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The European Union and Small Island Developing States: The Geo-political/legal, Trade, and Cooperation Dimensions

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ABSTRACT

The European Union (EU) intends to become an actor in international ocean governance. With this in mind, it is developing specific and more strategic relations with Small Island Developing States (SIDS). Indeed, the existence of the EU's Outermost Regions and Overseas Countries and Territories also implies, beyond history and culture, a geographical proximity between the EU and most SIDS. The EU strategy for cooperation in the Indo-Pacific would reinforce this trend.

In order to critically assess these relationships, this article focuses on their geopolitical, trade, and cooperation dimensions, mainly from a geo-legal perspective. The main questions being asked focus on the importance of the SIDS for the EU, and what the EU can offer to assist SIDS in developing their capacities and promote regional cooperation in the challenging current context.

Keywords: European Union (EU); Small Island Developing States (SIDS); Ocean Governance; Atlantic, Indian and Pacific Oceans; Caribbean.

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La Unión Europea y los pequeños Estados insulares en desarrollo: las dimensiones geopolítica / legal, comercial y de cooperación

La Unión Europea (UE), que desea convertirse en un actor de la gobernanza internacional de los océanos, está desarrollando relaciones específicas y más estratégicas con los pequeños Estados insulares en desarrollo (PEID). En efecto, la existencia de regiones ultraperiféricas de la UE y de países y territorios de ultramar situados en el océano Atlántico, incluido el Caribe, el gran océano Índico y en el Pacífico significa también, más allá de la historia y la cultura, una proximidad geográfica entre la UE y la mayoría de los PEID. La estrategia de cooperación de la UE en el Indo-Pacífico reforzará esta tendencia. Para analizar críticamente estas relaciones, esta contribución se centra en las dimensiones geopolíticas, comerciales y de cooperación, ante todo desde una perspectiva geojurídica. Intentamos responder dos preguntas ¿cuál es la importancia de los PEID para la UE? ¿Y qué puede ofrecer la UE para ayudar a los PEID a desarrollar sus capacidades y promover la cooperación regional en el difícil contexto actual?

Palabras clave: Unión Europea; pequeños Estados insulares en desarrollo (PEID); gobernanza de los océanos; océanos Atlántico, Índico y Pacífico; Caribe.

INTRODUCTION

Small Island Developing States (SIDS) face many challenges, including the impacts of climate change, that particularly affect their maritime activities. However, they do not always have the human and institutional capacities to be able to meet global challenges. Since 1992, the issue of the specificity of SIDS has been considered within the framework of the United Nations Conference on Environment and Development (United Nations, June 1992). The question of the capacities of SIDS to deal with these challenges has been addressed notably within the framework of the SIDS Action Plan 2016-2021, which made it its first priority.

The European Union (EU) intends to become an actor in international ocean governance and is developing specific and more strategic relations with SIDS. The existence of the EU's Outermost Regions (ORs) and Overseas Countries and Territories (OCTs), in three oceans: the Atlantic (including the Caribbean Sea), the Indian, and the Pacific, also implies, beyond history and culture, a geographical proximity between the EU and most SIDS.

In order to critically assess these relationships, this contribution will focus on the geopolitical, trade, and cooperation dimensions, mostly from an EU law perspective. The main questions structuring the article being: i) what is the importance of the SIDS for the EU? and ii) what can the EU offer to assist SIDS in developing their capacities and promote regional cooperation in the challenging current context?

To be clear about the limits of this geo-legal analysis, it should be noted that, given its orientation, this paper is, by definition, EU-centric. It is necessary to adopt this approach to circumscribe what is in fact the result of many

compromises among the 27 EU Member States (at ministerial level in the EU Council and in the European Council for the heads of states or governments), and agreements with the EU supranational institutions (such as the European Parliament and the European Commission). To address these issues, we will first analyse the geopolitical importance of SIDS for the EU and then the aid and trade dimensions of their relationship, in order to identify opportunities for boosting SIDS capacity building and regional cooperation.

THE GEOPOLITICAL IMPORTANCE OF SMALL ISLAND DEVELOPING STATES FOR THE EUROPEAN UNION

The SIDS as EU's Outermost Regions and Overseas Countries and Territories' Neighbours

The EU and its Member States are developing specific relations with the SIDS. The existence of Outermost Regions (ORs) and Overseas Countries and Territories (OCTs) means that almost all SIDS are direct neighbours of the EU in the Atlantic Ocean, the Caribbean, Indian Ocean, and the Pacific. It is therefore logical that the EU launched its first Common Security and Defence Policy (CSDP) naval operations and implemented the first projects of the EU Critical Maritime Routes (CMR) programme along the shores of some of the SIDS, in the Wider Indian Ocean and Gulf of Guinea.

The adoption of the EU's Integrated Maritime Policy in 2007 (European Commission, 10 October 2007) was an important step in the development of the EU's ambitions in the maritime domain. It was followed, in 2008, by the launching of the first EU CSDP naval operation: EU NAVFOR-ATALANTA, an anti-piracy military operation in the Western Indian Ocean, followed by a number of projects implemented in the framework of the CMR programme. The design, in 2014, of an EU Maritime security strategy, increased the reference to maritime affairs within the framework of the EU's main strategies for foreign affairs, security, and defence. This is important for EU-SIDS cooperation in the long-term.

The first issue to take into consideration is the fact that SIDS are neighbours of the EU's Outermost Regions and Overseas Countries and Territories. Since 2021, there is an official list of SIDS by the UN Office of the High Representative for the Least Developed Countries (LDCs), Landlocked Developed Countries (LLDCs), and Small Islands Developing Countries. As underlined by the 2021 edition of the UNCTAD Development and Globalization report, which was dedicated to SIDS, 'there is no universally agreed definition of what constitutes a SIDS and as a consequence there are a number of SIDS classifications' (UNCTAD, December 2021). Two categories are referred to in the list: the UN members and the 'Non-UN Members/Associate Members of the Regional Commissions', where a number of EU OCTs and ORs can be found.

For this analysis we will concentrate on SIDS that are UN members themselves, as it is more in line with the spirit of this research to focus on the EU's relations with SIDS. The legal existence, keeping in mind the existing disputes (Lannon, 2017; Raoof, March 2014;

Table 1.
List of SIDS

UN Members
1. Antigua and Barbuda; 2. Bahamas; 3. Bahrain; 4. Barbados; 5. Belize; 6. Cabo Verde; 7. Comoros*; 8. Cuba; 9. Dominica; 10. Dominican Republic; 11. Fiji; 12. Grenada; 13. Guinea-Bissau*; 14. Guyana; 15. Haiti*; 16. Jamaica; 17. Kiribati*; 18. Maldives; 19. Marshall Islands; 20. Federated States of Micronesia; 21. Mauritius; 22. Nauru; 23. Palau; 24. Papua New Guinea; 25. Samoa; 26. São Tomé and Príncipe*; 27. Singapore; 28. St. Kitts and Nevis; 29. St. Lucia; 30. St. Vincent and the Grenadines; 31. Seychelles; 32. Solomon Islands*; 33. Suriname; 34. Timor-Leste*; 35. Tonga; 36. Trinidad and Tobago; 37. Tuvalu*; 38. Vanuatu. (*Also Least Developed Country).
Non-UN Members/Associate Members of the Regional Commissions
1. American Samoa; 2. Anguilla; 3. Aruba; 4. Bermuda; 5. British Virgin Islands; 6. Cayman Islands; 7. Commonwealth of Northern Marianas; 8. Cook Islands; 9. Curacao; 10. French Polynesia; 11. Guadeloupe; 12. Guam; 13. Martinique; 14. Montserrat; 15. New Caledonia; 16. Niue; 17. Puerto Rico; 18. Sint Maarten; 19. Turks and Caicos Island; 20. U.S. Virgin Islands.

