

The Curious Case of RUPEISATION

By Dr. Robert Crabtree

Rupeisation is little known as a word, as a concept or as a political process. Those coming across it for the first time may presume that it has something to do with the Indian currency. This is not the case.



It actually means the making of a territory into a RUP – or Région Ultrapériphérique of the European Union. The RUPs themselves – or even the existence of such territories – are not widely known. The classification, its members and their status are not secret; they are just not known, either in the wider world or amongst much of the population of the EU. It all appears as one of life’s little mysteries, and therefore not discussed in non-specialist political or academic circles, especially in the Anglophone world. For Anglophones – they translate as ‘Outermost Regions’.

I will attempt to elucidate the mysteries of the RUP and its ‘word of becoming’ “Rupeisation”. The fact that there is such a word – the making of a RUP - suggests that it may be an on-going process. Indeed, this

is so. There is a class of RUPs, a class of those who aspire, and one ex-RUP. There are eight members of the current class - the Azores, the Canary Islands, Madeira, Guadeloupe, Saint Martin, Guyane, Martinique and La Réunion. The aspirants are Mayotte (which will achieve this status on 1st January 2014), Bonaire, Saba and Saint Eustache. Saint Barthelemy ceased to be a RUP on 1 January 2012. Curacao and Sint Maarten once were applicants, but are no longer. With one exception (Guyane¹) they are all small islands or groups of small islands. The Azores and Madeira are Portuguese Autonomous Regions, the Canary Islands an Autonomous Community of Spain, and the rest are Collectivités of France (DOMs or DROMs²). Bonaire, Saba, Saint Eustache, Curacao and Sint Maarten are Autonomous Regions of Evolving Status within the Kingdom of the Netherlands.

Their existence and status is now regulated by Art.349 of the Treaty of Lisbon 2009; previously they were under Art.299 Para 2 of the original EEC Treaty. The first Alinea (paragraph) describes the background and the purpose of the Union. It takes account of “ their economic and social structure, which is aggravated by their distance (from Europe), insularity, small size, difficult terrain and climate and their economic dependence on a small range of products; all these factors are permanent in nature and seriously impair their development.” The

¹ Guyane is large, continental, and potentially with natural resources.

² Département Outre-mer and Département Région Outre-mer.

Council, on the recommendation of the Commission and after consultation with the European Parliament, has taken specific measures with a view to easing the conditions in these Regions which flow from the application of the Treaty and Community policies. When the specific measures are adopted by the Council in conformity with special legislative procedure, this stands equally as a proposition of the Commission after a consultation of the European Parliament. In the third Alinea it is stated: “The measures envisaged here in the first Alinea concern commercial and Customs policies, fiscal policies, free zones, policy on agriculture and fishing, supply of primary materials and essential goods for consumption, state help, access to structural funds and equalisation programs of the Union.”³ Art.349 goes on to say that: “the Council passes these measures taking into account the characteristics and particular constraints of these regions so long as there is no negative effect on the integrity and coherence of the juridical order of the Union or the interior market and Communal policies.”

Thus there are a number of important benefits for the RUPs. There is the non-application of what would otherwise be Customs and Trading Regulations; there is market access for their crops and exports; there is access to funds for structural and social development⁴. There is access to

³ These quotations are in my translation.

⁴ Such as FEDER and FSE and the POSEI programs (POSEIDOM, POSEICAN and POSEIMA). There is

particular programs, such as the partial financing of agricultural pest control. Some benefits mean that the Union is foregoing money, some that it is paying money to the RUPs.

Against what may be a commonly-held belief, the basis for this is not, for the Union, an issue of decolonisation. It is that certain members of the original Community entered the Community with integral parts of themselves overseas, or in French ‘Outre-mer’. These small islands were not colonial vestiges that could be shucked off on entering the Community; once they had been colonies but had long ceased to be so. They were parts (with varying degrees of autonomous status) of the Members. As this truth disappears into the mists of time, and new members are admitted to the Union without a colonialist past or memory, the status of the RUPs and the budget accorded to them, may appear more incongruous. This incongruity could be brought into focus by the appearance of a new applicant-RUP.

The most recent aspirant is Mayotte. This small island in the Comores archipelago became, in April 2011, the 101st Département of France. Its quest for Départementalisation⁵ began in 1958 and has resulted in a political stand-off⁶ with the

also access to, for example, air and maritime plans and funds.

⁵This is the topic of my on-going PhD research at the University of Adelaide.

⁶ It could well be interpreted that its quest also originated in a political stand-off with the other islands. The argument continues. For those who read French, see: www.alwatwan.net

remainder of the archipelago, now the Republic of the Comores. Mayotte is unusual in that it is named both in the Comorien Constitution as a part of the Republic of Comores and in the Constitution of France as a Collectivité of France. It is a small island of great charm but with massive problems, partly of adjustment to its new status and partly more deeply structural and demographic. It will be the first overwhelmingly-Muslim Region of the EU.



