Regionalism and African agency: negotiating an Economic Partnership Agreement between the European Union and SADC-Minus

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Acknowledgements

This article is based on a chapter from my PhD thesis, *Ideas and Institutions in the EU-ACP Economic Partnership Agreements*. Earlier versions of the article were presented at the British International Studies Association annual conference in Birmingham in June 2013 and at an ESRC Seminar Series – *Free Trade Agreements in a Changing Landscape of Global Governance* – at Keele University in January 2015. I would like to thank two anonymous reviewers, Tony Heron, Gabriel Siles-Brügge and Maria Garcia for their comments on earlier versions of this article. I am grateful to the University of Cape Town and the University of Botswana – in particular Evance Kalula, Christian Zenim and Dama Mosweunyane – for their support during the field research.

Funding

This work was supported by the Economic and Social Research Council under a +3 doctoral studentship.

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This article investigates the regional dynamics of African agency in the case of negotiations for an Economic Partnership Agreement (EPA) between the EU and a group of Southern African countries, known as SADC-Minus. I argue that these negotiations were shaped by a pattern of differentiated responses to the choice set on offer under the EPAs by SADC-Minus policymakers and by a series of strategic interactions and power plays between them. I offer two contributions to an emerging literature on the role of African agency in international politics. First, I argue for a clear separation between ontological claims about the structure-agency relationship and empirical questions about the preferences, strategies and influence of African actors. Second, I suggest that in order to understand the regional dynamics of African agency it is important to pay close attention to the diversity and contingency of African preferences and to the role of both power politics and rhetorical contestation in regional political processes.

Keywords: African agency; Economic Partnership Agreements; European Union; ACP; Regionalism; SADC.

Introduction

In July 2014, six countries in Southern Africa – Botswana, Lesotho, Mozambique, Namibia, Swaziland and South Africa (known as SADC-Minus) – initialled the text of a regional Economic Partnership Agreement (EPA) with the European Union (EU). This was the culmination of one of seven negotiations between the EU and groups of former European colonies in Africa, the Caribbean and the Pacific (ACP), designed to replace unilateral European trade preferences with reciprocal free trade agreements. The recent agreement in Southern Africa was preceded by a number of significant concessions from European negotiators and eschewed much of the EU's earlier negotiating agenda on trade in services and regulatory harmonisation. In the context of the obvious power asymmetries involved in a negotiation between the EU and a group of mostly small developing countries, this outcome constitutes an interesting puzzle. This is all the more striking because several members of the region – Botswana, Lesotho, Swaziland and Mozambique – had indicated their willingness to sign a more ambitious free trade agreement earlier in the EPA negotiating process. In this paper, I seek to explain the limited nature of the EPA that was eventually agreed in Southern Africa in spite of preferences from both the EU and a number of members of the SADC-Minus region for a more comprehensive deal.

The surprising difficulty that the EU experienced in enforcing its liberalisation agenda for the EPA in Southern Africa suggests that this is a useful case through which to contribute to a growing literature on 'African agency' in international politics.[1] Explorations of African agency and activism in the EPAs to date have stressed the relatively uniform and united resistance of African actors to the EU's neoliberal agenda for the negotiations.[2] Or else, accounts of the EPAs in Africa have assumed that the negotiating positions of African states could be understood purely based on their objective material circumstances.[3] Both of these approaches, however, provide a poor guide to the process and outcome of the EPA in Southern Africa. Here, responses to the EPA were neither unified in their resistance to EU-imposed trade and regulatory liberalisation, nor did they represent a straightforward reflection of the material incentives associated with the negotiations.

In this article, I argue that responses to the EPA by African policymakers were characterised by a range of different interpretations of the choice set on offer, different preferences and different negotiating strategies.[4] The interaction between these actors played out in the context of a region with a weak and fragmented institutional architecture and a climate of mutual suspicion between government actors in different states. The eventual outcome of the agreement arose from a power play by the dominant regional power, South Africa, which brought the previously divided region into line behind the South African government's negotiating strategy. At the same time, the South African government drew concessions from the EU by making strategic discursive appeals to both the development needs of its smaller regional partners and to the integrity of ongoing regional integration processes.

In making this argument, I aim to contribute two insights to emerging debates about African agency in the context of international politics. First, I seek to clarify an important ambiguity running through the emerging African agency literature by drawing a clearer separation between ontological considerations of the relationship between structure and agency and empirical questions about the ideas, preferences and influence of particular actors. Second, I offer a counterpoint to existing accounts of African agency in regional contexts, which suggest that regional cooperation may 'enhance' the agency of African actors. Based on the SADC-EPA case, I suggest that negotiating as part of a regional configuration may actually make it *more difficult* for some African actors to realise their preferences. Drawing these two insights together, I argue that in order to provide a nuanced understanding of the exercise of African agency in regional settings it is important to both understand the range of preferences that national government agents hold and to trace the ways in which these preferences are negotiated and articulated at the regional level.

The article proceeds in three main sections. First, I present a critical discussion of the existing African agency literature. Second, I briefly chart the set of complex and ambiguous incentives that faced the ACP countries in the EPA negotiations. Third, I present an empirical analysis of the process and outcome of the EPA negotiations in Southern Africa. Here, I trace the historical context in which these negotiations played out, the preferences and strategies of key actors and ultimately the process by which a limited regional EPA was agreed.

African agency: reflexivity and regionalism

In the last five years, 'African agency' has emerged as a central research theme for those with an interest in Africa's place in international politics.[5] This new 'African agency' literature can be seen as part of a longer tradition in which Africanist scholars have sought to challenge dominant narratives that present African actors as passive recipients of external structures and political decisions taken elsewhere. Accounts of African activism in the 1990s and into the 2000s stressed the 'extraversion'[6] of African elites and tended to take a relatively negative view of the role of African leaders in the maintenance of weak and predatory forms of African statehood.[7] The more recent African agency literature – the main focus of this review – is in general more optimistic about the positive and emancipatory potential of African agency. Yet within this new literature there are tensions in the way that agency itself has been framed.

