



No.319/ March 2010

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**IIIIS Discussion Paper No. 319**

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# Economic Partnership Agreements and Food Security<sup>1</sup>

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## Abstract

There has been much debate about the possible negative effects of Economic Partnership Agreements (EPAs) for food security in ACP signatories. This paper investigates whether the commitments undertaken by ACP governments when they signed EPAs are a threat to food security. Analysis of the tariff liberalisation schedules suggests that ACP states have made use of their flexibility to exempt many food staples from liberalisation. However, the EPA provisions on other border measures are more problematic. Although EPAs were intended to create a WTO-compatible system of trade preferences between the EU and ACP states, all of the EPAs require ACP signatories to make commitments which go beyond WTO disciplines. From a food security perspective, these commitments concern tariff standstill provisions, the ban on export restrictions and export taxes, limits on the size of the remedies available under the bilateral safeguard clause, and the failure to prohibit the use of export subsidies by the EU partner. The paper recommends that disciplines which potentially might limit the policy measures which ACP governments could take to improve food security, and which go beyond WTO-compatible provisions, should be removed either through renegotiating the existing interim agreements or when establishing full EPAs. However, it also warns that an excessive focus on trade policy has distracted attention from the more important question of the domestic initiatives that ACP governments take to ensure that agriculture can play its role as an engine of growth and poverty reduction. The potential of EPAs to improve food security can only be realised by a focus on greater agricultural investment and improved institutions.

**Keywords:** Economic Partnership Agreements, ACP, EU, trade, food security

**JEL:** F13, O13

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<sup>1</sup> The generous financial support of the Advisory Board for Irish Aid under its Framework Project on Policy Coherence for this research is gratefully acknowledged. Support was also received from the “New Issues in Agricultural, Food and Bio-energy Trade (AGFOODTRADE)” Small and Medium-scale Focused Research Project, Grant Agreement no. 212036, funded by the European Commission. I am grateful to Patrick Wustmann for excellent research assistance. Thanks are due to Christopher Stevens for helpful comments on an earlier draft, but any errors remaining are the responsibility of the author. Email address for correspondence: alan.matthews@tcd.ie.

## Introduction

This paper addresses the potential impact on food security of the Economic Partnership Agreements (EPAs) signed between the European Union (EU) and the African, Caribbean and Pacific (ACP) states. Food security is just one development dimension where EPAs can have an impact, but its importance for the ACP countries merits its separate discussion. A characteristic of the majority of ACP states is their poor scores on the Global Hunger Index and their lagging performance in reaching the first Millennium Development Goal to halve the number of people suffering from hunger by 2015. There is thus an urgent need to improve food security for ACP populations particularly in Africa. Article 3.3 of the EU directive for the negotiation of EPAs with ACP countries and regions required that “[t]he agreement shall include provisions aimed at fostering food security in accordance with WTO rules” (Pannhausen, 2006).

EPAs have the potential to significantly influence food security both through their impact on food availability as well as food access. The ability of a country to improve its food security is a function of its development effort and performance generally, and EPAs will influence this through a variety of channels. In this paper, we focus on the way EPAs might affect agricultural trade and the ability of ACP governments to influence agricultural trade flows. Agricultural production is intimately linked to food security in low-income developing countries through the role it plays in income and employment creation, the supply of foodstuffs and export revenue generation. Agricultural trade between the EU and ACP states already faces many challenges, including the erosion of traditional trade preferences, increasingly stringent and varied food safety and technical standards, as well as critical supply-side constraints. However, the EU has opened its market to duty-free and quota-free access to all ACP countries (with some delay for sugar) as part of EPAs which is a potentially positive element particularly for those non-least developed ACP countries which do not benefit from the Everything But Arms (EBA) scheme. Nonetheless, many criticisms were made during the negotiation of EPAs that they would undermine food security in ACP states. This paper investigates just one piece of this jig-saw by focusing on the commitments which ACP countries have been asked to make when acceding to an EPA.

The fears expressed in relation to food security related to the inability of domestic production in ACP states to compete with EU agri-food imports, the potential restrictions on ACP governments to address import surges that could undermine local food production, and the limitations on the freedom of ACP countries to use tariff policy and market regulation more generally to promote the domestic supply of staple foods (ACP-EU Joint Parliamentary Assembly, 2008; Aprodev, 2009; Bertow and Schultheis, 2007; Kasteng, 2006; Terra Nuova, 2006). Other observers criticised EPAs because they did not go further in helping ACP countries to improve their supply of staple foods (Brewster, 2008). These specific worries about the potential impact of EPAs were nurtured by case studies of the damage caused to local production by existing EU imports, often assisted by export subsidies in the past. The potential negative impacts of greater trade liberalisation on smallholder farmers in the ACP countries, especially given unfair competition with highly subsidized EU production, was raised on a number of occasions by the former UN Special Rapporteur on the right to food, Jean Ziegler. He also queried whether eliminating tariffs on EU imports might jeopardize government funding for social programmes and thereby threaten

governments' ability to meet their obligations in terms of economic, social and cultural rights, including the right to food (UN Human Rights Council, 2008).

The literature in this area is relatively sparse, although notable exceptions include the studies by Bilal and Stevens, 2009; CTA, 2008; Pannhausen, 2006; Seimat, 2006 and Weinhausen, 2006, the latter three published by the German Development Institute. Impact assessments seemed to support the fears that EPAs could have negative consequences for food security in some countries, especially if the majority of people are rural net food producers (PricewaterhouseCoopers, 2007). Pannhausen (2006) produced detailed estimates for the West African region of the trade impacts of setting tariffs on four important food staple imports to zero (milk, poultry, wheat and wheat flour, and processed tomatoes). But he recognised that the producer losses (and government losses through lost tariff revenue) would be balanced by benefits to consumers in the form of lower prices, leaving the overall welfare effect indeterminate.

Many of these criticisms were made during the EPA negotiation process. There are now interim EPAs with 16 countries and a full EPA with the CARIFORUM group, together with their associated tariff reduction schedules. According to the Commission, "the asymmetry of liberalisation is significant in the case of agriculture since most tariffs on European agricultural products will be either excluded from liberalisation or subject to transition periods (up to 25 years)" (DG Agriculture, 2008). It is thus now possible to evaluate the extent to which these fears were justified by the provisions of the actual agreements.

We address these issues in this paper in two ways. We first investigate the practical effect of the tariff liberalisation offered by those ACP countries which have signed interim/full EPAs. Tariff reductions are scheduled to take place over a relatively lengthy transition period, with some tariff lines (usually accounting for around 20 per cent of the value of total ACP imports) excluded from any liberalisation commitment. The first step is to identify the treatment of agri-food commodities in these tariff liberalisation schedules. Because of the large number of tariff lines covered, we focus on a limited number of 'staple food commodities' which are chosen because of their importance in either the diets or agricultural production of ACP countries as well as in imports. Through an analysis of the published liberalisation schedules, we identify the existing level of protection provided to domestic production and how this is likely to change over the course of the EPA transition period and beyond. However, the EPA provisions go beyond a simple schedule of tariff reductions. They also encompass a commitment to tariff standstill and disciplines on the use of other border measures including quantitative trade restrictions, export taxes and subsidies, and safeguard measures. In a second step, we analyse the text of the agreements to evaluate the significance of these disciplines for the policy autonomy of EPA states. Our normative standpoint is that the purpose of EPAs is to create a WTO-compatible system of trade preferences between the EU and the ACP countries. We therefore pay particular attention to whether EPAs go beyond WTO compatibility in their provisions governing border measures. Finally, the important question for the ACP states themselves is how best they can advance their food security goals in the context of EPAs, and we briefly focus on this policy issue in our conclusions.

The paper is structured as follows. Section 2 discusses the links between trade and food security to establish a framework to evaluate the potential food security impact of EPAs. Section 3 describes the food security situation in ACP countries in greater detail, to emphasise the magnitude of the task facing these countries in this dimension of their development efforts. Section 4 discusses how the ACP countries' market access offer may impact on food security concerns, first, through an examination of their tariff liberalisation schedules and also through a textual analysis of the relevant provisions in the Agreements. Section 5 concludes by asking how best the EPAs might be used as an instrument to promote food security in ACP countries. In this section, we emphasise the importance of using the non-trade policies at the disposal of ACP governments and the role of EU assistance in this regard.

We conclude this introduction with a note on terminology. The ACP group of states counts 79 countries, all of whom (with the exception of Cuba) signed the Cotonou Partnership Agreement. These CPA signatories include a number of countries which are not engaged in EPA negotiations. South Africa is a CPA signatory but it initially only participated as an observer in the EPA negotiations as it had its own trade agreement with the EU, the Trade and Development Cooperation Agreement signed in 1999 which came into full operation in 2004. However, the EU Council in 2007 gave a favourable opinion to the SADC EPA group concerning full inclusion of South Africa in the SADC EPA negotiations, and South Africa is included in the tables and figures which follow. Somalia and East Timor are also signatories to the CPA, but they are not involved in the EPA negotiations (although East Timor is an observer in the Pacific region). Apart from the CARIFORUM Agreement, the interim Economic Partnership Agreements include only trade provisions but with commitments to conclude negotiations on full EPAs which, in principle, should also include other ACP countries in each region. We refer to the existing agreements as EPAs for shorthand purposes in this paper, but the reader should keep in mind that most of them are interim agreements only and that both their provisions and schedules of tariff liberalisation may be amended in the continuing negotiations. We use the term EPA states in this paper to refer specifically to those ACP countries which have signed either interim or full EPAs to date.

