

BEFORE THE FREE TRADE AGREEMENT: THE LEGAL AND VALUE-FRAMING FUNCTION OF EFTA JOINT DECLARATIONS ON COOPERATION

*Mgr. Igor Sloboda, PhD.
Lecturer
Comenius University in Bratislava
Faculty of Law
Institute of European Law
Šafárikovo nám. č. 6,
810 00 Bratislava
Slovakia.
igor.sloboda@flaw.uniba.sk*

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Abstract. Joint Declarations on Cooperation (JDCs) are used by the Member States of the European Free Trade Association (EFTA) to structure relations with external partners, often as a preliminary step towards, but not a guarantee of, a free trade agreement (FTA). This article examines the legal, institutional and practical functions they perform independently of a later FTA and how value-related considerations are reflected in their texts and follow-up. It combines doctrinal analysis with comparative content analysis of the complete corpus of six JDCs maintained in EFTA's trade-relations network as at 30 March 2026: Nigeria, Pakistan, Myanmar, Mauritius, Mongolia and ASEAN, supplemented by publicly available records of practice. The analysis shows that JDCs do not establish preferential trade regimes. Although negotiated within EFTA's framework, they are concluded by the EFTA States and provide frameworks for dialogue, review, technical cooperation and the exploration of deeper trade relations. Value references are uneven: human rights and democracy are largely preambular, whereas sustainable development, environmental protection and labour-related concerns appear more often in operative provisions. Most bilateral JDCs establish Joint Committees; ASEAN instead relies on a Work Plan and a forum for discussions. Publicly documented practice does not show values serving as a basis for suspension or sanctions. JDCs therefore perform an autonomous framework-setting and agenda-setting function.

Key words: European Free Trade Association (EFTA), European Union, Common Values, Joint Declarations on Cooperation (JDC), Trade Relations

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1. INTRODUCTION

In international trade relations, states and international organisations employ various types of instruments that differ in their legal nature, content and function. This

article focuses on one of the instruments used by the Member States of the European Free Trade Association (EFTA) in their trade relations, namely joint declarations on cooperation (JDCs).

JDCs establish an initial framework for the development of mutual trade and economic relations and may serve as a precursor to the subsequent conclusion of a free trade agreement (FTA).¹ Their conclusion, however, does not in itself guarantee that negotiations on an FTA will be initiated or successfully completed. Some JDCs have remained part of EFTA's network of trade relations for extended periods without being followed by an FTA.² This raises a broader question as to what legal, institutional and practical functions JDCs perform as instruments in their own right, independently of any subsequent FTA.

This article examines JDCs from two interrelated perspectives. The first concerns their position within the system of instruments used by the EFTA States to establish trade relations with external partners, as well as their institutional and practical operation. Particular attention is paid to the mechanisms established for reviewing and further developing cooperation, especially the role of Joint Committees, and to the publicly documented practical follow-up under the individual JDCs. In this context, the article also assesses whether the institutional mechanisms established by the JDCs allow their value-related provisions to operate as a form of enforceable conditionality. The second perspective concerns the value-framing function of these instruments. The establishment of trade relations is no longer confined exclusively to matters of trade liberalisation but may also encompass references to democracy, the protection of human rights, labour standards, sustainable development and environmental protection.³ The article therefore examines whether and how such value-related considerations are reflected in JDCs, distinguishing between their inclusion in the preambles, their incorporation into operative provisions and their potential relevance to subsequent institutional follow-up.

Against this background, the article addresses two interrelated research questions. First, what legal, institutional and practical functions do JDCs perform within EFTA's relations with external partners independently of the subsequent conclusion of an FTA? Secondly, how are value-related considerations reflected in these instruments, particularly as regards the distinction between preambular references and operative provisions, and what role, if any, do they play in the institutional follow-up under the JDCs? The article proceeds from the hypothesis that JDCs perform an autonomous framework-setting and agenda-setting function that cannot be reduced to their possible role as precursors to FTAs. Their institutional design is primarily oriented towards dialogue, coordination, review and the gradual development of cooperation. Within this framework, value-related considerations may form part of the normative and thematic orientation of cooperation, although their presence and degree of operationalisation differ across the JDCs.

Methodologically, the article is based on doctrinal analysis of the relevant texts and on comparative content analysis of six JDCs concluded between the EFTA States and third countries—Nigeria, Pakistan, Myanmar, Mauritius, and Mongolia—and one regional organisation, the Association of Southeast Asian Nations (ASEAN). The six JDCs

¹ European Free Trade Association, *This is EFTA 2006* (EFTA 2006) 13 <<https://www.efta.int/sites/default/files/publications/this-is-efta/tie06.pdf>> accessed 23 August 2026.