One of the drivers of increased academic interest in African agency has been the perception that African actors are becoming more influential in international politics as the result of an emerging multipolar world order. In this context, much of the recent African agency literature, conceptualises agency as the ability of African actors to have a significant impact on international political processes. This literature also often equates African agency with resistance to externally imposed policies and ideas and perhaps even with the ability to bring about progressive or emancipatory structural change. For example, Adrian Leftwich argues that African agency is 'the capacity of agents […] to shape their environment.'[8] In the context of the growing activism of the emerging powers in Africa, Timothy Shaw argues that 'African agency constitutes a determined response by the continent's developmental states to [reap] the gains rather than costs of the discovery of Africa's potential by the BRICS.'[9] And Stephen Hurt suggests that agency is 'a way to challenge the dominant material and ideational structures of the global political economy.'[10]

The conflation of agency (an ontological presupposition) with influence or resistance (empirical claims) potentially obscures the variety of preferences and strategies taken up by African agents and the range of outcomes that these produce. If the focus of the African agency literature falls only on those African actions that are expressed in the form of successful influence, contestation or resistance, we may miss the wide range of African actions that serve to perpetuate existing structures or that are simply geared towards coping and survival within a highly unequal global system.[11] Dieter Neubert and Christine Scherer make a similar criticism, suggesting that the tying of agency 'to emancipatory concepts and visions or as a norm for successful social action' has limited its openness as a concept.[12]

To address this criticism, and clarify an important ambiguity running through the recent African agency literature, I propose here a clearer separation between ontological questions about the relationship between structure and agency and empirical questions about specific agents' ideas, preferences, actions and influence. In so doing, I follow social constructivist approaches that stress the importance of *reflexivity* in their conceptualisation of agency.[13] Agency, then, can be defined as 'the ability or capacity of an actor to act consciously and, in so doing, to attempt to realise his or her intentions' within the context of uncertain or indeterminate social structures.[14] Although African actors are frequently placed in materially weak positions within highly asymmetrical power structures, these structures do not entirely determine the interpretations and responses of purposive African agents.[15] Such an approach to African agency encourages us to ask empirical questions about how specific actors interpret the contexts in which they are placed, what strategies for action they devise and what outcomes these strategies produce. In other words, rather than making prior assumptions about the form and impact of African agency, this approach explores empirically the contingency and diversity of African responses to structural constraints.

My focus in this article is on the *regional* political dynamics of African agency and their implications for African interactions with external actors. Regionalisms of various types are burgeoning in Africa.[16] Much of the existing literature on agency in African regionalism focuses on the role of external actors in processes of regional cooperation and integration.[17] However, an emerging literature examines the agency of African actors in and through regional organisations and settings. The most common claim within this literature is that regional cooperation serves to 'enhance [African] agency.'[18] Thomas Kwasi Tieku, for example, argues that the existence of formalised African regional institutions may magnify the voice of African actors, provide political backing for African actors on the ground and allow African actors to influence global institutions like the UN.[19] Here, the assumption is that African agents share a relatively unitary set of preferences and the claim is that regional cooperation helps African agents to exert influence in line with these preferences.

Such an assumption may obscure some of the complexity of the exercise of African agency in and through regional settings. At first glance, the SADC-Minus EPA negotiations appear to constitute a case of unified African influence or resistance through regionalism. However, closer inspection reveals that the diversity of interpretations, preferences and strategies in relation to the EPA in the SADC-Minus region was central to the way that this negotiation played out. Indeed, participation in these negotiations as part of a region made it *more difficult* for some members of the region to achieve their preference for a more comprehensive EPA. Further, I aim to show that these preferences cannot be understood purely based on the external pressures imposed by the EU, nor on the objective trade position of each country. Instead they were shaped by the ideas, interpretations and actions of purposive and strategic agents, set within the historical and institutional context of the region.

The case of the SADC-Minus EPA suggests that the outcome of region-based African engagement with international politics depends much upon the interpretation of external pressures and the formation of preferences and strategies at the national level – in this case by trade policymakers and negotiators.[20] Particularly where regional institutional structures are weak, the interaction between national governments may be shaped by material asymmetries between states and the power dynamics that these generate. However, this case also suggests that the outcomes of region-based negotiations are contingent upon the strategic moves of the players involved. In the SADC-Minus EPA, South Africa was only able to use its economic muscle to bring its neighbours into line with its preferences after it shifted its negotiating strategy in 2009. Furthermore, I will argue that South African negotiators deployed strategic discourse – that is, the use of discourse in pursuit of ends-oriented strategies[21] – as a successful part of their tactics for extracting concessions from the EU. In sum, the argument put forward in the analysis that follows is that the outcome of the region-based SADC-Minus EPA negotiations can be understood as the result of the specific ideas and preferences of national trade negotiators and policymakers in the region and their contingent strategic interactions.

