

- TRANSCRIPTS OF DEBATE AND OPEN FORUM -

debate and open forum
involving academics, civil society and EU-policy makers

The European Union and the Social Dimension of Globalization

Gent 22 November 2007
1.30-6.30pm

Venue: Fernandezzaal ABVV
Vrijdagmarkt 9
9000 Gent

FORUM TOPICS

the social dimension of EU **trade** policies
the international promotion of **gender** equality by the EU
Europe's role in stimulating **children's rights** in the world
the EU's contribution to **decent work** in the ILO

PUBLIC WELCOME

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Speakers include JOHN MONNET (Secretary General of the European Trade Union Confederation ETUC), GIRA MEIJERS (WIDE-Women in Development Europe), EMMI DELAGUE (European Commission, Social Affairs), BIRTE JUUL-JØRGENSEN (European Commission, Trade), MARJA KARJALAINEN (European Commission, Development), JUAN GARAY (European Commission, Human Development), MIKEE JOHNSON (European Children's Network/EURONET), JAN MANNING (Danish Institute for International Studies), TONIA NOVITE (University of Bristol), JACQUES TRUE (University of Auckland), LISA TORTHELL (DINAMIA), JAN ORBIE (Ghent University).
Moderator - JOHN VANBAELE (Mo*).



Jean Monnet Information and Research Activity

Co-funded by the European Commission under the Jean Monnet Programme

Compiled by Lisa Tortell and Jan Orbie*

The broader research project

This public activity formed part of a **larger academic project on the role of the European Union in relation to the social dimension of globalization** and, more specifically, the potential contribution of the EU in this area through its external policies.

In recent years, EU policy-makers have highlighted their intention to contribute to the social dimension of globalization. The European Commission and the Council have approved several documents on the international promotion of core labour standards, decent work, and gender equality. The European Consensus on Development includes a separate section on social cohesion and employment. The EU's trade agreements also refer to social dialogue and confirm the partners' commitment to international labour standards as defined by the ILO.

However, the social dimension of external EU policies has been neglected in the academic literature and in the political debate on Europe's world role, when compared with other policies (e.g. trade, development, foreign and security policy). Nevertheless, **the EU potentially plays a unique and powerful role in the social dimension of globalization** (e.g. EU activities in the ILO, inclusion of labour standards in trade agreements, involvement of civil society in development projects, international promotion of children's rights, gender equality, children's rights and corporate social responsibility).

The Forum involved **a discussion on the EU's external social policies with civil society and EU policy-makers**. It aimed to encourage an exchange of perspectives between civil society and NGOs, policy-makers, academics, students, and the public at large, about the question of the EU's global social role. The basic question of the forum was: **how and to what extent can the European Union promote the social dimension of globalization internationally? What are the opportunities and obstacles?**

Four specific topics for debate were addressed:

- The EU contribution to the ILO **decent work** agenda
- Social dimension of EU **trade** policies
- EU's international promotion of **rights of the child**
- EU and promotion of **gender equality** in the World

The Open Forum and Debate is part of a series of events funded by the European Commission Jean Monnet programme. In the framework of this academic project, a book will be published on 'The European Union's role in the social dimension of globalization' (Routledge, GARNET Europe in the World series, October 2008). More information can be found at www.eu-sdg.ugent.be.

* We are very grateful to the other members of the organizing committee (Tonia Novitz, Jacqui True, Ian Manners) and the participants in the open forum. We also want to thank Hadewijch Opsomer (transcription of the debate) and Katleen De Paepe (photographer). This event would not have been possible without the generous support of the European Commission through its Jean Monnet programme. The views presented herein are those of the speakers and do not represent the views of the European Commission and its agencies, which are not responsible for any use that may be made of this information.

**Introduction
and
Session 1: The EU's contribution to the ILO decent work agenda**

LS:	Lisa Tortell	(<i>DINÂMIA</i>)
JV:	John Vandaele – Moderator	(<i>MO*</i>)
TN:	Tonia Novitz	(<i>University of Bristol</i>)
JM:	John Monks	(<i>General Secretary of the ETUC</i>)
RD:	Rudi Delarue ⁱ	(<i>European Commission, DG Employment, Social Affairs and Equal Opportunities</i>)
A1-A6	Member of the audience	
PB:	Patrick Belser	(<i>ILO</i>)



LS Welcome to all of you to this open forum and debate on the EU's external role in relation to the social dimension of globalisation. This event is part of a project jointly coordinated by the Centre for EU Studies in Gent, and DINAMIA in Lisbon, primarily involving academics addressing the EU's global social role. This event has been generously supported by the European Commission through its Jean Monnet Programme, and is intended to provide a context within which academics, civil society and European policy-makers can discuss this

topic. The event has been organised so that there are four panels addressing four specific themes within the overall topic. The topic of each panel will be introduced by an academic member of the organising committee, followed by short presentations from a civil society and a European Commission representative. After each panel there will be time for discussion between the speakers and the audience, and at the end of the event, there will be a general discussion followed by a reception to which you are all cordially invited. And the event will be moderated by John Vandaele. I think, I probably don't need to introduce him to the Flemish people, he's an author and a journalist and a great specialist in the area and we are very pleased that he is able to moderate for us. So thank you all for coming. Thank you John.

JV Ok.

(applause)

JV Hello, good afternoon, let me now first introduce the people here on the panel. So, next to me is Tonia Novitz who is of the University of Bristol, who will give a short introduction to the topic which is at hand and so we will be speaking on the EU-contribution to the ILO decent work agenda. I will not elaborate on this agenda because I think you will do so Tonia. Next to her is John Monks who is the General Secretary of the European Trade Union, and Rudi Delarue who is working for the European Commission more specifically DG Social Affairs. So, Tonia, you have the floor.

TN Thank you very much. The decent work agenda has become a distinctive feature of policy making in the International Labour Organisation, the ILO. It was introduced as a fairly innovative strategy by the present ILO director-general, Juan Somavia, in 1999. As many of you here will know there are essentially four pillars to the ILO decent work agenda. The first and the foundational element are standards and rights at work. Many of you will be aware of the core labour standards which were set out in an ILO declaration on fundamental principles and rights at work. Sometimes, when we think of the standards and rights at work, we focus on the core labour standards but there is more than that, there are the fundamental conventions on which the core labour standards are based and also priority and updated ILO conventions. Up to date ILO conventions which ratifying states are obliged to implement. But really this first pillar is just now a quarter of the equation and I think what was exciting about the ILO decent work agenda was the desire to build on and move beyond the legal, the International Labour Code which had been developed by 1999. So secondly we have employment creation and enterprise development. Third, social protection which includes various elements of social security and than also, fourth and finally, social dialogue as an end in itself linked to freedom of association, but also as a means to achieve the other dimensions of the decent work agenda. Juan Somavia is from Chile and he has placed development, sustainable development at the centre of ILO operations, so he sees development as linked to

these four pillars of decent work and also draws on the notion of equality, so it's decent work for all. Equality is a fundamental legal right, but also as a means to promote economic development. With this promotion of equality, an emphasis on programmatic work, on technical assistance provided by the ILO and a need, a real appreciation of the need to provide redistribution of aid to particular countries to enable them to achieve decent work. This has been followed up by an ILO World Commission on the social dimensions of globalisation which reported its findings in 2004. And that report has also been a subject of a UN General Assembly Resolution saying that what we need is really policy coherence, that we need unity and joint organisation in order to achieve decent work. This is policy coherence between international organisations, of the IMF, the World Bank, the WTO, UNESCO who are all about to collaborate with the ILO. But that report stresses as well the importance of integration between international organisation's activities and these of regional organisations. And it is really in this context that this session is devoted to an examination of the ways in which the EU can further the ILO decent work agenda. So, if you like, this is about policy coherence. And this event actually comes the day after the 6th high level meeting between the EU and the ILO in which the scope of policy coordination is being considered. Now, to some extent, and here I speak as a lawyer rather than someone as an expert on politics, the cooperative links between the ILO have been complicated by the fact that it is the EU member states who are members of the International Labour Organisation and not the EU itself. But the EU offers particular potential as an ally in the promotion of decent work both in terms of legal implementation within the EU and abroad and also in terms of the potential provision of funding aid and redistributive help, the Council has accepted, as in the most recent Council conclusions on decent work of all were published in December 2006. So to our speakers today I suppose, as an academic, I have three questions which relate to, in some ways, the high level meeting, but go beyond that. The first is to what extent do they think that the ILO decent work agenda maps on to the EU objectives, in particular the Lisbon-strategy? Records of the earlier 5th high level meeting stress that both organisations shared common values and objectives and talked about overall convergence between the strategic and main policy objectives of the ILO and the EC. I was wondering whether they thought this was true in terms of policy development in a changing world of work and also on the issue of 'flexicurity' which is a live issue in the EC at the moment. My second question is really the extent to which they think the EU will now be prepared to add teeth to ILO standards and rights at work? What kind of implementation of ILO conventions are we likely to see through EC law, promotion of ratification of conventions by the EU member states and implementation, although I know this will be covered in a further session through GSP and bilateral agreements? My third and final question is really what role the EU now sees for itself, what role it could play within the ILO, either in terms of standard setting, or in terms of contribution to joint programs and projects with the ILO? So what policy areas have been selected as a focus, what sort of funding is now going to be made available for such projects and how can we find out about that funding what kind of strategies for communication are now going to be set in place?

JV I think these are quite interesting questions so I'm listening to John Monk's reaction to these questions.

JM Yes, I'll answer the questions in a moment. I'm from the European Trade Union Confederation; we're active in 37 European countries; anybody who's a member of the European Union or is a candidate country to be a member of the European Union is eligible to join the ETUC, so we include Turkey, for example, which is a candidate country under the terms of EU membership. There are about 60 million workers in the organisations in the ETUC.

Globalisation is, for Europe, for European workers, a negative concept, for nearly all of them. It means jobs emigrating to cheaper locations and it means people immigrating from cheaper locations, prepared to work at lower rates. And so, take a city like Ghent which was a cotton-centre, one of the first in the world, a centre of the industrial revolution and a great centre of the Belgian trade union movement. The textile industry has gone somewhere else, the cotton textiles have left the first world countries and have gone to the developing world and so this contributes to a negative image of globalisation, and the sense that Europe is losing and that workers are losing. There are four times as many workers in the world economy today as there were in 1990. 1990 was when the collapse of Communism happened and countries that were behind the Iron Curtain emerged. The Curtain came down, the Wall in Berlin came down and so the Chinese in particular, but others as well, such as the Russians, became part of the world economy. That has caused downwards pressure on wages, particularly of manual workers, unskilled workers, semi-skilled workers, process workers, these kinds of jobs. And we can see, if you look at the GDP in most countries, the share of wages and salary is reducing relative to profits, because capital can take advantage of this quadrupling of the world labour force. And Europe, particularly Western Europe, had a relatively good time since World War II, the economies have grown strongly and along with North America, maybe Japan, we've been the areas of conspicuous success. Europe is different than America and Japan in that essentially it was rebuild after the Second World War on the principles of the ILO. The ILO's greatest achievement, I would say, is the European social model, and the idea that you have welfare states, you have public services and you have effective Trade Unions and a right to bargain on the behalf of workers. These things are much weaker in North America, particularly the United States, and to a lesser extent in Japan. So the European social model was created on the basis of the ILO's values and principles and so on. We tend to think of it all as a rather benign process exporting these values to other countries. But I'm going to give you a little test and the test is this: I was last Christmas up in the loft of my house in England and I dug out an old school atlas of my father. This atlas was dated 1907 and it occurred to me, looking at this atlas, there were only six countries that were not Europe, were not colonies of a European power or former colonies of a European power, in the world, 100 years ago. Ok, now what are the six? Who would like to shout out your guesses? So, just to

repeat, countries which were not European, not a European colony or a former European colony.