² Nigeria, Pakistan, Myanmar, Mauritius, Mongolia and the Association of Southeast Asian Nations (ASEAN)

³ Inge Govaere, 'Promoting the Rule of Law in EU External Relations: A Conceptual Framework' in Allan Rosas, Juha Raitio and Pekka Pohjankoski (eds), *The Rule of Law's Anatomy in the EU: Foundations and Protections* (Hart Publishing 2023) 189 <<https://doi.org/10.5040/9781509955107.ch-013>>.

examined in this article were not selected as a sample on the basis of geographical, economic or substantive criteria. Rather, they constitute the complete corpus of JDCs currently maintained within EFTA's trade-relations network as 30 March 2026. The analysis is therefore exhaustive in relation to the current corpus. Historical JDCs concerning partners with which EFTA subsequently concluded an FTA fall outside the scope of the present article. The JDCs are compared with regard to their preambles, operative provisions and institutional frameworks, while publicly available information on Joint Committee meetings and other follow-up activities is used to assess how the JDCs operate in practice.

2. THE VALUE FRAMEWORK OF THE EUROPEAN UNION AND THE EUROPEAN FREE TRADE ASSOCIATION

Given the focus of the article, it is first necessary to define what constitutes the common value framework of the EU and EFTA. Because attention in this part is directed primarily to EFTA, the starting point must be an analysis of the value premises of this international intergovernmental organisation: whether EFTA possesses its own value framework and whether—and if so in what form—that framework is normatively reflected in its founding instrument.

EFTA was established by the Convention Establishing the European Free Trade Association, signed in Stockholm on 4 January 1960 (hereinafter the "Stockholm Convention").⁴ An analysis of the Stockholm Convention shows that its normative centre of gravity lay primarily in trade liberalisation among the Member States and in the rules governing economic cooperation⁵. From the perspective of value components that are now typically associated with the constitutional foundations of European integration under the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU)—most notably human rights, democracy, and the rule of law⁶ the Stockholm Convention is silent. That silence should not, however, be interpreted in isolation. The original conception of EFTA was shaped by the contemporary context of European integration and by the ambition to create an alternative framework to the integration processes taking place within the then European Economic Community; accordingly, emphasis was naturally placed on the trade and economic function of the organisation.⁷

The first example of a shift towards expressing the value dimension of the EFTA States in their relationship with the then European Economic Community (EEC) may be associated with the establishment of the European Economic Area (EEA). The EEA was established on the basis of the EEA Agreement, with Switzerland remaining outside the EEA framework. This value dimension can be identified in the second recital of the Preamble to the EEA Agreement, which provides as follows: *"REAFFIRMING the high priority attached to the privileged relationship between the European Community, its Member States and the EFTA States, which is based on proximity, long-standing common values and European identity;..."*⁸. As a result of the changes that occurred during this

⁴ Convention Establishing the European Free Trade Association (signed 4 January 1960, entered into force 3 May 1960) ('Stockholm Convention'), art 1(1).

⁵ Jozef Valuch, Michaela Rišová and Radoslav Seman, *Právo medzinárodných organizácií* (CH Beck 2011) 275.

⁶ Consolidated Version of the Treaty on European Union [2016] OJ C202/13 ('TEU'), Arts 2, 3(1) and 3(5).

⁷ Georges Baur, *The European Free Trade Association: An Intergovernmental Platform for Trade Relations* (Intersentia 2020) 9–10.

⁸ Agreement on the European Economic Area [1994] OJ L1/3 ('EEA Agreement'), preamble, recital 2.

period in international trade⁹, the European area¹⁰, and the membership structure of EFTA and the EEA¹¹, it became necessary to reflect these new circumstances in the Stockholm Convention. The initiative for its revision came from Switzerland¹², which, after remaining outside the EEA following the 1992 referendum, developed its relations with the European Community (EC) through separately concluded bilateral agreements. One of the consequences of this differentiated development was a certain asymmetry in the legal relations among the EFTA States, as some rules applied in relations between individual EFTA States and the EC but did not apply in relations among the EFTA States themselves.¹³ The revision of the Stockholm Convention by the Vaduz Convention, signed on 21 June 2001 and entering into force on 1 June 2002¹⁴, was not, however, limited to reforming EFTA's legal framework. It also introduced a new value-oriented dimension, as a new recital was added to the Preamble that partly reproduced the EEA Agreement's reference to common values and identity. The Preamble states that the Member States are "[r]eaffirming the high priority they attach to the privileged relationship between the Member States and to the facilitation of continuity in their respective good relations with the European Union, which are based on proximity, long-standing common values and European identity".¹⁵ Like the EEA Agreement, the Vaduz Convention does not further elaborate on this value-based framework, and references to common values likewise remain confined to its Preamble. Although a preamble does not normally create autonomous obligations, it constitutes a relevant interpretative context and helps to legitimise the purpose of cooperation.¹⁶ This confirms that these values form the basis of relations between the EFTA Member States and the European Union.¹⁷ In this regard, it should also be noted that the value-based dimension reflected in the Preamble to the EEA Agreement has been previously understood primarily in political rather than legal terms.¹⁸ The original significance of this value-based dimension may, however, now be regarded as having been superseded, as the Court of Justice of the European Union has, in its recent case law, also relied on it in characterising the specific nature of the relationship between the European Union and the EEA/EFTA States.¹⁹

