, cultural cooperation and accompanying measures. Progress has also been made on the text of the agreement. The negotiations are currently delayed because of the situation in the Central African Republic. The mandate of the Central African negotiators has been updated at the end of March 2014 and negotiations are expected to resume on this basis.	Following notification of ratification of interim EPA by Cameroon, the Agreement will enter into provisional application on 4 August 2014 and the iEPA Committee will be convened thereafter. Regional negotiations are focusing on market access, rules of origin, services and investment, cultural cooperation, accompanying measures (development cooperation) and fiscal impact. Market access and development assistance, in particular, require further discussion. Next round: No dates have been set
EAST AND SOUTHERN AFRICAN (ESA)	As Above	In 2009 Mauritius, Seychelles, Zimbabwe and Madagascar signed the interim Economic Partnership Agreement (EPA). The Agreement is provisionally applied	Last round of negotiations of regional EPA took place in Mauritius in November 2011 on the basis of a joint draft text. Further progress in the negotiations is linked to presentation of the

			since 14 May 2012. The European Parliament gave its consent on 17 January 2013. The inaugural interim EPA Committee was held in October 2012 in Brussels, the second meeting took place in May 2013 in Mauritius and the third meeting took place in Brussels in January 2014. The Customs Cooperation Committee and the Joint Development Committee were also held alongside the interim EPA Committee.	market access offers for both goods and services by the ESA states. Other open issues are inter alia export taxes, special agricultural safeguards, rules of origin and cumulation, export subsidies, non-execution clause, institutional provisions and dispute settlement. Next round: No dates have been set. Meeting of the interim EPA Committee: The fourth meeting will take place in the Eastern and Southern Africa region at a date and place to be jointly decided.
EAST AFRICAN COMMUNITY	As Above		Burundi, Rwanda, Tanzania, Kenya and Uganda initialled a framework EPA (mainly dealing with trade in goods) on 28 November 2007, and are now negotiating a comprehensive regional EPA. The framework agreement has not been signed or ratified. Following a Ministerial meeting on 30 January 2014	Both Parties agreed to seek ministerial guidance with a view to convening in due course a final ministerial meeting. . Next meetings: to be convened

		in Brussels, Technical and Senior Officials met in Nairobi on 25-27 March and made substantial progress. The main outstanding issues are the export taxes and the non-execution clause. Senior Officials met in the EAC region on 23 July 2014.	
SOUTH AFRICAN DEVELOPMENT COMMUNITY (SADC)	As Above	On 15 July 2014 the EPA negotiations were successfully concluded in South Africa. This ended ten years of negotiations and produced an Agreement that should replace the interim EPA signed by the EU and by Botswana, Lesotho, Mozambique and Swaziland in June 2009. That agreement was never ratified.	The EPA is a comprehensive agreement with the whole SADC EPA Group including South Africa. The Agreement will now be "scrubbed" and prepared for signature.

Adapted from European Commission website.

Appendix 3

At the EPA Conference organized by the EU Delegation to ECOWAS – November 5-6, 2015, Lagos. The following are direct responses to the questions asked by the researcher to members of the Nigerian private sector who were on the panel at the conference.

1. Sanni Dangote - Group Vice-President, Dangote Group, Nigeria (Chairman of Dangote Group, Alhaji Aliko Dangote, is on record as the richest man in Africa) -

"Our position on EPA, and I think this is for the majority of manufacturers, is that majority of us have no worries about the EPA. But obviously there are those who are not yet very much there…When they had the CET, the Common External Tariff, which was signed by the last administration (Goodluck Jonathan Administration, 2010- May, 2015), the country (Nigeria) should have been against the CET. Because when you look at the details of the CET it makes things to have become common within ECOWAS. What that means is that countries that can produce things can now package them and they can now come into Nigeria, and we know all of this allows the industrial base to produce. For some, rather than fight against the provision of the CET, they are now fighting what it would take Nigeria to export. Most of these companies that are against it are looking inwards, they are just here producing for Sagamu or some other towns, instead of thinking beyond that: how can I expand beyond Nigeria and ECOWAS area? There is no magic about being competitive, it is just about thinking beyond the box – that if I am here, why can't I go there. If I am here, why can't I move to the next stage? That is what the Nigerian entrepreneur is afraid of. Why would we be afraid? And there is another thing some of these companies don't see; they are actually not producing, they are packaging, doing packaging and selling (to local market). And you know what, what those kind of companies need to do is to stop, to look inward and think of how they can create capacity to be able to export. Those aspects where the EPA wants to remove tariff are given almost twenty year period. They are not asking you to liberalise them; it is a continuous process, which allows you to develop your capacity to be able to compete in those items. Competiveness is an on-going thing; it is like pursuing excellence, it is an everyday journey; you are never going to get there unless you decide to quit. But it is going to be everyday work. This is the thing with competitiveness…and we should sign the EPA."

b. Rahul Colaco, MD, FrieslandCampina WAMCO Plc (Makers of Peak Milk and other products).

"Everyone is here to do business; Europe is here because there is a country (Nigeria) that has a population of 180 million. How many of the 180 million can the EU business open up? This (EPA) is about opportunity.

I think we should be talking about negotiation; I mean the right negotiations with the business community (having stated earlier that most arguments against EPA had been from the perspective of small scale local manufacturers), and this will have to consider what is good for the people (quality products from which consumers could choose, rather than junk). As for our company, we have been here fifty years; we provide employment for so many people and we are in partnership and we will continue to do business whether they have the EPA signed or not. We will do everything we can to make this a sustainable business venture."

c. Dharnesh Gordhon, MD/CEO, Nestle Nigeria Plc.

"We are not afraid of competition. If anything, we want competition from people that come here to add value to the society; not competition with people that come here to throw lousy stuff into the market that is not good for the people of the country. People bring in things that have expired, that is the competition we don't want. So as manufacturers that produce the right kind of goods that are good, there is so much opportunity in Nigeria. So certainly it (EPA) is not something that we concern ourselves with."

d. Ms Jennifer Abuah, OLAM Ventures (Makers/Exporters of juice concentrates to Europe):

"I think as far as we are concerned, we think it (EPA) will make business better, and we are not worried about any competition. It will make us strong, improve quality, and productivity, as in the way we work with farmers throughout the value chain."

Appendix 4

Interview Questions

1. What are the reasons for the negotiation of the ACP-wide, as well as the ECOWAS-EU Economic Partnership Agreement?

2. In general, what is the nature of ECOWAS-EU relations in the last fourteen years?

3. Specifically, what is the nature of ECOWAS-EU trade relations in the last fourteen years?

4. What are the main trade provisions in CPA and EPA?

5. What have been the process involved in the execution of free trade principles since its adoption under WTO?

6. What are the contentious issues in ECOWAS-EU EPA?

7. Why are the other aspects such as political and development dimensions introduced into the ECOWAS-EU EPA?

8. What new directions do trade-related provisions in EPA have for ECOWAS-EU trade relations?

9. In what ways do West Africa have challenges with the implementation of EPA provisions?

10. What challenges do these EPA provisions pose to ECOWAS-EU trade relations?