The EPAs: space for African agency

Before exploring the SADC-Minus negotiations in detail, I first offer some background on the choices available to the ACP countries in the EPA negotiations.[22] In 1994, the General Agreement on Tariffs and Trade (GATT) issued a ruling against the EU's system of unilateral trade preferences for the ACP countries under the 1975 Lomé Convention. European policymakers obtained a temporary waiver for the continuation of the Lomé arrangement until the end of 2007, but ultimately decided that the EU's trade relationship with the ACP countries would have to be made reciprocal in order to comply with GATT (later World Trade Organisation [WTO]) rules.[23] The Cotonou Agreement of 2000 set in motion the negotiations for a set of free trade agreements – the EPAs – between the EU and regional groupings of ACP countries, to be completed before the expiry of the WTO waiver. In addition to the WTO requirement for reciprocity in trade in goods, the EU suggested that these agreements should include trade in services and agreement on the so-called 'Singapore issues' – investment, competition, government procurement and trade facilitation. The EU claimed that such 'comprehensive' EPAs would promote the development interests of ACP countries.[24] It is worth noting that the ACP countries had consistently resisted the inclusion of the Singapore issues in multilateral trade negotiations.[25] On top of this, the EU also insisted that the EPAs include a range of technical provisions, such as a most favoured nation (MFN) clause (which would require any tariff reduction agreed with a third party to be extended to the EU) and a ban on export taxes. If ACP countries refused to sign an EPA by the end of 2007, they would be downgraded to the next best EU preference system for which they were eligible – the Everything But Arms scheme for Least Developed Countries (LDCs) and the considerably less generous Generalised System of Preferences (GSP) for non-LDCs.

In 2007, as the expiry of the WTO waiver approached, it became clear that most of the ACP regions were not ready to sign full regional EPAs. At this stage, the European Commission offered an option for individual ACP countries and sub-regions to sign goods-only agreements, which came to be known as '*interim* EPAs'. The intention was that these would provide a stepping stone to 'full' regional EPAs that would include the EU's services and regulatory agenda. Following the signature of interim EPAs by a number of ACP countries, the negotiations continued well beyond 2007 and the EU ultimately imposed 1 October 2014 as the final deadline for the conclusion of negotiations.

Over the course of the negotiations, the EPAs brought a series of difficult choices for African ACP countries and regions into sharp relief. Some existing accounts of the EPAs suggest that ACP countries faced a relatively straightforward set of material pressures, which were primarily a function of their existing reliance on EU trade preferences and their LDC or non-LDC status.[26] I argue, however, that the set of material incentives associated with the EPAs was rather more complex and ambiguous than these accounts acknowledge. ACP decision makers had to develop interpretations of the importance of existing EU trade preferences, the potential future value of these preferences, the costs of reciprocity in trade relations with the EU, the value of the trade policy autonomy that would be lost by signing an EPA, and the potential costs and benefits of cooperation with the EU on its proposed services and regulatory agenda. Furthermore, signing an EPA would potentially affect regional trade and diplomatic relationships and processes of regional integration. In the following section, I suggest that national policymakers in the SADC-Minus region developed quite different interpretations of this set of choices.

Negotiating an EPA in SADC-Minus

Institutional and historical context in SADC-Minus

At the beginning of the EPA negotiations in 2002, there were at least seven overlapping regional integration projects – SADC, SACU, COMESA, EAC, ECCAS, CEMAC and

IOC[27] – that included Central, Eastern and Southern African countries. To complicate matters further, South Africa already had a free trade agreement with the EU – the Trade, Development and Cooperation Agreement (TDCA) signed in 1999 – and had only observer status at the beginning of the EPA negotiations. Because of their membership in a customs union with South Africa, the other members of SACU – Botswana, Lesotho, Namibia and Swaziland – were *de facto* implementing the reciprocal trade liberalisation with the EU that South Africa had agreed under the TDCA.

In all, the EPA group based on SADC, which came to be known as SADC-Minus, contained only seven of the 15 SADC members (see Figure 1). These included the members of SACU (initially with South Africa as observer only) plus three non-SACU members – Angola, Mozambique and Tanzania. Tanzania soon left the group to join the breakaway EAC configuration. Meanwhile, the members of the SADC-Minus group decided not to delegate negotiating authority to a supranational body, instead maintaining national competence for the negotiations and coordinating their activities through a small and under-resourced 'EPA unit'.[28]

[Figure 1 here]

The history of relations between the constituent members of the SADC-Minus group added to the complexity of the EPA process. The legacy of South Africa's apartheid regime was a stark pattern of regional economic inequality and ongoing mistrust of the regional power. Trade patterns between South Africa and the rest of the smaller SACU region are particularly asymmetrical. South African products account for over 70 percent of import markets in Botswana, Lesotho, Namibia and Swaziland, while these markets receive on average less than four percent of total South African exports.[29] Furthermore, SACU's smaller members remain heavily reliant upon the transfer of import revenues from South Africa under the organisation's revenue sharing pool.[30] South Africa also dominates the wider SADC region in terms of services and investment, providing 85 percent of all foreign direct investment in the region.[31] In this context, the South African government is frequently viewed with suspicion and sometimes hostility by governments elsewhere in Southern Africa.[32] Tensions within SACU in particular were only heightened by South Africa's lack of consultation with its regional partners over the earlier TDCA negotiations.[33]

African negotiating positions in the SADC-Minus EPA

Once the SADC-Minus EPA group had been formalised, the negotiations with the EU began in earnest in 2004. In the early phase of the negotiations, the SADC-Minus group was keen to set aside regional differences and offer a united front. Following regional consultations – in which South Africa played a leadership role despite not yet being a full party to the negotiations – the group presented a common negotiating framework to the EU in 2006. Central to this was a request that South Africa be admitted to the EPA process as a full negotiating party, a move motivated by a desire to harmonise SACU's trading relations with the EU and to draw on the South African government's previous experience of negotiations with the EU.[34] The EU granted this request, with the caveat that market access negotiations with South Africa would take place separately from the rest of the group. The group's other early demands – for non-reciprocity for the non-SACU countries and non-binding cooperation on the EU's services and regulatory agenda – were rejected by the European Commission.[35] By mid 2007, the region was under pressure to sign at least an interim goods-only EPA before the expiry of the WTO waiver and at this point divisions began to emerge in the SADC-Minus group.