A1 Japan

JM Yes

A2 Thailand

JM Yes

A3 Ethiopia

JM Yes

A4 Liberia

JM Yes, very questionable that one but I think it is technically correct. It was founded by the United States, but it was not a colony.

A5 Turkey

JM Turkey, the Ottoman Empire, I'm counting as a European country, after all it is eligible to join the European Union in many people's eyes.

A6 China

JM China, no, China, if you look at the map of 1907, many of the estuaries of China were European colonies. There were various Hong Kongs at that stage. I think that you've answered on all but two, and I'll tell you. One was Korea, which was a colony of Japan, and the other was Persia - the present Iran - which was a buffer state between India and Russia at that stage.

The reason I give you this little test is to see how Europe looks from other parts of the world. 100 years ago the colonial experience was the experience for the rest of the world, give or take these six countries that we've just mentioned. So Europe is still regarded as the former colonial master and the imperial power, and when people come along from Europe in to, say, trade talks with South Africa, and say 'by the way you should have decent standards, decent work conditions, ILO principles', they say 'firstly we don't like being told what to do, particularly by you, and secondly these are protectionist principles because you're trying to raise the cost of production in our country, and you are trying to put us out a business perhaps to protect the

remaining textile factories in your country.' That's the context in which these debates about globalisation take place. The ILO is, I believe, very important, but it is not important enough. The general consensus in so far as we've got any world government is that the liberalisation and deregulation are the things that we should do, privatisation too, states shouldn't run things, they should be run by the profit motive. That's a view vividly, powerfully, pushed by the United States of America through the International Monetary Fund, the World Bank and the World Trade Organisation to some extent. It seems to me that the ILO is trying to swim against that tide.

The European Union has got its strong liberalisers and deregulators as well but it still has got this concept of a social Europe, with Welfare States, public services, Trade Unions, collective bargaining and so on. And so I see the EU and the ILO as natural allies, I'd like the EU to be more vigorous, more a social champion, than it has been in recent years because it has shifted more in the American direction. In terms of your questions, I'd like to see the EU in all its foreign policy work promoting the decent work agenda. I'd like it to see in its trade arrangements being more aggressive on insisting on proper labour standards and social standards. At present we cannot deal with China, which is by far the biggest exporter from the developing world; indeed something like 60 percent of its production is under the banner of a western multinational company, often a European company, and yet there's no labour standards worth talking about, with slave labour, prison labour being used to make some of the things that you'll see in the shops this Christmas.

I'd like to think that the European Union would have the guts to get tough given that it's the biggest market in the world. The European Union is one third by the way of the world economy at the present time, the United States is 27 percent. And if we can't do it here, then I think we can't do it anywhere. So Europe has a special responsibility but always remember this map and you should remember that the rest of the world does not like being told what to do by Europe. Europe has to be a bit humble and rather generous I would say, to countries that are weak, but tough with countries which are not democracies, which are not promoting freedom and liberty and a sense that the individual can thrive and make their own way. So here are some thoughts to kick off your discussions this afternoon.

JV Yes, but are you saying then that they are not really being tough enough?

JM I think it's extremely difficult, I mean, to say to India that you're not going to trade with you because of child labour. You have to try to persuade that child labour is undesirable, the kids should be in school.

JV yes, but maybe freedom of association is easier to demand? No?

JM well, freedom of association within India is there, democracy is in India. China is a much tougher case.

JV Do you think the EU is doing enough there?

JM I think it is quite tough with some small countries, it is not tough when it gets to the big countries.

JV Ok, Rudi Delarue?

RD Thank you for inviting the Commission. This is a very wide subject, it has, if you want, oceanic or high seas dimensions and so we have to find ways to navigate in these high seas. And so, thank you for the questions that orientate the debate. So on the first question, on decent work and the European social agenda, indeed there is a convergence in the sense that the different pillars of the decent work agenda like employment, social dialogue, rights at work, social protection and gender mainstreaming, you find these pillars also in one way or another in the European social agenda and therefore we say that decent work is in line with the European social agenda and it is also, as an approach, in line with what we call the EU Lisbon Strategy. The EU Lisbon Strategy had been adopted in 2000 in Lisbon and it aims that mutually reinforcing policies in the fields of employment, social affairs, economics and environment and these different elements are, in one way or another, also part of the so called integrated approach to decent work. So, yes, there is certainly a close interaction. Of course, the EU and the ILO are different actors, they are different animals. First of all, the EU is another kind of institution, it is not just an agency or an organisation, you can say it's a special animal, it is not a state but it is not an international organisation either. So this has often caused an impact on the way the social agenda functions and the way it is implemented. For instance, the ILO has of course no structural funds like the EU has. They have of course technical cooperation, but that is not the same as European social funds or the European structural funds like in agriculture or regional funds. We have no mobility of workers at world wide level, mobility in the sense of rights based. So in the EU you have a rights based, individual rights based, a right to work in another member state. It is really an essential feature of the EU and the ILO can not impose this at global level. You have also the instruments, like the supranational instruments. Directive once adopted by the Parliament and the Council you can not escape anymore, while a convention, you can support it, you can make a nice speech at the plenary session of the ILO conference, you can applaud, but at the end you do not ratify, it happens. With directives it is a bit different. So just to indicate. But what is really essential here now is that the social agenda or the Lisbon Strategy can no longer operate outside the context of globalisation. This means you can not conceive policies, even in the EU of 27, that are outside, let's say, the broader scope of the international economy and the international dimension, that is impossible, and therefore of course the ILO and the EU in that sense are partners. Because we think that promoting these decent work dimensions is part of the efforts to strengthen the social dimension of globalisation and the EU has very much supported the

work of the World Commission. We had meetings with them in 2003, 2004; immediately after the report we issued a communication on the social dimension of globalisation and the contribution of the EU and this work of the World Commission was a stepping stone for us also to do more on decent work and that was followed by a communication in 2006. In other policy fields we have mobilised since 2006 the EU efforts internally and externally. I can give you some examples but some of my colleagues of other DGs like development and trade will address these issues later on. Some are already here in the room, like Tony (*Anthony Crasner*). But I think an important element is that there is a kind of mainstreaming of employment and decent work issues in different EU policies. If you compare this mainstreaming with the situation 5, 6 years ago, it's a fundamental shift. The EU before, let's say, a couple of years ago was more an internal market with some of course elements to the rest of the world. You had the development policy of course, you had some external policies, but the EU with an internal market, with a focus on the internal market has very much shifted towards an EU as a global player and this has also an impact on the way you have to develop your policies. And a good example, I think, of this, is the EU consensus on development which is in fact originally designed to be the Brussels consensus, to be different to the Washington consensus that was the driver, or is the driver, of the Washington institutions like the World Bank, the IMF, and so the original name that was conceived for the European consensus was the Brussels consensus, but for some reason it has changed to European. But it is a comprehensive approach to development policy and decent work is part of that. But my colleagues will come back on that later on, I just wanted to give this as an example. On two or three elements to the first question I could just say that for instance what we also try to do is to engage in a dialogue on employment issues and social issues with the emerging economies, so it is not only a question of development cooperation, it is also a question of policy dialogues with these countries and John (*Monks*) has referred to that on India and China. These countries are interested in employment and social affairs dialogues with EU because the EU model, which is quite often seen internally in the EU as not existing, the EU social model, but from the outside it is conceived as a model, is interesting for them. They will not, of course, buy everything but it can be a source of inspiration. And we have also contacts with Latin America, with Brazil, and so on, on these. The trade policies have strengthened their contribution, I can refer to the GSP and the GSP+, and John (*Monks*) is right that of course the GSP+ for instance is more referring to the vulnerable economies and that means that our influence on these countries is of course a bit different than when you have to deal with China. But that is the nature of the GSP instrument, of course it is aimed at helping vulnerable economies and it has helped to achieve additional ratification and a better implementation but we are not there yet, I have to confess that it's a difficult process. On the second question I will be a bit briefer. Implementation and ratification of ILO conventions and international instruments and also the role of the EU. I will give you a very concrete example, that is the easiest way. In 2006 the ILO adopted the maritime convention which is an umbrella, a very wide convention, negotiated for five years. The EU has contributed to this in the negotiating

process with EU coordinated positions, prepared in Brussels and in Geneva, where it was negotiated. It was adopted, the EU funded the conference, made it possible to adopt it, and then we said to the European social partners: 'maybe it's a good idea to implement this through a European social agreement', or at least part of it because some parts have to be dealt with by directives because it's a really in to state responsibilities such as state port control. So, the social partners have taken up that issue and they have signed an agreement last week, on the 9th of November. It's a preliminary agreement, it has to be checked legally, but it is there, and they have also requested the Commission to propose a decision to the Council, because that's the European procedure, to get it implemented through a decision of the Council, this should mean that it is a legally binding force. So that does mean that this international convention, which is international, a global standard, has a direct impact on the regional standard. And the regional standard helps the international standard because the states that in the future want to play a role in shipping, should ratify and apply it, and because of the EU enforcement capacity through EU legislation on port state and flag state control. The EU framework agreement between social partners very much contributes to this because it will be a legally, binding text throughout the EU 27 plus Norway complemented by EU legislation on enforcement. So that's a good example I think on, let's say, convergence, it's just a good example, a concrete example. The EU member states have since this year, all the EU 27 have ratified the core labour standards, there were two or three remaining problems but these have been ratified since mid 2007. And this is quite important because it increases the credibility of the EU towards partners. If you want to give them lessons, first of all you have to be coherent with yourself

JV Was that hard to realise?

RD what?

JV Was that hard to realise?

RD No. That was not so difficult to realise at the end because, in fact, the remaining problems were related to child labour conventions and these were anyway covered by EU directives, because several core labour standards are already covered by EU directives (minimum age for employment, non discrimination in employment, equal pay between men and women for work of equal value). But of course it is embarrassing when you are criticising and not all 27 have ratified. On the contribution of the EU to the ILO, you don't have to see this only through a legal dimension. Of course there are competences like on health and safety that are relevant because you have EU standards, if you discuss this in the ILO, you have to take this into account, but you can not, of course, ask the ILO to copy EU standards because it has to be ratifiable by developing countries also. So we have been taking up this point very vigorously the last couple of years in all of our EU negotiations in the international context, we have tried

to be open to the developing world and to other partners. So we have the African region, Latin America, the Asia region, we have a dialogue with them and to see on what text we can try to find a global compromise. But the fact that these standards exist and these policies exist, like the decent work agenda and the conclusion of the EU Council of Ministers, of course helps the EU as an identity to manifest itself inside international organisations. A second element or example is wider than the ILO. You refer to the UN summit and the UN text on decent work, in fact, this text is not fallen out of the blue, I mean, there was a lot of work inside the EU system, by the member states and the Commission to get this text. Finally on development cooperation and programs, decent work is eligible under the European development cooperation legal instrument we call the DCI, it is part of the European consensus and we have more and more initiatives with the ILO, not only through development instruments but also through budgets from different DGs like employment and so on. We had a meeting yesterday, a high level meeting, which was quite positive, which confirmed the convergence of values and approaches. We had a discussion on issues like global social floor, if you want we can come back to this later on, the global social floor. We had also mainstreaming decent work in the UN system, we had discussions on the strategic partnership in the field of development cooperation and we had also discussions on flexicurity in the sense that the ILO has already been working on that since many years, it is not a new issue. So I will stop there.