Source: Office of the UN Representative for the Least Developed Countries, Landlocked Developed countries, and Small Islands Developing Countries, 17 June 2022, List of SIDS, https://www.un.org/ohrlls/content/list-sids

BBC, 12 February 2022) and the geographical locations of ORs and OCTs means that most SIDS are relatively close to the EU. However, ORs and OCTs have their own specificities at EU law level.

The Overseas Countries and Territories are not part of the EU Internal Market, unlike the Outermost Regions, but are not considered to be third countries.

The EU Member States agreed, in accordance with Article 198 of the Treaty of the Functioning of the European Union (TFEU), that the EU would associate with 'non-European countries and territories which have special relations with Denmark, France, the Netherlands, and the United Kingdom'. The Annex II of the TFEU on Overseas countries and Territories provided the official list of the OCTs before Brexit. These include 'Greenland' (that withdrew from the EEC in 1985 to become an OCT with special relations with Denmark), 'New Caledonia and Dependencies, French Polynesia, the French Southern and Antarctic Territories, Wallis and Futuna Islands, Saint Pierre and Miquelon, Saint-Barthélemy, Aruba', and, until October 2010, the now dissolved 'Netherlands Antilles: Bonaire, Curaçao, Saba, Sint Eustatius, and Sint Maarten'.

The impact of Brexit is therefore significant at this level, as the non-sovereign UK Overseas Territories (UKOTs') – 'Anguilla, Cayman Islands, Falkland Islands, South Georgia and the South Sandwich Islands, Montserrat, Pitcairn, Saint Helena and its dependencies, British Antarctic Territory' (BAT), 'British Indian Ocean Territory' (BIOT), 'Turks and Caicos Islands, British Virgin Islands, Bermuda' – listed in Annex II of the TFEU, are now linked to a third country,

Map 1.
Overseas Countries and Territories Association of the European Union

Source: European Commission, accessed 1 July 2022, https://ec.europa.eu/international-partnerships/where-we-work/overseas-countries-and-territories_en

the UK. The impact of Brexit is therefore important for the EU at geopolitical and strategic levels, but also in terms of natural resources and for the SIDS themselves. From a legal perspective, the UK withdrew from the EU and became a third country as of 1 February 2020. The withdrawal agreement includes a reference to the 'special arrangements for the association' of the OCTs with the EU (European Union, 31 January 2020, Article 3 § 1 (e)). The Trade and partnership agreement concluded in 2021 between the EU and UK for the Post-Brexit relations (European Union, 30 April 2021) also includes Article 774 regarding its territorial scope that states, in its fourth paragraph, that the Agreement 'does not apply to the overseas territories that experience special relations' with the UK', referring explicitly to all the above-mentioned UKOTs. There is also a specific declaration on the Chagos archipelago, annexed to the agreement stating that, for the EU, 'the reference to the British Indian Ocean Territory in paragraph 4 of Article 774 of the Agreement is to be interpreted and implemented in full respect of applicable international law'.

An EU Council decision (2021/1764) on the association of the OCTs with the EU, including Greenland, which was adopted in October 2021 and known as the 'DOAG' Decision stated, in its preamble, that following Brexit, the overseas association 'applies to the OCTs listed in Annex II to the Treaty on the Functioning of the European Union (TFEU)' while 'excluding the 12 UK OCTs listed in that Annex' (EU Council, 5 October 2021, 6). The DOAG decision sets out the political-institutional, trade, and financial cooperation framework to 'support the EU OCTs' sustainable development, as well as to promote the values and standards of the Union in the wider world' (EU Council, 5 October 2021, p. 13). The decision in fact 'unifies the rules for the partnership with all OCTs and includes specific provisions guiding the partnership with Greenland', while taking into consideration the new state-of-play for the UKOTs (European Commission, 17 December 2021). The impact of Brexit was already important for the UKOTs, according to the first analyses. As underlined by Jessica Byron: 'Brexit poses a major challenge for the UKOTs', for whom the EU is 'a very important trade and development cooperation partner'. In fact, they 'could not vote in the 2016 Brexit referendum' and 'are severely affected by the consequences of such developments on which they were minimally consulted'. It is impossible to detail the impact of Brexit at all different levels; but is clearly important given the number and geographical locations of the islands implicated (Benwell, *et al.*, 2022, pp. 3-12; Byron, 2019; Clegg, 2016).

The objective of the OCTs association, according to Article 198 TFEU, is to promote their 'economic and social development'. This decrees a need to 'establish close economic relations between them and the Union as a whole'. It is important to mention that 'OCT nationals are EU citizens', and that the association is primarily designed to 'further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social, and cultural development to which they aspire'. In 2013, the EU Council adopted a decision to modernise the association of the OCTs with the EU (EU Council, 19 December 2013, p. 1). This decision was then replaced by the DOAG Decision (2021/1764) that took Brexit into consideration, but mainly updated the approach of the EU *vis à vis* the OCTs. Even if the OCTs are not considered to be third countries, they do not form part of the EU Internal market. Moreover, the principle according to which the TFEU and secondary legislation 'do not automatically apply to the OCTs, with the exception of a number of provisions which explicitly provide for the contrary', was confirmed by the DOAG Decision. Therefore, the OCTs have to comply with the obligations imposed on third countries for trade and in particular: 'rules of origin, health and plant health standards and safeguard measures' (EU Council, 5 October 2021, p. 7). What is important, for this contribution, is that the OCT Association is promoting, through the DOAG Decision, regional cooperation and integration with other partners, including Outermost Regions' and SIDS' neighbours.

The Outermost Regions have a different legal status compared to the OCTs. As underlined by a 2017 European Commission Communication, the 'nine outermost regions - Guadeloupe, French Guiana, Martinique, Mayotte' (which, since, January 2014, ceased to be an OCT and became an OR within the definition provided by Article 349 TFEU) (See European Council, 31 July 2012), 'Reunion and Saint-Martin (France), the Canary Islands (Spain), the Azores, and Madeira (Portugal)' – 'are an extraordinary asset for the European Union'. The ORs 'enrich the EU economically, culturally and geographically' and give the latter a 'strategic access to the seas and provide it with unique natural assets, hosting 80% of its biodiversity'. As mentioned in the same Communication, the ORs are 'all islands with the exception of French Guiana' (European Commission, 24 October 2017, p. 2, note 1). It is clear that the EU, as such, is more and more interested in taking into consideration these assets, especially after Brexit. Also, the link with the OCTs above-mentioned and the growing international competition led the European Commission and its Member States to re-consider the importance of these resources.

Important strategic interests are indeed at stake. The above-mentioned 2017 Communication of the European Commission urged a stronger and renewed strategic partnership with the EU's outermost regions and proposed

Map 2.
EU Outermost Regions (ORs)

Source: European Commission EU and Outermost region, 18 June 2022 (consulted), https://ec.europa.eu/regional_policy/en/policy/themes/outermost-regions/

a new approach to better consider the interests of the outermost regions. It underlined, at trade level, that the ORs are 'particularly sensitive with regard to certain trade or fisheries agreements' (European Commission, 24 October 2017, p. 4). The necessity for the EU to target new 'investments on priority large-scale projects in the geographical basins' of the ORs and also the need to 'facilitate cooperation' between the ORs and 'their neighbours by a closer alignment of rules of the relevant funding instruments and possible setting-up of joint programmes' is put forward (European Commission, 24 October 2017, pp. 16-17). The development of cooperation between ORs/OCTs and SIDS is therefore also taken into consideration, even if the word SIDS does not appear as such in the report. Within the 2020 implementation report of the strategic partnership with the ORs, the European Commission proposed increased support for Erasmus+ 2021-2027 (an EU university exchange programme) to aid the outermost regions' 'participation in mobility schemes, including with neighbouring countries'. A number of examples are put forward referring to OCTs neighbouring third countries (European Commission, 23 March 2020, p. 8).