⁹ Marrakesh Agreement Establishing the World Trade Organization (opened for signature 15 April 1994, entered into force 1 January 1995) 1867 UNTS 3; Georges Baur, Sánchez Rydelski and Zatschler European Free Trade Association (EFTA) and the European Economic Area (EEA) 20 para 13.

¹⁰ Baur (n7) 85 and 90-91.

¹¹ Baur et al (n9) 19 par. 12 and 20 par. 14.

¹² Regierung des Fürstentums Liechtenstein, 'Bericht und Antrag der Regierung an den Landtag des Fürstentums Liechtenstein betreffend das Abkommen vom 21. Juni 2001 zur Änderung des Übereinkommens vom 4. Januar 1960 zur Errichtung der Europäischen Freihandelsassoziation (EFTA) – Vaduzer Konvention', BuA 2002/1 (15 January 2002) 4; Utenriksdepartementet, 'Om samtykke til ratifikasjon av en avtale med tilhørende vedlegg om endring av Konvensjon om opprettelse av Det europeiske frihandelsforbund (EFTA) av 4. januar 1960, undertegnet i Vaduz 21. juni 2001', St.prp. nr. 10 (2001–2002) 7.

¹³ Alþingi, 'Tillaga til þingsályktunar um fullgildingu stofnsamnings Fríverslunarsamtaka Evrópu' (127 löggjafarþing 2001–2002, þingskjal 864) 1.

¹⁴ Convention Establishing the European Free Trade Association (signed 21 June 2001, entered into force 1 June 2002) ('Vaduz Convention'), arts 1 and 59.

¹⁵ Vaduz Convention, preamble, recital 5.

¹⁶ Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, art 31.

¹⁷ Thomas Cottier and Christa Tobler, 'Being European, outside the EU: EFTA, EEA and UK' (2026) 63 CML Rev 35, 39, <<https://doi.org/10.54648/COLA2026005>>.

¹⁸ Finn Arnesen and others (eds), *Agreement on the European Economic Area: A Commentary* (CH Beck 2018) 156.

¹⁹ Halvard Haukeland Fredriksen and Christophe Hillion, 'The "Special Relationship" between the EU and the EEA EFTA States – Free Movement of EEA Citizens in an Extended Area of Freedom, Security and Justice: Ruska Federacija v IN' (2021) 58 CML Rev 851, 863, <<https://doi.org/10.54648/COLA2021052>>.

Since the relevant preambular clause refers to long-standing common values shared with the EU, what is at issue is primarily a certain overlap of values, from which their mutual compatibility and proximity may be inferred. On this basis, common values may be interpreted with due regard to the EU's value framework. Unlike the Vaduz Convention and the EEA Agreement, this framework is normatively elaborated in several provisions of EU primary law²⁰. However, the mere existence of an overlap in common values does not necessarily mean that the values concerned are identical in substance in both cases. In this respect, it should also be emphasised that the value framework of the contemporary EU has its foundations in the Maastricht Treaty and has undergone significant development over the course of more than three decades.²¹

3. EFTA'S TRADE RELATIONS WITH THIRD COUNTRIES

Under the current legal framework, EFTA has several avenues through which it may establish trade relations with third countries. These include joint declarations on cooperation, free trade agreements²², and agreements on technical cooperation²³. The present analysis focuses primarily on the first category. JDCs may represent an initial step towards the establishment of free trade relations with potential trading partners.

Within this framework, the parties examine the means through which their trade relations may subsequently be expanded. The declarations also address cooperation in related areas such as customs matters and rules of origin, technical barriers to trade, intellectual property rights, trade in services, public procurement markets, and competition. They are likewise intended to improve the conditions for private-sector cooperation and to serve as a basis for future collaboration in areas such as scholarships and technical assistance, including assistance relating to customs, rules of origin, and statistics.²⁴

At this point, it is also useful to highlight the distinction between the JDCs and FTAs concluded by the EFTA States. This distinction is primarily functional. Whereas an FTA establishes a preferential trade regime and lays down concrete rules governing the liberalisation of trade, a JDC primarily provides a framework for cooperation within which the parties may explore possibilities for expanding and liberalising their trade relations.²⁵

From the procedural perspective, EFTA itself has relatively limited powers with regard to the conclusion of these declarations. Although they are commonly described as EFTA declarations, they are not concluded between EFTA as an organisation and a third country or international organisation. Rather, they are concluded between the EFTA States and the relevant third country or organisation. The Member States have not delegated to EFTA the power to conclude trade agreements, and EFTA is therefore not a contracting party in its own right.²⁶ Both the substance of the relevant provisions and

²⁰ TEU preamble, recitals 1 and 4), arts 2, 3(1), 3(5).