JV I'd like to kick off the discussion with the audience with Patrick Belser, who is from the ILO itself. We'll ask him really very generally whether the ILO is satisfied with the contribution of the European Union to its decent work agenda

PB How can I say no?

JV Well...

PB I'd like to say thank you very much. All these people here have said so many nice things about the ILO. It's very positive. When you ask me about a change over the last few years, maybe the last 10 years or so, well we've started to talk more about globalisation, we also started to talk more about the ILO again and in that sense we feel that there is a very positive trend on that level. Yes, do you hear me?

JV Do you hear him? Is it not necessary to have a microphone? So yeah, you'll have to use it anyway, you have to use it because they are taping everything which is being said here, so...

PB so, ok, let me just ask some questions to all the speakers, because I think, in return, they have asked a lot of questions. So, first of all to Tonia (*Novitz*), I would like to ask you to answer the questions you asked actually. How do you think the teeth of the ILO can be strengthened and in particular the implementation of the conventions maybe? as you know there is a supervisory

mechanism: when countries ratify conventions they have to go through a system where a committee of experts is actually looking at the implementation and it is true that there is indeed no coercive legal enforcement mechanism. I would say, maybe there are no real sanctions in case of violation of conventions but still we notice that countries are becoming more and more sensitive to the negative publicity that they obtain when actually the committee of experts is realizing that there are some violations of the conventions. So, the question to you, how could this whole mechanism be strengthened? To John (*Monks*), thank you very much for this interesting presentation. My question would be related to the role of Trade Unions and the informal sector. You mentioned the question of slave labour in India or in China. In India we know that indeed in agriculture for example there is the problem of bonded labour. It's a serious problem where people are sometimes in a situation of dependency, they receive wage advances and then they have to work in order to pay back this advance but actually the advance is being manipulated and people find themselves in a situation with a lack of freedom actually. They are attached to their employers and this can go over generations: sometimes their children are born to pay back the debts of their parents. So this is in sectors where unions are not very present, especially in developing countries, this is a huge challenge and I would like to hear from you whether you have any suggestion as to how the ILO could work with these developing countries to strengthen to presence of unions in these sectors. And maybe to Rudi (*Delarue*), I'll have to find a nice question to Rudi of course

(laughter)

JV You don't have to be nice all the time...

(laughter)

PB No, I would like, first of all, to underline that there is indeed this growing collaboration between the ILO and the European Commission and the European Union. There is a real example in Bolivia for example. Bolivia was one of the last countries in the region not to have ratified the convention number 29 on forced labour and we know that there have been many cases of forced labour in Bolivia. There were cases of the army officers using the military people to do harvesting and other kind of economic work, but there are also very difficult situations of the exploitation of indigenous peoples again in agriculture and in other sectors. Somehow the ratification of convention 29 was always on the agenda of the congress in Bolivia but seemed to fall off as the last agenda, as the last item on the agenda until the congress actually realized it might lose the access to the European markets because of the GSP+ systems. So then actually the country decided to ratify, which was a very important step forward. Then the challenge of course is after ratification what happens? And how does the European Union follow up, I would say, on the implementation of the ratified conventions in these partner countries, because of course we, the ILO, is ready to continue the work with the governments

and the Trade Unions and the Employers Associations in Bolivia to work towards implementation, but this only works when there is also some political pressure to actually continue working.

JV So, Tonia (*Novitz*)

TN ok, I'll attempt a swift answer. In terms of how I think the ILO supervisory findings could be given teeth: well, internally within the European Union, I'd like to see more effective, not only ratification but implementation of ILO fundamental conventions for a start. And in particular I do think it's problematic that there's not at the present time legal competence in the EU to actually provide some kind of directive protecting freedom of association, collective bargaining or the right to strike. At the moment we are facing the outcome of litigation in the *Viking* and *Laval* cases where the internal market came into conflict with protection of the right to strike and we just don't know where that balance is going to be struck and I think personally that that is unacceptable, that there needs to be clearer protection of freedom of association, collective bargaining and industrial action.

JV but are you saying that the EU has internally a lot of difficulties to implement even the core labour standards in its own territory?

TN It has for historical reasons a respect for national collective bargaining systems has led to an anomaly where these are now subject to challenge under EC law, and that's problematic, so that has to be addressed at some point. Secondly, and here I'm slipping slightly on the toes of the next session, we do know that the findings of ILO's supervisory bodies will influence the determinations of the Commission and the GSP+ and the special consent of arrangements. I think that we know that in some countries like Belarus, there will be exclusion where there is ultimate condemnation but it would be interesting to see more sensitivity to other findings of ILO supervisory bodies on Colombia, Guatemala and other countries which receive preferences there. So, that would be interesting to see that.

JV John Monks?

JM yes, the question to me was about the informal economy which we struggle with, there is no doubt about that. We struggle with it in advanced countries and we struggle with it even more in the developing world, whether it's people working in the black economy in Belgium to avoid taxation levels or illegal workers who arrived and haven't got their proper documentation to stay and so on, very vulnerable to exploitation. I mean, we're trying to get our reach into these areas we find though and so it's very difficult I think, Unions, in some countries more than others perhaps have had a few bits of success maybe in getting amnesties for migrants to work legally and therefore not to be constrained to the underground economy and so on. But

mostly our reach doesn't go that far, and I'm sorry about that. It's a major challenge for us and we do not do very well on it

JV Rudi Delarue?

RD first of all to the question by Patrick (*Be/ser*) of the ILO and then something on the, let's say, tension between the different fundamental rights, the economic, the service issues and the fundamental rights. On the issue of forced labour and to follow up in these countries, first of all, the EU has a policy dialogue with many countries in the world and also with Latin America, with individual countries there are delegations in these countries and together with the delegations of the missions of the member states, these issues have been taking up in the discussions they have with the government and the authorities. A second point is that we have a regional strategy adopted by the EU on Latin America where social cohesion, decent work, poor labour standard issues are part of the regional strategy. And then we have, it's a whole mechanism unfortunately, that is how it works, then you have country strategies, country by country, because these are, let's say, ownership driven. The country has some problems or they have some request to the EC and we can not just impose our agenda, so this are demand driven and these issues are relevant for these countries, like indigenous people and forced labour are part of that. More concrete on your question on the GSP+ and the GSP, we have just produced as Commission a mid-term follow-up preview report on GSP+, where we have mainly based our findings on the ILO supervisory mechanisms, so and these issues are part, I mean, we take up the most important elements. The key question for many countries in that region is the whether glass is half full or half empty? If we say that the glass is half empty we could be obliged to stop GSP+ for the countries concerned, that's clear. If we say it's half full we have perspectives and we have also perspectives to improve the situation by cooperation.

JV yeah, but the question of the implementation of a ratification on forced labour.

RD yes, that is the point, I mean, our purpose is about effective implementation and it is based upon the findings of the dialogues.

JV so that you work with trade mechanism, because it's very very technical and I really doubt if people understand anything about GSP and GSP+, so...

RD I will just say..

JV because we haven't gone into it in this session, so...

RD I mean, I understand that, I mean we have a trade session, I mean, GSP is a system whereby countries, developing countries have a preferential access to the EU..

JV But I think really we better do it in the second session, just, but the answer to his question is that you try to implement through trade measures

RD Yes, not only through trade, I mean, they have to sign in, they have to sign a commitment to get GSP+ that they will ratify and apply and then we have a dialogue mechanism. And when the glass remains always half empty instead of half full then we have a problem I think. So it will be on the agenda next year, because then we have the full report. On the second issue of, let's say, the balance between the different fundamental rights, there, and I think that John will also come in on that, we have the Charter on Fundamental Rights that could create a very important balance because indeed you have the economic freedoms, free movements of persons, of capital and so on, they are all economic, they exist, they are applied by the European Court of Justice and then you have some interference in a number of cases with industrial conflicts, I mean, labour related conflicts can happen, that's not new, that happened already many years ago, that the Court has to make a balance. But that's the reason why the fact that the fundamental rights, being part of the treaty in one way or another, could re-establish this balance. And that's so important that it was part of the constitution, unfortunately that was not adopted, but it will be part in one way or another of the EU. But maybe John (*Monks*) can also add on that because I think it's an important issue for the ETUC.

JM we don't really yet know what the Charter of Fundamental Rights is going to mean. At the moment there is one and it's binding on European institutions but not on member states of the EU. Under the new treaty arrangements it becomes legally binding on member states as well and the British Government has got all kinds of opt outs and red lines to try and stop its full implementation in the United Kingdom, particularly in relation to strikes and collective bargaining, but also on some jurisdictional things. So it's how strong those red lines will prove to be in practice that is going to be a very interesting question. I mean, I'm dealing with two cases now whereby you can't quite see how the red line would work. I'll just mention one of them - the *Viking* case which was a Finnish shipping line that between Tallinn and Helsinki, got rid of the Finnish crew, took on an Estonian crew with much lower conditions, ran into the dockers in Helsinki Harbour which refused to deal with the ship, took the case to London which is a centre of Maritime Law, against the Finnish Union, alleging that the right to take industrial action in Finland was in breach of the free movement of labour principle of the European Union. So the outcome of that case and another similar issue in Sweden will be heard on December the 11th. But you can see now which is the greater right, the freedom of labour or the right to take industrial action or the right to uphold a collective agreement which is the Swedish case and the very important ramifications. I think the Charter of Fundamental Rights is going to be useful, very useful so the pillar to boost the rights to take industrial action.

JV So, in a way, judges will influence very strongly which kind of European Union we will have?

JM the European Court of Justice is a very powerful body, I mean it's the sovereign legal authority across 27 nations. Nobody else, no other grouping of nations has had that kind of powerful enforcement mechanism that the ECJ has had

JV yeah, the clock is ticking so we only have time for one or two questions more in this session, I'm sorry, so, ok, ..., not all together of course, yeah, well, if there are no questions that is easy for the timetable so then we will be back on schedule again. So then I would ask the people of the second session to come forward and I would like to thank the three people who are on this panel. Thank you

(applause)



ⁱⁱ the views expressed in the contribution by Rudi Delarue do not necessarily reflect the official position of the European Commission.

Session 2: The social dimension of EU trade policies

JV:	John Vandaele – Moderator	(MO*)
JO:	Jan Orbie	(Ghent University)
AM:	Andrea Maksimovic	(Solidar)
GS:	Gareth Steel	(European Commission, DG Trade)
A1/A2/A3:	Member of the audience	
JT:	Jacqui True	(University of Auckland)
AC:	Anthony Crasner	(European Commission, DG Development)
RD:	Rudi Delarue	(European Commission, DG Employment, Social Affairs and Equal Opportunities)



JV I'd like to go to the second session because we still have three more of them. So, well, already in the other session we couldn't avoid to come to trade issues because this is quite central in this discussion, the social role of the European Union. So, it's about the social dimension of

the EU trade policies and the introduction will be by Jan Orbie who has written a doctorate on this. So you'll make the introduction to the problem and then there will be reactions of Andrea Maksimovic of Solidar which is a European development NGO. And then we have Gareth Steel of the DG Trade of the European Commission who will also react. Jan (*Orbie*)?