SIDS and the EU Common Security and Defence Policy Operations and the Critical Maritime Routes Programme in the Indian Ocean and Gulf of Guinea

The second issue of interest for the SIDS, in this first part, is the EU's Common Security and Defence Policy (CSDP) operations and the Critical Maritimes Routes (CMR) programme in the Wider Indian Ocean and in West Africa. The first CSDP naval military operation, launched in 2008 and known as the EU NAVFOR-ATALANTA anti-piracy operation, responded to the rising levels of piracy between the southern Red Sea and the Western Indian Ocean, including the waters surrounding the Seychelles (EU Council, 9 December 2008). In 2010, the EU decided to support the implementation of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, also known as the Djibouti Code of Conduct (DCoC). It was adopted in 2009, under the auspices of the International Maritime Organization (IMO), and includes several SIDS (International Maritime Organisation, June 2022). A Critical Maritime Routes (CMR) programme was launched by the EU the same year. The first two projects' main objectives were to increase maritime security and the safety of critical maritime routes to create regional synergies through the building of the capacities of organizations and personnel responsible for combating acts of piracy in the Western Indian Ocean, notably at the judicial level. The first project, entitled: Enhancing Maritime Security and Safety through Information Sharing and Capacity Building (MARSIC, 2010-2015), promoted the implementation of the DCoC. It focused on capacity-building and training of maritime administration staff, officials, and coast guards notably through the creation of the Djibouti Regional Training Centre and three information sharing centres in Sana'a, Dar-es-Salaam, and Mombasa (Lannon, 2017; European Commission, 2018, p. 32).

The CRIMARIO I project (2015-2019) was built on the MARSIC project and aimed to enhance maritime security and safety, notably Maritime Situational Awareness (European Commission, 2018, p. 32), in the Wider Indian Ocean. The reference to the Wider Indian Ocean is of importance as it establishes a link between East African and South East Asian SIDS. In this regard, a 2020 report confirmed that the EU will also extend its capacity-building effort on maritime security to the Wider Indian Ocean area by launching the regional programme for maritime security in the Red Sea area (European Commission and High representative, 23 October 2020, p. 7). The CRIMARIO II project (2020-2024) will 'reach new partner countries in the eastern Indian Ocean region, including southeast Asia' (European Commission and High representative, 23 October 2020, p. 40). The interest for SIDS to have access to, for example, an 'extensive programme of training in Maritime Data Processing (MDP) analysis, and visualisation to strengthen regional maritime capabilities' is obvious. CRIMARIO II, through 'cross-sectoral, inter-agency, and cross-regional co-operation' and with a 'budget of 7.5 million euros' focuses on two areas of action, namely: i) 'Enhancing information exchange and analysis, and crisis/incident management and ii) 'Strengthening inter-agency maritime surveillance, policing, investigation, and judiciary; and supporting States to improve compliance and adherence with relevant international legal instruments and regional arrangements' (exclusively in South Asian and South East Asian countries, EU Crimario project website, 11 June 2020). Interesting tools such as the Maritime coordination and communications IORIS (Indo-Pacific Regional Information Sharing) platform, which provides maritime centres 'with a means to plan and coordinate maritime operations, also offering command and control functions for crisis/incident management', are 'used by 19 national and regional maritime agencies from 12 countries and organisations in the Indo-Pacific'. IORIS includes SIDS (Comoros, Maldives, Seychelles), as well as the Regional Maritime Information Fusion Centre (RMIFC, Madagascar), the Regional Centre for Operational Coordination (RCOC, Seychelles), and the EUNAVFOR Atalanta JOC and EUNAVFOR Atalanta FHQ (EU Crimario Website, 22 June 2022). This is another clear confirmation of the growing importance of SIDS for the EU at the geopolitical and also strategic level.

The second project of the CMR programme also implicated several SIDS. Entitled: Law enforcement capacity building in East Africa (CRIMLEA I), it was implemented by Interpol between 2010 and 2014. It tackled training activities including 'law enforcement', and 'maritime crime scene investigation', for example (European Commission, 2018, p. 43). The project involved seven countries, including two island states: Djibouti, Kenya, Mauritius, the Seychelles, Somalia, Tanzania, and Yemen. For CRIMLEA II (2014-2017), also managed by Interpol, they were joined by Madagascar and the Comoros. CRIMLEA II 'sought to reinforce the forensic and investigative capacities' as well as the 'ability to prosecute acts of piracy and other maritime-based organised crime'. The 'overall relevance of the two phases of CRIMLEA' was assessed

to have 'been significant' but its 'relevance' was 'under-reported' mainly because of a lack of 'visibility' of the activities (European Commission, 2018, pp. 70-71; EU CRIMLEA, 22 June 2022). It is important to note that the EU concluded agreements related to the conditions and modalities for the transfer of suspected pirates with the Seychelles in 2009 and Mauritius in 2011, as foreseen in the decision that put the Atalanta naval operation in place (European Union and the Republic of Seychelles, 2 December 2009, pp. 37-43; European Union and the Republic of Mauritius, 30 September 2011, pp. 1-2; Bosse-Platière, 2018, pp. 289-302). All these initiatives will be framed by the EU strategy for the Horn of Africa adopted in May 2021. It aims at covering, beyond the 'eight countries of the Horn', regional organisations, in the framework of the 'Wider neighbourhood' including the 'Red Sea and the Western Indian Ocean'. This shift might be of interest for SIDS located in the Indian Ocean as it refers not only to 'maritime security', but also 'naval diplomacy' (EU Council, 10 May 2021, pp. 2, 5).

These projects in the Wider Indian Ocean were complemented in the Gulf of Guinea, a region that has also benefited from an EU specific regional strategy since 2014 (EU Council, 17 March 2014). This Strategy 'covers 6.000 km coastline from Senegal to Angola, including the island states of Cape Verde and São Tomé and Príncipe' (EU Council, 17 March 2014, p. 1). It is also an area of increasing concern due to piracy activities (Kamal-Deen, 2015, pp. 93-118; EEAS, 2021; Pichon, & Pietsch, 2020). From 2013 until 2016, a first project: CMR Gulf of Guinea (CRIMGO), was implemented by the EU. CRIMGO 'aimed to strengthen the operational capabilities of regional and national maritime organisations in the Gulf of Guinea and to support the implementation' of the Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa (Yaoundé Code of Conduct, 2013). Here also the main objective was to 'reinforce regional and international initiatives against piracy and armed robbery at sea' (European Commission, 2018, p. 24). A new project, building on the achievements of CRIMGO to support the implementation of the YCoC – the Gulf of Guinea Interregional Network (GoGIN) – was launched in December 2016 and lasted until 2021. Its aim was to improve 'safety and maritime security in the Gulf of Guinea, notably by supporting the establishment of an effective and technically efficient regional information sharing network' (European Commission, 2018, p. 24). The main instrument developed by GoGIN to achieve this goal was the Yaoundé Architecture Regional Information Sharing platform (YARIS), designed to improve information sharing and exchanges, and the fight against maritime insecurity. A new GoGIN+ has been put in place in 2022 (European Union, 6 June 2022), but it must be noted that a number of issues were identified, notably 'the efficiency of its interaction with other actors in the field (other organisations, centres, and projects)' (European Commission, 2018, p. 51). Finally, a project launched in 2019 and entitled 'Improving Port Security in West and Central Africa' (WeCAPS), aims to 'help partner countries in West and Central Africa

to adequately address increasing vulnerabilities related to port security' (European Union, 29 June 2022). Those two projects involve São Tomé and Príncipe.

The projects of the CMR programme were developed to face piracy but are now broadening their scope to surveillance of other transnational security threats, including different forms of trafficking (humans, drugs, weapons). Natural or man-made disasters can also be taken into consideration and one can easily understand the interest for SIDS to be involved in these networks and to participate to these initiatives.