## **Trade and food security**

Food security, following the definition accepted in the World Food Summit Plan of Action 1996, is generally accepted to have four dimensions: food availability, access, utilisation, and stability. Food availability refers to a sufficient and consistent supply of food at national level, whether through local or imported production. Food access highlights the importance of the distribution of purchasing power as well as functioning markets to obtain adequate food. It is a function of household income, its distribution within the household and food prices. Food utilisation relates to dietary habits and is influenced by storage, processing techniques, health status, the availability of potable water and adequate sanitation and nutrition knowledge. Food stability draws attention to the need for consistency in supplies over time and the avoidance of price and market fluctuations.

The relationship between trade policy and food security is a controversial one (see FAO, 2003, Ford and Rawlins, 2007). There is nothing in the definition of food security given above which privileges food supplies from domestic or imported sources. However, there are strong

differences on the relative effectiveness of different policies to achieve food security. Views are conventionally divided between those who advocate food self-reliance and those who advocate food self-sufficiency (or food sovereignty) as the appropriate strategy to guarantee food security. Food self-reliance advocates argue that food supplies should be sourced according to the principle of comparative advantage and international trade patterns, accepting the benefits and risks associated with this strategy. Food self-sufficiency advocates warn of the dangers of relying on international markets for food supplies, and advocate policies to ensure that a high proportion of food supplies are sourced domestically (and, in more extreme versions, even locally). Proponents of the food self-reliance strategy advocate making use of markets to secure food supplies as cheaply as possible, but leave themselves open to the criticism that they underplay the problems in low-income developing countries of finding sufficient productive employment to ensure that everyone can participate effectively in the market economy to be able to secure access to the food that they need. Advocates of the food self-sufficiency strategy point to the dangers of relying on volatile and uncertain imports for a significant proportion of a country's food supplies, but leave themselves open to the criticism that the high trade barriers needed to promote food self-sufficiency lock countries into a high-cost development strategy. Whatever the intrinsic merits of either strategy, there are also issues in how to manage the transition from one strategy to another, usually from a strategy of food self-sufficiency behind import protection to a policy of food self-reliance based on lower tariffs and more open markets. Thus, as well as a debate on the relationship between trade and food security, there is a related but separate debate on trade liberalisation and food security, which is highly relevant in forming a view on the potential impact of EPAs.

Food prices impact on food security in multiple ways. Lower tariffs will result in food becoming more readily available and accessible to consumers. But lower tariffs will also encourage greater imports, leading to adjustment pressures for food producers who might lose their livelihoods without being able to adjust to alternative income-earning opportunities. Thus EPAs are likely to have impacts for different socio-economic groups. Urban dwellers will be affected differently than the rural population. While agricultural producers still make up the majority of the labour force in African ACP states, the share of the urban population is steadily growing, and is now predominant in Fiji and the Caribbean ACP states. However, it is a common misconception that net food consumers tend to be concentrated in the urban areas among better-off households, while poverty and hunger are concentrated among rural households who are predominantly net food producers. In fact, poor households tend to be net buyers of food, even in rural areas where agriculture and staple food production determine the principal livelihoods for many. According to FAO data from nine developing countries, about three-quarters of rural households and 97 percent of urban households are net food buyers (FAO, 2008). However, there may be a danger of over-interpreting these figures. Aksoy and Isik-Dikmelik (2008) estimate that, although the largest share of poor households are net food buyers, almost 50 percent of net food buyers are marginal net food buyers who would not be significantly affected by food price increases.

Thus, behind the differing views on the most appropriate food security strategy are not just different readings of the empirical evidence on what has worked most successfully in the past and under what conditions, but also evident differences in interests in the winners and losers under either strategy. Farm organisations naturally seek higher protection. Thus a joint press release from African and European farm organisations recommended that "West African

countries should seek to protect their food sovereignty and preserve the interests of family farms. This requires the maintenance of significant tariff protections by refusing European dumping, particularly on products which represent an economic and food interest for the West African populations.” (quoted in Pannhausen, 2006). On the other hand, the food price spike in 2007-08 brought home the difficulties which higher food prices create for food security. FAO estimated that the increase in food prices pushed a further 75 million below the minimum nutrition standard (FAO, 2008), and many governments responded by imposing export bans or lowering import tariffs.

Forming a judgement on whether the (market access provisions of) EPAs are, on balance, positive, negative or neutral for food security in ACP countries requires us to take a position on the relationship between trade and food security. The perspective underlying this paper is that the two positions are too stylised to be effective guides to policy. It is possible to argue both that countries should be slow to move away from engaging in international trade while also acknowledging that, particularly among ACP countries, there is an absolute necessity for improved agricultural performance which would, as a consequence, lead to lower imports and greater food self-sufficiency. ACP governments have a variety of policy instruments available to promote domestic food production in addition to market regulation through border measures, including investing in supply-side capacity such as improved physical infrastructure and technology, investing in more effective market institutions, and the use of targeted domestic subsidies. Trade policy is just one measure among a number open to developing countries to promote the growth of smallholder agriculture. We examine later the extent to which the EPA provisions encourage or limit the availability of these policy instruments to ACP governments.

## **The food security challenge in ACP states**

### **Disappointing progress in addressing hunger and agricultural production**

Long-term trends in food security and poverty indicators have generally been positive for the developing countries as a whole, but the ACP countries have not participated fully in the progress achieved despite the existence of a number of relative success stories. Table 1 presents FAO’s estimates of the number and percentage of undernourished people in developing countries and ACP countries, from 1990-1992 to 2004-2006.

For the developing countries as a whole, the last fifteen years have seen a decline in the proportion of undernourished people from 22% in 1990-1992 to 18% according to the most recent estimates, although the total number of undernourished people rose from 780 million to 812 million during this period. This corresponds to an increase of 4% in the number of undernourished people in the last fifteen years. For the 60 ACP countries covered by the estimates, although the prevalence of undernourishment declined from 33.6% to 29.4%, the total number of undernourished actually increased by 26% from 172 million to 217 million. Fifteen years ago, the ACP countries accounted for 22% of the undernourished population in developing countries; by 2004-2006 this share had increased to 27%. Only 13 of the 60 ACP countries covered by the estimates saw the number of undernourished people decline between 1990-92 and 2004-2006. At this rate of progress, most ACP states will fail to meet the Millennium Development Goal target of halving the proportion of people in hunger between 1990 and 2015.



**Table 1. Prevalence of undernourishment**

|                                | Proportion of undernourished in total population |           |           |           |
|--------------------------------|--------------------------------------------------|-----------|-----------|-----------|
|                                | 1990-1992                                        | 1995-1997 | 2000-2002 | 2004-2006 |
| Developing countries           | 21.8%                                            | 19.4%     | 18.5%     | 18.1%     |
| ACP countries                  | 33.6%                                            | 33.7%     | 31.3%     | 29.4%     |
| ACP countries in Africa        | 33.6%                                            | 33.8%     | 31.3%     | 29.3%     |
| ACP countries in the Caribbean | 35.8%                                            | 33.4%     | 30.2%     | 31.5%     |
| ACP countries in the Pacific   | 18.2%                                            | 12.2%     | 12.7%     | 16.3%     |
|                                | Number of people undernourished (millions)       |           |           |           |
|                                | 1990-1992                                        | 1995-1997 | 2000-2002 | 2004-2006 |
| Developing countries           | 780.3                                            | 751.6     | 788.8     | 812.2     |
| ACP countries                  | 172.0                                            | 197.6     | 209.2     | 217.2     |
| ACP countries in Africa        | 164.8                                            | 190.2     | 202.1     | 209.4     |
| ACP countries in the Caribbean | 7.0                                              | 7.3       | 6.9       | 7.6       |
| ACP countries in the Pacific   | 0.2                                              | 0.1       | 0.2       | 0.2       |

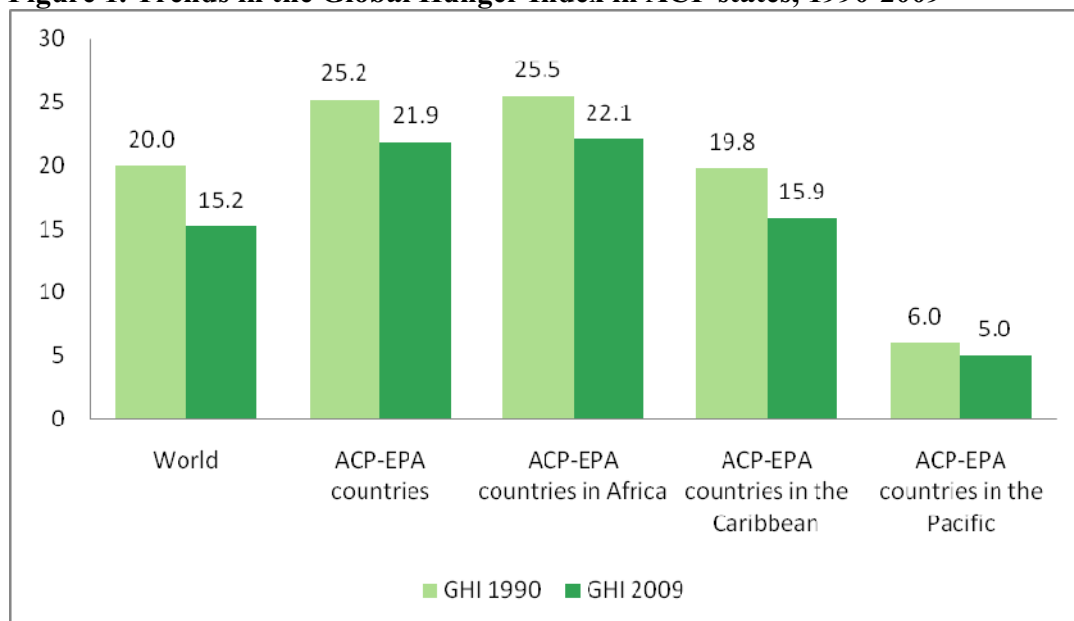
Note: The estimation includes 94 developing countries and 60 ACP countries: 44 in Africa, 12 in the Caribbean and 4 in the Pacific. The proportion undernourished is calculated on a weighted average basis, where the weights are the individual country populations in each time period.