JO I will just briefly introduce the topic. The European Union is the world's most powerful largest trading bloc – besides the United States. So if there is one area where the European Union could potentially influence the social dimension of globalization, it must be through trade policies. And indeed, we see that the European Union's trade arrangements explicitly refer to the core labour standards of the ILO that were discussed in the previous session. But, the big question then for this session is: to what extent is the European Union able and willing to effectively promote core labour standards through its trade policies with third world countries? For example, there are the 'carrots' and 'sticks' of the GSP system which was already mentioned in the previous session, which basically grants additional market access for developing countries who have ratified a number of ILO conventions, I mean, the eight fundamental conventions. And, on the other hand it limits market access for countries that are seriously and systematically violating these labour standards. However, I wondered why this stick has only been applied in two cases, Belarus and Burma; and why other countries such as China for example have not been sanctioned under this GSP system? Is this because trade unions have never filed a complaint against other developing countries, or are there other reasons? Then, on the other hand we see that beneficiaries of the GSP system have ratified the ILO conventions, but there is a problem of implementation and there have been criticisms that GSP+ beneficiaries like Colombia are not effectively implementing the core labour standards. And I was just wondering: how the European Commission is monitoring the implementation beyond ratification? I was also wondering if there is any role for civil society in that process? And then, finally, at this present moment, the European Union is negotiating a new generation of trade agreements, bilateral trade agreements with South Korea, also with India, and then with the whole group of ASEAN countries. My question is: how ambitious is the European Union in this respect, how ambitious is the European Commission? And also, to what extent is the European Commission supported by the EU member states in its attempts to introduce social paragraph or social provisions in these new bilateral agreements?

AM ok, thanks a lot for inviting me to talk to you about the European dimension of globalisation and particular in relation to trade. And I'll have to say that I love talking about European Union policies because, as someone who has two passports neither of which give me the right to actually live here, I get to tell people what I think about the European Union where I now have lived for the last couple of years. Seriously I think it's interesting because I come from a slightly different perspective and I guess a part of that is, sort of, not being, sort of, wedded to

the idea that everything the European Union does is inherently good because it is the European Union. Let me tell you just a little bit about Solidar so you'll have some idea of where I'm coming from. Solidar is a network of 42 European NGOs who work in 20 countries on issues as diverse as social service provision, social service policy and then through to issues of trade, labour and humanitarian aid. We were formed in 1948 as International Workers Aid by trade unions and socialist parties who were at that time particularly concerned with coordinating the resettlement of refugees after World War II. And I'm just saying this to, kind of, give you the idea that we still maintain very close links with the labour movement and have this unusual combination of working on issues of both European and international policy which presents a challenge at times and also an opportunity to really globalize solidarity. When I recently told a colleague of mine that I was going to be speaking on this topic, a fellow civil society representative said dryly: 'well, that's easy, there is none, there is no social dimension of EU trade policy'. I think that's a little bit harsh but I think it certainly betrays some of the cynicism that exists around this question among civil society. I think to try and understand where this comes from, I think, as well as talking about some of the issues that you raised about where the current instruments are and how far they have gotten us, I want to talk a little bit more about the broader approach that the European Union is taking. Because I'd like to suggest that, no matter how hard your incentives and sanctions work in one system, and currently I think, you know, we have many questions about how well they work, if your other policies are inflicting the kind of damage that we have seen arising from steep and sudden trade liberalization, you can not claim to have a social dimension in mind. And the first thing that springs to my mind and, you know, in the policy world we talk a lot about policy coherence, yeah? And the incoherence is I think very bluntly expressed in a very honest document entitled 'Global Europe: competing in the world', which you should all read. Because, I think, if anyone has any doubts about the true intentions of the current thinking, you know, this document is certainly very informative. And I'm saying all this because I think partly my role is to be provocative and I know that Gareth (*Steel*) is going to tell me how 'Global Europe' is not the evil document that we think it is. Basically it is a document that argues two things. On the international/external level it defines the EU's global interest in terms of an aggressive market liberalization agenda on behalf of European business. It makes a lot of noise about an activist and hard-nosed approach to obtaining new market opportunities for European exporters and the document identifies free trade agreements with countries like ASEAN, Korea, India, Russia, etc, that we mentioned before, as a vehicle for this. China is singled out for special consideration, because China is considered to be both a threat and an opportunity and I think, to be quite honest, they haven't quite worked out what to do and there is a range of reasons for that. I think, you know, not only does this document present a significant retreat from multilateralism – multilateralism is the idea that we discuss these issues at the WTO because it is the best way forward, you know, instead of creating imbalances and this, what we often call, the spaghetti bowl of bilateral trade agreements. But also there are some serious concerns around, for example, extending trade to countries like

Burma because they are in ASEAN. So, I think that presents a very particular challenge. On the internal level this document talks about harmonizing EU standards with those of other trading partners and notably the US. So what John Monks was talking about, in fact, is about saying: 'we in Europe are also going to undermine the critical social and environmental standards, the European social model, because we need to be in harmony with the standards of the US.' In the international sphere, the document identifies three ways in which the EU is going to ensure this new market access for its companies, as well as reducing tariffs in third countries which, I think, a lot of you are aware there is a big debate about what effect this has on development. They are also now seeking a focus on a wide range of behind the border regulations, which they think is a barrier to trade. So, to this end the European Union says that in the new generation of free trade agreements, European companies should have the right to prior consultation over new regulations which host companies might wish to introduce. So it's kind of like saying: 'ok, Unilever, you have the right to be consulted, say by the, I don't know, Ghanaian government, over the kind of policies that they're going to have.' And in response to lobbying by European business, the EU identifies also unimpeded access to natural resources as a high priority and commits itself to tackling these barriers including the removal of, what we call, export controls, which many countries use to actually protect their natural resources and environment. They also talk about new areas of growth, so things like intellectual property and some of you might know there was a big, big, fight at the WTO about intellectual property rights, particularly over the right to patenting of medicines, because of the fact that companies were using this to stop the generic production of drugs that could save people's lives, when it comes to things like HIV/AIDS or malaria; and services, investment, public procurement. So, all of these things that in Europe we're kind of trying to keep to ourselves, depending on which country you're talking about, you know, we want to implement in our bilateral agreements. And this kind of harmonization, I think, it's worth noting this isn't the kind of policy coherence that we want to have. So, I think, when we talk about policy coherence, we want to talk about policy coherence for a social Europe and for a fair globalisation, so that we're not confused about what kind of policy coherence we want. I think, you know, John (*Monks*) was talking about this map of the world and it really struck me because a couple of weeks ago I was in Nairobi meeting with a bunch of civil society representatives and trade unionists from Africa. And perhaps the most outrageous example of this hard-nosed approach at this moment are the current negotiations around the Economic Partnership Agreements. So, some of you know, that at the moment the EU is negotiating Economic Partnership Agreements with 72 ACP countries. And it's incredible to me that the European Union is at this very moment demanding to some of the poorest countries that they conclude comprehensive deals on everything from public procurement to services, the so called 'Singapore Issues'. Everything that Europe and the United States couldn't get at the WTO, they are asking African countries to give them. Let's just be very clear about that. Now, never mind the fact that the Cotonou agreement, under which these negotiations are occurring, clearly states that the European Union has a responsibility to offer alternatives for those countries that don't want to sign

EPA's, never mind that there is much evidence that steep and sudden liberalization is not, in fact, conducive to decent work or to protection of the environment. What we are doing is, we're running around the world, we're saying to people: 'please sign this Economic Partnership Agreement and once you sign we'll give you your aid.' And so, again we're talking about policy coherence, not the kind of policy coherence I want. I don't want to see Peter Mandelson and Louis Michel running around the world doing a double act where they sort of say to people: 'if you don't sign, you don't get the aid'. I think you know we have to be very careful. Perhaps I'm a bit of a conspiracy theorist but, you know, there is a lot of leaked evidence and you can have a read on many websites. Now, the thing is, the Economic Partnership Agreements actually offer a perfect opportunity for the European Union to use GSP+, to motivate these countries to sign the ILO core labour standards and to implement them. And, I guess, this brings me to the topic that people actually wanted me to discuss which is the GSP+ system.

JV You have still about one minute.

AM yes, ok. I think a lot of people have talked about what it is, that is it working, is it not working? I think, so far, it hasn't worked particularly well but I think there is possibility for improvement and I think we saw, last year, El Salvador for example actually implementing some of the conventions, which was a good thing. I think the question about why the EU and the international trade union movement have been resistant, if you like, to apply the stick, I mean, first of all, I know that when I used to work for the International Trade Union Organisation, and two years ago they wrote a letter explaining to all the 15 countries what the problems were and those calls for stricter, if you like, implementation were not heeded, but also there isn't a capacity. I mean, if you are a small trade union working in a small country, it's very difficult for you to engage in all these international instruments, which is a part of the problem. Ok, so what is to be done? First of all, I think it's important that we actually understand we can't blame the Commission entirely and there are days when I feel sorry for Peter Mandelson, because it is the member states that have given him this mandate. And so, you know, in the context of EPA's, this was reaffirmed two days ago, and as long as the member states keep saying: 'yes, push forward this aggressive liberalisation agenda and we don't want any explicit language around social and decent work commitments', then there is actually not much he can do. So, I think, the first thing is that we all have to do some work on the ground in our own backyards, with our own governments. Secondly, around this issue of, you know, run by some of the governments like India, that, you know and even like Brazil which is run by the workers party for example, you know, they're not pushing for the inclusion of core labour standards in the WTO so much. And I think that there is work to be done in terms of civil society, globally on supporting our friends in those countries to make that call to their own governments. I think this is also changing, because I think if you asked trade unions 10 years ago 'do you think

there should be core labour standards in trade agreements?', all of them would have said 'no, it's a protectionist mechanism'. And in Seattle, that was not particularly helped by the fact that it was the United States who was pushing this agenda, you know, so you have got to be careful about who you get to run your arguments. But now, China, which is kind of blowing everything out of the water and so you have these kinds of countries like Cambodia who are saying: 'oh, ok, maybe we could, you know, implement labour standards, because, you know, that would mean we'd get market access over China'. Also, we just need to educate people that we're asking for something really minimalist, we're asking for 'freedom from slavery', 'freedom from child labour', 'the right to organise and join a union' and 'freedom from discrimination'. These are basic human rights and I think the interesting thing that happened for example in the United States, it's around the US-Colombia free trade agreement, is a bit of a case that we could follow. Because the Colombian trade unions worked with the American trade unions to convince the Democrats in Congress of why there needed to be a labour clause in this agreement. So, it wasn't the United States imposing something, and I think we have to be really careful, John (*Monks*) is right; I don't want to talk about exporting European values because that doesn't get us anywhere. You know, when I was in Nairobi a couple of weeks ago, I can tell you, colonialism for those people is still very much present, because they see it as something that hasn't really gone away. And I think we need to recognise that, you know, it's not easy to reconcile external and internal policies, so all those things John (*Monks*) was talking about, the reasons why workers don't like globalisation, we have to find a language that we speak and that means again holding our governments accountable when it comes to populist rhetoric around migration, when it comes to all these issues. So,...

JV Could you finish? No?

AM yes, I will finish, right now. One thing that we are doing, and I just have to say this because it's important not to just criticise, is we, a couple of weeks ago at the ILO summit, launched something called a 'Call to Action for Decent Work' and basically we have a campaign: 'decent work, decent life'. Their duty is to say it's a universal right, it should be in Europe and outside of Europe, it's not a policy we're exporting and this call is about saying: 'ok, we're going to get a million citizens from Europe to sign and we're going to try and hold the decision makers accountable'. So, we thought they were going to be short of ideas for how to implement decent work, so, we've given them, you know, seven easy answers, seven easy steps to decent work. So, I would like everyone here, when they go home tonight, to go to the website which is www.decentwork.org and I've got copies here, so you can have one and sign on and support us. Thanks.

(Applause)

JV Ok, Gareth Steel, I think there is a lot to answer to.