The Growing Importance Given to Maritime Affairs in EU Global and Regional Strategies

The growing importance given to maritime affairs in the EU's global and regional strategies since 2014 and the design of an EU maritime security strategy (EUMSS) is obvious. The maritime dimension has been included in the two main EU grand strategies for foreign affairs and security-defence, namely: the 2016 EU Global Strategy for Foreign and Security Policy (EUGS) and the 2022 EU Strategic Compass for Security and Defence (EEAS, June 2016; EU Council, 21 March 2022). These are two global strategies based on a common assessment of the main threats the EU is facing. The objective is to reach a consensus among Member States to determine the priorities for EU action. A regional strategy, the 2021 EU Strategy for cooperation in the Indo-Pacific, is of specific interest giving its focus on two oceans.

The 2014 EUMSS focuses on 'each of the European sea and subsea basins, namely the Baltic Sea, the Black Sea, the Mediterranean and the North Sea, as well as the Arctic waters, the Atlantic Ocean and the outermost regions'. This reference to the waters of the ORs is of course key for developing cooperation and relations between the EU and the SIDS. The four principles put forward in the strategy are: the intersectoral approach, functional integrity, respect for rules and principles, and 'maritime multilateralism' (EU Council, 24 June 2014, pp. 4-5). The EU maritime security strategy Action Plan was revised in June 2018 with a strong emphasis on military cooperation (EU Council, 26 June 2018).

The EU Global Strategy (EUGS) for Foreign and Security Policy, an EU foreign and security policy doctrine embryo adopted in June 2016, referred to maritime issues eight times and especially to maritime security, confirming the growing strategic importance given to maritime issues by the EU. The EUGS stated that the EU will 'contribute to global maritime security' and, as a 'global maritime security provider', will 'seek to further universalise and implement the UN Convention on the Law of the Sea' (UNCLOS). What is interesting is that it refers explicitly to the 'dispute settlement mechanisms' of the UNCLOS. Of particular importance for the SIDS is that the EU will 'promote the conservation and sustainable use of marine resources and biological diversity'. Reference is also made to the 'growth of the blue economy by working to fill legal gaps and enhancing ocean knowledge and awareness' (EEAS, June 2016, p. 41).

The legal and capacity-building dimensions are also advanced. This is the same approach that the European Commission and High Representative followed in the November 2016 Joint Communication on: International Ocean Governance: An Agenda for the Future of our Oceans. Among the 14 proposed actions, Action 4 on capacity-building explicitly mentioned SIDS as one of the target areas in this regard. It is about building 'capacities to improve ocean governance, biodiversity conservation and restoration, and sustainable blue economies'. In order to do so, the EU has a 'wide range' of bilateral agreements, including 'Sustainable Fisheries Partnership Agreements, under which it can enhance cooperation on matters relating to business'. Maritime issues such as 'blue growth, marine and coastal management, labour rights and professional qualifications and the impacts of climate change', and also 'support for the implementation of international commitments' is taken into consideration by the EU (European Commission and High Representative, 10 November 2016, p. 8).

The EU Strategic Compass for Security and Defence**,** adopted by the EU Council in March 2022, is a key point of reference in terms of EU security and defense. Among the challenges identified, it is stressed that the 'return to power politics leads some countries to act in terms of historical rights and zones of influence, rather than adhering to internationally agreed rules and principles'. The reference to China and Russia is implicit but clear. Moreover, the 'high seas, air, outer space and the cyber sphere are increasingly contested domains' (EU Council, 21 March 2022, p. 5). The reference to high seas is of importance for SIDS. Maritime security is put forward with reference to outermost regions as it is 'important for the EU's security', but also for its 'free trade, transport and energy security'. The evaluation insists on the importance of 'maritime zones, critical sea lanes of communication and several maritime chokepoints as well as seabeds' that, are increasingly contested. Other issues of specific interest for SIDS are also mentioned, such as 'climate change, environmental degradation, [and] competition for natural resources' (EU Council, 21 March 2022, p. 12).

In order to assert their interests, the EU and its Member States will improve the interoperability of naval forces 'through live exercises and by organising European port calls'. Building on its experiences in the Gulf of Guinea and in the North-West of the Indian Ocean, the EU will expand its 'Coordinated Maritime Presences to other areas of maritime interest that impact' its security. The EU will also 'seek to associate relevant partners, where appropriate' (EU Council, 21 March 2022, pp. 15, 19). The two naval operations deployed in 2022 in the Mediterranean (*Irini*), and off the Somali Coast (*Atalanta*), will also be consolidated and further developed 'as appropriate' as they are 'maritime areas of crucial strategic interest for the EU.' The objective is clear: the EU must be able to secure its 'access to and presence on the high seas' and 'in the air and in outer space'. In order to 'ensure a more assertive' EU 'presence at sea', but also its 'ability to project power', it has been stressed that 'high-end naval platforms, including unmanned platforms for surface and underwater control, are required' (EU Council, 21 March

2022, pp. 15, 27, 32). The China factor is of course not overlooked as the EU will seek to 'promote an open and rules-based regional security architecture, including secure sea lines of communication'. Capacity-building and an EU 'enhanced naval presence' are also put forward. After recalling a series of 'joint naval exercises and port calls, most recently with Japan, the Republic of Korea, Djibouti and India', the EU Council proposed that 'such live exercises' become 'standard practice' (EU Council, 21 March 2022, p. 43).

The 2021 EU Strategy for cooperation in the Indo-Pacific is of peculiar importance for the SIDS located in that Ocean. The main EU priorities were framed, on 19 April 2021, by the EU Council as follows:

i) Reinforce the EU's 'strategic focus, presence and actions' in the Indo-Pacific, a region of 'prime strategic importance for EU interest' and 'contribute to regional stability, security, prosperity and sustainable development'.
ii) Adopt a 'long-term focus' that will be based on 'upholding democracy, human rights, the rule of law and respect for international law'.
iii) Promote a 'rules-based international order' and an 'open and fair environment for trade and investment, reciprocity, the strengthening of resilience, tackling climate change and supporting connectivity' with the EU and 'free and open maritime supply routes in full compliance with international law'.
iv) 'Develop partnerships in the areas of security and defence, including to address maritime security, malicious cyber activities, disinformation, emerging technologies, terrorism, and organised crime'.
v) 'Mitigate the economic and human effects of the COVID-19 pandemic and work towards ensuring an inclusive and sustainable socio-economic recovery'.
vi) 'Reinforce cooperation with multilateral and regional organisations, as well as with other stakeholders, not least with Small Island Developing States, drawing on the support of the EU's outermost regions as well as overseas countries and territories in that regard'. Note that this last point explicitly refers to the importance of the SIDS-ORs/OCTs relations (EU Council, 16 April 2021, pp. 2-4, 8).

The EU Council then tasked the High Representative and the European Commission with preparing a Joint Communication to detail these broad objectives and priorities. It was adopted in September 2021. We cannot list all the points of interest, but one should stress that a number of SIDS are referred to in the Joint Communication in two types of agreements:

i) The Pacific Economic and Partnership agreement (referring to: Papua New Guinea, Fiji, Samoa, Solomon Islands, Tonga, Timor-Leste, Kiribati, Tuvalu, and Vanuatu).
ii) The Sustainable Fisheries Partnership Agreements and its dialogues, and working groups on Illegal, Unreported and Unregulated (IUU) fishing (referring to: Cook Islands, Kiribati, Federated States of Micronesia, Solomon Islands

and Seychelles) (European Commission and High Representative, 16 September 2021, pp. 7-9). Indeed, the trade dimension is of importance and, in the case of SIDS, must be directly linked to aid.