The material implications of the decision about whether to sign an interim EPA varied greatly for different members of the SADC-Minus group.[36] As already noted, the smaller SACU countries – Botswana, Lesotho, Namibia and Swaziland – were *de facto* implementing the terms of South Africa's TDCA with the EU prior to the EPA negotiations. For this reason, reciprocity in the EPA and the import tariff liberalisation that this implied was not a major concern for these countries beyond a desire to insert recognition of specific sensitivities into the existing TDCA tariff phase-down schedule.[37] For the non-SACU members – Angola and Mozambique – reciprocal liberalisation with the EU would have potentially more serious implications.

The material implications for the SADC-Minus countries in terms of access to the EU market also varied considerably. As LDCs, Angola, Lesotho and Mozambique could receive duty- and quota-free access to the EU market under Everything but Arms even if they refused to sign an EPA. Likewise, South Africa's EU market access was secured under the existing TDCA. Botswana, Namibia and Swaziland all stood to have their preferential access to the EU market downgraded to GSP status if they refused to sign an EPA before the WTO waiver expired. Such a downgrade would affect these countries to different extents depending on their existing level of preference dependence (see Table 1).

[Table 1 here]

A number of observers have suggested that the material incentives associated with the level of a country's dependence on existing preferences and its eligibility for alternative preference schemes are key to understanding the outcome of the EPAs.[38] However, the negotiating positions of the SADC-Minus members (discussed in more detail below) are difficult to square with any straightforward reading of these varied material incentives. This is well illustrated by the examples of Namibia and Botswana. In Namibia's case, 36 percent of existing exports were destined to the EU, and of these exports 31 percent would be affected by a tariff rise if the country was downgraded to GSP status. This made Namibia one of the countries in the region with the most to lose from disruption to existing levels of EU market access and yet Namibia consistently registered reservations about the EPA process and refused to sign the interim EPA in 2009. Contrast this with Botswana, which was much less exposed to material losses in the event of the downgrade of its preferential market access. Only 1.5 percent of Botswana's exports to the EU (primarily in the beef sector) would be affected by a tariff rise if Botswana were downgraded to GSP. While preference-dependent commodities were of marginal importance to the Botswana economy, its government was much more enthusiastic about the EPA process than Namibia. Likewise, the cases of Lesotho and Mozambique – which were relatively positive about the EPA in spite of their eligibility for the alternative Everything but Arms scheme – also present a puzzle from this materialist perspective.

In order to understand the responses of SADC-Minus countries to the offer of an interim EPA, it is important to comprehend the frameworks through which African agents understood the choice set on offer to them. Specifically, it is useful to draw an analytical distinction between those countries within the region that were relatively more enthusiastic about the prospect of a comprehensive EPA and those that were more sceptical of the entire EPA process. The central point here is not that material concerns were irrelevant, but that these material factors were themselves ambiguous, and that there were clear differences in the way that actors in these two groups of countries interpreted the choice set on offer to them.

EPA sceptics: policy space versus market access

South Africa led the group of countries that took a sceptical attitude to the EPAs, which also included Namibia and Angola. These countries shared many of the concerns about the EPAs voiced by a transnational group of anti-EPA activists.[39] These concerns chiefly revolved around the loss of trade policy autonomy – or 'policy space' – associated with the agreements.

These concerns aligned with a broad commitment to development and industrialisation strategies based on trade interventionism in all three of these countries. In South Africa, there had been shift towards greater interventionism in trade policy following attempts by the Congress of South African Trade Unions (COSATU) to draw attention to the adverse effects on employment of trade opening under the TDCA and the Uruguay Round.[40] Subsequently, the South African Department of Trade and Industry's 2007 policy framework emphasised the issue of employment and called for trade policy to be married to a 'robust industrial policy.'[41] Namibia's recent development strategy has also prioritised industrialisation and the diversification of the country's economy away from primary agricultural exports and into manufacturing.[42] In so doing, the Namibian government has deployed a range of interventionist trade policy tools.[43] The Angolan government, meanwhile, has been pursuing a reindustrialisation strategy based on import-substitution since 2002 and has therefore sought to maintain protection for domestic industries through relatively high import tariffs.[44]

These commitments by the governments of South Africa, Namibia and Angola to varying degrees of trade interventionism left them particularly suspicious of the impact that the EPA process would have on their autonomy to pursue these types of policies. In line with this position, South African Minister of Trade and Industry, Rob Davies expressed concern that, 'The EPAs […] contain legal provisions that limit the state's policy space to promote agricultural and industrial development.'[45] While South Africa was keen to use the EPA process to improve on the terms of its access to the EU market under the existing TDCA, its government was very reluctant to further open its markets to European goods in return.[46] Likewise, Angolan negotiators stressed the need to create greater production capacity before removing any protectionist trade barriers in relation to the EU.[47]

Given its existing implementation of the terms of the TDCA, the liberalisation of import tariffs posed less of a concern for the Namibian government. However, both the South African and Namibian governments were very concerned that a proposed ban on export taxes would undermine their strategies for encouraging domestic value addition in relation to export commodities.[48] Specifically, Namibian Ambassador to the European Commission, Hanno Rumpf, suggested that the inclusion of such a ban would undermine the Namibian government's ability to maintain supplies to agricultural processing industries, extend value chains, create jobs and defend Namibian companies against the 'rough competitive practices' of South African firms.[49] In addition, the South African government expressed concern about the impact of the proposed MFN clause on its policy autonomy, suggesting that this would undermine attempts to diversify the country's export markets, particularly towards emerging economies.[50]

The South African government – in part responding to pressure from COSATU – was also strongly opposed to making any binding commitments on services and investment.[51] Rob Davies cited the EU's insistence on the inclusion of trade in services and the 'new generation' of regulatory issues as the 'major problem' with the EPA negotiation.[52] Negotiators expressed concerns that if South Africa signed up to an agreement with the EU that included rules on public procurement and investment the state's ability to pursue key domestic policy aims – including Black Economic Empowerment – would be compromised.[53] Namibian negotiators also consistently opposed the inclusion of trade in services and regulatory harmonisation in the EPAs.[54]