GS Thank you very much, I love a challenge. Thank you very much for the invitation to be here. I think it's very important that the Commission does come out and talk in all sorts of events and hearing the issues that have been raised; I think there are certainly ones that I've got something to say about. Many of the points that Andrea (*Maksimovic*) has just been raising, I'll resist the temptation to really get started on them because we might just be taken away from the main gist of what I wanted to lay down before you today,. But I'll certainly have these points in mind when I go through and when there's an opportunity to respond I'll do that. I mean, the first thing to say is I'm glad Rudi (*Delarue*) is still sitting in the room because he's the real social and core labour standards and employment expert. I'm somebody from DG Trade from the Sustainable Development unit, I'm not even responsible for trade and social, but sustainable development is all embracing and the role of our unit within DG Trade is a little bit Janus-like: we face the other parts of the Commission and say 'hang on, what you're doing seems to cause us a problem from a trade perspective, you're proposing something, maybe you want a border tax to stop other people producing goods even though they haven't signed the Kyoto protocol'. A border tax may raise issues, we need to look at that. That's one of our roles. But the other role is actually to understand the, how to characterise it, the man in the street's reactions to trade policy, how it is coming across, to understand the sustainable development perspective and to get after our colleagues whether they are negotiating EPA's, whether they're negotiating free trade agreements and to say, you know, 'ok you're trade people, doing your trade thing, but this has to take place in an overall agreed policy framework and this policy framework is not just hardnosed' - whatever impression you may get from reading the Global Europe communication under certain lights and, you know, ignoring certain cautionary phrases which I'm sure were stuck in there; it's only one document and it's not the whole picture. So our job within DG Trade is also very much to ensure that environment and social considerations are taken fully into account in an appropriate way, and I personally have been trying to do that job in the EPA context. This morning I was in a room full of Koreans talking about the social aspects of the sustainable development chapter in the Korea agreement and that's indeed why I was a little bit late arriving, I apologise for my somewhat spectacular entrance. Right, let me turn to the little note which you've got in your conference papers which summarises the issues which you set out as well about what are we doing and why aren't we doing more. In my view, I'd say it paints a slightly twofold picture of the position. It says, ok, multilateral: blocked; unilateral: you are offering carrots, people take the carrots and then don't do what you're wanting them to do. Stick? What stick? You know, it seems to be broken, you're not using it, you're not doing what you've set out to do. So I think you've

already talked a bit about GSP and the past trade agreements, so I won't say too much. But certainly, on GSP, it's an incentive arrangement; the whole idea in this is the one big example of an incentivised agreement with other countries. And the new GSP+ scheme, I believe, has scored a real achievement in getting El Salvador to change its position and sign up to ILO core conventions, which wasn't the case before and, you know, I've been in a meeting discussing this with the US, think-tank people who turn to their own side and say: 'well, you know, the US hasn't been able to persuade El Salvador to do this, it was the EU's GSP scheme that did that.' Ok, they gave us a lot of trouble on other aspects about policy but at least they were supportive on that. And we've withdrawn GSP from Burma and Belarus, and those at least are prominent examples where I think one would want to see the sort of tool you use.

JV But Jan (*Orbie*) asked why are there so few countries?

GS well, let me, let me make my point before dwelling on detail. Because what I'm going to say does address that but, in true politician style, it doesn't answer the question, of course, directly.

JV But, we like to have answers

GS well, I'm being very frank in saying that this is what my approach is going to be. I'm going to try and set out positively what we are doing and ask you to understand that, and then come back to the question. And then we'll consider together what the answer will be. Ok? Because I'm not going to be put into a box on that particular question...

JV ...Ok...

GS ...Partly because I don't know. And where is Rudi (*Delarue*)? (laughing) Because like I said in the beginning I'm not the expert on that aspect but I think I do have something to tell you. Ok, I'm sorry, it gives you the impression I'm raising it and then running on to something else but it will all fit together, I promise you. The bilateral and regional trade agreements that we've done in the past, Mexico, Chile, South Africa are examples that you can look at and point at them and say: 'well, there is something on sustainable development but what does it add up to?' Our internal evaluation of how we've performed is that we could have done more and we'll see

in a moment what's happening with the fresh round where we have very much stronger mandates from the member states to do something meaningful and I perked up when she said we shouldn't blame only the Commission. But we should also think about making sure that the message goes through to the member states, because, ok, the Commission discharges the trade policy, it proposes the trade policy, but it's the Council and the Parliament that decides. And we can only do what's within the mandate given to us by the Council. And some of those differences of position between different member states are pretty clearly on the record and I think it's the part of an interested civil society and public involvement with these issues to focus on the problem areas. Now, I've just touched on GSP very, very, fleetingly, I've just touched on bilateral trade agreements, but I just want to go back to your analysis of how we're doing on these things and I just notice that the carrot and stick thing is all about driving donkeys and the leverage question, how do we get leverage on people, that is a violent use of force, expression, you use a lever to prise open a safe door against its will, if a safe door has a will. And the question I'd ask is this: 'how do we see ourselves propagating our European values throughout the world?' Colonialism has been mentioned, I think if we want to get out of a colonialist mindset, then it's appropriate to look at this as an area where we should do what Europe does best, as a potential area for deploying soft power, not a hardnosed, forcing and forced-based approach. Now, there is no doubt that the EU is massive in world trade. In my little hand-out, the pie-chart where you can see the big black blob is the EU, so this gives us a presence, a major presence that we can use to influence. What's our trade policy for? Ok, it can be characterised: trade policy is clearly about facilitating the exchange of goods for money, therefore it's involved with capitalism, but it's, in our view it is to do with making sure that a competitive EU economy can do well in an open world trade system. And that this in itself will contribute to sustainable development and that we must make sure that this is a contribution to sustainable development. The document I would invite you to pick up alongside the Global Europe communication, is the revisited sustainable development strategy, which was renewed in June 2006, which sets out this overarching objective for what the European Union is doing and sets a lot of challenges including making globalisation work for sustainable development using trade and investment agreements. Trade is very much stated as an instrument of this policy and I quote: 'the EU should be working together with its trading partners to improve environmental and social standards and should use the full potential of trade agreements'. So that brings us back to why this main instrument which takes its place alongside other instruments hasn't, I don't think, been mentioned so far. We have Trade Sustainability Impact Assessments, which is a major, major innovation and an initiative from Pascal Lamy originally, now being continued under Peter Mandelson, everyone of our trade agreements, of our trade negotiations is accompanied by...

JV Euh, Mr Steel, could you finish more or less?

GS I'm already very close to the end. You know what Trade Sustainability Impact Assessments are. There is trade related technical assistance, 2 billion € between 2003-08. Labour market adjustment, decent work indicators. So the EU funds projects to develop labour markets and implement trade related adjustments both inside the EU and in other countries. And then finally at the end of this list we have GSP which is the more force oriented approach that I mentioned. But I think just, if I can close by giving you a little bit more on the FTA, the Free Trade Agreement, and about how we see that working. I mean, I reject completely the idea that in EPA's, which are a sort of FTA, we have simply spotted a weak victim that we can impose our ideas on. If you sat in on any of those sessions negotiating with the ACP regions, you would lose that idea after three seconds because they are very virulent negotiators. The deadline for the derogation under the WTO clearly expires at the end of this year, the only alternative to giving them no trade concessions at all is to have a Free Trade Agreement with them. For example to be legal under WTO it has to cover substantially all trade which is not clearly defined legally but is thought generally to mean 80 percent. Now, the existence of that 80 percent does not mean that you can't give a 20 year phasing in period for the most sensitive and this is very much part of the negotiation. On the - finally, finally, finally - new wave of Free Trade Agreements now starting off with Korea, India, China is slightly different, it's a cooperation agreement, but there will in all these areas be sustainability inputs covering the social and environmental side. And we won't be trying to impose or do a horse deal to extract a concession, we'll be saying: 'sustainable development, if you will only talk about it with us, is in both our interests and it's in the interest of your regional development and we need to work together and continue to exchange ideas about how to make things better.'

JV But will there be labour right clauses in these agreements, as the US is now planning to do?

GS There will be, well, this is a confidential negotiation of course but there will be, I've been talking this morning about core labour standards and labour rights and with the Koreans, you know, they have their own position on the ILO and the trick on these negotiations, which will not include Burma even though Burma is an ASEAN country, the Free Trade Agreement will be with ASEAN countries, which will exclude Burma and I think Laos and Cambodia are not certain to be part either. But yes, these questions will be covered but I would stress that it will be a conversation between equals over the negotiating table. It won't be us saying: 'you must do that or we won't trade with you'. And that's what I think is appropriate.

JV Ok, so, I hope there are some questions now. Yes?

A1 I want to ask why the European Union does the bilateral ...

JV Say it in Dutch, we will translate it.

A1 Ok, waarom dat er bilaterale akkoorden worden gesloten en waar dat dan in twee landen voorbeelden zijn waar dat die sociale correcties wel aangenomen worden, waarom dat de Europese Unie met al zijn vertegenwoordigers dat niet hard maakt op de WTO, waar dat men dan eigenlijk toch wel meeloopt met een heel andere agenda wat dat handel betreft.

JV Ok, I think, if I understood it well, that the question is why only really demand in two countries that they respect core labour standards, being Belarus and Myanmar, and not bring the issue up in the WTO? Or with more countries, for instance, China?

GS Right, as far as my understanding and knowledge extends, which is not perfect, but my understanding of this is that if you're aware of a breach of core labour standards in a country to which you are giving GSP+ preferences for example, then the first thing is to try and get the situation improved. You don't say to your children: 'you know, you're doing something wrong and therefore you will be punished'. You say: 'you are doing something wrong and you must stop'. And then you wait and see if the bad behaviour stops. So what I'm saying is that there is a progressive procedure of establishing the problem of getting outside agencies involved in assessing the extent of the problem. If I understand correctly the International Labour Organisation is consulted or involved in some respects in these country assessments. Though for the ILO it's a very sensitive matter, they do not want to be put into the position of being a judge saying 'you're good, you're bad', because that would interfere badly with the Organisation's relations with its members. So the role played by the ILO is a very deliberately neutral and discreet one establishing facts and helping provide information to the governments on what they could do to make things better. And I suppose the straight answer, if you absolutely insist on a straight answer to why not more, well, there haven't been more cases where this process has gone so far and the refusal to do anything or to listen hasn't been so pronounced as in those two countries. Now, why can't it be done at a WTO level, I think you heard Peter Mandelson say in his decent work conference speech, was it the end of last year or right at the beginning of this year, that he regretted very much that the social topics had been basically thrown overboard from the WTO agenda after Seattle. Maybe the wrong people were pushing for it, maybe it was misperceived by the other side. But I think this comes back

actually, surprise, surprise, to my main thesis that how you approach these issues with partner countries is extremely important. And I could quote the example in the EPA negotiations of the Caribbean where we had the best opportunity to speak to an ACP region about sustainable development. In most other regions, either there were clearly so many difficulties about the negotiations that it was never the right moment to raise these sustainable development issues, or we raised them, they said very interestingly: 'we're not prepared to talk about that' and this is partly a carryover of attitudes from Seattle. I think the suspicion that, if you raise labour and environment, you're not interested in a win-win sustainable development scenario, what you're really trying to do is reinvent the tariff barriers that you appeared to be removing. So we go in and say: 'we're not going to charge any duty on any of your goods, aren't you happy? Oh yes, you have to comply with our labour standards, our environmental standards, our food safety standards, oh, you can't export anything at all, that's a shame.' Well, that's their suspicion. But, as I say, with the Caribbean we started around January having some quite academic discussions around the topic, how it would fit in and what our ideas were for chapters on these things. They were very preoccupied with the question of capacity building, because it's linked, if you want to have an undertaking that you will comply with your own laws, then you won't drop below them, then it's a prerequisite to have a well worked out body of law to comply with and to have the institutions in your own country that will help you achieve that compliance. And that was a difficulty because EPA's are not linked to development aid. Development aid is covered by the European Development Fund and that is dispersed under regional and country programs which are freestanding. I don't deny the complete proposition that Louis Michel and....