AID AND TRADE: OPPORTUNITIES FOR DEVELOPING SIDS CAPACITY- BUILDING AND REGIONAL COOPERATION

The relationships of the EU with the SIDS are shaped by various overlapping legal frameworks. The most important is the Cotonou Partnership Agreement, covering most SIDS. This is a comprehensive framework association agreement on the basis of which a number of regional preferential trade agreements, known as Economic Partnership Agreements (EPAs), have been concluded (Lannon, 2018). The new post-Cotonou Agreement, has been negotiated with the Organization of African, Caribbean and Pacific States (OACPS) and is currently under ratification. The post-Cotonou agreement is based on increased differentiation between its beneficiaries so that three protocols, including one for the Pacific, will forge a tailormade approach, which is vital for islands. Beyond the (post-) Cotonou agreement, the EPAs and the Fisheries Partnership Agreements will remain key to SIDS.

Trade for Aid: Opportunities at the Level of (Potential) SIDS-EU Free Trade Areas

The main element of the EPA is the creation of a Free Trade Area (FTA) in a regional framework. An analysis of the different EPAs concluded so far reveals that they differentiate between partners of the same regional integration with specific derogations and transitional periods for each partner country. What is of interest is that EPAs come with substantial aid for trade. Three (interim) EPAs are of specific importance for the SIDS: the Cariforum EPA, The Eastern and Southern Africa interim EPA (ESA iEPA), and last but not least the Pacific iEPA.

The Cariforum EPA was signed in October 2008 (Cariforum EPA, 30 October 2008). It covers: Antigua and Barbuda, the Bahamas, Barbados, Belize, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, and Trinidad and Tobago. It is important to point out that it was the first EPA concluded with the EU, a fact which is quite remarkable. The EPA entered into provisional application in December 2008. Haiti signed the agreement in 2009, but is 'not yet applying it pending ratification' (European Commission, 24 June 2022).

Apart from the features common to every EPA, it is interesting to note that the European Commission stressed that this peculiar EPA is 'making it easier to export goods and services' between the fourteen countries of the Caribbean Community, or CARICOM, and the Dominican Republic, which together make up CARIFORUM. Similarly, trade relations have become easier among the fifteen CARIFORUM countries and '17 territories in the Caribbean with direct links to EU countries (four French 'outermost regions' and thirteen 'overseas territories' - six British, six Dutch and one French')' (European Commission, 24 June

2022). Here again the impact of Brexit is obvious given the number of UKOTs.

Protocol I of the EPA contains the 'definition of the concept of 'originating products' and methods of administrative cooperation'. It is of keen interest for regional cooperation. Without going into technical details, rules of origin and more particularly the system of cumulation of origin are key elements for fostering regional trade. In this EPA, a specific annex (IX) to Protocol I lists the EU's OCTs, but also 'other ACP States' including African and Asian SIDS (Cape Verde, Kiribati, the Marshall Islands, Palau, Samoa, São Tomé and Principe, the Seychelles, the Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands, Comoros, and the Federated States of Micronesia). Moreover, Article 5 of this protocol, devoted to the 'cumulation with neighbouring developing countries', states that: 'at the request of the Cariforum States, materials originating in a neighbouring developing country listed in Annex VIII', including Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and Venezuela, 'shall be considered as materials originating in a Cariforum State when incorporated into a product obtained there'. This is in line with Article 4 of the Cariforum EPA on 'Regional integration' where the parties recognized that 'regional integration is an integral element of their partnership', as well as a 'powerful instrument to achieve the objectives of this Agreement'. In other words, this is a 'mechanism for enabling these States to achieve greater economic opportunities' and to 'foster their effective integration into the world economy' (paras 1 and 2 of Article 4 of the Cariforum EPA). It is interesting to recall, in this regard, that overall, the main exports from the Caribbean to the EU consist of fuel and mining products, notably petroleum gas and oils; bananas, sugar and rum; minerals, notably gold, corundum, aluminium oxide and hydroxide, and iron ore products; and fertilisers. On the other hand, the main imports into the Caribbean from the EU are boats and ships, cars, constructions vehicles and engine parts; phone equipment; milk and cream; and spirit drinks (European Commission, 24 June 2022).

With regard to EU exports to the region, EU exports of 'sensitive products will gradually be liberalised over a period of 25 years'. This is important, as according to the European Commission, it 'opens up trade in services and investment' and 'comes with financial support' to help Caribbean governments to implement the EPA and support businesses to use it to export more while attracting 'outside investment' (European Commission, 14 June 2022). This is another example of capacity-building provided by the EU at the level of the implementation of the EPA for the public and private sectors.

The interim Pacific Economic Partnership Agreement (Pacific iEPA, 16 October 2009) is of a different nature. Such interim EPAs were introduced to avoid disrupting trade on the expiry of the preferential trade regime on 31 December 2007, set out in Annex V of the Cotonou Agreement and the World Trade Organisation waiver covering this trade regime. In other words, the EPA negotiations, with the noticeable exception of the Cariforum EPA, were not finalised on time for various rea-

sons, notably because of the reluctance of ACP countries to enter into a trade liberalization process that implies, for example, a loss of fiscal revenues. The interim EPA, is a framework for a future EPA and therefore includes 'all the measures necessary to establish' an FTA in line with multilateral rules, including provisions on 'customs and trade facilitation, technical barriers to trade, sanitary and phytosanitary measures and dispute settlement'. However, both 'development cooperation provisions and institutional provisions are very limited' as the 'major focus of the Interim Partnership Agreement is purely trade in goods' (European Commission, 16 December 2008, p. 2). Nevertheless, the iEPAs provide the beneficiaries with a single harmonised trade regime with the EU and improved market access. According to the European Commission, the EU and Papua New Guinea signed the interim EPA (Pacific iEPA) on 30 July, and Fiji on 11 December 2009 (and started to provisionally apply it from 17 July 2014). Samoa and the Solomon Islands acceded 'on 21 December 2018 and 17 May 2020, respectively'. Moreover, 'Tonga and Timor-Leste informed the EU on 19 July 2018 and 15 October 2020 respectively of their intention to accede to the EPA' (European Commission, February 2022). That means that for the time being, some SIDS stayed away from the process, while the September 2021 Joint Communication on the Indian Ocean adds that the coverage of the Pacific iEPA is 'likely to extend to new members (Tonga, Timor-Leste and possibly Kiribati, Tuvalu and Vanuatu)', and its 'scope is likely to be deepened to services and investment' (European Commission and High Representative, 16 September 2021, p. 7, note 9).

Beyond this trade dimension, and after the adoption of the 2006 Strategy for a Strengthened Partnership between the EU and the Pacific Island States, relations became more political (European Commission, 29 May 2006; Pajon, 21 April 2022). The 2012 Joint Communication entitled: Towards a renewed EU-Pacific Development Partnership, emphasized the growing geostrategic importance of the Pacific region (European Commission and High Representative, 21 March 2012, p. 1). The European External Action Service (EEAS), the diplomatic service of the EU, stressed that the 'increasing relevance the EU attaches to its relations with the Pacific is mirrored in its participation at the Pacific Island Forum (PIF)', the 'most significant inter-governmental regional organisation in the Pacific, including 14 independent island states' as well as Australia and New Zealand (EEAS, 13 June 2022). That means that, despite the fact that the full EPA is not yet in place and only trade provisions apply, other multilateral platforms can be used for dialogue and multilateral cooperation.