²¹ Ondrej Blažo, 'From Maastricht to Lisbon and Back: 30 Years of the Union of Values' in María José García García (ed), *Democracia europea y mercado único: 30 años del Tratado de Maastricht* (Aranzadi 2023) 54 – 62 <<https://doi.org/10.2139/ssrn.6082191>>.

²² More comprehensive analysis of value-related provisions in EFTA free trade agreements the author published in Igor Sloboda, 'Promoting the Shared Values of the European Union and EFTA through EFTA Free Trade Agreements', *European Studies – The Review of European Law, Economics and Politics* (forthcoming). In this regard, it should be noted that the two articles share a common research premise, particularly in their focus on value-related considerations in the establishment of trade relations with third countries.

²³ Vaduz Convention, Art 43(1)(g); Baur (n7) 88

²⁴ Baur (n7) 90.

²⁵ European Free Trade Association (n1) 8 and 13.

²⁶ Arnesen and others (n18) 145.

Article 43(1)(g) of the EFTA Convention indicate that the EFTA Council merely negotiates declarations on cooperation with third countries or organisations. Its role in the overall process thus lies primarily in creating a framework for coordination and dialogue between potential contracting parties, within which the terms and content of the declarations are negotiated.²⁷

4. JOINT DECLARATIONS ON FUTURE COOPERATION BETWEEN EFTA AND THIRD COUNTRIES

As noted above, JDC constitute one of the instruments through which EFTA may establish trade relations with third countries. Their principal function is that they may serve as a preliminary step towards the conclusion of a free trade agreement. For example, Article 1(d) of the Joint Declaration on Cooperation between EFTA and Nigeria provides, among its objectives, that the parties shall examine relevant steps to further deepen their economic and trade cooperation. Through them, the EFTA States can gain a clearer understanding of how established trade relations may subsequently be expanded and liberalised. In simplified terms, they may be seen as a form of preliminary sounding on trade policy.²⁸ Substantively, they may cover customs duties, intellectual property rights, rules of origin, trade in services and competition, but their broader purpose is to improve the overall conditions for mutual cooperation.²⁹

For the purposes of this article, the analysis covers six declarations: those concluded with two African states (Mauritius³⁰ and Nigeria³¹), three Asian states (Mongolia³², Myanmar³³ and Pakistan³⁴), and one regional intergovernmental organisation (ASEAN)³⁵.

In line with the chosen methodology, the following pages examine first the preambles and then the operative provisions of these instruments. Particular attention is paid to whether these parts of the declarations contain references to human rights or other value-relevant concerns, which, for the purposes of this article, include environmental protection, sustainability, labour rights and related issues. It should be emphasised at the outset that the final text of each declaration is the product of individual negotiations; accordingly, the commitments undertaken and the substantive content are not identical across all instruments.

Map 1: EFTA's Joint Declarations on Future Cooperation, current network

²⁷ Vaduz Convention, Art 43(1)(g).

²⁸ Baur et al (n9) 39-40.

²⁹ Joint Declaration on Cooperation between the EFTA States and the Republic of Mauritius (signed 9 June 2009), art 2; Joint Declaration on Economic Cooperation between the Governments of the Member States of the European Free Trade Association (EFTA) and the Government of the Federal Republic of Nigeria (signed 12 December 2017) Art 2; Baur (n7) 90.

³⁰ Mauritius (n 29) Art 1 – 3.

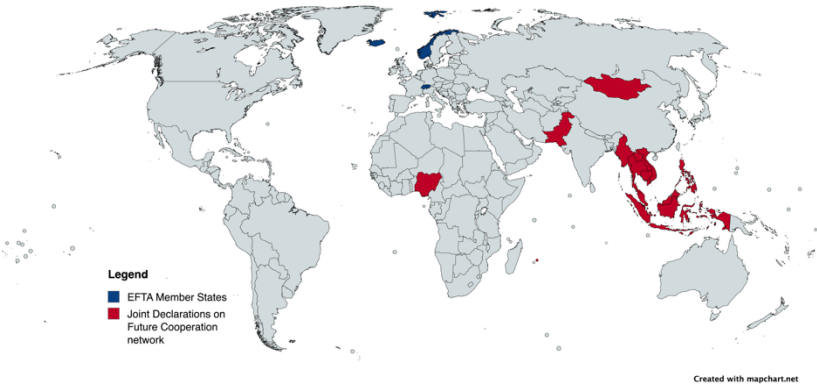
³¹ Nigeria (n 29).