In general, South African, Namibian and Angolan officials viewed the reforms attached to the EPAs as concessions to a self-interested EU agenda that would place limits on the policy space for interventionist trade measures. These countries viewed the EPAs as a process in which concessions in terms of policy space were traded off against continued and improved access to the EU market. As the only one of the sceptics in danger of suffering a significant loss of EU preferences, Namibia initialled the interim EPA at the end of 2007, but attached a letter detailing its reservations and later refused to sign the interim deal in 2009.[55] South African officials, meanwhile, refused to initial the interim EPA in 2007 on the basis that the market access offer from the EU was not enough to justify the loss of policy autonomy associated with the agreement.[56] The Angolan government continued to engage with the EPA process at a rhetorical level up to and after 2007 but never submitted a concrete market access offer to the EU and therefore never looked likely to sign an agreement.[57] South Africa and Namibia continued active negotiations with the EU after 2007 (see below) but made it clear that they would not be willing to undertake binding commitments on trade in services or the EU's regulatory agenda.

EPA enthusiasts: win-win liberalisation

In contrast to the EPA sceptics, Botswana, Lesotho, Mozambique and Swaziland were more receptive to claims about the development benefits of the EPA. These countries all initialled the interim EPA in 2007 and signed it in 2009, while also actively pursuing negotiations on services and investment up to 2009. Rather than viewing the EPAs as a trade-off between market access and concessions to an offensive EU agenda, these countries were more inclined to view the comprehensive liberalisation agenda promoted by the EU as a boon to development.

The perception that comprehensive EPAs would be supportive of development can be linked to a rather different set of development strategies in these states than in the more sceptical countries. Botswana's official development strategy paper suggests that in order to achieve the country's development aims, 'the ongoing liberalisation and deregulation of the economy will have to be pursued with more tenacity and vigour.'[58] Central to this strategy is the diversification of Botswana's economy, with the particular aim of creating a regional centre for financial and banking services in the country.[59] Lesotho, meanwhile, has prioritised the marketing of the country as a stable and attractive investment destination and widespread reforms in relation to the granting of visas and business licenses in order to create an 'enabling environment' for private-sector led development.[60] Likewise, the Swazi government has articulated a commitment to the 'free enterprise nature of the Swazi economy'[61] and has demonstrated this to some extent through recent financial services liberalisation and the opening of the telecommunications market to competition.[62] As a highly aid-dependent country, Mozambique represents a slightly different case to the other enthusiasts. Nonetheless, Mozambique's development strategy has revolved around responding positively to the liberal policy agendas of Western donors,[63] and it has thus adopted a similar range of policies based on economic reform and openness to the global economy.[64]

Botswana, Lesotho and Swaziland each perceived that there would be a benefit from signing the EPA in terms of access to the EU market. Protection of preferential market access for Botswana's socially and culturally important beef industry was a key motivator for signing the interim EPA in spite of the small role of beef exports in the Botswana economy as a whole.[65] Trade and Industry Minister Daniel Neo Moroka explained the decision to sign the EPA by suggesting that a loss of preferential market access for beef would have had an adverse social impact on around 600,000 people in Botswana.[66] Furthermore, interviewees cited the important lobbying role played by representatives of the beef industry in the lead up to the conclusion of the interim EPA.[67] For Lesotho, the perceived market access benefit of the EPA came in the area of rules of origin for garment exports. Although exports to Europe made up only a very small part of the country's trade profile, the Lesotho Government perceived that the more generous rules of origin on offer under the EPA would help the country to expand this trade.[68] For Swaziland, the specific market access benefit of the EPA was much clearer because of the country's acute reliance on preferential access to the EU market for its sugar exports.[69]

However, the enthusiasts' motivations for reaching agreement on an interim EPA also went beyond market access. These countries had originally requested only non-binding cooperation on the EU's services and regulatory agenda as part of the region's joint negotiating framework agreement of 2006 and under the leadership of South Africa.[70] However, when divisions began to emerge in the region in 2007, Botswana, Lesotho and Swaziland took the opportunity to open negotiations for a binding agreement with the EU on services and investment. The EU's claims about the development benefits of liberalisation of services and investment regimes found receptive ears in these countries that had already made commitments to development strategies based on economic reform, the attraction of inward investment and openness to global markets.[71] Botswana, in particular, was praised by European negotiators for its 'strong leadership' in the negotiations on services and investment.[72] As reasons for this, Batswana negotiators cited the desire to diversify the economy beyond the export of commodities as well as the current high cost of electricity, water and transport services and a desire to maintain the country's historically strong investment links with Europe.[73]

Furthermore, a key motivator for negotiating a binding agreement on services and investment for Botswana, Lesotho and Swaziland was the perception that such a deal could help to lessen these countries' economic dependence on South Africa. Lesotho, in particular, viewed a comprehensive EPA was as a way of 'lessening the Kingdom's acute dependence on South Africa for the supply of goods and services.'[74] This had become a key policy priority for Lesotho in the late 2000s.[75] In Swaziland, too, officials were keen to secure a move away from reliance on South Africa and they saw the EPA as a tool for doing so.[76] Batswana officials expressed suspicion that the South African refusal to negotiate with the EU on services and investment was motivated by a desire to protect its own commercial interests in the region from European competition.[77] Once the opportunity arose to negotiate a deal on services and investment that would *exclude South Africa*, it was this that proved appealing to the EPA enthusiasts because it seemingly offered an opportunity to lessen their reliance on the regional hegemon. This helps to explain why these countries would pursue a deal with the EU on services and investment in spite of having earlier opposed the inclusion of the Singapore issues in multilateral trade talks.