With Eastern and Southern Africa (ESA), a first interim Economic Partnership Agreement (hereinafter ESA iEPA) was signed by Madagascar, Mauritius, the Seychelles, and Zimbabwe in August 2009. The provisions of the iEPA applied from 14 May 2012 onwards. Then, despite an initial reluctance to be part of the FTA (See Lannon, April 2018), the Comoros signed the agreement in July 2017 and 'ratified and started applying it in

February 2019'. In October 2019, given the 'positive results generated' by the iEPA, the EU launched negotiations to 'deepen trade relations with Eastern and Southern Africa countries' in Mauritius. In fact, since 2012, 'exports of goods from the five ESA countries to the EU have increased by almost a quarter' and private European investments have been promoted as well. A number of key sectors were identified for this deepening process such as: 'services, investment, technical barriers to trade, intellectual property rights', as well as 'trade and sustainable development'. One of the aims of the deepening is to 'support regional economic integration' by 'developing regional value chains, and continental integration by furthering the ESA five countries' preparedness for implementing the African Continental Free Trade Area (AfCFTA) under the African Union' (European Commission, 2 October 2019). This is, in our opinion, a clear added value of the EU's multi-layered regional approach.

What is interesting is that, despite some difficulties at the start of the liberalization process, the benefits of the iEPA were sufficient to deepen it, as foreseen in Article 53. Between 2012 and 2018, Madagascan exports to the EU 'have more than doubled', while the Seychelles 'have seen their exports increase by more than one third'. Therefore, in 'February 2019, after ratifying the iEPA, the Comoros started to apply it provisionally, also joining the other four ESA states in the deepening process' (European Commission, 2 October 2019), and this was even before benefitting from the advantages of a fully-fledged EPA in terms of capacity-building and technical aid.

While EU development cooperation is longstanding, particularly with the SIDS that are part of the ACP group of countries, the proliferation of preferential trade agreements is more recent. Two SIDS in the Indian Ocean remained, for a while, outside the network of agreements: the Comoros and the Maldives, but given the positive results, the Comoros joined the liberalization process (see below however, the issue of the fisheries partnership agreement). Also, the EU Council stressed in 2021 that the EU will 'aim at finalising modernised Partnership and Cooperation Agreements (PCAs) with Malaysia and Thailand and negotiating a new PCA with the Maldives' (EU Council, 16 April 2021, p. 4). It remains to be seen if this will be achieved given the current difficult context, but it is a positive sign that the conclusion of such PCAs is considered as being a precondition for signing an FTA.

Opportunities and constraints related to EU's Fisheries Partnership Agreements

In terms of opportunities and constraints related to EU's Fisheries Partnership, one should recall that as of June 2022, the EU has thirteen Sustainable Fisheries Partnership Agreements (SFPAs) in force with third countries:

- 9 tuna agreements: Cape Verde, Ivory Coast, São Tomé and Principe, Gabon, the Cook Islands, the Seychelles, Mauritius, Senegal and Gambia;
- 4 mixed agreements: Greenland, Morocco, Mauritania and Guinea-Bissau (European Commission, 25 June 2022).

The tuna agreements, concluded by several SIDS, allow EU vessels to 'fish for different species of large tunas that migrate along from the coasts of Africa and cross the Indian Ocean', whereas the 'multi-species agreements offer fishing opportunities for demersal and pelagic species, tuna, cephalopods and shrimp'. There are also seven so-called 'dormant agreements' with Equatorial Guinea, Kiribati, Liberia, Madagascar, Micronesia, Mozambique and the Solomon Islands. The latter 'stand for countries that have a fisheries partnership agreement which is still in force but there is no implementing protocol in force', the consequence being that EU vessels are 'not allowed to fish in waters under the regime of the dormant agreements' (European Commission, 25 June 2022).

The SFPAs and their implementing protocols have multiple dimensions and are of interest to promote capacity-building and regional cooperation. Taking the example of the Western Indian Ocean, the new SFPA and implementing Protocol with the Seychelles (EU-SEY Protocol) were negotiated at the end of 2019 and applied provisionally on 24 February 2020. This Protocol allows 40 EU tuna purse-seiners and 8 long-liners to fish 'for a duration of 6 years while continuing to support the sustainable development of the fisheries sector'. It also 'foresees an EU annual financial contribution' of €5.3 millions, 'based on a reference tonnage of 50,000 tonnes'. In fact, an important part of this financial contribution (€2.8 millions per year), is 'earmarked to promoting the sustainable management of fisheries' (European Commission, 5 March 2021). The SFPA also contains new provisions reinforcing the monitoring of the EU fleet's activities, and for the 'first time, EU shipowners' payments' includes a 'specific contribution to a dedicated fund for the Seychelles to use to improve environmental management and observations of the marine ecosystems in its waters' (Holland, 29 October 2019). Also, at the level of regional cooperation, during the first meeting of the SFPA Joint Committee held in March 2021, the 'parties acknowledged how their dialogue in such privileged partnership could be strengthened as to enhance cooperation on regional issues and in particular in the framework of the Indian Ocean Tuna Commission (IOTC)'. These new provisions tackle some of the criticisms made in the past, including the 'limited capacity of developing countries to accurately assess the surplus resources available for foreign fleets', their 'weak monitoring capacity', and the 'lack of reliable, consistent and complete data on actual catches made by the EU fleet' (Popescu, March 2016, p. 18; European Court of Auditors, 2015).

What is striking in the above table is that several SIDS have dormant agreements while the one with the Comoros was denounced due to Illegal, Unreported, and Unregulated (IUU) fishing. In the 2021 Joint Communication on the EU Strategy for Cooperation in the Indo-Pacific, it was emphasised that, through its SFPAs and 'its dialogues and working groups on Illegal, Unreported and Unregulated (IUU) fishing', the EU will support its partners' 'reforms of fisheries management and control systems'. The main objective is to 'improve fisheries compliance', and 'contribute to the conservation and sustainable management of marine biological resources' (European Com-

Table 2.
List of fisheries agreements

Country	Expiry date	Type	Total EU contribution per year	Sectorial support per year
Cape Verde	19.5.2024	Tuna	€750 000	€350,000
Comoros	*Protocol expired on 31.12.2016. Agreement denounced*			
Cook Islands	13.11.2021	Tuna	€735,000 / €700,000	€350,000
Côte d'Ivoire	31.7.2024	Tuna	€682,000	€352,000 (2yrs) - €407,000
Equatorial Guinea	*Protocol expired on 30.6.2001*			
Gabon	28.06.2026	Tuna	€2,600,000	€1,000,000
Greenland	21.04.2025	Mixed	€13,590,754	€2,931,000
Guinea-Bissau	14.6.2024	Mixed	€15,600,000	€4,000,000
Kiribati	*Protocol expired on 15.9.2015*			
Liberia	*Protocol expired on 8.12.2020*			
Madagascar	*Protocol expired on 31.12.2018*			
Mauritania	15.11.2026	Mixed	€57,500,000 (access only)	€3,300,000 (for the entire period)
Mauritius	7.12.2021	Tuna	€575,000	€220,000
Micronesia	*Protocol expired on 24.2.2010*			
Morocco	17.7.2023	Mixed	€208 million over a 4-year period	€17.9 - €20.5 million
Mozambique	*Protocol expired on 31.1.2015*			
São Tomé and Principe	18.12.2024	Tuna	€840,000	€440,000
Senegal	17.11.2024	Tuna + hake	€1,700,000	€900,000

(*Continued*)

Country	Expiry date	Type	Total EU contribution per year	Sectorial support per year
Seychelles	23.2.2026	Tuna	€5,300,000	€2,800,000
Solomon Islands	*Protocol expired on 8.10.2012*			
The Gambia	30.7.2025	Tuna + hake	€550,000	€275,000

Source: European Commission, Sustainable fisheries partnership agreements (SFPAs), consulted 25 June 2022, https://ec.europa.eu/oceans-and-fisheries/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en

mission and High Representative, 16 September 2021, p. 9). The Comoros, Saint Vincent and the Grenadines, and Cambodia are listed as 'non-cooperating third countries' in fighting IUU fishing in the consolidated version of the Council Implementing Decision of 24 March 2014 (EU Council, 27 March 2014). In the case of the Comoros, the EU Council Decision 2018/757 of 24 May 2018, denouncing the Partnership Agreement - a first - stressed that the latter failed to take the necessary remedial action regarding: the 'flag of convenience policy pursued by the Comorian authorities', the 'illegal fishing activities by the Comorian fleet', and 'poor or inexistent monitoring and control capacities' as well as an outdated 'legal fisheries framework' (EU Council, 24 May 2018, p. 13). With regards to Saint Vincent and the Grenadines, it is the 'failure to adopt an adequate legal framework'; the 'lack of an adequate and efficient monitoring, control and surveillance system'; and also the 'lack of a deterrent sanctioning system' that were notably identified (EU Council, 18 July 2017, p. 42). All these elements are linked to legal and technical capacities.