My point here is not to pass judgement, but to point out that this is taking place with little fanfare or knowledge in the EU and even less in the rest of the world. In the Comores it is well-known and there are attempts to persuade the EU that it should not happen. The Comores had success in garnering support both at the OAU and the UN nearly half a century ago. Since then, the urgency of the decolonisation struggle

www.comorienline.net and www.comores-web.com for one side of the argument, and www.melango-actualite.fr and www.mayotte-observer.com for the other. The debate is long-standing, vigorous, and in the end, not constructive.

has dwindled and the Comores' own recent history has been for the most part dismal. It is unlikely to be successful in getting its voice heard in Brussels or Strasbourg.

For Mayotte and France, Rupeisation is important. Market access is not a major issue in Mayotte. The only current export crop of any value is Ylang-Ylang⁷. Fiscal issues are significant as are the supply of essential goods. It is access to structural funds that matters. This is both to take some pressure off France and to help finance the restructuring, to attain even the level of the other RUPs.

For Europe there are costs, but there is also the fulfilment of an obligation; moreover, it is built in to the Treaty, cemented by the 'Passerelle'⁸ clause, Art.355 (b) by which French, Danish and Dutch territories which wish it may change their status under EU law without having to go through a lengthy Treaty amendment process⁹.

The costs are minute in the bigger picture of the EU budget, but they are still costs. They are difficult to calculate with precision, as they have to include money foregone and

⁷ Ylang-Ylang is an important ingredient for the manufacture of perfume. A large number of flowers is needed for a small bottle of perfume.

⁸This translates as 'Walkway' or 'footbridge'. It is essentially an easier way of making changes without full-scale Treaty amendment. The 'Passerelle' clauses only operate in a small number of sections of the Treaty, are viewed with suspicion by some, and are worthy of a full study in their own right.

⁹ See Fiona Murray: *The EU and member state territories: A new legal framework under the EU Treaties*. Springer: TMC Asser Press 2012.

access to various funds. It is safe to say that they form a very small portion of the EU Regional 5-year budget of €348 billion. It seems likely that Mayotte will receive something of the order of €1 million p.a. in cash funding.

The benefits brought by RUPs include a maritime territory in excess of 25 million km²; > 80% of 'European' bio-diversity; and a number of goods that Europe itself cannot supply to its consumers, such as tropical fruits. There could also be an advantage in that these relatively impoverished islands, as Regions of the EU, are less likely to become centres for drugs, illegal gambling, money laundering and the like – fates which have befallen a number of their neighbours, particularly in the Caribbean. There is also migratory access – hard to place in the ledger of cost/benefit analysis.

For the UK in particular, the notion is quite alien, and one that runs the risk of being portrayed as another waste of money, part of the bloating of the Brussels budget. Britain has never had relations such as these with its ex-colonies.¹⁰ With financial constraints in the EU (frequently confused with the

¹⁰ The nearest it got was the briefly-posed plan of integrating Malta into the UK. Malta is now of course a member of the EU of equal standing. There could always be the remote possibility that the Falklands or Malvinas might be Rupeised (or St Helena?). They meet the physical and economic descriptions of Art.349; it is the political nexus that is lacking. Gibraltar is on a different footing. Islands with British connections fall (with many others) into the 'Associated Territory' category, essentially still outside the EU.

problems of the Euro-zone) and an increasing number of member-states without any knowledge of these small faraway islands and archipelagos, and with domestic financial problems that are real enough, the RUPs run the risk of being scape-goated. They have, however, been within the confines of the Treaties for longer than most of the members, and have a valid status and position. They are, between themselves, organized: their last group meeting in the Azores in September 2012 was their eighteenth, and attracted a number of dignitaries from the EU. They are no 'confetti'. They are integral parts of member states. They are Regions, albeit 'Ultrapériphériques' of the EU¹¹.

No, the Indian currency is not the issue. Rupeisation comes from a very different world - the furthest and the outermost.

Images Accessed: 15/02/2013

EU Flag:

http://www.mayotte-observer.com/actualits/drapeau_europeen_RUP_2.jpg

Mayotte in Africa map:

http://d2z7bzwflv7old.cloudfront.net/cdn/bWFwcy9lbi9tZi9tZi1hcmVhLmdpZg%3D%3D/bWF4Vz00MDA%3D_x_hrp.jpg

¹¹ The most recent and definitive book on the topic is: Dimitry Kochenov: *EU Law of the Overseas: Outermost Regions Associated Overseas Countries and Territories and Territories sui generis*. Leiden: Kluwer Law International. 2011. Behind that terrible title are some good insights from distinguished contributors. Robert Aldrich & John Connell: *The Last Colonies* Cambridge: CUP 1998 discusses these territories from a slightly different aspect, giving the pre-history to Rupeisation.