³² Joint Declaration on Cooperation between the EFTA States and Mongolia (signed 28 June 2007)

³³ Joint Declaration on Cooperation between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation and the Republic of the Union of Myanmar (signed 24 June 2013)

³⁴ Joint Declaration on Cooperation between the EFTA States and the Islamic Republic of Pakistan (signed 12 November 2012).

³⁵ Joint Declaration on Economic Cooperation between the Association of Southeast Asian Nations (ASEAN) and the Member States of the European Free Trade Association (EFTA) (adopted 19 September 2024).



Source: Author’s own data processing from the EFTA webpage

The first declaration to be analysed is the one concluded between the EFTA States and Nigeria. Its Preamble contains explicit references to human rights, democracy and sustainability. It refers, in particular, to “the principles of democracy, political pluralism, human rights and the common objective of fostering human and economic contact across borders” and to the objective of sustainable development, together with the importance of coherence and mutual supportiveness of trade, environment and labour policies.³⁶ These first two elements, however, are absent from the operative provisions. The operative part gives space only to sustainability-related concerns. Labour and environmental standards are expressly integrated into the trade and investment relationship in Article I(e), while “Trade and Sustainable Development” appears among the areas of cooperation in Article II(f).³⁷

From a substantive perspective, the declarations concluded with Pakistan and Myanmar display a similar pattern. In both cases, the Preamble refers to adherence to the principles of human rights and democracy and to strengthening cooperation in environmental or sustainability-related fields. In the case of Pakistan, the declaration refers to “the principles of human rights, democracy and the common objective of fostering human and economic contacts across borders”, as well as to labour standards, environmental policies and corporate social responsibility.³⁸ The declaration with Myanmar similarly refers to “the principles of human rights, democracy and the common objective of fostering human and economic contacts across borders” and to the objective of sustainable development, together with the coherence and mutual supportiveness of trade, environment and labour policies.³⁹

When the two declarations are viewed comparatively, the same basic pattern emerges as in the declaration with Nigeria: although human rights and democracy are present in the Preambles, they do not subsequently reappear in the operative provisions. Instead, the operative clauses focus primarily on environmental protection, sustainability

³⁶ Nigeria (n 29), preamble, paras 6 and 7.

³⁷ Nigeria (n 29) Arts 1(e) and 2(f).

³⁸ Pakistan (n 34) preamble, paras 2 and 4

³⁹ Myanmar (n 33), preamble, paras 2 and 5

and labour-related concerns. In the declaration with Pakistan, trade and sustainable development are expressly listed among the areas of broader cooperation. In the Myanmar declaration, labour and environmental standards are to be reflected in the trade relationship, while trade and sustainable development are also included among the areas of cooperation.⁴⁰

The declarations concluded with Mauritius and Mongolia may likewise be analysed together. In the Mauritius declaration, the relevant preambular language is framed as follows: "INSPIRED by the principles of human rights and the common objective of fostering human and economic contacts across borders".⁴¹ In the declaration with Mongolia, the wording is virtually identical, referring to the "basic principles of human rights and the common objective of fostering human and economic contacts across borders".⁴² As these formulations indicate, the two Preambles are substantively almost identical. Compared with the three declarations discussed above, they share only a preambular reference to human rights. No reference is made in either declaration—whether in the Preamble or in the operative part—to democracy, sustainability, environmental protection or labour-related concerns. In this respect, both declarations are substantively thinner in terms of the provisions that can guide the interpretation of the declared objectives and activities within a broader value framework.

The final declaration to be analysed is the declaration concluded between the EFTA States and ASEAN. This declaration contains in its Preamble a direct reference to "their respective rights and obligations under international law, including those set out in the United Nations Charter". It also refers to the objectives of sustainable development and inclusive economic growth, and to the importance of coherence and mutual supportiveness among trade, investment, environment and labour policies.⁴³ Unlike the bilateral declarations discussed above, the ASEAN declaration also carries this value-related content into its operative provisions. Article 1(d) provides that the objectives of sustainable development and inclusive economic growth are to be reflected in the parties' trade and investment relations⁴⁴, and Article 3(e) includes "trade and sustainable development, inclusive growth, and human resources development" among the areas of broader economic cooperation.⁴⁵ In its remaining parts, however, the declaration retains its standard economic and trade-oriented character.