While the government of Mozambique was also enthusiastic about the EPA and willing to negotiate on the EU's services and regulatory agenda, its case should be read slightly differently.[78] As a non-SACU member, the country's market access offer was not linked to the existing TDCA. Following some back and forth with the EU negotiators, Mozambique made one of the most generous market access offers of any of the African ACP countries, with large adjustment costs and only a short lead in time.[79] Mozambique's eagerness for an ambitious and comprehensive EPA can in part be attributed to its government's internalisation of donor-promoted neoliberal development norms and its consequent sympathies for the EU's claims about the benefits of comprehensive trade liberalisation.[80] In addition, given Mozambique's aid dependence, the country was keen to secure access to EPA-related development assistance by responding positively to the EU's demands.[81]

The road to a regional EPA

Until 2009, South Africa's dominant economic position had tended to work against the emergence of a common regional negotiating position, precisely because this dominance was a problem for some members of SADC-Minus. In the period after 2009, this regional dynamic shifted and this helps to explain why SADC-Minus (with the exception of Angola) ultimately reached an agreement that was less ambitious than some of the EPA enthusiasts in the region had earlier hoped. Specifically, after 2009 the South African government began to more forcefully exert its regional economic dominance while deploying a rhetorical strategy designed to extract concessions from EU negotiators. That it was able to do so was not a straightforward function of South Africa's economic dominance. Rather, this was a contingent outcome based on South African agents' ability to rhetorically invoke the integrity of SACU and the development needs of its smaller regional partners in order to undermine the EU's EPA ambitions.

The South African government's strategy following its refusal to initial the interim agreement in 2007 was to persuade European negotiators that in order to reach a deal in the region they would have to offer concessions on market access for South Africa and remove the MFN clause, the ban on export taxes and binding commitments on services and investment from the agreement.[82] Following the initialling of the interim EPA by part of the region in 2007, officials from the South African Ministry of

Finance held various discussions with counterparts in Botswana, Lesotho and Swaziland in which these officials mooted the possible break-up of SACU in the event that the region remained divided over the EPA.[83] When these countries went ahead and signed the agreement in 2009, South Africa stepped up this tactic. South African trade officials threatened to reinforce border checks on goods coming from those countries that had signed the EPA and fuelled media speculation that the EPA would lead to the breakup of SACU.[84] The effect of this strategy was twofold.

First, South African negotiators were able to place pressure on the other SACU members not to go ahead with the ratification of the interim EPA. They did this by suggesting that the SACU customs pool on which the smaller SACU members were reliant would be threatened by the ratification of the agreement as it currently stood. Immediately following the signing of the interim EPA in 2009, South Africa's chief trade negotiator, Xavier Carim, said:

> The impact of this has not been thought through yet, but there could be implications for the customs pool and the way customs revenue is shared, because the pool functions on the assumption that the common external tariff is intact.[85]

In this context, even resolute EPA enthusiast Botswana notified the EU that it would not begin implementation of the interim agreement without the support of its regional partners.[86] Furthermore, after 2009 the enthusiasts ended their active participation in services and investment negotiations. In this sense, South Africa's muscle flexing effectively left its smaller partners with little choice but to fall into line with its preference for a more limited EPA.

The second effect of South Africa's new strategy was that its negotiators were able to rhetorically invoke both the integrity of SACU and the development needs of its regional partners in order to contest the EU's negotiating strategy. South African negotiators were keen to stress that regional division was the result of the EU's comprehensive agenda and high-pressure negotiating tactics. For example, Trade Minister Rob Davies stated:

> In the SADC region, the major problems have in fact arisen from the EU's ambitions to move the EPAs beyond WTO compatible free trade agreements. […as a result] two [countries] have not signed on at all to an arrangement, which, it must not be forgotten, is supposed in the first instance to enhance regional integration.[87]

The point of this statement was to mobilise a counterargument to the EPAs that highlighted the contradictions between the EU's claimed commitment to regional integration and development and its apparently aggressive and divisive negotiating agenda and tactics. In this sense, as Lotte Drieghe has argued, the EU became 'entrapped' by its own rhetorical commitments to the promotion of regional integration and development through the EPAs.[88]

In July 2014, a regional EPA between the EU and SADC-Minus was reached (excepting Angola, for which active engagement in the negotiations had effectively ceased earlier in the process). The concessions made by the EU in reaching this agreement reflect the specific demands made by South Africa (and to a lesser extent the other sceptics) during the latter stages of the negotiations. The EU conceded that an agreement could be reached without binding commitments on services and regulatory harmonisation, in spite of the earlier assertions made by the enthusiasts that they would negotiate a deal on these issues.[89] The clauses on MFN and export taxes were adjusted to address South African and Namibian concerns.[90] Finally, the EU offered a number of agricultural market access concessions to South Africa in exchange for an agreement on Geographical Indications.[91]

Ultimately, the South African government's strong-arm tactics, alongside its rhetorical invocation of the EU's commitment to development and regional integration

– rather than the generalised influence or resistance of all African actors in the region – was what served to water down the EPA in Southern Africa. Furthermore, this strategy actually prevented those countries that were rather more enthusiastic about signing up to the EU's comprehensive liberalisation agenda from doing so.

Conclusion

This article aimed to explore the regional dynamics of African agency in the context of negotiations for an EPA between the EU and the SADC-Minus countries. The result of these negotiations was an EPA that fell considerably short of the EU's early ambitions for the negotiations and even failed to fulfil the desires of some of the SADC-Minus countries for a comprehensive free trade agreement. I have argued that these negotiations defy notions of African agency as unified influence, contestation or resistance as well as simplistic claims that regional cooperation 'enhances' African agency. Rather, these negotiations were characterised by a pattern of differentiated African interpretations and responses to the choice set on offer under the EPAs and a series of strategic interactions and power plays between African regional partners. These responses took place in the context of a complex regional institutional architecture and patterns of historically embedded regional mistrust. They also reflected the particular interpretations by elites in different countries of both the choice set on offer under the EPA and their positioning within the Southern African regional political economy. The ultimate outcome of the EPA negotiations in Southern Africa can be seen as a reflection of contingent South African preferences and its negotiators' ability to eventually alter the choice set of other members of the region and to use effective rhetorical strategies to extract concessions from the EU.

