

**UNDER EMBARGO TILL 8 NOVEMBER 2018 10H00**

**16<sup>th</sup> REGIONAL SEMINAR OF THE EU-ACP ECONOMIC AND  
SOCIAL INTEREST GROUPS**

**“The role of civil society in the Economic Partnership  
Agreements between the EU and different SADC countries”**

**by Ms Ewa Synowiec**

Director responsible for Sustainable Development; Economic  
Partnership Agreements, Africa-Caribbean and Pacific; Agri-food  
Trade at the Directorate General for Trade of the European  
Commission

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**1. Introduction**

Many thanks to Mr Manoliu [*moderator*] for passing me the floor,  
and

many thanks to the organisers of this event for giving me the  
opportunity to be here and speak about the role that we think civil  
society should have:

...not only in the Economic Partnership Agreements (EPAs) that the EU has with several ACP countries - 10 in the SADC region, 11 soon with Comoros joining the EPA with ESA ...

...but in all trade agreements between countries and regions.

Honourable representatives of the Namibian Government, of other SADC Governments and of the SADC Secretariat,

Distinguished guests, ladies and gentlemen,

All protocol observed.

## **2. People matter in trade policy**

I and the EU are strongly convinced that trade policy and EPAs should not be about abstract growth figures and statistics. They are about people and how people can benefit from the rules in place.

Trade is about improving people's lives, in the SADC region and in Europe.

How can this important goal be achieved if people's voice cannot be heard on trade policy matters also through the representatives from non-state actors?

## **3. Trade policy should be inclusive, accountable and transparent**

The EU supports an open approach to trade policy that brings the full range of views on an issue together. Today's meeting is a reflection of that approach.

Openness and transparency in trade policy – both during the negotiations of international trade agreements and their implementation – is an absolute priority for the EU Trade Commissioner, Mr Malmström, since the beginning of her mandate in November 2018.

In **October 2015**, the **EU** issued **Policy Paper** entitled "**Trade for All: towards a more responsible trade and investment policy**", which clearly indicates that policymaking needs to be transparent and that debate should be based on facts.

Furthermore, in **September 2017**, the **European Commission** issued a new **trade package** titled "**A balanced and progressive**" trade policy". This policy paper, which outlines the EU's trade priorities for the next couple of years to come, suggests that the EU as a whole – that is to say, the EU Institutions, all EU Member States and all national Parliaments - delivers effective agreements through a negotiating process that is accountable, transparent and inclusive.

In this context, the EU created an **advisory group on EU trade negotiations**, consisting of representatives of a wide and balanced group of stakeholders, ranging from trade unions, employers' organisations, consumer groups and other NGOs.

They provide policy makers with high quality advice on areas subject to trade negotiations.

It will not come as a surprise then, that this group has recently also exchanged views on the Economic Partnership Agreements, which are building blocks towards the African Continental Free Trade Area. This is part of the **Africa-Europe Alliance for Sustainable Investment and Jobs** that the European Commission tabled in September 2018.

#### **4. Due involvement of non-state actors in trade policy**

Trade policy and trade agreements are only truly inclusive if non-state actors from all Parties to those agreements duly participate in the **negotiation** process leading to these agreements as well as in their **implementation**.

Let me first stress that, when I refer to non-state actors in this context, I am not only including representatives from the private sector, but from all organisations representing the three pillars of sustainable development – the economic, the social and the environmental pillar.

This is because trade agreements are not only about economic and business matters, but increasingly they also affect social, labour and environmental standards. And we have to be responsible in how we deal with the impact that trade policy can have in all these fields.

## **5. How does the EU ensure that non-state actors can be involved?**

When starting negotiations of trade agreements, the EU aims at achieving quite ambitious targets in this respect:

First, we aim to capture, in the text of the trade agreement, explicit references to the role that non-state actors have in the implementation of the agreement, in its monitoring and in its evaluation.

Secondly, we propose obligations on each Party to follow participative processes in the above frameworks.

Thirdly, we aim at defining precise roles that non-state actors play with regard to provisions related to trade and sustainable developments.

Fourthly, we aim to establish, in the framework of the trade and sustainable development chapter of the trade agreement, specific joint mechanisms and joint institutions whereby non-state actors from the EU and from the other Party or Parties to the trade agreement can meet, discuss and make recommendations.

Of course, this level of ambition has then to be modulated according to the level of availability/willingness/capacities of the other Parties.

It takes two to tango: if the other Party/ies are not engaging, the EU has a choice:

either it halts the negotiations - as the European Parliament is increasingly asking to do for agreements without trade and sustainable development chapters or without mechanism for civil society dialogue)...

...or it finds compromises enabling the continuation and expansion of engagement through dialogue with non-state actors throughout implementation of the trade agreement.