A comparison of the six declarations shows that the value vocabulary appears unevenly and is frequently concentrated in the preambles. In the declarations with Nigeria, Pakistan and Myanmar, references to human rights and democracy recur at the preambular level, yet as a rule they are not translated into operative commitments; the operative provisions focus primarily on sustainability, environmental concerns and labour-related standards. By contrast, the declarations with Mauritius and Mongolia employ a narrower value reference, confined to human rights in the Preamble, and contain no provisions on sustainability or environmental matters. The declaration with ASEAN constitutes a distinct category. Alongside its standard economic core, it contains both a reference to the United Nations Charter and an explicit incorporation of sustainable development into the objectives of the operative part, thereby strengthening its normative visibility compared with the bilateral declarations.

⁴⁰ Pakistan (n 34) art. 1(d); Myanmar (n 33) art.1(d)

⁴¹ Mauritius (n 29), preamble, para 2.

⁴² Mongolia (n 32) preamble, para 2.

⁴³ ASEAN (n 35) preamble, paras 2 and 5.

⁴⁴ ASEAN (n 35) Art 1(d).

⁴⁵ ASEAN (n 35) Art 3(e).

Table 1.: Comparative Overview of Value References in the Analyses Joint Declarations on Future Cooperation⁴⁶

State	HR (Pre)	HR (Op)	Dem (Pre)	Dem (Op)	Other values (Pre)	Other values (OP)
Nigeria	Yes	No	Yes	No	Sust., env., labour, CSR	Labour, env. Standards, TSD
Pakistan	Yes	No	Yes	No	Labour, env., CSR	TSD
Myanmar	Yes	No	Yes	No	Sust., env., labour, CSR	Labour, env. Standards, TSD
Mauritius	Yes	No	No	No	No	No
Mongolia	Yes	No	No	No	No	No
ASEAN	No explicit	No	No	No	UN Charter, sust., inclusive growth, env., labour, good governance	Sust., inclusive growth, TSD, HRD

Source: Author’s own data processing from the analysis concluded EFTA’s Joint Declarations on Future Cooperation

5. LEGAL NATURE, INSTITUTIONAL FOLLOW-UP AND PRACTICAL IMPLEMENTATION OF JDC’S

Because value references in the analysed declarations are often concentrated in the preambles and their translation into operative provisions is limited, the question arises as to which mechanisms ensure the implementation of the declared objectives and how issues of interpretation and application are dealt with in practice. The present section therefore examines the institutional mechanism established for the follow-up and practical implementation of JDCs.

From an institutional perspective, JDCs typically establish a framework for monitoring and reviewing cooperation, addressing implementation-related issues and formulating appropriate recommendations.⁴⁷ In the vast majority of declarations, this framework takes the form of a Joint Committee. The Joint Committee serves as a forum for discussion between the contracting parties, enabling them to review the implementation of the declaration and to formulate recommendations by consensus⁴⁸.

A different model was chosen in the declaration between ASEAN and the EFTA States, which explicitly provides that it “does not create rights or obligations under international law”⁴⁹. No Joint Committee, or equivalent body, was established under that

⁴⁶ Note: HR = human rights; Dem = democracy; Pre = preamble; Op = operative provisions; Sust. = sustainable development; env. = environmental protection/environmental policies; CSR = corporate social responsibility; TSD = trade and sustainable development; HRD = human resources development.

⁴⁷ Baur (n7) 90.

⁴⁸ Nigeria (n 29) Arts 4 and 5.

⁴⁹ ASEAN (n 35), Art 4(7).

declaration. Instead, the parties committed themselves to developing a Work Plan and to providing a forum for discussions⁵⁰. The implementation framework is therefore built primarily around a mechanism that creates a platform for the ongoing evaluation of cooperation and for addressing issues arising in the application of the declaration.

The Joint Committee is usually composed of representatives of the contracting parties⁵¹. Its precise structure and the modalities of representation may differ from one declaration to another, but in principle it consists of representatives of the relevant ministries, primarily ministries of foreign affairs and, where appropriate, other competent authorities depending on the substantive focus of cooperation⁵². Some declarations are more explicit than others regarding the administrative support of the Joint Committee. For example, the declaration concluded with Nigeria addresses the allocation of costs associated with meetings of the Joint Committee, its subcommittees and working groups⁵³. Other declarations confine themselves to secretariat arrangements, specifying that secretariat services for the Joint Committee are to be provided jointly by the EFTA Secretariat and the competent ministry of the partner state⁵⁴.

Functionally, the Joint Committee's role is above all to exchange information and views on issues arising from the declared cooperation, to review the progress of cooperation on an ongoing basis, and to identify possibilities for its further development. At the same time, the Joint Committee performs an important role in preventing and resolving practical problems that may arise in the implementation of the agreed areas of cooperation. In this sense, the Joint Committee constitutes primarily a consultative and coordinating forum, which may also help to remove interpretative ambiguities or application-related disputes. If a question arises in practice concerning the interpretation of the declaration or its implementation, it is the Joint Committee—composed of representatives of both contracting parties—that provides the space for discussion and for the search for a consensual solution.