Source: Own tabulations based on FAOSTAT.

Similar trends are evident in the Global Hunger Index which, in addition to food availability, captures two other dimensions of hunger: shortfalls in the nutritional status of children, and child mortality, which is to a large extent attributable to undernutrition. Accordingly, the Index includes the following three equally weighted indicators: the proportion of people who are food energy deficient using the FAO indicator in Table 1; the prevalence of underweight in children under the age of five, as compiled by the World Health Organisation (WHO); and the under-five mortality rate, as reported by the United Nations Children's Fund (UNICEF). The 2009 Index reflects data from 2002 to 2007 - the most recent global data available on the three GHI components.<sup>2</sup> The Index captures the general improvement in the hunger status of developing country populations, while highlighting the continuing relatively poor hunger status of the ACP-Africa region in particular and the slow rate of improvement in the GHI of this region.

<sup>2</sup> The index ranks countries on a 100-point scale, with 0 being the best score (no hunger) and 100 being the worst, though neither of these extremes is achieved in practice. The index is calculated as follows:  $GHI = (PUN + CUW + CM)/3$  where PUN: proportion of the population that is undernourished (in %); CUW: prevalence of underweight in children under five (in %); and CM: proportion of children dying before the age of five (in %). Values less than 4.9 reflect low hunger, values between five and 9.9 reflect moderate hunger, values between ten and 19.9 indicate a serious problem, values between 20 and 29.9 are alarming, and values of 30 or higher are extremely alarming. In general, values greater than 10 indicate a serious problem, values greater than 20 are alarming, and values exceeding 30 are extremely alarming. The 2009 GHI is calculated for 121 countries for which data on the three components are available and for which measuring hunger is considered most relevant (some higher-income countries are excluded from the GHI calculation because the prevalence of hunger is very low).

**Figure 1. Trends in the Global Hunger Index in ACP states, 1990-2009**



Notes: Based on data for 48 ACP countries: 41 in Africa, 6 in the Caribbean and 1 in the Pacific. The regional indices are population-weighted averages of the countries making up each aggregate. South Africa not included.  
Source: Own tabulations based on IFPRI (2009).

The relatively poor food security status of ACP countries is associated with a comparatively high dependence on agriculture, particularly for employment. Agriculture accounts for 60% of employment in these countries, compared to 55% of employment in developing countries as a whole, although it is less important in the Caribbean and Pacific regions (Table 2). The agricultural GDP share in total GDP is substantially above the world average for all six regions peaking in West Africa (34.7%), yet it is significantly below the agricultural share of employment. This highlights the very low level of agricultural productivity in ACP agriculture, even relative to other economic activities in these countries.

**Table 2. Importance of agriculture by ACP region, 2006**

|                             | % of labour force in agriculture | Agricultural GDP share in total GDP (%) |
|-----------------------------|----------------------------------|-----------------------------------------|
| West Africa                 | 62.9                             | 34.7                                    |
| Eastern and Southern Africa | 70.4                             | 24.6                                    |
| Southern Africa             | 54.6                             | 15.0                                    |
| Central Africa              | 60.4                             | 31.0                                    |
| Caribbean                   | 19.9                             | 12.3                                    |
| Pacific                     | 41.2                             | 21.0                                    |

Source: FAOSTAT. South Africa not included.

Not only is agricultural productivity relatively low, but the growth of agricultural production has been dismal. Unlike for developing countries as a whole, growth in agricultural production in the ACP regions has failed to keep up with population growth, so that per capita production has declined steadily over time (Figure 2). While there is some evidence that this decline has been stabilised in the African and Caribbean ACP countries since around 1990, this is clearly

insufficient to drive the eradication of poverty given that a majority of the workforce depends on agricultural production for their livelihood. ACP countries need a much more dynamic agricultural sector, and this is behind many of the fears expressed about the adverse effect of EPAs on food security.

### **EU-ACP agri-food trade flows**

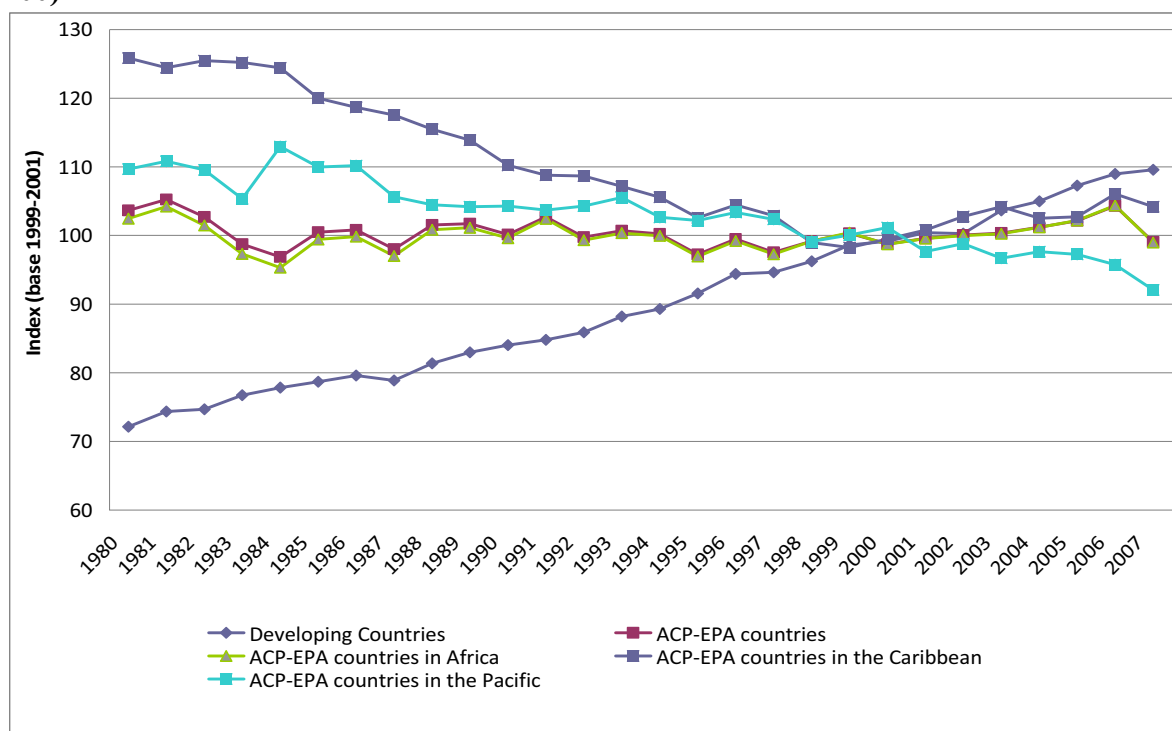
This section describes trade flows in agri-food products between the EU and ACP countries, in order to place the discussion of how EPAs might impact on food security in the ACP countries in context (for a more comprehensive if now somewhat dated account, see Kasteng, 2006).<sup>3</sup> Agri-food exports have fallen as a share of total ACP exports to the EU, from 27% of the total basket to 16% between 1996/97 and 2006/07. There has been a gradual diversification of ACP export destinations away from the EU, with the EU's share falling from 55% to 46% over this period. Partly because of this, the ACP share in total EU imports fell from 15% to 13% during this period. On the import side, the EU now accounts for just 26% of ACP agri-food imports, down from 32% in 1996/97. These make up around 10% of all ACP imports from the EU, and account for 8% of total EU agri-food exports (Table 3).

Total trade flows are dominated by the two 'big' regions, West Africa and SADC (including South Africa) (Table 4). But while there is only limited variation in the importance of the EU as an export market (despite the fact that the Central African share is twice that of CARIFORUM), the differences are more marked on the import side. While Central Africa sources 46% of its agri-food imports from the EU, the Pacific share is only 3%. Other regions with low shares include the East African Community (12%) and CARIFORUM (15%), while the ESA share is just 20%. The relatively limited share of EU food imports in these regions means that any food security repercussions of EPAs are also likely to be limited. However, a more refined analysis, taking into account the role of EU trade particularly in food security staples, is necessary before drawing final conclusions.

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<sup>3</sup> The trade statistics in this paper are taken from the BACI database. BACI starts with UN COMTRADE data, but makes use of the double reporting of trade flows (reporter-partner) to estimate non-reported values. Because developing countries are often not good reporters, there are many missing values in the COMTRADE database for developing country trade. The harmonization procedure extends considerably the number of countries for which trade data are available, as compared to the original dataset. BACI provides bilateral values and quantities of exports at the HS 6-digit product disaggregation, for more than 200 countries over the period 1995-2007 (Gaulier and Zignano, 2009).

**Figure 2. Per capita food production in developing and ACP countries (Index 1989-91 = 100)**



Notes: Indices are chain-weighted averages of the indices of the individual countries making up each aggregate, with weights equal to the individual country population in each year. South Africa included.

Source: Own tabulation based on FAOSTAT.

We gain further insight into this issue by examining the commodity composition of imports and exports in each ACP region.<sup>4</sup> We can first note the extent of specialisation on the export side, even if different regions specialise in different commodities. In the Caribbean, for example, fruit and horticulture (mainly bananas), sugar and drinks make up 82% of total exports; in Central Africa, tropical commodities and fruit and horticulture (again, bananas) make up 96% of total exports; while in the ESA region, tropical commodities, fruit and horticulture (mainly vegetables and cut flowers) and sugar account for 95% of total exports. The main imported commodities are very different. Grains and feeds figure prominently in all regions, as do fruit and horticultural imports; dairy products are particularly important in the CARIFORUM and West African regions, while meat imports are significant in Central Africa, West Africa and SADC. Of interest is the importance of drink imports in most regions, where this category comes top in SADC and ranks second in importance in the Caribbean. This commodity breakdown also is important regarding the food security implications of EPAs.