JV ... But still Andrea (*Maksimovic*) had a point when she said that the EU is trying to get the Singapore Issues in the EPA's while developing countries have said at the WTO: 'well, we don't feel for this, we'd like to do this later, we don't want to talk about this.' And in these agreements with 72 of the weakest countries, economically, the EU is pushing these.

GS on the Singapore Issues, I think you'll have to accept that a full multilateral WTO negotiation is one thing and a bilateral agreement is another. And, yes, in specific instances there have been ministerial positions adopted, saying 'we don't want to have Singapore issues in the EPA's'. At the working level, I can assure you, something like trade facilitation, when our negotiators talk to frustrated harbour officials in Africa who realize that their whole economy is being held back because of the five or six weeks that it takes a container to clear, instead of the 24 hours in a well-run port, then they want to talk about facilitation! People who can't get a business started because their local banks won't lend the money because they are too small, they would like to see services, financial services from outside the region able to meet that need. So, you can hear different stories from different people.

JV from the same country, yeah.

A2 I'd like to ask a question regarding the FTA, which is being negotiated with India. If I've been informed correctly, a while ago it was decided not to include a human rights clause in that agreement and then I'm wondering, because normally the EU includes human rights clauses at the beginning of the agreement, so now with India it has been decided not to do that and now I'm wondering how likely it is that the same might happen with social issues in the agreement. That at one point the EU will say: 'well, perhaps it's better not to include it because it's a very controversial issue for India'. And despite the fact that the mandates of the agreement cover social issues quite widely, I'm just a bit afraid that perhaps at one point in the negotiations the EU will say: 'well, let's drop the social issues as well'.

GS yeah, I think that's a perfect reasonable fear. We're very early on in the process with India. I think a first meeting may happen next year, of the actual negotiating there have been some preliminary head of delegation contacts already. Essentially the Commission negotiates to its mandate and if part of that mandate is completely blocked, then the question is: do we continue with the negotiation or stop it and say an agreement isn't possible? So, at that point if it becomes clear that a part of the mandate is completely blocked, then the Commission goes back to the Council and says: 'this mandate is blocked, do you want us to break of or do you want to relax the mandate on this issue?' So, and you know, I think all these fears are possible and many countries resent being lectured to about governance and rights and I understand that. But, also, in a trade agreement context you're offering something that's going to be a benefit to both sides and this is I suppose basically the trade dynamic about tackling this issue. We're used to situations where people come into the room, you don't have to like each other, you don't have to approve of each other but you're going to have a negotiation where both sides will walk out better off. So if you apply social standards, human rights and all the rest, then that's good, that can only be good.

JV Andrea (*Maksimovic*)?

AM yeah, just to kind of take it back to the context, I think in these discussions about what kind of mechanisms and core labour standards, we have to, I think, adopt the Hippocratic oath which is first: 'do no harm'. Because if, for example, as will be the case if an EPA, full EPA, is implemented with, let's say, the government of Gambia, Gambia loses 22 percent of its

revenue. Then there is no point in talking about them ratifying core labour standards because they are not going to have the money to run public services for social protections or we can't talk about decent work because they are not going to have the money to do a whole range of things. So, I mean, first of all we have to take it back to that I think. Secondly I think this question of not telling people what to do, it's a difficult one but it sort of depends on which way you look at it, because, for some reason, we are quite happy to tell people that they have to lower their tariffs to a certain level, that we want reciprocity in 80-20, that we want, you know, things like sensitive products to carry certain levels, somehow it's ok to negotiate that, and that's not considered to be telling people what to do. But if we say: 'we'd like you to adopt universal basic rights, we'd like you to implement core labour standards and conventions and human rights conventions, which we've all signed' - then somehow this is telling people what to do. And again, I think, it comes back to this idea about 'speaking as Europe'. I think we need to speak from a position of human beings and international solidarity, and about doing what is good for people everywhere, you know, including in our own backyard and I think that the session before was very informative about, you know, having side problems around issues of core labour standards in Europe, you know, we have to be honest about that.

JV you could also make the point that trade rules are definitely sanctioned by some kind of, you know, punitive measures if you don't apply the rules of the WTO, well, there is a sanction. While for social rules, well, there is no such thing, so it gives a picture of the way the world is run and yeah...

GS well, yeah, I mean, that describes some parts of the current reality, yes, that trade rules were set up between consenting parties and those who join the WTO know what the rulebook says and they submit themselves to this rules. Now, to the extent that one has signed up to core labour standards, and not every EU member state has signed up to every single one of them, so, than you agree to play by certain rules. I just wanted to come back also on the question of the equality of stances and the loss of revenue that will flow from dropping tariffs, because that was alleged. This is, I think this was in the context of saying: 'well, there are some things we don't mind telling people what to do, like losing their revenue.' Well, the EPA's are voluntary agreements, they can either have them or not and most of them at the moment appear not to want them or not fully. And I think, partly, some of points that have been made like this about: 'aren't you worried about losing your tariff revenue?' I mean, study after study, develop models about how that loss of revenue is replaced and to a large extent by increased intra-regional trade, and to a large extent is anyway guaranteed by the sort of development aid package that is discussed in the same context. But it does, and I'm grateful for the point, it does bring it back to the SIA question and that is exactly what trade sustainability impact assessments are supposed to do, to examine very carefully the most vulnerable areas in a trade agreement and

asses on the most likely scenario where things could go wrong, and that has to be available during the negotiations. So negotiators can take heat of any warnings that this is going to do damage to the country and....

JV ...And who is making them, who is making those assessments?

GS ...And those assessments are not done by us, thank goodness, because they are massive, they are undertaken by contractors. University departments, independent companies bid for the contracts and they carry them out according to the methodology that has been developed over time and, you know, is a groundbreaking methodology. WWF has contributed some of the thinking, I think you could say, in the impact assessments. That DG Trade and its contractors, university departments around Europe, have developed a very powerful tool here. And if it's not taken into account in the negotiations themselves then these studies are available to draw attention to where the adjustment assistance is needed. So, you can't accuse us of going in there, breaking all their furniture and then stealing their vegetables, we are not doing it.

JV yes, there is room for one more question.

JT Let's talk about the EPA's shall we? Because I've heard a few things here and I'd just like to reinforce some of the points that Andrea Maksimovic has been saying. Mr Steel, you made the point that 'is trade really the way that the European Union wants to be propagating ourself around the world?' And you suggest that because of the legacy of colonialism the EU certainly would not want to take, use its hard power or use its sanctions or its stick. But let's look at the EPA's. This is not the exercise of soft power. The EPA's, which right now countries in the Pacific are being told they need to sign up and agree to an agreement that requires them to liberalise 80 percent of their trade with the EU by tomorrow or they face the possible rising of tariffs by the EU. This is not soft power, this is hard power and this is exporting a certain European value around market liberalisation to the most vulnerable, powerless countries in the world. I really think that somebody else should have something to say at this point. Somebody from the audience should have something to say about this at this point. I shouldn't be the last person to speak.

JV Well, but I also have to look at the clock and we still have two sessions. So, I think that's a good question, so react.

GS Let me just correct one small point that I wasn't arguing that trade wasn't the way we wanted to project ourselves around the world. I was arguing that the metaphor of force and coercion was not the way. But that was just the preliminary. You're saying that the Pacific EPA is an example of coercion and force. But, no, I mentioned earlier that the expiry of the preferential tariffs for the ACP regions, well the ACP area as a whole, which includes the Pacific region, is not something that we have wished for, it is simply that the other poor countries in the world are not prepared to tolerate this discrimination any longer and so they agreed a derogation to allow us to continue to have preferential rates with the ACP countries until the end of this year. And we had seven years to talk and agree arrangements to replace them and under the Cotonou agreement they may not be agreed to. Now, if a country doesn't agree to an EPA, the consequence is certainly that they're no longer benefiting from preferential tariffs and they're not benefiting from the preferential tariffs that would be available under the EPA. So, that may happen in some cases. I think in other cases ACP regions are actually going to do it again, they are going to grab the carrot of the reduced tariffs and say: 'with all this other stuff you want to talk about, like labour standards, we'll talk about that another day and come back to it'. And certainly with the Pacific, I wanted to raise all this labour issues, they said to me their ministers had decided that it would not figure they would rely entirely on what was already in Cotonou, but they didn't mind coming back to it next year and so, what can we say, we accept it, that's their ultimatum to us.

JV we have decided to change the schedule a bit, so we can allow some more questions.

AC A comment. Gareth (*Steel*), would you be kind enough to say something about the 'everything but arms' initiative, which seems to me to be rather important in the context of the EPA negotiations.

JV what does he have to say about that?

AC ...To point out that it actually provides for the low income countries a complete tariff-free access to European markets, irrespective of the preferences which were granted under the Cotonou agreement, which is of course extremely important for them.

GS 'Everything but arms' is, you know, the generous unilateral gesture that we made to the least developed countries, but not all ACP countries are least developed countries and in one African region, Southern Africa, we have South Africa, which is an emerging economy, which is part of the negotiation and it's clear, on the face of it, that would make it difficult. So, you've got South Africa, happy with what they've already got outside an EPA, not really wanting other countries to derive benefits from an EPA, so, able to block progress, you've got the LDCs benefiting from 'everything but arms' so they have nothing to gain. So you're left with Botswana, Lesotho, Swaziland and Mozambique, they're the only countries in that region who really have something to gain from the EPA. It can get very complicated and the complications in Eastern and Southern Africa where, until very recently, there was no agreement on the boundaries of the region, you know, mind-boggling.

JV There was a question there in the back, no?

A2 I have a question about export processing zones and what the EU is taking action against it. I've read an article which says that export processing zones should be considered as a subsidy and that it's illegal. So that when it is brought to the WTO, it will be, countries will be convicted because they give a subsidy. So why does the European Union or the European Commission not want to convict Bangladesh for instance because they have exporting processing zones?

JV So, I presume that you say that, according to the article you read, export processing zones are discriminatory in a way that would be not acceptable for the WTO?

A2 Yes

GS the Germans have a wonderful expression: 'da bin ich überfragt' - which I admire greatly. It's an excellent question and it exceeds my capacity to answer it. What I do know is that both imports and exports are often handled in some quite special ways, by Asian countries in particular, which makes it quite tricky to know what's going on. I mean, a specific case of an export processing zone, or it's not quite the same thing, a special zone, is the zone that exists between North and South Korea, and that raises directly social questions: does the US, does the EU accept goods from Korea that have been produced in this special processing zone?

So that's an issue by itself but I'm afraid I'm just not familiar with the issues on the one you've asked me.

A3 I would like to go back to the question which was raised by Andrea (*Maksimovic*), the question on policy coherence. And I wondered whether you could go a little bit more into detail about which mechanisms are in place between the EU institutions and the different DGs in the European Commission to guarantee policy coherence. And, secondly, what are the priorities? So, if there is a conflict, what are the roles, how do you prioritize when there is a conflict between sustainable development and trade for instance?

JV Yeah?