## **6. The role of non-state actors in the monitoring of trade agreement as well as in the Trade and Sustainable Chapter of trade agreement**

Allow me now to elaborate further on how the EU envisages the role that non-state actors should play throughout the implementation of a trade agreement.

### **First, in the monitoring and evaluation of the agreement.**

You would certainly concur with me that we can only ensure, by monitoring the operation and the impact of the EPA, that:

- the agreement is properly implemented, which in turn would ensure that...
- the objectives of this agreement are achieved...and...
- the benefits for the people, in particular the most vulnerable groups, are maximised.

While the monitoring and the evaluation of the agreement is the primary responsibility of the Parties to the agreement, non-state actors should be duly involved in the process, to ensure that benefits to the people are maximised and risks are eliminated or, at least, minimised.

**Secondly, in the framework of the Chapter fully dedicated to trade and sustainable development**, which the EU aims at including in all its trade agreements.

This Chapter contains a comprehensive set of binding provisions, which are anchored in multilateral standards, notably International Labour Organisation conventions and Multilateral Environmental Agreements. This is aimed at ensuring that trade and investment favour sustainable development rather than undermine it.

The institutional structure of this Chapter, in the eyes of the EU, is designed to be inclusive, through platforms where civil society plays a crucial role.

At domestic level, the EU aims at creating **Domestic Advisory Groups**. They are mechanisms for each Party to the agreement to request and receive inputs from representatives of its non-state actors on any matter concerning the implementation of the Trade and Sustainable Development Chapters. The relevant provisions ensure a balanced representation of economic, social and environmental interests.

In addition, the Trade and Sustainable Development Chapters also typically establish a **dedicated platform for joint dialogue** of non-state actor from all Parties to the agreement.

This platform is managed and chaired by civil society, which sets the agenda and discusses all sustainable development aspects under the trade agreement in question. Civil society then proposes recommendations to the Parties of the agreement.

## **7. What is foreseen in the EPAs with the SADC countries?**

Within the SADC region, there are two diametrically opposed situations when it comes to the involvement of civil society: the EU-ESA EPA, covering 4 (Madagascar, Mauritius, Seychelles, Zimbabwe), soon 5 (with Comoros) countries of the Eastern and Southern African region; and the EU-SADC EPA and with 6 countries (Botswana, eSwatini, Lesotho, Mozambique, Namibia and South Africa) of the Southern African Development Community.

While the EU-ESA EPA does not include a trade and sustainable development chapter or foresees a role for civil society in the agreement...

...the EU-SADC EPA includes both aspects, even though it does not make reference to joint institutions and mechanisms.

The EU will keep a very pro-active stance in the framework of both groups of EPAs in order to:

- enhance the participation of non-state actors in the implementation, monitoring and evaluation of the agreements
- seek whether joint mechanisms and institutions can *de facto* be established
- include, through the deepening of the EPA with ESA, explicit reference to the role that non-state actors should play as well as a trade and sustainable development chapter.

The meeting that SADC civil society held on 17 October 2017 in Johannesburg on the EU-SADC EPA – in the presence of the SADC Secretariat, the South African Minister for Trade, Hon. Davies, and the EU Commissioner for Trade, Ms Malmström - was indeed a first step in the right direction: many useful recommendations were made, and the EU provided feedback.

The EU supports all the recommendations made on this occasion, and is currently discussing them with the governments of the countries that are Party to the SADC EPA:

- Regular engagement with civil society and make relevant information easily accessible;
- Establish a SADC civil society platform;
- SADC civil society should be fully involved in the monitoring of the EPA;

- Support sustainable development and EPA implementation through financial and non-financial means.

I fully encourage you to fully exploit the opportunity provided by this 16<sup>th</sup> regional seminar of EU-ACP economic and social interest groups to continue the debate on how the above recommendations can be reinvigorated and accompanied by practical actions.

## 8. Conclusions

Let me conclude by going back to basics and, in particular, the fundamental principles upon which the EU-ACP relationship is based.

Article 2 of Cotonou underlines the importance of **participation** as a fundamental principle in ACP-EU cooperation. It states that *"apart from the central government...the partnership shall be open to different kinds of actors in order to encourage the integration of all sections of society, **including the private sector and civil society organisations** into the mainstream of political, economic and social life"*.

This is exactly what we are doing here today and exactly what we hope to achieve through a greater participation of non-state actors into the economic partnership agreements. Only through such a participation we will be true to our commitment set out in the Preamble to make through our cooperation a significant

contribution **to the greater well-being of our populations**, to help them face the challenges of globalisation by giving **globalisation a stronger social dimension**.

Thank you very much for your attention, and I look forward to some questions and to the discussion.

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