<sup>4</sup> Agricultural trade flows are defined to include all products belonging to the HS chapters 01, 02, 04 to 24 plus selected agricultural products belonging to chapters 29, 33, 35, 38, 41, 43, 50, 51, 52, 53 of the Harmonized System. Each tariff line has been assigned to one of the eight commodity categories shown in Table 5. The allocation scheme is available from the author. Other classifications are possible, for example, to distinguish between traditional commodity exports which face few export barriers, exports of other traditional exports which benefit from preferences in the EU market (sugar, beef), and exports of non-traditional exports such as horticulture and flowers exported mainly to the EU and which also benefit from some preferential treatment.



**Table 3. Agri-food trade of EPA countries with the EU-27**

| Year    | Exports to World   | Exports to EU-27   | Share of exports to EU-27   | Share in total exports to the EU   | Extra EU-27 imports | Share in EU-27 imports |
|---------|--------------------|--------------------|-----------------------------|------------------------------------|---------------------|------------------------|
|         | \$bn               | \$bn               | %                           | %                                  | \$bn                | %                      |
| 1996/97 | 18.4               | 10.2               | 55.4                        | 27.3                               | 66.8                | 15.2                   |
| 2001/02 | 17.2               | 8.5                | 49.4                        | 19.8                               | 56.6                | 15.0                   |
| 2006/07 | 27.5               | 12.7               | 46.2                        | 15.7                               | 97.0                | 13.1                   |
| Year    | Imports from World | Imports from EU-27 | Share of imports from EU-27 | Share in total imports from the EU | Extra EU-27 Exports | Share in EU-27 exports |
| 1996/97 | 12.8               | 4.1                | 32.0                        | 11.4                               | 59.3                | 6.9                    |
| 2001/02 | 15.1               | 4.5                | 29.8                        | 11.7                               | 55.1                | 8.1                    |
| 2006/07 | 30.5               | 8.0                | 26.2                        | 10.0                               | 96.3                | 8.4                    |

Note: Includes South Africa.

Source: Own tabulations based on BACI.

**Table 4: Agri-food trade by EPA regions with the EU-27 (average 2006-2007)**

| Region         | Exports (\$/bn) |          |             | Share in total exports to the EU | Imports (\$/bn) |            |             | Share in total imports from the EU |
|----------------|-----------------|----------|-------------|----------------------------------|-----------------|------------|-------------|------------------------------------|
|                | To World        | To EU-27 | EU-27 share |                                  | From World      | From EU-27 | EU-27 share |                                    |
| Total ACP      | 27.52           | 12.74    | 46.2%       | 15.7%                            | 30.55           | 8.04       | 26.2%       | 10.0%                              |
| Cariforum      | 2.83            | 1.03     | 36.3%       | 18.0%                            | 4.89            | 0.71       | 14.6%       | 11.6%                              |
| Central Africa | 1.03            | 0.71     | 68.6%       | 9.0%                             | 1.91            | 0.89       | 46.6%       | 16.5%                              |
| West Africa    | 7.93            | 4.05     | 51.1%       | 17.2%                            | 10.43           | 3.56       | 34.1%       | 13.7%                              |
| SADC           | 6.35            | 2.86     | 45.1%       | 8.2%                             | 6.41            | 1.79       | 27.9%       | 6.0%                               |
| ESA            | 4.66            | 1.91     | 41.0%       | 37.0%                            | 3.93            | 0.79       | 20.2%       | 9.9%                               |
| EAC            | 3.74            | 1.71     | 45.8%       | 69.7%                            | 2.24            | 0.28       | 12.3%       | 7.1%                               |
| Pacific        | 0.98            | 0.47     | 47.6%       | 36.2%                            | 0.74            | 0.02       | 3.1%        | 2.9%                               |

Source: Own tabulation based on BACI.

**Table 5. ACP agri-food trade with EU-27 by commodity and region (average 2006-2007, \$million)**

| Region         | Commodity Group                             | Exports | Imports | Balance |
|----------------|---------------------------------------------|---------|---------|---------|
| CARIFORUM      | Dairy                                       | 0.1     | 190.6   | -190.5  |
|                | Drinks                                      | 176.4   | 169.8   | 6.6     |
|                | Grains and Feeds                            | 47.9    | 118.7   | -70.8   |
|                | Fruit and horticulture (incl. preparations) | 372.1   | 103     | 269.1   |
|                | Livestock, Meat and Poultry                 | 3.1     | 29.3    | -26.2   |
|                | Oilseeds                                    | 2.5     | 31.2    | -28.7   |
|                | Sugar                                       | 296.5   | 21.7    | 274.8   |
|                | Tropical                                    | 126.7   | 30.1    | 96.6    |
| Central Africa | Dairy                                       | 0.1     | 101.5   | -101.4  |
|                | Drinks                                      | 13.6    | 131.2   | -117.6  |
|                | Grains and Feeds                            | 2.2     | 300.1   | -297.9  |
|                | Fruit and horticulture (incl. preparations) | 277.2   | 132.2   | 145     |
|                | Livestock, Meat and Poultry                 | 1.5     | 116     | -114.5  |
|                | Oilseeds                                    | 0.8     | 32.2    | -31.4   |
|                | Sugar                                       | 5.0     | 14.4    | -9.4    |
|                | Tropical                                    | 407.1   | 28.1    | 379     |
| West Africa    | Dairy                                       | 0.7     | 653.3   | -652.6  |
|                | Drinks                                      | 8.5     | 278.4   | -269.9  |
|                | Grains and Feeds                            | 12.6    | 1278    | -1265.4 |
|                | Fruit and horticulture (incl. preparations) | 613.3   | 520.9   | 92.4    |
|                | Livestock, Meat and Poultry                 | 10.1    | 210.9   | -200.8  |
|                | Oilseeds                                    | 176.8   | 102.5   | 74.3    |
|                | Sugar                                       | 25.3    | 161.4   | -136.1  |
|                | Tropical                                    | 3207.4  | 230.5   | 2976.9  |
| SADC           | Dairy                                       | 0.8     | 137.1   | -136.3  |
|                | Drinks                                      | 558.7   | 537.4   | 21.3    |
|                | Grains and Feeds                            | 15.6    | 384.9   | -369.3  |
|                | Fruit and horticulture (incl. preparations) | 1691.5  | 214.4   | 1477.1  |
|                | Livestock, Meat and Poultry                 | 297.0   | 212.5   | 84.5    |
|                | Oilseeds                                    | 20.2    | 92.0    | -71.8   |
|                | Sugar                                       | 145.2   | 36.0    | 109.2   |
|                | Tropical                                    | 132.9   | 103.4   | 29.5    |
| ESA            | Dairy                                       | 0.5     | 84      | -83.5   |
|                | Drinks                                      | 21.0    | 60.8    | -39.8   |
|                | Grains and Feeds                            | 41.4    | 275.7   | -234.3  |
|                | Fruit and horticulture (incl. preparations) | 518.8   | 95.3    | 423.5   |
|                | Livestock, Meat and Poultry                 | 49.3    | 46.9    | 2.4     |
|                | Oilseeds                                    | 6.0     | 37.5    | -31.5   |
|                | Sugar                                       | 470.6   | 111.4   | 359.2   |
|                | Tropical                                    | 826.9   | 55.3    | 771.6   |
| EAC            | Dairy                                       | 0.2     | 6.2     | -6      |
|                | Drinks                                      | 1.0     | 32.9    | -31.9   |
|                | Grains and Feeds                            | 16.0    | 123.6   | -107.6  |
|                | Fruit and horticulture (incl. preparations) | 882.7   | 53.4    | 829.3   |
|                | Livestock, Meat and Poultry                 | 8.3     | 4.0     | 4.3     |
|                | Oilseeds                                    | 4.4     | 10.2    | -5.8    |
|                | Sugar                                       | 24.5    | 14.5    | 10      |
|                | Tropical                                    | 786.7   | 10.6    | 776.1   |
| Pacific        | Dairy                                       | 0.0     | 0.3     | -0.3    |
|                | Drinks                                      | 0.9     | 2.0     | -1.1    |
|                | Grains and Feeds                            | 1.0     | 1.4     | -0.4    |
|                | Fruit and horticulture (incl. preparations) | 3.0     | 8.7     | -5.7    |
|                | Livestock, Meat and Poultry                 | 1.6     | 3.3     | -1.7    |
|                | Oilseeds                                    | 264.0   | 4.6     | 259.4   |
|                | Sugar                                       | 112.3   | 0.3     | 112     |
|                | Tropical                                    | 84.1    | 0.5     | 83.6    |

Source: Own tabulation based on BACI.

## ACP market access commitments and food security

Many, but not all, EPAs, contain formal commitments on food security.<sup>5</sup> These either acknowledge that food security is a critical element in the eradication of poverty and recognise the need to avoid major disruption in agricultural and food markets (CARIFORUM) or acknowledge that the removal of barriers to trade between the Parties may pose significant challenges to producers in the agricultural and food sectors of the ACP state, and commit the parties to consult with each other on these issues (e.g. Central Africa, Cote d'Ivoire, Ghana, Pacific States). In the latter case, there is an explicit recognition that, where compliance with the EPA provisions leads to problems with the availability of, or access to, foodstuffs or other products essential to ensure food security and where this gives rise or is likely to give rise to major difficulties for an EPA party, that party may introduce agricultural safeguards.<sup>6</sup> However, as we discuss later, this provision has no substantive value because agricultural safeguards are anyway permitted in all EPAs under the general bilateral safeguard provisions.