In the light of this case, I aimed to contribute two broader insights to the growing literature on African agency in international politics. First, notions of African agency as influence, contestation or resistance may mask the variety of African responses to particular contexts, incentives and externally imposed policies and ideas. Rather, we should treat the commitment to examining agency as an ontological presupposition and thus allow space to investigate empirically the different interpretations and choices made by African actors in any particular context. Second, applying this to the issue of African regional cooperation, I suggested that more attention should be paid to both the diversity of African preferences at the sub-regional level and to the political dynamics of African regional cooperation. While it is true that regional cooperation can enhance the ability of (some) African actors to realise their preferences, the case of the SADC-Minus EPA negotiations suggests that regional cooperation may make it more difficult for some actors to realise their aims. The outcomes of region-based interactions with external actors depend to a considerable extent on the configuration of the preferences of the African actors involved, their regional power positions and their strategic and rhetorical interactions.

Notes

[1] See, *inter alia*, Beswick and Hammerstad, "African Agency in a Changing Security Environment"; Brown, "A Question of Agency"; Brown and Harman, *African Agency in International Politics*; Lorenz-Carl and Rempe, *Mapping Agency*; Neubert and Scherer, *Agency and Changing World Views*; Shaw, "African Agency?"

[2] Del Felice, "Power in Discursive Practices"; Hurt et al., "The Argumentative Dimension"; Trommer, "Legal Opportunity in Trade Negotiations"; for an exception, see Lorenz-Carl, "When the 'Not so Weak' Bargain with the 'Not so Strong'."

[3] Bilal and Stevens, *The Interim Economic Partnership Agreements*; Stevens, "Economic Partnership Agreements."

[4] The empirical portion of this article draws extensively on confidential interviews with European Commission officials, SADC-member government officials, SADC Secretariat officials, representatives of the private sector and other non-governmental organisations, conducted in Brussels in October 2011 and May 2012 and in South Africa and Botswana

between January and April 2012. All subsequent references to the interviews are anonymised.

[5] See note 1.

[6] Bayart, "Africa in the World."

[7] Bayart, *The State in* Africa, Clapham, *Africa and the International System*; Lonsdale, "Agency in Tight Corners"; Taylor, "Blind Spots"; Taylor and Williams, "Introduction."

[8] Leftwich, "Beyond Institutions," 96.

[9] Shaw, "African Agency?" 257.

[10] Hurt, "African Agency in World Trade Undermined?" 53.

[11] See Thomson, "Agency as Silence"; Bøås, "Youth Agency."

[12] Neubert and Scherer, "Agency and World Views," 4. See also, Chabal, "Agency in Africa," 52.

[13] See, for example, Brown, "A Question of Agency"; Beswick and Hammerstad, "African Agency in a Changing Security Environment"; Neubert and Scherer, "Agency and World Views"; van Dijk et al., "Social and Historical Trajectories of Agency in Africa."

[14] Hay, *Political Analysis*, 94.

[15] van Dijk et al., "Social and Historical Trajectories of Agency in Africa," 2.

[16] See Lorenz-Carl and Rempe, *Mapping Agency*; Söderbaum and Taylor, *Afro-Regions*.

[17] Buzdugan, "Regionalism from Without"; Malito and Ylönen, "Bypassing the Regional?"; Muntschick, "Explaining the Influence of Extra-Regional Actors"; Sicurelli, "The Security Culture of the African Union."

[18] Beswick and Hammerstad, "African Agency in a Changing Security Environment," 477; see also, Kwasi Tieku, "Exercising African Agency"; Mickler, "UNAMID"; Shaw, "African Agency?"

[19] Kwasi Tieku, "Exercising African Agency."

[20] Where appropriate in the analysis that follows, reference is also made to the ideas and activities of sub-national actors – private sector and civil society representatives. However, the impact of these actors on the process of the trade negotiations is viewed as being mediated by those closest to the policymaking process at the national level.

[21] Hay and Rosamond, "Globalization, European Integration and the Discursive Construction of Economic Imperatives." On 'rhetorical action', see also Schimmelfennig, "The Community Trap."

[22] For detailed background on the EPAs, see Faber and Orbie, *Beyond Market Access for Economic Development*; Grilli, *The European Community and the Developing Countries*; Heron, *Pathways from Preferential Trade*.

[23] This was deemed necessary in order to comply with Article XXIV of the GATT, which requires parties to regional free trade agreements to liberalise 'substantially all trade' (section 8 (a) (i)).

[24] See, for example, Mandelson, "Peter Mandelson Speaking to the European Parliament Development Committee."

[25] Hormeku, "ACP Trade Ministers Say There is No Basis."

[26] Bilal and Stevens, *The Interim Economic Partnership Agreements*; Stevens, "Economic Partnership Agreements."

[27] These acronyms stand for: Southern African Development Community (SADC), Southern African Customs Union (SACU), Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Economic Community of Central African States (ECCAS), Economic and Monetary Community of Central Africa (CEMAC), and the Indian Ocean Commission (IOC).

[28] Confidential interview, 14 March 2012.

[29] International Trade Centre, "Trade Map."

[30] Soko, "Building Regional Integration in Southern Africa," 67. In 2008, the SACU revenue pool provided 69 percent of Swaziland's government revenue, 50 percent for Lesotho, 25 percent for Namibia and 12 percent for Botswana.

[31] Nagar, "Regional Economic Integration," 139; Gibb, "The Southern African Customs Union," 153.

[32] Adebajo et al., "Introduction."