In its 2020 Report on the implementation of the IUU regulation, the European Commission proposed that 'any standing bilateral fisheries agreement or fisheries partnership agreement be denounced if a non-EU country fails to meet its obligations to combat IUU fishing'. The Commission also emphasized that 'while listing a third country as non-cooperating on IUU fishing (giving it a 'red card') leads to cessation of the SFPA in force, the Commission refrains, on its own initiative, from renewing SFPA protocols with countries which have not tackled shortcomings identified' (European Commission, 9 December 2020, p. 11). In fact, determining 'deterrent, proportionate and immediate measures and sanctions to ensure that offenders do not profit from IUU fishing activities' remains 'crucial' (p. 14). Whether this approach is appropriate in the case of SIDS and will be efficient, and mutually beneficial in the long-term, remains to be seen. However, one should not forget the 6 SIDS (out of 15 countries) that complied with international obligations since 2012: Fiji (2014), Kiribati (2020), Papua New Guinea (2015), the Solomon Islands (2017), Tuvalu (2018),

and Vanuatu (2014). The European Commission also referred to technical assistance and capacity development with the 'FAO's Global Capacity Development Programme' and 'capacity-building sessions' provided on demand, often 'together with the European Fisheries Control Agency (EFCA)', as well as to the three main programmes financed under the 11th European Development Fund to combat IUU Fishing *(Ibid*. 8 and 12. See hereinafter).

Development Cooperation Priorities and Opportunities

It is often hard to get a clear and comprehensive overview of the EU's actions, programmes, and projects regarding a particular categorisation like the SIDS, given the different competences of each EU institution, the different roles played by its Member States, and the different EU partners. The EU is also often working in cooperation with international organisations such as the United Nations. As the SIDS are located all over the world, it is not an easy task to analyse the various cooperation frameworks. However, it has become a bit easier as, since 2021, there is a single financial regulation: the Neighbourhood, Development and International Cooperation instrument (NDICI)-Global Europe, that regrouped most of the EUs regional financial regulations. For the first time, one of the main financial resources for development cooperation of ACP countries, the European Development Fund (EDF), was budgeted in this Regulation. This is in fact the second element of convergence, the first being that SIDS are linked to the EU and its Member States through the same (post-) Cotonou agreement and three main (i) EPAs linked to the former (Boidin, December 2020). However, one should not underestimate the complexity of EU regulations. Without being exhaustive, we will first address the Global Climate Change Alliance Plus initiative designed to increase SIDS' resilience to climate change. Then we will tackle the issue of the development of cooperation between the ORs/OCTs and the SIDS and finally, we will highlight the potential of the NDICI-Global Europe Instrument (2021-2027).

The Global Climate Change Alliance was set up in 2007 based on a communication entitled: Building a global alliance against climate change between the European Union and the poor developing countries most vulnerable to climate change (European Commission, 18 September 2007). The later underlined that the 'least developed countries (LDCs) and small island developing states' will be 'hit earliest and hardest' in terms of climate change effects. Moreover, LDCs and SIDS have the 'fewest resources to prepare for these upheavals and change their way of life'. The Communication proposed establishing a Global Climate Change Alliance (GCCA) between the 'EU and poor developing countries most vulnerable to climate change, including LDCs and SIDS'. The overall objective of the GCCA is to contribute to ensure that LDCs and SIDS 'increase their capacity to adapt to the effects of climate change, with a view to achieving the MDGs' (Millennium Development Goals). In addition, the initiative 'supports the ongoing process within the United Nations Framework Convention on

Climate Change (UNFCCC) and the Kyoto Protocol' (European Commission, 18 September 2007, pp. 2, 4). In 2022, the 'Global Climate Change Alliance Plus (GCCA+)' is considered as a flagship initiative for the EU in the domain. It has 'funded over 80 projects of national, regional and worldwide scope in Africa, Asia, the Caribbean and the Pacific'. This initiative is helping SIDS not only to 'increase their resilience to climate change' but also support them in 'implementing their commitments resulting from the 2015 Paris Agreement on Climate Change' (COP21). To give an idea, EU GCCA funding increased from €317.5 millions for 2007-2014 to €420 millions for 2014-2020 (European Commission, 28 June 2022). These actions, financed under the former Development Cooperation Instrument (integrated, since 2021, in the NDICI), included 'adaptive capacity of human and natural systems to climate-related natural hazards and disasters', 'institutional capacity for enhanced climate resilience', and the promotion of 'effective climate change planning and management capacities'. Specific training and capacity-building are also delivered by the EU GCCA+ Support Facility on request (European Commission, 29 June 2022). The EU developed this kind of approach, in terms of training and technical advice, in the framework of its pre-accession strategy.

In terms of developing cooperation between the ORs/OCTs and the SIDS, the March 2020 European Commission Report on the implementation of the renewed strategic partnership with the EU's outermost regions proposed to increase 'investment in international mobility' as it 'would improve cooperation with neighbouring countries and support regional integration' (European Commission, 23 March 2020, p. 8). The most interesting element is the point specifically devoted to 'scaling up outermost regions' cooperation with their Neighbourhood and beyond'. It refers to the Commission's proposal for European Territorial Cooperation 2021-27, that is seeking to 'facilitate cooperation between the outermost regions and their neighbours' with 'flexible rules on cooperation aligned with the external funding instrument'. A number of good practices are put forward such as the post-Cotonou agreement negotiating mandate that enshrined the 'need to consider the concerns and situation of the outermost regions'. It is not possible here to detail all the examples put forward, but a few are sufficient to understand the variety of initiatives in play:

- In Madeira, the EU 'cohesion policy funds supported projects to provide healthcare, education, social security and housing to citizens from Venezuela'.
- The 'Macaronesia regions strengthened cooperation with Cape Verde, Mauritania and Senegal through the Hexagone project under their territorial cooperation programme'.
- 'Canary Islands and Martinique drew up internationalisation strategies'.
- Some ORs increased trade relations with neighbouring third countries (Guadeloupe supported businesses in exporting to the USA, while Reunion Island created a service to support start-ups in Mozambique').

- The EU Asylum, Migration and Integration Fund and the Internal Security Fund supported the 'handling of requests for asylum in French Guiana, the development of the European Border Surveillance system in the Azores and Madeira', as well as the 'integration of migrants in society and in the labour market in the Canary Islands'.

One of the aims is to build 'trust in neighbouring countries' and develop 'common practices for sharing resources' that are considered as being 'key to exploit the new opportunities for cooperation'. Also of importance is that 'mobility partnership agreements' are envisaged to 'ease regional integration' (European Commission, 23 March 2020, pp. 9-11). To give an idea of the importance of the financing, between 2014 and 2020, the EU allocated €13.8 billion to the ORs 'under cohesion policy, agriculture and fisheries' (European Commission, 27 June 2022).

Another point of interest is that the European Parliament, in a May 2022 Report of its Committee on Regional Development entitled: EU islands and cohesion policy: current situation and future challenges, made a call for a 'reassessment of the distance criterion (150 km) that is 'used to classify islands as border regions eligible for financing' the EU's Cross-border cooperation (CBC) programmes. This applies in the framework of the territorial cooperation objective of EU's Cohesion policy and the European Neighbourhood Policy. The report added that 'if some kind of limit' had to be adopted, it 'would be more appropriate, in the case of island regions, for the cross-border territory condition to be applied at maritime basin level'. The European Parliament also stressed that the geographical disconnection of islands 'makes the green transition of such territories towards a climate-neutral economy significantly more difficult' (European Parliament, 13 May 2022, pp. 5, 18).