When assessing the practical implementation of JDCs, the individual communiqués available on the EFTA website constitute the principal publicly available source of information, as no more detailed materials concerning the substance of the issues discussed could be identified. The oldest of the analysed JDCs that remains in force is the declaration signed with Mongolia. The available information indicates that the Joint Committee has met twice since the declaration was signed. In substantive terms, both meetings focused on reviewing developments in bilateral trade and investment, exchanging information on preferential trade agreements, and discussing opportunities to further deepen mutual cooperation.⁵⁵ In addition to the meetings of the Joint Committee, a separate workshop on free trade agreements was held in 2019 within the framework of technical cooperation between EFTA and Mongolia, during which the

⁵⁰ ASEAN (n 35) Art 4.

⁵¹ Nigeria (n 29) Art. 4(2).

⁵² These for example include the Ministry of Trade and Investment of the Federal Republic of Nigeria, the Ministry of Foreign Affairs, Regional Integration and International Trade of Mauritius, the Ministry of Industry and Trade of Mongolia, the Ministry of Commerce of Myanmar, and the Ministry of Commerce of Pakistan.

⁵³ Nigeria (n 29) Art 4(5).

⁵⁴ Pakistan (n 34) Art 4(11).

⁵⁵ European Free Trade Association, 'EFTA and Mongolia Discuss Cooperation' (EFTA, 9 November 2010) <<https://www.efta.int/media-resources/news/efta-and-mongolia-discuss-cooperation>> accessed 20 August 2026; European Free Trade Association, 'EFTA and Mongolia Hold Second Joint Committee Meeting' (EFTA, 9 October 2017) <<https://www.efta.int/media-resources/news/efta-and-mongolia-hold-second-joint-committee-meeting>> accessed 20 August 2026.

Mongolian side was introduced to EFTA's experience in the content and implementation of such agreements.⁵⁶

In the case of Mauritius, the meetings of the Joint Committee reveal a similar focus, with the Committee having met twice since the signing of the JDC.⁵⁷ In addition to these meetings, a separate technical cooperation activity was held in 2023 focusing on sanitary and phytosanitary measures in the fisheries and aquaculture sector, with the EFTA communiqué linking this activity to the framework of the JDC.⁵⁸

The only Joint Committee meeting held with Pakistan to date followed a similarly focused agenda.⁵⁹ No publicly available materials concerning the JDCs signed with Myanmar, Nigeria and ASEAN indicate that comparable follow-up activities have taken place to date, whether through meetings of a Joint Committee, where such a body has been established, or through other forms of technical cooperation.

In practice, the value dimension of JDCs manifests itself primarily indirectly. Although the Preambles of several declarations refer to human rights, democracy or sustainable development, the available materials do not indicate that values function as an explicit condition for the continuation of cooperation in the sense of a suspension. According to information provided by the EFTA Secretariat in response to the author's questions, no Joint Declaration on Cooperation has so far been suspended on grounds of non-compliance with values.⁶⁰ The same conclusion is supported by the publicly available summaries of meetings of the relevant Joint Committees, which do not contain decisions or recommendations aimed at suspending a declaration on a value-based ground. As noted above, they focus primarily on trade and investment flows, preferential trade arrangements and possibilities for closer economic cooperation. The absence of any reference to these issues in the published reports of the meetings does not, of course, preclude the possibility that they were addressed during the non-public part of the discussions.

Within such a framework, values operate more as an interpretative and legitimising framework for cooperation than as formally applied conditionality capable of resulting in the suspension of a declaration or the termination of cooperation.

⁵⁶ European Free Trade Association, 'EFTA and Mongolia Hold a Workshop on Free Trade Agreements' (EFTA, 22 March 2019) <<https://www.efta.int/media-resources/news/efta-and-mongolia-hold-workshop-free-trade-agreements>> accessed 20 August 2026.

⁵⁷ European Free Trade Association, 'EFTA and Mauritius Convene for First Joint Committee Meeting' (EFTA, 11 June 2013) <<https://www.efta.int/media-resources/news/efta-and-mauritius-convene-first-joint-committee-meeting>> accessed 20 August 2026; European Free Trade Association, 'EFTA and Mauritius Hold Second Joint Committee Meeting' (EFTA, 27 July 2016) <<https://www.efta.int/media-resources/news/efta-and-mauritius-hold-second-joint-committee-meeting>> accessed 20 August 2026.