To make a fuller assessment of the impact of EPAs on food security, it is first necessary to go beyond the Agreement wording and to look at the schedules of tariff reduction commitments. Later, we return to discuss some other disciplines on the use of border measures which have caused concern.

### Treatment of staple food products in EPAs

We start with an abstract scenario. In most EPAs, it is theoretically possible to exclude all agricultural and processing food products from liberalisation. On average, agric-food imports only account for 10% of the value of imports from the EU, and the highest share for any region is 17% for Central Africa (Table 3).<sup>7</sup> However, WTO rules on regional trade agreements require that no major sector should be wholly excluded from liberalisation. Also, a more disaggregated approach allows EPA states to exclude sensitive products from the point of view of food security while still allowing room for exclusions based on other criteria, e.g. maintaining tariff revenue. In fact, the proportion of agricultural products in the exclusion lists is around one third, varying from 10% in one ESA signatory (Zimbabwe) to two-thirds in other ESA signatories (Comoros, Madagascar) (Bilal and Stevens, 2009). From the food security point of view, what is important is whether staple food products are excluded as sensitive products or whether the tariff reductions on these products are back-loaded so that liberalisation occurs towards the end of the period. To assess this, we examine the situation for a limited number of staple foods. To identify these staple foods, we drew on the literature identifying Special Products in the context of the

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<sup>5</sup> There is no mention of food security in the SADC, EAC or ESA EPAs. However, the rendez-vous clause in the EAC and ESA agreements commits the parties to continue negotiations in a range of areas with a view to concluding a full and comprehensive EPA which specifically includes agriculture. Thus, one assumes that there will be much greater attention to agriculture in the full EPAs with these groups.

<sup>6</sup> The wording in this food security Article with this group of countries is curious as the emphasis is put on problems of availability of and access to foodstuffs causing major difficulties, to which agricultural safeguards are hardly an appropriate solution.

<sup>7</sup> This was also the conclusion reached by Stevens and Kennan (2007) in a more sophisticated analysis of ACP tariff policy space in EPAs. They concluded that only Central African Republic and Congo among ACP countries would need to liberalise agricultural goods facing high tariffs.

WTO Doha Round negotiations as well as the importance of particular products in import statistics.<sup>8</sup>

Tariff reductions are calculated from the applied tariffs in place, not from the level of bound tariffs in the WTO (for those countries which are WTO Members).<sup>9</sup> Bilal and Stevens (2009) have pointed out that the schedules of tariff reductions agreed in each of the signed EPAs to date are very different, with respect to the length of the transition period and the timing of the reductions. We observe the same with respect to agri-food imports. In some cases, countries which are signatories to the same EPA may have different initial tariffs as well as different tariff reduction schedules. Nonetheless, the overwhelming impression to be gained from Table 6 is that ACP countries have made use of the flexibilities in the EPA negotiating process to exclude from liberalisation products of importance from the point of view of food security. As a rough indicator, of the 225 cells in the table (15 countries and regions by 15 products), 132 or 59% have been excluded from liberalisation.

In the cases where tariffs are scheduled to go to zero, we have included the year for which their removal is scheduled. Of the 15 products concerned, tariffs are scheduled to go to zero within 5 years for 36%, within 6-10 years for 15%, within 11-15 years for 47%, and after 15 years for 2%. Thus there is evidence that, where tariff elimination has been scheduled on imports from the EU, this elimination has been delayed for more than a decade on half of these cases.

There is also some evidence that, where tariffs are scheduled to go to zero, the initial tariff rate is relatively low. For example, tariffs on wheat and milk powder are scheduled to go to zero by 2011 in Cote d'Ivoire and by 2013 in Ghana, but the initial applied tariffs in both countries are only 5%. Even in those cases where initial tariff levels are higher, it is not correct to jump to the conclusion that domestic market prices are likely to fall by this amount. In some cases, the EU may be a relatively minor source of imports, such that the domestic market price will continue to be set by the price of imports (including the MFN tariff) from the major supplier. In this case, the importers of the EU product will earn rents while the domestic market price would be

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<sup>8</sup> At the 2005 WTO Ministerial Conference in Hong Kong, Members agreed that "Developing country Members will have the flexibility to self-designate an appropriate number of tariff lines as Special Products guided by indicators based on the criteria of food security, livelihood security and rural development." FAO and ICTSD proposed a list of ten commodities, guided by a set of plausible indicators and the results of stakeholder dialogue in a range of developing countries, which might be designated as Special Products (ICTSD/FAO, 2007). There were rice, maize, wheat, sugar, chicken, beef, vegetable oils, (palm/soya oils), milk and dairy products, onions, potatoes, and tomatoes. Our list of sensitive products is a subset of these commodities, though we added olive oil to represent an alternative vegetable oil given its importance in ACP imports from the EU. For each commodity there are a varying number of tariff lines representing different forms in which the commodity may be imported, and there may be different tariff treatment for each tariff line. In each case we chose one or two tariff lines to represent the commodity based on the relative significance of the trade flows associated with each tariff line for ACP countries as a whole. However, a detailed examination of import statistics shows that there is a large variation in the relative importance of imports of individual items – what is an important import item for one ACP country may be largely irrelevant in another. A low level or absence of imports could be due to the existence of prohibitive tariffs, so it cannot be concluded from the trade statistics alone that removing these tariffs would have no implications for food security. For a discussion of Special Products in the Caribbean region, see Ford and Conforti, 2007.

<sup>9</sup> Note that for many of the African signatories the base tariff used for making reduction commitments is not the current applied tariff but the agreed MFN tariff of the customs union to which the signatory belongs (Bilal and Stevens, 2009).

unaffected.<sup>10</sup> Even in those cases where the EU is a more important supplier and the tariff reduction is passed through in lower prices of the imported goods, the domestic price need not fall by the full amount of the tariff if there is imperfect substitutability because of consumer preferences for the local product.

The tariff reduction schedules do not capture the full impact of the Agreements on tariff policy. All EPAs include a standstill provision which stipulates that no new customs duties shall be introduced on trade with the EU, nor those already applied be increased, as from the entry into force of the agreement.<sup>11</sup> Because the maximum rates are anyway set out in the schedules for products subject to liberalisation, the main effect of the standstill provision is to add a discipline to prevent EPA states from raising tariffs on those products not scheduled for liberalisation. In some agreements (CARIFORUM, SADC and Pacific) this discipline does not apply because the standstill clause only applies to products subject to liberalisation. For agri-food products exempted from liberalisation in these three agreements, ACP signatories continue to have the ability to raise their applied tariffs provided these higher rates are applied on an MFN basis. However, for signatories of the remaining EPAs (Central Africa, EAC, ESA, West Africa), the standstill clause applies to all tariff lines. A standstill clause adds to the predictability of the trade regime introduced by an EPA and this predictability will benefit business. But it is hard to understand the reason for the asymmetric treatment. WTO compatibility does not require the inclusion of a standstill clause in the EPA (Bartels, 2008). It seems that the EU has, more recently, offered more flexibility in this area which may help to restore some greater tariff autonomy to ACP signatories of these latter EPAs (Bilal and Stevens, 2009).

In this analysis, we have only examined whether or not EPA states took advantage of the flexibility inherent in negotiating EPAs to exempt or delay tariff reductions on food security products. We have not discussed the appropriateness of this policy stance. As Pannhausen (2006) warns: “It must not be forgotten [...] that defensive and protectionist measures do not increase effectiveness of farmers. They provide a certain security for producers in terms of income, but productivity of the sector is not enhanced by that strategy. To the contrary, high protection might lead to inefficiency of farmers. Therefore one might also argue that the selection of sensitive products should be undertaken very carefully.” It is also important to reiterate that maintaining high prices in order to promote food security may serve the interests of producers but may undermine the food security of consumers. Examination of the existing tariff schedules indicates that ACP governments are aware of this trade-off. In Cameroon, for example, tariffs on imported

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<sup>10</sup> The following are examples. In Zambia, the tariff rate for 200290 (Tomatoes nes, prepared or preserved, not in vinegar) in 2007 is 25%. This is liberalised in 2023. Imports from the EU in 2007 account only for 8% of total imports of this product. In Zimbabwe, the tariff rate for 100640 (Rice, broken) in 2007 is 15%. This is liberalised in 2013. Imports from the EU in 2007 account for only 18% of total imports of this product.

<sup>11</sup> In its analysis of the standstill issue, the CTA accepts that the provision has the reasonable aim of establishing the baseline from which tariff reduction commitments should be implemented, but notes that it could have some unforeseen consequences in the context of recent policy responses to high global food prices (CTA, 2008). It points out that, in response to very high food prices, a number of governments reduced import duties and in some instances even set them at zero. They are concerned that the strict application of this provision fixing applied duties at the levels in place upon entry into force of the agreement could result in freezing in place exceptionally low import duties on basic food products. Our impression from the schedules we have examined is that this fear is not borne out in practice, perhaps because the schedules used pre-dated the 2008 spike in food prices. However, a full analysis would require a comparison of the base tariff schedules inserted into the agreements with tariff schedules from an earlier year, and we have not carried out this analysis.



foodstuffs generally range from 20-30%, but are specifically lowered to 5% for milk powder and broken rice imports which suggests that the government had particular policy objectives in mind when setting these tariffs. The same pattern is evident in Ghana where most tariffs on food imports range from 10-20% but are specifically lowered to 5% for milk powder and wheat meal.