The 2021/1764 (DOAG) decision on the OCTs association is of course one of the main instruments to be considered. Its Article 84 on: Eligibility for regional financing, refers to the conditions under which the regional allocation may be used for operations and which countries can benefit or can be involved. Reference is made to 'two or more OCTs regardless of their location', to 'the OCTs and the Union as a whole' as well as to the 'outermost regions referred to in Article 349 TFEU'. Of interest is the reference to 'one or more ACP States and/or one or more non-ACP States or territories' as this includes SIDS. Footnote 25 indicates that 'the term 'territories' means the 12 UKOCTs which were listed in Annex II to the TFEU at the time of the notification received by the European Council on 29 March 2017 of the UK's withdrawal. In other words, the UKOCTs are also taken into consideration. Article 1 of the first Annex of the decision indicates that out of the €500 million 'earmarked for the purposes' of Decision, 2021/1764 for 2021-2027, '€76 million shall be allocated to support OCT regional programmes of which €15 million could support intra-regional operations' (EU Council, 5 October 2021, Article 84, footnote 25 and Article 1 of the Annex I).

In the NDICI-Global Europe Financial Regulation 2021/977 (EU Council and European Parliament, 14 June 2021), the SIDS

are first referred to in the preamble, with the consideration that 'special attention' should be given to countries 'experiencing fragility or conflict', 'LDCs, small island developing states, landlocked developing countries and heavily indebted poor countries' (Point 64). Article 13, devoted to: Programming principles for geographic programmes, states that 'the countries most in need', including SIDS, shall be 'given priority in the resource allocation process'. This justifies a positive discrimination in favour of SIDS. Moreover, Article 35 takes 'into account the specific operating environment and capacities' of SIDS 'which may benefit from more concessional terms' at the level of certain specific financing operations that should be 'economically and financially viable'. One must also refer to the European Commission delegated Regulation 2021/1530 of 12 July 2021 supplementing the NDICI Regulation (European Commission, 20 September 2021) as it includes, in its annex, the specific objectives and priority areas of cooperation notably for West and East Africa, the Indian Ocean, Southeast Asia, the Pacific, the Americas and the Caribbean, as well as indicative financial allocations for these sub-regions. The latter can be found in Article 2 and outline the following: (a) West Africa €11.6 billion, (b) East and Central Africa €11.3 billion, and (c) Southern Africa and Indian Ocean €6.1 billion. As mentioned above, the three main programmes financed under the 11th European Development Fund to combat IUU Fishing (€35 million for Pacific ACP states, under the Pacific-European Union Marine Partnership (PEUMP), €15 million for Western Africa, under the 'regional fisheries governance in western Africa programme' (PESCAO); and €28 million for the Indian Ocean region, under the ECOFISH programme) are now budgeted in the NDICI (European Commission, 9 December 2020, p. 12).

In terms of specific objectives and priority areas of cooperation, per sub-region, it would take too long to mention all the elements listed in the Annex, but it is sufficient to refer to the general themes of cooperation introduced for the Caribbean (point XII) to get an idea of the main priorities:

i) 'Strengthening climate and disaster resilience, including the green transition'.
ii) 'Promoting sustainable growth and jobs'.
iii) 'Supporting regional integration, trade and transnational cooperation' (including 'a) Supporting economic integration and the implementation of the Economic Partnership Agreement; and (b) Supporting institution building and cultural exchanges, including with the countries and territories of the Wider Caribbean basin').
iv) 'Strengthening governance, peace, security and human development'.
v) 'Supporting human rights and gender equality' (European Commission, 20 September 2021, pp. 28, 42-43).

This should not hide the fact that the NDICI has a strong reaction to crisis dimension and that the issues of migration and border management are among the main EU priorities. The NDICI will remain, until 2027, one of the main instruments to be used for EU-SIDS cooperation, together with the instruments of

the EU association with the OCTs. Other EU internal instruments, notably at the level of the EU Cohesion policy, can be used with ORs and their neighbours but this is not analysed here (Lannon, 2017). One should not forget, as it is linked to capacities, the Erasmus EU programme for education as it includes opportunities for students and academics originating from SIDS in the Caribbean, the Pacific but also in the Asia region that includes the Maldives. The SIDS are considered as 'third countries not associated to the programme' but can take part in certain of its actions, under specific conditions (European Commission, 16 June 2022).

CONCLUSION

The growing interest of the EU in developing more ambitious relations with SIDS, especially since the launching of the 2014 EU Maritime security strategy, is obvious. Even after Brexit, the concept of the neighbours of EU's OCTs and ORs is emerging in EU internal and external initiatives. It is a sign, among others, of the evolution of this special relationship.

Some SIDS have become important actors in international relations. The numerous reactions regarding China's ambitions to develop a strategic relation with the Solomon Islands (The Guardian, 22 April 2022) is an example of this growing importance. With the development of naval military operations in the Mediterranean, the Wider Indian Ocean, and Southeast Asia as well as in West Africa, the EU now expresses itself at a maritime security level. The Critical Maritimes Routes programme has proven to be relevant, despite certain issues, like the lack of visibility of some of its projects. The growing importance given to maritime affairs and ocean governance in EU strategies confirms that SIDS will be taken into consideration, not only at aid and trade levels, but also from a strategic perspective. We could well refer to a politization of EU-SIDS relations.

There are also more opportunities at aid and trade levels for reinforcing SIDS capacities and promoting regional cooperation. To fully benefit from the opportunities of the FTAs, the conclusion of fully-fledged Pacific and ESA EPAs is needed. At the level of the Fisheries Partnership Agreements, more SIDS could be included into this agreement's network. The capacity-building and development-cooperation side of these agreements, and the reinforced transparency and predictability of the process, are fundamental for fisheries resources management in the long term. The post-Cotonou, more specific African, Pacific and Caribbean regional protocols' and the NDICI should reinforce EU's cooperation consistency. There is however a risk of a dilution of the SIDS in such a broad framework.

At the level of the EU, there are of course many limits regarding its action in favour of SIDS. First, despite a clear will to become a 'seapower', the EU remains limited by its nature and lack sometimes of visibility, efficiency, and consistency. As former colonial powers, some EU Member States are perceived as putting their own interests under the EU umbrella. There is also a clear interest, for the EU, to preserve a privileged access and to protect exclusive economic zones that have important potential in terms of energy resources or minerals

(rare earth). On the other hand, the EU legal order can provide predictability, transparency, and judicial protection, which is not the case of all international actors. This could be food for thought for further research on SIDS.

If the UN system was a pioneer in supporting SIDS to achieve sustainable development, the EU has also emerged as a credible actor. Healthier, cleaner, and safer oceans are at the heart of the European Green Deal, for a climate-neutral EU economy by 2050 and to halt biodiversity loss. This comprehensive approach has been put forward at the One Planet Summit, which brought together 41 states including Barbados, the Comoros, Palau, Papua New Guinea, and the Seychelles in February 2022 (One Planet Summit, 11 February 2022). The initiative, supported by the EU Council and the United Nations, led to the adoption of the '13 Brest Commitments for the Oceans' to 'take action to preserve biodiversity, stop overexploitation of marine resources, fight pollution and mitigate climate change'. Let's hope that the words of Simon Kofe**,** Tuvalu's Foreign Minister addressing the COP26 standing knee-deep in the ocean, will not be forgotten: 'climate mobility must come to the forefront' (Kofe, 2021) and that the mobility partnership agreements proposed by the European Commission will soon be adopted.

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