GS Thank you very much. I mean, I think policy coherence is in itself the subject of some Commission communications where in a particular area some guidelines are laid down for policy coherence, but exactly as your question suggests, it's really a question that runs right through everything that any government does. You divide the work up, so that you'll have specialists in particular areas, but then you don't want them to be masters, complete masters of what's done in that area, because every area has an impact on every other, so you have to have some overriding sense of where you're going. I mean, within a single institution like the European Commission, policy coherence is partly what I alluded to at the beginning that you have a unit whose job it is to look at other peoples' policies and our own policies and ensure some coherence. You get a process of policy documents, of policy proposals, being circulated around before they're adopted, so that every interested Directorate General has a chance to object or to modify, or, sometimes, it then goes to political level discussions between cabinets or between Commissioners if it's very difficult to resolve. Within the Commission also there is this guardian of what's going on in the form of the Secretariat-General. They have the responsibility to make sure that there is a coherent process, but than, that is just the Commission. You've got the Parliament, the Economic and Social Committee, the Committee of the Regions, with their distinctive contributions and points of view. Ultimately who ensures coherence, the European Council of Ministers and the European Council meetings are the final decision taking process on a European policy. And so, on, for example, the sustainable development strategy that is signed off at the European Council level and it acts as an instruction, not only to the Commission, but also to all the member states. So, what I quoted about needing to use trade agreements to pursue our sustainable development agenda, is an instruction not only to us, but it's an instruction to all the member states. So, you know, compared to some internal government set-ups, that's quite an explicit structure for achieving coherence.

JV And the question of priority?

JS Well, it's who wins isn't it? It is who wins, there are the treaties that can be quoted and that's why the debates on institutional change, which are often not very interesting to the man in the street, are absolutely important and touch on every issue, because change the emphasis of the decision taking procedure and you may get things going into a different direction.

RD just a complement on what Gareth (*Steel*) very well explained. The Commission is a collective institution in the sense that the decisions made by the Commission are not made by one Commissioner, it's a collective organ. So, from legal perspective, all the decisions are collective. There is of course a system of mandates and so on because sometimes there is urgency, but it's a collective system. On the agenda setting, don't forget that at the European level you have also the European Summit, which is a key element in agenda setting, the strategic agenda setting. For instance, you have the Lisbon strategy that's defined for several years. So there is a coherence system inside the Commission, and it's not perfect, you have one at the EU Summit, which is not perfect but it's an instrument and it's a very important for policy coherence. What is also happening in the Commission, is that you have upstream inter service systems, inter service meetings, for instance on decent work and employment. We have one with 15 DGs and DG Trade is very much contributing to that. That's just an operation example.

JV If it's alright now, I think we could have some coffee

(applause)



Session 3: International promotion of rights of the child by the EU

JV:	John Vandaele – Moderator	(MO*)
IM:	Ian Manners	(Danish Institute for International Studies)
MS:	Mieke Schuurman	(European Children’s Network/Euronet)
DZ:	Davide Zaru	(European Commission, DG Relex)
TN:	Tonia Novitz	(University of Bristol)
RD:	Rudi Delarue	(European Commission, DG Employment, Social Affairs and Equal Opportunities)



JV So the third session is about the EU’s international promotion of the rights of children, of the child. I will first introduce the people to you who are here in front of you. Ian Manners of the Danish Institute for International Studies, but he told me he’s not really Danish, he’s English

living in Sweden. Mieke Schuurman of the European Children's Network/Euronet from Holland, you're Dutch but based in Belgium. And then Davide Zaru, European Commission, DG Relex, external relations. Well, as with the other sessions we will first have an academic introduction. Ian (*Manners*)?

IM right, thank you very much for that introduction. There is a temptation to think, oh, and this is the stuff after coffee, the soft stuff, it's not so important, you know. Au contraire, I should say in English. (*laughter*) Children represent the most vulnerable social citizens in the world, the rights of the child is a crosscutting issue, a little bit like the question of gender and the question of the environment. And there is a tendency to think, right, the real stuff is the stuff that is called DG's or Councils and the unimportant stuff is the stuff that doesn't get a DG or a council. So questions of gender or questions of children or questions of other disadvantaged and other discriminated individuals don't count. How about we turn the entire world upside down and do it the other way around? Let's have a council for gender, let's have a council for children, forget the other stuff, it's this subject that's important to me here. The question of the rights of the child fundamentally challenges the sort of internal-external distinctions which structure most of our ways of thinking about the social dimensions of globalisation. The techno-global pleasures which we all enjoy every day, whether it's mobile communications, the internet, our nice and cheap clothing, the global travel that we so frequently enjoy are precisely the facilitators against the rights of the child. Many of the issues that we're going to be looking at and talking about here break this barrier. I'll give you one little example. Here's an example of equal rights in the EU. About twice a year, me and my family get on the ferry from Sweden to the UK, and this is a bit of a running joke with my daughter now, somewhere halfway across the North Sea, my daughter turns her head and says: 'Daddy, is it ok for you to hit me now?' Now, this is a bit of a joke, ok? Because obviously, the hitting, she means smacking, but of course what she actually, what we were actually talking about is hitting, the legal context in Scandinavia and Sweden where it is illegal to hit children, and the UK where, of course, it is legal to hit children, but only if it is smacking. Somehow changes as you..., you know, would it be different if I drove I wonder, you know, or if I would be in an airplane, could I turn to the hostess and say: 'could you just announce that it's ok to hit your children right now?' This example is used to illustrate a subject, a subject which I think is extremely important, which is the question of the international promotion of the rights of the child. And there is no boo-yah factor here, good-bad, we are talking about degrees of indifference to a certain extent. The Lisbon Reform Treaty emphasises in its internal and external objectives, as you'll see in the hand-out, that the EU is committed to and shall work towards combating social exclusion and discrimination and in particular emphasises the protection of the rights of the child internally, and externally in its relations with the wider world, the Union shall uphold and promote, in particular, the rights of the child. Now, this, in some ways, is a breakthrough seen externally, but it follows some of the patterns of the developments of the rights of the

child and the EU is a promoter both internally and externally. These have accelerated since the 1998 UN convention on the rights of the child which provides the global legitimacy basis, not the European value basis, the global legitimacy basis for promoting these. From the Cairo and Beijing platforms of action onwards through the optional protocols on children in armed conflict, the sale of prostitution and pornography involving children and of course this is where your mobile technology is becoming extremely helpful or unhelpful depending on your definition. Through to the ILO conventions, for example the 1999 convention on worst forms of child labour, the rights of the child cut across political, civil, economic and social rights in a way that it makes it extremely difficult for us to come to terms with it and an extremely complex area in which to both advocate and make sense of what's taking place. What's taking place is, from the middle of 2005 onwards, the Commission in particular under Barroso took upon itself to more or less unilaterally push forward towards a strategy on the rights of the child, which my two colleagues here on the table will tell you much more about. Why this is important, I think, is because it leads to some good practices, some bad practices and some problems and I'll just give a brief overview of these. I think some good practices have been the 1997 and 1999 joint actions and attempts to implement the combating of 'child sex', I prefer the term 'child prostitution', through tourism. This follows the UN lead but puts into place practices and attempts to encourage ways of preventing sex tourism. Other examples of good practices, I think, would include the 2003 guidelines on children in armed conflicts, obviously influenced by the events for instance in Sierra Leone or even Uganda, possibly even influenced by that charming young man Leonardo DiCaprio in the fabulous movie 'Blood Diamonds', I'll leave it for your interpretation, you must see that movie and you're allowed to laugh in the right places as well. The way forwards for the EU in promoting the rights of the child include for instance the action plan in children in EC external relations which is due to take place and promote from 2007 to 2013 a set of serious tasks and actions to be achieved and the attempt to create, following and mimicking the mainstreaming, perceived mainstreaming of gender, a gender rights toolkit. But, and here is where I will leave some questions open for our two speakers, despite the best attempts of a whole series, perhaps one of the strongest lobbying networks in Brussels, alongside the EP and the Commission inter service group, the issues have gone somehow dead, and one of the reasons for this, I think, is because, guess what? Your state and my state don't really care. I know this sounds a little bit strange but think about it. It's not one of the hot topics, who is out there promoting this? You know, Belgium, after Dutroux, I don't hear this, you know. Sweden and Denmark lead the world in the protection of children, now but the EU is evil, so we won't do that, we'll do it through the UN. The Presidency and the Council in theory should be taking the lead but more often they are not, so some of these issues die. And the question is whether the reform treaty that I quoted at the outset provides the motivation and the means to push forward on this areas. For example: are the EU and its member states willing to promote the rights of the child? Is the Commission, in particular the inter service group, able to strengthen children's rights against considerable resistance, both within and without the union? I'll leave that to the two remaining speakers.

JV ok, Mieke Schuurman?

MS ok, I first briefly would like to say which network I'm representing before I start going into the challenging questions that Ian (*Manners*) just posed. I'm representing the European Children's Network, abbreviated to EURONET. It's a network of children's rights NGO's across the European Union and we campaign for children's rights within the EU institutions. We have about 35 members, both member organisations among the national organisations, and also international networks like 'Save the Children', 'The European Foundation for Street Children Worldwide', 'SOS Kinderdorf International', etc. And we were founded in 1995 and the reason for that was that we found that children's rights have to be included in the EU treaties. My intervention will focus, not completely globally but more on the internal side of the EU on children's rights because we only focus our work on children's rights within the European Union, but I believe a lot of what I'll have to say is also counting, can also be looked at from a global level. But firstly I would like to start with this week, on Tuesday, the 20th of November we celebrated the 18th anniversary of the United Nations Convention on the Rights of the Child. Was this a reason to celebrate the promotion of children's rights within the EU is the question? And I think the answer is 'yes' because we have the Communication "towards an European strategy on the rights of the child", it was just mentioned by Ian (*Manners*), which was adopted in 2006. And also, even more important, yes, we have children's rights now in the Lisbon Treaty included, as Ian (*Manners*) just mentioned as well. And on both issues I'm going to say a bit more, later on. But no, there is no reason to celebrate because the implementation of children's rights in all EU policies and legislations is not taking place. Children's rights are only included in an ad hoc manner in EU legislation that affects them and there is a lot of EU legislation that is affecting them. So there is still a lot of work to be done. And why is it necessary to have this additional action to implement children's rights at EU level? A lot of people think: 'oh, well, that's something that national governments can take care of, it's not something of the EU's business.' There are still a lot of violations of children's rights in the EU: for example 18 million children in the EU live in relative poverty, that's almost one in five children. Globally, 38% of the world's population is under the age of 18. That figure rises to 50% in the least developed countries. The majority of these children live in poverty. And serious violations of children's rights include violence against children, the trafficking in children, discrimination of children, too many children living in institutions, children living on the streets and I can continue. They take place daily within Europe and also around the world. And EU actions and legislation have a direct impact on children's lives inside, but also outside the European Union. Because children and young people are more likely to suffer from poverty and violence and abuse and discrimination; because they are a more vulnerable group and they are also more invisible in EU policy-making; because they are not heard as citizens