These tariff liberalisation schedules may yet be changed either in a bilateral context or as other ACP states in a region become parties to an EPA or where an interim EPA is replaced by a full EPA. Bilal and Stevens (2009) have highlighted that the list of exclusion products selected by individual ACP countries is often very different, even where these countries are formally committed to a regional integration process and the establishment of a common external tariff. For example, they note that of the goods being excluded by ESA not a single item is in the basket of all six countries and 70% are being excluded by just one. In the SADC region, comparing Mozambique's schedules with those jointly agreed by Botswana, Lesotho, Namibia and Swaziland, just one-fifth of the items are being excluded by both parties. The implication is that changes will be required in these schedules if the regional integration processes proceed. It will thus be important to keep any changes to these tariff schedules under review from the point of view of their consequences for food security products.

**Table 6. Scheduled tariff treatment of basic food security products in EPAs signed to date**

| HS6 code | Product                                                | CARIFORUM  | Central Africa | EAC        | West Africa   |            | SADC       |                                          |
|----------|--------------------------------------------------------|------------|----------------|------------|---------------|------------|------------|------------------------------------------|
|          |                                                        |            |                |            | Cote d'Ivoire | Ghana      | Mozambique | Botswana, Lesotho, Namibia and Swaziland |
| 020230   | Bovine cuts boneless, frozen                           | Excluded   | Excluded       | Excluded   | Excluded      | Excluded   | Excluded   | Excluded                                 |
| 021011   | Hams and shoulders, swine, salted, dried or smoked     | Excluded   | Excluded       | Excluded   | 01/01/2018    | Excluded   | Excluded   | Excluded                                 |
| 021019   | Swine meat, salted/dried/smoked not ham/shoulder/bell  | Excluded   | Excluded       | Excluded   | 01/01/2018    | Excluded   | Excluded   | Excluded                                 |
| 040221   | Milk and cream powder unsweetened < 1.5% fat           | Excluded   | Excluded       | Excluded   | 01/01/2011    | 01/01/2013 | 01/01/2023 | Excluded                                 |
| 100190   | Wheat except durum wheat, and meslin                   | 01/01/2009 | 01/01/2023     | Excluded   | 01/01/2013    | Excluded   | 01/01/2023 | Excluded                                 |
| 100630   | Rice, semi-milled or wholly milled                     | Excluded   | 01/01/2023     | Excluded   | Excluded      | Excluded   | Excluded   | 01/01/2008                               |
| 100640   | Rice, broken                                           | Excluded   | 01/01/2023     | Excluded   | Excluded      | Excluded   | Excluded   | 01/01/2008                               |
| 110100   | Wheat or meslin flour                                  | Excluded   | Excluded       | Excluded   | Excluded      | Excluded   | Excluded   | Excluded                                 |
| 110311   | Wheat meal                                             | 01/01/2018 | Excluded       | Excluded   | 01/01/2011    | 01/01/2013 | Excluded   | Excluded                                 |
| 150710   | Soya-bean oil crude, whether or not degummed           | Excluded   | Excluded       | 01/01/2010 | Excluded      | Excluded   | Excluded   | 01/01/2008                               |
| 150910   | Olive oil, virgin                                      | Excluded   | Excluded       | 01/01/2010 | Excluded      | Excluded   | Excluded   | 01/01/2012                               |
| 170199   | Refined sugar, in solid form, nes, pure sucrose        | Excluded   | Excluded       | Excluded   | Excluded      | Excluded   | 01/01/2023 | Excluded                                 |
| 200210   | Tomatoes, whole/pieces, prepared/preserved, no vinegar | 01/01/2033 | Excluded       | Excluded   | 01/01/2013    | Excluded   | Excluded   | 01/01/2012                               |
| 200290   | Tomatoes nes, prepared or preserved, not in vinegar    | Excluded   | Excluded       | Excluded   | Excluded/2013 | Excluded   | Excluded   | 01/01/2012                               |

**Table 6. Scheduled tariff treatment of basic food security products in EPAs signed to date (continued)**

| HS6 code | Product                                                | ESA        |            |            |            |            |            | Pacific       |                  |
|----------|--------------------------------------------------------|------------|------------|------------|------------|------------|------------|---------------|------------------|
|          |                                                        | Comoros    | Madagascar | Mauritius  | Seychelles | Zambia     | Zimbabwe   | Fiji          | Papua New Guinea |
| 020230   | Bovine cuts boneless, frozen                           | Excluded   | Excluded   | 0%?        | 0%?        | 01/01/2023 | 01/01/2013 | Excluded      | Excluded/2008    |
| 021011   | Hams and shoulders, swine, salted, dried or smoked     | 01/01/2022 | Excluded   | 0%?        | 01/01/2017 | 01/01/2023 | 01/01/2022 | Excluded      | Excluded         |
| 021019   | Swine meat, salted/dried/smoked not ham/shoulder/bell  | 01/01/2022 | Excluded   | 0%?        | 01/01/2017 | 01/01/2023 | 01/01/2022 | Excluded      | Excluded         |
| 040221   | Milk and cream powder unsweetened < 1.5% fat           | Excluded   | Excluded   | 01/01/2017 | 01/01/2017 | Excluded   | 01/01/2022 | Excluded/2013 | 01/01/2008       |
| 100190   | Wheat except durum wheat, and meslin                   | 01/01/2013 | Excluded   | 0%?        | 0%?        | Excluded   | 0%?        | 0%?           | 01/01/2008       |
| 100630   | Rice, semi-milled or wholly milled                     | 01/01/2022 | 01/01/2022 | 01/01/2022 | 01/01/2022 | 01/01/2023 | Excluded   | Excluded      | 01/01/2008       |
| 100640   | Rice, broken                                           | 01/01/2013 | 01/01/2013 | 0%?        | 0%?        | Excluded   | 01/01/2013 | Excluded      | 01/01/2008       |
| 110100   | Wheat or meslin flour                                  | Excluded   | Excluded   | Excluded   | 01/01/2017 | Excluded   | Excluded   | Excluded/2018 | Excluded         |
| 110311   | Wheat meal                                             | 01/01/2022 | Excluded   | 01/01/2017 | 01/01/2017 | 01/01/2023 | Excluded   | 01/01/2023    | 0%               |
| 150710   | Soya-bean oil crude, whether or not degummed           | 01/01/2022 | Excluded   | 01/01/2017 | 01/01/2017 | Excluded   | 01/01/2022 | 0%?           | Excluded/2008    |
| 150910   | Olive oil, virgin                                      | 01/01/2022 | 01/01/2022 | 01/01/2022 | 01/01/2017 | 01/01/2023 | 01/01/2022 | 0%?           | Excluded/2008    |
| 170199   | Refined sugar, in solid form, nes, pure sucrose        | 01/01/2022 | Excluded   | Excluded   | 01/01/2017 | Excluded   | 01/01/2022 | Excluded      | Excluded/2008    |
| 200210   | Tomatoes, whole/pieces, prepared/preserved, no vinegar | Excluded   | Excluded   | Excluded   | 01/01/2022 | 01/01/2023 | 01/01/2022 | Excluded      | Excluded         |
| 200290   | Tomatoes nes, prepared or preserved, not in vinegar    | Excluded   | Excluded   | Excluded   | 01/01/2022 | 01/01/2023 | 01/01/2022 | Excluded      | Excluded         |

Notes:

1. For selected countries of the CARIFORUM (The Bahamas, Barbados, Dominican Republic, Haiti, Jamaica, Saint Christopher and Nevis, Saint Lucia, Suriname and Trinidad and Tobago) different schedules for certain products on the 10-digit level may apply. Most of these schedules apply a zero tariff rate from 01/01/2009 and thereafter.
  2. Some Agreements apply different schedules on products at the 10-digit level. In these cases the dominant product was taken as a reference. Where data were available, the entry 0% in the cells indicates that the applied tariff was set already at 0% at the time before the agreement in 2007.
  3. A product which is both excluded and reduced means that on the 10-digit level some products are excluded and some are liberalised
- Sources: EPA schedules, obtained from <http://www.acp-eu-trade.org/index.php?loc=epa/agreements.php>, accessed 20 December 2009; Bilal and Stevens (2009) caution that these documents are not always current in incorporating the latest changes agreed. Tariff schedules for 2007 or nearest year either from EPA schedules or from the WTO Tariff Analysis Online facility <http://tariffanalysis.wto.org/>, accessed 20 January 2010. Note that for many of the African signatories the base tariff used for making reduction commitments is not the current applied tariff but the agreed MFN tariff of the customs union to which the signatory belongs (Bilal and Stevens, 2009).

## **Disciplines on border measures**

There is little evidence from the tariff reduction schedules that EPAs will have any immediate adverse effects on food security in ACP states. For those agri-food products scheduled for liberalisation, it will be important that each ACP state makes an individual assessment of the adjustment pressures that may arise and use the transition period to put in place measures to strengthen the affected sectors' ability to compete. However, EPAs also contain provisions on border measures which some fear may restrict the ability of ACP countries in the future to ensure food security. Critics point to the way disciplines limiting the use of quantitative restrictions, export taxes and safeguards may reduce the policy space available to ACP governments. We examine these fears in this section. One of the difficulties in generalising about these provisions is that there are subtle, but potentially important, differences in the commitments undertaken by countries in each region.

One such difference is that some Agreements contain a specific Article on food security while others do not. However, on closer examination, this has limited substantive significance as the food security Article in those Agreements where it appears (Central Africa, West Africa, CARIFORUM, Pacific) only allows the ACP party access to the bilateral safeguard mechanism in cases where the implementation of the Agreement leads to problems with the availability of, or access to, the foodstuffs necessary to ensure food security. As bilateral safeguards are anyway permitted in all Agreements in the face of disruption of domestic agricultural markets, it is not clear that adding food security concerns as a justification for bilateral safeguards makes any substantive difference to the policy armoury available to EPA states (indeed, the Pacific Agreement explicitly equates the two situations). This clause might have provided a justification for export taxes in cases where a steep increase in world market prices might threaten domestic food security, although as we discuss in a moment this does not appear to be the case.