[33] Greenberg, "Raw Deal," 19.

[34] Vickers, "Between a Rock and a Hard Place," 190.

[35] Ibid.

[36] Stevens, "Economic Partnership Agreements."

[37] Confidential interview (by email), 25 September 2012.

[38] See, for example, Bilal and Stevens, *The Interim Economic Partnership Agreements*; Stevens, "Economic Partnership Agreements."

[39] See Del Felice, "Power in Discursive Practices."

[40] Hurt, "The Congress of South African Trade Unions and Free Trade."

[41] Cited in Hurt, "The Congress of South African Trade Unions and Free Trade," 97.

[42] Government of Namibia, "Vision 2030 Namibia."

[43] World Trade Organization, "Southern African Customs Union," x.

[44] World Trade Organization, "Angola," viii.

[45] Davies, "SA Wants a Strong Regional Market."

[46] Confidential interview, 20 March 2012.

[47] Confidential interview, 11 May 2012.

[48] Confidential interviews, 21 October 2011 and 27 March 2012.

[49] Rumpf, "Accommodating Regional Realities," 6.

[50] Confidential interview, 20 March 2012.

[51] Confidential interview, 23 March 2012.

[52] Davies, "Bridging the Divide," 2.

[53] Confidential interview, 27 March 2012.

[54] Confidential interviews, 21 October 2011 and 8 May 2012.

[55] Republic of Namibia Ministry of Trade and Industry, "Media Release."

[56] Confidential interview (by email), 25 September 2012.

[57] Ibid.

[58] Botswana National Vision Council, "Vision 2016," 51.

[59] Ibid.

[60] Government of Lesotho, "Industrialisation Master Plan," iii; Manoeli, *Lesotho After AGOA*, 7–9.

[61] Government of Swaziland, "The National Development Strategy," 5.

[62] World Trade Organization, "Southern African Customs Union," x.

[63] de Renzio and Hanlon, "Contested Sovereignty in Mozambique."

[64] World Trade Organization, "Mozambique," viii-x.

[65] Confidential interviews, 27 October 2011 and 14 and 16 March 2012; Stevens et al., "Analysis of the Economic and Social Effects of Botswana's Loss of Preferential Market Access," v.

[66] van der Merwe, "Calls for Namibia not to Sign Interim-EPA."

[67] Confidential interview, 14 March 2012.

[68] Government of Lesotho, "Industrialisation Master Plan," iv.

[69] Heron, *Pathways from Preferential Trade*, 115; Richardson-Ngwenya and Richardson, "Aid for Trade and African Agriculture."

[70] Confidential interview (by email), 25 September 2012.

[71] Confidential interviews, 23 and 27 February 2012, 20 March 2012, 2 April 2012 and 10 May 2012.

[72] Cited in Sunday Standard, "Botswana Puts its Weight Behind EPAs."

[73] Confidential interviews, 27 October 2011 and 16 March 2012; Trade Minister Neo Moroka, cited in van der Merwe, "Economic Pact with EU Causes Discord."

[74] Heron, *Pathways from Preferential Trade*, 128.

[75] Cited in England, "Lesotho Bids to Lower Reliance on Neighbour."

[76] Heron, *Pathways from Preferential Trade*, 129.

[77] Confidential interview, 20 March 2012.

[78] Bilal and Stevens, *The Interim Economic Partnership Agreements*, 172–8.

[79] Ibid., 4.

[80] See de Renzio and Hanlon, "Contested Sovereignty in Mozambique."

[81] Confidential interview (by email), 25 September 2012.

[82] Confidential interview (by email), 25 September 2012.

[83] Confidential interview (by email), 25 September 2012.

[84] Ensor and Le Roux, "SA Ready to Tighten Screws"; Le Roux, "Threat of Regional Upheaval."

[85] Quoted in Ensor and Le Roux, "SA Ready to Tighten Screws."

[86] Confidential interview (by email), 25 September 2012.

[87] Davies, "SA Wants a Strong Regional Market."

[88] Drieghe, "The European Union's Trade Negotiations with the ACP."

[89] Carim, "Bridges Africa Talks to Xavier Carim."

[90] Ramdoo, "ECOWAS and SADC Economic Partnership Agreements," iv.

[91] DTI Republic of South Africa, "Media Release."

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Tables

Table 1. SADC-Minus states' exposure to loss of Lomé-equivalent preferences.

Country	LDC Status	Proportion of Exports Destined for EU, 2004-2012 (%)[1]	Proportion of Exports to EU subject to a tariff rise if downgraded to GSP/MFN treatment (%)[2]	Key exports to the EU, 2004-2012 (% of exports to EU)[3]
Angola	Yes	12.8	-	Mineral fuels, oils etc (94.1); pearls, precious stones etc (4.5)
Botswana	No	67.0	1.5	Pearls, precious stones etc (96.5); meat and offal (1.3); apparel (1.1)
Lesotho	Yes	1.0	-	Pearls, precious stones etc (76.3); apparel (16.3)
Mozambique	Yes	44.8	-	Aluminium (71.5); tobacco (6.2); fisheries products (4.4); sugars (3.4)
Namibia	No	35.6	30.5	Pearls, precious stones etc (44.2); zinc (10.3); fisheries products (22.0); copper (6.6); ores, slag and ash (6.6); salt, sulphur, lime, cement etc (2.9); meat and animal products (2.1)
Swaziland	No	6.0	86.6	Sugars (78.3); vegetables, fruits, nuts etc (14.2)

Note: Data for Lesotho is limited. Figures cited cover 2008-2010.

Figures

Figure 1. SADC-Minus EPA configuration.

[1] International Trade Centre, "Trade Map."

[2] Overseas Development Institute, "The Costs to the ACP of Exporting to the EU under the GSP." Data is available for non-LDCs only.

[3] International Trade Centre, "Trade Map."