⁵⁸ European Free Trade Association, 'Videoconference on Sanitary and Phytosanitary Measures in Fisheries and Aquaculture Products for EFTA–Mauritius' (EFTA, 22 June 2023) <<https://www.efta.int/media-resources/news/videoconference-sanitary-and-phytosanitary-measures-fisheries-and-aquaculture>> accessed 20 August 2026.

⁵⁹ European Free Trade Association, 'EFTA and Pakistan Hold First Joint Committee Meeting' (EFTA, 24 October 2017) <<https://www.efta.int/media-resources/news/efta-and-pakistan-hold-first-joint-committee-meeting>> accessed 20 August 2026.

⁶⁰ European Free Trade Association, EFTA Secretariat. Response to the author's Request for Information for Academic Research Purposes of 7 May 2025. Unpublished e-mail sent by Inger Gregersen, Senior Officer, Trade Relations Division, to the author, 8 July 2025. On file with the author.

6. CONCLUSION

The analysis shows that JDCs occupy a distinct position within the instruments governing the external trade relations of the EFTA States. Unlike FTAs, JDCs do not establish free trade regimes or comprehensive rules governing trade liberalisation. Although JDCs are negotiated within the EFTA framework, they are concluded by the EFTA States themselves, rather than by EFTA as an international organisation. The fact that some declarations remain in force without a subsequent FTA indicates that a JDC may function as an independent framework for areas of common interest, the exchange of information, the organisation of technical cooperation, and the exploration of opportunities for deepening economic and trade relations.

This framework-setting function is given institutional form primarily through Joint Committees. In most of the bilateral declarations examined, these bodies provide a forum for reviewing progress, addressing practical questions and formulating recommendations by consensus. ASEAN follows a different design: its declaration expressly creates no rights or obligations under international law and relies on a Work Plan and a forum for discussions. Documented practice under the JDCs with Mongolia, Mauritius and Pakistan is not confined to preparing an FTA; it also covers trade and investment reviews, exchanges on preferential arrangements and technical cooperation. Available records concerning the activities of the Joint Committees established under the JDCs with Mongolia, Mauritius and Pakistan suggest that their agenda focuses primarily on reviewing trade and investment relations, exchanging information on preferential trade agreements, and conducting technical cooperation.

The starting point for the analysis of EFTA's value framework is the relatively concise normative basis contained in the Preamble to the EFTA Convention as revised by the Vaduz Convention. The Stockholm Convention contained no comparable references. The revised Convention refers in its Preamble to "long-standing common values" and European identity, partly reproducing the wording used in the Preamble to the EEA Agreement. However, it neither defines those values nor contains a catalogue comparable to that found in EU primary law. Particularly in light of the recent case-law of the Court of Justice of the European Union, this provision supports the conclusion that there is a degree of value proximity and overlap between the EFTA States and the EU. It does not, however, entail the automatic incorporation of this value framework into individual JDCs. Their substantive content therefore depends in each case on the outcome of negotiations with the particular partner.

A comparative analysis of all JDCs currently in force confirms considerable variation in this respect. The JDCs with Nigeria, Pakistan and Myanmar refer to human rights and democracy in their preambles, whereas their operative provisions focus primarily on sustainable development, environmental protection and labour-related issues. The JDCs with Mauritius and Mongolia are more narrowly framed: human rights appear only in their preambles, without comparable provisions in the operative parts of the declarations. The JDC with ASEAN differs in that it combines a reference to the Charter of the United Nations with sustainable development and inclusive growth and also incorporates these aspects into its operative provisions. Human rights and democracy thus predominantly perform a declaratory and legitimising function, whereas sustainability, environmental protection and labour-related issues are more readily translated into specific areas of cooperation.

The available materials about the meetings of the Joint Committees do not demonstrate that these references operate as a form of enforceable value conditionality. According to the EFTA Secretariat, no JDC has been suspended on the grounds of non-compliance with values, while the published summaries of Joint Committee meetings do

not identify value-related issues as a central subject of discussion. The analysis therefore establishes only that, in the JDCs examined, there is no evidence that non-compliance with the values referred to in the declarations has been attributed specific legal consequences.

These findings, subject to certain qualifications, confirm that JDCs perform an autonomous framework-setting and agenda-setting function that cannot be reduced to their possible role as precursors to FTAs, although the intensity of subsequent cooperation varies considerably. Their value-framing function is real but limited: references to values may legitimise cooperation and place particular issues on its agenda, but the available evidence does not demonstrate that they secure compliance with those values or bring about their convergence. JDCs maintain a structured channel for the development of trade relations and, where expressly provided for, for cooperation on sustainability, environmental protection and labour-related issues. They are therefore neither scaled-down versions of FTAs nor mechanisms for the enforcement of values, but flexible frameworks whose significance ultimately depends on their continued use.