All EPAs contain provisions dealing with the 'prohibition of quantitative restrictions', which require both parties to immediately eliminate upon entry into force of the agreement all restrictions on imports and exports, including import and export licensing arrangements, except for customs duties and fees. Some commentators fear that this would prevent some ACP countries from pursuing currently successful agricultural development and food security policies (CTA, 2008). CTA quotes the example of a Namibian scheme of market regulation for specifically-defined 'controlled products', which involves a reference price mechanism backed up by import controls through import licensing administered by the Namibian Agronomic Board. Whole-grain (white) maize, wheat, pearl millet (mahangu) and their milled products are controlled crops in Namibia and subject to seasonal import restrictions under which no import licences are issued until all domestic production has been sold. For example, in 2006 no imports of white maize were permitted between 1 May and 16 October. Normally, the import of wheat flour into Namibia is prohibited although imports may be permitted depending on market conditions. The restriction is aimed at promoting the domestic processing industry (WTO, 2009) and is mainly intended to restrict imports from South Africa which the latter country tolerates, if reluctantly.

Namibia joined the WTO in 1995 and, at face value, these licensing restrictions appear to be inconsistent with Namibia's obligations under the WTO Agreement on Agriculture (which prohibits discretionary import licensing). However, the WTO Agreements make provision for exemptions from the general prohibition on quantitative restrictions in a limited number of specific cases. Under Article XI of GATT 1994, export restrictions can be temporarily applied to prevent or relieve critical shortages of foodstuffs or other products essential to the exporting contracting party.<sup>12</sup> Import restrictions are permitted where these are necessary to complement similar domestic supply restrictions or to remove a temporary domestic surplus by making it available more cheaply to domestic consumers. These exemptions, particularly in the case of import restrictions, are quite limited and have been further tightened in WTO jurisprudence which has emphasised the importance of a necessity test. Indeed, the possibility to adopt import restrictions to complement similar domestic restrictions was introduced specifically to cover US farm programmes designed to raise farm incomes which at the time operated on the basis of supply controls. It is obviously an inappropriate measure for ACP countries where the overriding priority is to try to increase their agricultural production.

Under Article XII exemptions from the prohibition on quantitative restrictions are permitted on balance-of-payments grounds, while Article XVIII permits exemptions for infant industry protection while also reiterating and expanding on the balance-of-payments justification. Article XX dealing with general exemptions exempts, *inter alia*, restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan. It also exempts measures essential to the acquisition or distribution of products in general or local short supply. These Article XX exemptions are subject to the general proviso that they should not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, nor are a disguised restriction on international trade.

What is striking is that five of the regional EPAs (Pacific, ESA, CARIFORUM, West Africa and Central Africa) do not allow for even these limited exemptions. The EAC Agreement permits the use of temporary export restrictions to address a critical shortage of foodstuffs or other essential products, while only the SADC Agreement incorporates the full range of GATT Article XI exemptions by specifically including a reference to this Article. Signatories of the other Agreements no longer have the right to impose temporary export restrictions on exports to the EU as part of a measure to help keep the domestic price of foodstuffs below the world price level during a price spike such as occurred in 2007-08. The practical importance would depend on how significant exports to the EU of such foodstuffs might be. Because most ACP countries are net importers of basic foodstuffs, it might be argued that the non-inclusion of a clause allowing temporary

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<sup>12</sup> In the WTO Agreement on Agriculture, countries planning to impose export restrictions to relieve a critical shortage of foodstuffs or other essential products are required to take into account the impact on importing members' food security and to notify and consult with other members, but developing countries are exempted even from these minimal disciplines.

export restrictions to control the domestic price of food is not of great importance. However, the fact remains that, in this regard, EPAs go beyond what ACP WTO members committed to when they signed the WTO accords.

All EPAs also prohibit the introduction of new or increased export taxes on trade with the EU. The EU argument is that the elimination of export taxes and restrictions is necessary to comply with the GATT XXIV requirement to eliminate barriers on ‘substantially all trade’, which covers both imports and exports.<sup>13</sup> The ACP concern is that this provision may make it more difficult to use this policy tool to stimulate value added processing in ways which expand income earning opportunities in rural areas, or to protect domestic food supplies in periods of high world food prices (see Bilal and Stevens, 2009). Some Agreements (Pacific, SADC, West Africa) list exceptional circumstances where the EPA States may introduce, after consultation with the EU, temporary export taxes or charges having equivalent effect on a limited number of additional products where justified by specific revenue needs, protection of infant industries, or protection of the environment. The EAC Agreement permits temporary export taxes to foster the development of domestic industry or to maintain currency value stability. While this may give an opening to tax the export of raw materials to promote value added processing, the ESA and CARIFORUM Agreements do not have this opt-out clause while the Central Africa Agreement does not include infant industry protection as a justification for its use. Some Agreements specify that the use of export taxes requires consultation with the EU, while others specify that the authorisation of the joint council is required. In all cases the use of export taxes is seen as a temporary and exceptional measure. The SADC Agreement has a rendez-vous clause providing for the review of the provisions on temporary export taxes taking into account their impact on development and diversification of the SADC EPA States’ economies. As the use of export taxes is not formally disciplined under WTO agreements, ACP countries have also gone beyond their WTO obligations by accepting a provision which prevents them from introducing new or increasing existing export taxes on their exports to the EU.

Nor is food security one of the justifications that can be invoked even in those Agreements which foresee some circumstances in which ACP states might resort to the use of export taxes. Arguably, the introduction or increase of export taxes might be justified under the food security clause contained in some (but not all, see above) EPAs which permits the ACP country to take appropriate safeguard measures if the implementation of the Agreement (in this case, the inability to raise export taxes on exports to the EU) leads to difficulties regarding the availability of, or access to, foodstuffs necessary to ensure food security. The curious wording of this article has already been noted (footnote 6) in that the safeguards expressly allowed refer to import rather than export restrictions, although the context clearly envisages a situation where

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<sup>13</sup> Even if this argument had merit, its practical significance would be nil. If export restrictions and taxes are taken into account when applying the ‘substantially all trade’ criterion, then logically each trade flow would have to be counted twice, once as an export and once as an import. Given that the EU does not apply export taxes, then analogous to the treatment of exclusions from import liberalisation, this would imply that the ACP countries could impose export taxes on up to 20% of the value of their exports without falling foul of the WTO criterion. No ACP country currently approaches this threshold.



elements of the population have difficulty in accessing foodstuffs. What is clear is that the provisions on export restrictions and taxes in the Agreements go beyond what ACP countries are asked to accept in terms of WTO disciplines, and for no obvious benefit to the EU. The most that the EU could reasonably have sought in these Agreements was a non-discrimination clause, so that any measures taken on exports to the EU would also apply to other export partners (outside the ACP region).

EPAs allow the parties to take bilateral safeguard measures in the event of a product from one party being imported into the other party in such increased quantities and under such conditions as to cause or threaten to cause, disturbances in agricultural markets or mechanisms regulating those markets.<sup>14</sup> Importantly, the use of safeguards is not confined to products where tariffs have been liberalised under the EPA. Safeguard remedies can include the postponement of a scheduled tariff reduction foreseen under the Agreement, a reversal of reductions in tariffs which have previously taken place under the Agreement up to the level of applied duties on imports from other WTO members (CARIFORUM, ESA, EAC texts) or a level which does not exceed the WTO bound rate (SADC text), or the introduction of tariff quotas. While safeguard measures should not be maintained beyond the period for which they are necessary, they can be maintained by ACP countries for a period of up to four years, renewable in exceptional circumstances for a further period of four years. A twelve month period would then have to elapse before the safeguard clause could be invoked again.<sup>15</sup>

Critics of the safeguard clause have sought greater latitude in the remedies which can be applied, for example, allowing remedies to be indefinite in duration, allowing safeguard tariffs higher than initial applied or bound tariffs, allowing automatic (i.e. unilateral) invocation of safeguards and allowing safeguards in response to price declines as well as import surges (Kwa, 2008; French National Assembly, 2009). Some of these solutions do not seem appropriate in a bilateral trade agreement. For example, a collapse in import prices would presumably not be confined to EU imports and therefore bilateral restrictions on EU imports alone are unlikely to protect domestic farmers. Maintaining safeguards indefinitely is effectively another way of exempting a product from liberalisation. The bilateral safeguard is there primarily in case of a surge in imports from the EU in response to the bilateral reduction in ACP tariffs under the Agreement. It might seem reasonable that the remedy allowed is that tariffs can be raised to the level they were at before the Agreement took effect.

In the absence of the EPA, an EPA state would be able to protect its market from a surge in EU imports by resorting to an increase in its multilateral MFN applied tariff. What is noteworthy is that the EU conceded to SADC states the right to impose bilateral safeguard duties up to the MFN bound rate. This could potentially lead to a situation where duties on some EU agricultural imports are higher than on imports from other

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<sup>14</sup> Examples include Article 21 of the EPA with Papua New Guinea.

<sup>15</sup> The Pacific agreements also allow the use of safeguards, for a limited period, to prevent disturbances to an infant industry producing like or directly competitive products, which can be maintained for a longer period, but this is not relevant to food production.

countries, if SADC MFN applied tariffs are lower than their MFN bound rates.<sup>16</sup> The EU seems prepared to accept this situation as it has waived its right to resort to WTO dispute settlement procedures in the case of bilateral safeguard measures taken under EPAs. The EU has not insisted that higher bilateral safeguard duties than those applied at the outset of the EPA can only be introduced where there is a corresponding adjustment to the SADC MFN applied tariff. While it could raise objections in the Trade and Development Committee governing the EPA, the SADC party has the right to prevail. Indeed, as bilateral safeguards can be applied also to products which are exempt from liberalisation, this seems to be one instance where an EPA provides some additional policy flexibility to an EPA state which it would not otherwise have. It is an interesting question whether EPA states could use this precedent to press for the use of quantitative restrictions as part of a safeguard measure which could be a more effective short-term response to a surge in EU imports than a tariff increase.

The emphasis on the importance of a flexible safeguard clause arises, in part, from the perception that EU exports are subsidised and thus create unfair competition for ACP producers. In the past, when the EU made more use of market price support as its preferred policy instrument to support farm incomes, EU exports had to be supported with export subsidies (refunds) to bridge the gap between the high domestic EU price and the lower world price in order to make them competitive. As the EU has moved more to direct payments to support farm incomes, the importance of export subsidies as measured by EU budget expenditure has diminished, although they have not disappeared. Export subsidies were re-introduced for dairy products and pigmeat, among others, in 2008.

The food security Article in the CPA (Article 54) dealt entirely with export subsidies, but principally from the perspective that reliable food imports at competitive prices were an important guarantee of ACP countries' food security. Thus, the CPA provided for the advance fixing of export refunds in respect of a range of products drawn up in the light of the food requirements expressed by those States. It proposed that specific agreements could be concluded with those ACP States which so requested in the context of their food security policies, while acknowledging that such agreements should not place in jeopardy production and trade flows in ACP regions. Despite the apparent benefits of subsidised exports to food-importing states and consumers, hostility to export subsidies has grown. Indeed, it was French President Jacques Chirac who, at the end of a Franco-African summit in Paris in 2003, surprisingly called for a moratorium on farm export subsidies to African countries until the conclusion of the Doha round.<sup>17</sup>

This ambiguity about the role of export subsidies may help to explain the silence on their treatment in the EPAs. Only the CARIFORUM EPA commits the EU to the elimination of export subsidies on exports to that region, and then only on those agricultural products

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<sup>16</sup> A similar situation could arise in the other EPAs in the situation where the EPA state reduces its MFN applied rate as compared to that in force at the outset of the Agreement. In that case, the bilateral safeguard provision would seem to permit a safeguard tariff equal to the higher previous tariff, which would mean that EU imports would end up paying higher duties than imports from other countries.

<sup>17</sup> See Jacques Chirac press conference report following G8 Gleneagles Summit 2005 <http://www.ambafrance-uk.org/Press-conference-given-by-M,6103.html>

for which CARIFORUM has agreed to eliminate tariffs. Whether the omission of any explicit reference to EU export subsidies in the other agreements is because the EU wanted to avoid an explicit commitment or whether the ACP countries did not push the issue because of perceived short-run benefits is not clear. Given that the tariff lines exempt from liberalisation are more likely to involve staple foods, it is intolerable that the EU retains the right to subsidise its exports to its EPA partners. This provision should be altered to reflect the spirit of the CPA provision, namely, that export subsidies are prohibited unless an EPA state specifically requests to be included in the relevant EU regulation. While such a change would be desirable, the practical significance of the change should not be over-emphasised, given the limitations on the likely EU use of export subsidies now and in the future.

Even if an explicit EU commitment to refrain from the use of export subsidies were included in the agreements, which it should be, critics point out that the large volume of direct payments which EU farmers receive constitute a support to production and, indirectly, to exports. The EU points out that these payments are increasingly decoupled from production; farmers no longer must produce to gain eligibility for support. Others point out that the support to production can be subtle and indirect but nonetheless important (ICTSD, 2009). While the academic literature remains undecided on the size of the production response to direct payments, the perception that EU agriculture is unfairly subsidised can be used to justify the exclusion of food security products from tariff liberalisation under EPAs. As we have seen, ACP countries will continue to maintain tariffs against many EU agri-food exports in the future, except in those cases where the countries themselves have decided that their balance of interests favours the import of cheaper foodstuffs.

## **Conclusions**

Food security is a central challenge for ACP countries particularly in Africa, and because of their comprehensive nature, EPAs have the potential to influence the ability of ACP countries to address their food security challenge for good or ill. This paper addresses just one piece of this puzzle, namely, whether the commitments undertaken by ACP governments when they sign EPAs are likely to curtail their ability to improve the food security of their populations. The focus is on the trade policy provisions of EPAs, though even here the analysis remains partial because we have not addressed the value of the EU market access offer to remove all duties and quotas on ACP exports to the EU (with a transitional period for sugar) which is the other part of the EPA trade provisions. This will generate some positive effects for food security, though mainly for the non-LDC ACP countries which do not currently benefit from the EBA, in the short run from the revenue that went to the EU as import tax and, in the long run, to the extent that ACP countries can improve their supply capacity to take advantage of the duty-free quota-free access (Stevens et al., 2008).

Much of the criticism of EPAs for their potential adverse food security effects has been based on the commitments undertaken by ACP governments to remove tariffs on the bulk of imports from the EU and to refrain from the use of other trade policy measures on their

trade with the EU. Critics have raised the spectre of competition from subsidised EU exports undermining domestic food production in ACP states, and argue that the limits placed on the use of trade policy instruments, particularly in the face of import surges or very high world market prices, will undermine the ability of ACP governments to promote food security. We investigated the validity of these criticisms in this paper.

The context is given by the size and structure of existing trade flows between the EU and ACP states in agri-food products. One important point to emerge is that the EU is not the major supplier of ACP agri-food imports, accounting for just one-quarter of the total in 2006-07. Only in West Africa is the share still near to 50 per cent, but in a number of other ACP regions it is below 20 per cent. Nor are all these imports basic foodstuffs, as drink imports figure prominently in total value in a number of ACP regions. The low importance of EU imports in the total means that the significance for food security of trade policy liberalisation relative to the EU alone will be correspondingly diminished.

Our analysis of tariff liberalisation schedules suggests that, at least as far as major food staples are concerned, ACP states have made use of their flexibility to exempt many of these tariff lines from liberalisation. Where staple food tariff lines are included in the liberalisation schedule, very often either liberalisation has been postponed until towards the end of the transition period, initial tariff rates were low anyway, or the EU is not a major supplier of the food staple in question. It seems that the tariff liberalisation schedules, as such, will not open the floodgates to cheaper EU imports which will undermine local production.

The EPA provisions on other border measures are more problematic. A reasonable EU position would be that EU trade should be treated no less favourably than trade with other countries (excepting regional integration partners) while not requiring ACP states to make commitments which went beyond the WTO disciplines which those countries which are also WTO members had already accepted. We observed that in many agreements this is far from being the case, and the EPAs commit the ACP partners to disciplines which go well beyond what the WTO requires and which, potentially, could damage their food security. The puzzling feature is that, in each of the individual Agreements, there are clauses to which the EU has agreed and which are more favourable from the ACP point of view, but these are not replicated in the other Agreements. Among the examples we cited are the standstill provision, which in some Agreements extends to tariff lines exempt from liberalisation but not in others; the absolute prohibition on the use of export restrictions, where some Agreements permit their use to avoid a critical shortage of foodstuffs; the absolute prohibition of export taxes, where some Agreements permit their use for revenue reasons, or on infant industry or environmental grounds; differences in the extent of bilateral safeguard remedies, where the SADC Agreement allows tariffs to be raised to WTO bound rates while the others restrict safeguard remedies to the maximum of the previous applied rate; and the general absence of a prohibition on the use of export subsidies by the EU, although in the CARIFORUM Agreement at least they are eliminated on products where the CARIFORUM countries have liberalised.

There is a substantial economic literature which is sceptical of the efficacy of some of the measures now barred to ACP governments to improve food security. But until ACP governments themselves are convinced by the merits of these arguments, it simply sows the seeds of distrust for the EU to insist that it knows best. The objective of EPAs is to allow trade preferences that are compatible with the WTO Agreements. Those limits to policy measures taken to improve food security which go beyond WTO-compatible provisions should be removed either through renegotiating these Agreements or when establishing full EPAs.

We also noted that some Agreements include a food security Article but not others, although where the Article exists it confers no new substantive rights or responsibilities. A revised food security Article could justify the use of additional border measures where food security was threatened. For example, this might extend to ensuring price stability in agricultural markets, particularly in least-developed countries where producers have particular difficulties in managing risk. This would have to come with the caveat that, for WTO members, it would not diminish the rights and obligations that each party has assumed or granted to the other in that context, it could grant non-WTO members among ACP states some additional flexibility if they wished to use it.

However, it would be even more important to take the opportunity to commit the parties to giving greater emphasis to food, agricultural and nutrition policies.<sup>18</sup> ACP countries continue to face a massive challenge to reduce the extent of undernutrition and hunger, and to reverse their growing dependence on food imports. While some observers blame trade liberalisation for these problems (Kwa, 2008), the fundamental difficulty has been the lack of investment to address productivity improvement and supply-side constraints. The considerable heat generated on the EPA issue distracts from the more important question of what domestic initiatives ACP countries need to take to ensure that agriculture can play its role as an engine of growth and poverty reduction. Small-scale farmers need access to modern inputs, resources and technologies – such as high-quality seeds, fertilisers, feed and farming tools and equipment – that will allow them to boost productivity and production. This requires investment in agriculture, rather than trade restrictions. Requiring consumers to pay high prices simply to maintain an unproductive agriculture is not a sustainable strategy to improve food security. The potential of EPAs to improve food security can only be realised by a focus on greater agricultural investment and improved institutions. Resources can be made available from the EU budget, the EU's European Development Fund and bilateral donors, but the prerequisite is that these requirements are prioritised by the ACP countries themselves.

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<sup>18</sup> As the South Centre (2008) has argued: "The interim EPAs contain very few specific provisions on the promotion of the agricultural sector ... The wording of the provisions relating to these areas of cooperation is very general, with the exception of the elements contained in the development matrix for countries in East and Southern Africa. However, even this matrix contains no binding measures and it is therefore not possible to determine the contribution of EPAs to agricultural development."

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