in their own right, like other citizens are. As I said before, the Commission Communication "Towards an EU strategy on the Rights of the Child" has been a positive step forward by the European Union, by the European Commission, for children's rights in Europe and in the world. And since it is so important I would like to stress a few key points from this Communication. Firstly it was launched by the President of the Commission, Commissioner Barroso and the Vice-President Frattini in last year, July 2006, and the aim is to develop a European strategy on children's rights. It is actually the first time in the history of the EU that such a specific document on children's rights had come out. NGO's, a lot of children's rights NGO's like ourselves, we have been campaigning for this Communication and also for the content of it. And one of the reports that we wrote, and I have a few copies with me, is "What about us? Children's Rights in the European Union", which contributed extensively to the content of this Communication. But what are the seven specific objectives of this Communication to develop an European strategy on children's rights? Firstly it is capitalising on existing activities already of the European Union but then also addressing the urgent needs, such as a child help line, the combating of the use of credit cards for purchasing sexual images of children, the launch of an action plan on children in development cooperation and promoting the clustering of actions on child poverty in the European Union. The second objective of the Communication is to identify priorities for future EU action, including the assessment of the impact of EU legislation on children's rights and also to get more statistics and data on children's rights in the European Union. The third objective is the mainstreaming of children's rights in EU actions. It's very important to make sure that children's rights are included in all the EU policies when they are affecting children's rights. The fourth objective is the establishment of better coordination and consultation mechanisms. And for example a European Forum on the rights of the child will be set up and the first European Forum has already taken place in June of this year in Berlin. Also a Children's Unit will be set up in the Commission and a Children's Coordinator has been appointed in the European Commission, it's in DG JLS on justice and home affairs. And another point in this coordination consultation mechanism is that children themselves should be consulted in the decision-making processes, so they should be able to participate in issues that are affecting them. The fifth objective of this communication is to enhance capacity and expertise on children's rights. And the sixth objective is to communicate more effectively on children's rights and also give information in a child-friendly manner. And the seventh, last objective is to promote the rights of the child in the external relations. What can the different EU institutions do to implement the Commission Communication, and not only this Communication, but also this UN Convention on the Rights of the Child and are they willing to do so? Firstly the European Parliament. The European Parliament has written a draft report on this Communication and there were more than 200 amendments tabled by other MEPs on this report. At the moment there is one Committee in the European Parliament - the Civil Liberties Committee - that's discussing all these amendments and they will vote on it in December. But we believe that all these amendments show that there is now an interest in children's rights also in the European Parliament. With so

many amendments there and really good ones among them as well, we believe that's really a step forward to get children's rights on the agenda and it's a positive development. But although this is a positive development we believe that the European Parliament could play a much stronger role in promoting children's rights. We recently in October organised a seminar together with another children's network EUROCHILD, which was hosted by a Swedish MEP Inger Segelström and it was about the mainstreaming of children's rights in the European legislation. And we came up with three key recommendations for the European Parliament how they could improve their work for children's rights. The first recommendation is that the European Parliament should ensure that there is more budget available, or a specific budget available for the implementation of the Communication. As you maybe may know, the European Parliament is one of the budgetary authorities, so they have a big say in this respect, the Commission can not do this themselves, the Parliament has to decide on this together with the Council. Secondly the European Parliament must hold the European Commission, accountable to its commitments and they have to put more pressure on the political leadership to do more on children's rights. And the last point is that also the European Parliament should set up a kind of intergroup or coordinating body to discuss children's rights in the European Parliament. Then the other European body that is the Council of Ministers. We believe that the Council of Ministers should do a lot more as Ian (*Manners*) already said: 'Is it useful for the member states to work on children's rights, why should they do so?' and actually my feeling is a little bit similar, there is a civil servant group working at national level, at the European level that comes together every half a year that discusses children's rights. It has a French name 'L'Europe de l'Enfance'. But they don't really have any power to make binding recommendations and binding actions so we believe that there should be more statements and more stronger commitments from the member states themselves to work on this. Then the European Commission, they have already appointed a Coordinator on Children's Rights which is very positive. A Children's Rights Unit has been set up: but there are only two people working in it so I don't think it's really a Children's Rights Unit as was foreseen in this Communication and we believe a lot more could be done. But you need the resources to do so, the financial resources to do so as well. There is an Interservice group on children's rights within the Commission, so people from different DG's meet regularly, at least quite regularly to discuss children's rights. But as I said, I think a lot more can be done by the Commission, but also by the other institutions. And then there are two things which are crucial that's political will and ...

JV the schedule, could you...

MS yes, I'll round up now. ...And that's the legal base. If there is political will, as we have seen with the Communication. Commissioner Barroso and Commissioner Frattini said: 'ok, we

have this Communication on children's rights, there is no legal base to do so, but we just do it.' So things can happen. But now, with a legal base, I think there is even more that can be done. We have children's rights now in the objectives of the European Union, we have the Charter of Fundamental Rights, with a specific article on children's rights, also becoming binding for the European Union. So we believe that for the 100 million children that we have in the European Union, there is no more excuse for the EU institutions to take more actions.

JV ok, Davide Zaru?

DZ Thanks, good afternoon to everyone and thanks for the opportunity to join this important seminar. Perhaps, before moving to the core of the presentation, I'll have to say that I am temporarily working in DG External Relations with the Unit human rights and democratisation. This unit is in the lead in the gathering the Commission's contribution to the overall EU policy on human rights in third countries, in close cooperation with other Commission services and, of course, with the Council and Member States. My Unit is also responsible for representing the Commission before the Working Party of the Council of the European Union on human rights issues, which is called COHOM. Although there are also important developments related to the internal dimension of the EU policy on children's rights, I will be confining myself on the EU children's rights policy towards third countries. Concerning the Commission's contribution to such a policy, we can identify two levels of action. There is the policy level and then a second dimension related to the support that we provide to third parties - most importantly to international and regional organisations as well as to civil society organisations - implementing relevant projects on children's rights; in order to do so, we make use of several financial instruments, in particular the European Instrument for Democracy and Human Rights, (EIDHR) and the thematic programme Investing in People. Concerning the policy level, the EU policy on children's rights had so far a specific focus on the situation of children affected by armed conflict. Indeed, the Council adopted in 2003 specific Guidelines, aiming at prioritising such an issue in the EU external policy on human rights and at enhancing children's rights mainstreaming in the European Security and Defence Policy (ESDP). More in general terms, and as you probably know, the EU has adopted in the past five sets of human rights Guidelines. These are ad hoc documents adopted by the Council aiming at enhancing the coherence of the overall EU external human rights policy on certain thematic issues: so, we have EU Guidelines on children affected by armed conflict but also on death penalty, human rights dialogues with third countries, torture and other cruel, inhuman or degrading treatment, and human rights defenders. We also have EU Guidelines international humanitarian law, with relevance for the human rights protection and promotion. It is quite interesting that at the begin of 2007 the German Presidency decided to put forward the idea of having a new set of EU Guidelines exactly on the protection and promotion of the rights of the child: the Council is

right now on the point of adopting this new set of Guidelines, possibly in December¹. The Guidelines of course are public documents posted on our website; they first provide for a purpose, they list the relevant normative references and then they define the actions that are expected to be implemented in order to get first of all adequate information from the field about the actual national situations on human rights. And once we have a clear situation of what is happening in the field through the EU missions and EC Delegations, COHOM, the Working Party of the Council on human rights, could decide to undertake appropriate actions, including the opportunity to raise certain specific human rights issues in the relevant political dialogues with third countries.

JV Has this happened already, that, in some kind of dialogue, you have mentioned this as a problem?

DZ Of course, we try...

JV yeah? Could you give some examples?

DZ At the present time, there are several categories of human rights dialogues and consultations with third countries, including formal dialogues with China and Uzbekistan, human rights consultations with the Russian Federation and EU-African Union human rights experts' talks. Then, for instance, the implementation of the European Neighbourhood Policy Action Plans with some with Southern Mediterranean partner countries – also containing references to human rights - is jointly monitored through sub-committees, including for some partner countries through dedicated sub-committees on human rights and democracy. I also wanted to add that with a view to implement the EU Guidelines on human rights, the EU might decide to issue a public statement, eventually following a positive development. Furthermore, this is also quite important, the Guidelines provide for an additional instrument to enhance EU cooperation in multilateral fora. Specifically on children's rights, for instance, the EU is in the lead negotiating before the UN General Assembly, an 'omnibus resolution' on the rights of the child - 'omnibus' because it covers several children's rights - together with the GRULAC, the Group of Latin America and Caribbean States: last year we had over 120 co-sponsoring countries to such a cross-regional initiative. The Guidelines generally also insist on the opportunity to coordinate the support from Member States and the Commission to multilateral

¹ The Guidelines have finally been adopted on 10 December 2007 and are publicly available at http://ec.europa.eu/external_relations/human_rights/guidelines/04_child/rights_child_en.pdf

initiatives. Finally, concerning children's rights mainstreaming in the European Security and Defence Policy (ESDP), the Council already adopted an hoc Checklist for the integration of children's rights considerations in ESDP operations; in this regard, one could also refer to the Council/Commission Joint Concept Paper on DDR (disarmament, demobilisation and reintegration), which also covers a number of aspects related to the protection of children.

JV Could you finish?

DZ Yes, sure. Let me finally underline that the new set of Guidelines will also include an Implementation Strategy providing a focus for two years on the specific topic of "all forms of violence against children": in order to advance on the implementation of the new Guidelines, the idea is to identify up to 10 pilot countries in which the EU could implement specific actions on issues related to violence against children. You can understand how delicate the definition of such priority countries could be, also in connection with the fact that the EU already selected 13 priority countries in the framework of the implementation of the Guidelines on children affected by armed conflict. Finally, as to the work of the Inter-service group on the rights of the child – there was a reference to this issue in the previous intervention - I would like to underline that after a successful first session of the European Forum on the Rights of the Child, in June 2007, a second edition is expected to take place next spring. Personally speaking, I'm in contact with, I would say on a daily basis, the Commission Coordinator on the rights of the child as well as with children's rights focal points in other Commission services; I can say that I see the Inter-service group as a concrete development in order to ensure a better coherence to the action of the Commission concerned on the rights of the child. Finally, the 2006 Communication "Towards an EU strategy on the rights of the child", as you probably know, also anticipated a Commission Action Plan, to say a Commission internal document, on the protection and promotion of the rights of the child in the EU external action. We are also currently discussing this project with other services: I hope I will have the chance to come back soon with you on this issue, so...

JV Thank you. Well, it's up to you now to ask some questions, make some critical remarks. Yes?

TN These are two different questions I realize. The first is about the problem with rights of the child, which is the problem of enforcement. That is, children aren't in a position to enforce rights themselves and so in most EU member states they have legal rights and yet we know that there are violations on a regular basis. And the question that I have is: do you think there is scope for some kind of EU directive that sets up procedural norms that actually maybe sets

out standing bodies like commissions for the rights of the child where children don't have to enforce their legal rights but this can be done in some other way? So in terms of internal implementation. And the second question I had, which is unrelated but is being a real concern, especially I think in the UK, but also in other countries I know such as Australia, has been the way in which immigrant families have been treated and the issue of child detention and splitting families. And I wondered what pressure one can place not just on developing countries through leverage, but with the EU as prepared to take a stance in relation to other developed countries as well?

JV other developed countries or also the own member states?

TN ... and the member states yes.

JV right, who's this question directed at? Yeah.

DZ Concerning children's rights enforcement, a positive development is related to the new Guidelines, which would probably include some provisions on the possibility to support national child friendly monitoring and reporting mechanisms on cases of violence against children, also taking into consideration the issue of children's participation. Also in terms of supporting the implementation of applicable international human rights law by third countries, I can recall again the fact that the Commission is actively involved in mainstreaming children's rights together with other crosscutting issues in its relations with third countries.

JV is this an answer? Because I believe you mentioned the word 'directive'? no?

DZ Yes, but I am afraid I'm not in the capacity of specifically addressing...

JV and then immigrant families, separation children from their parents as immigrants? Did you understand the question?

DZ I did, but you will understand that this is really something to be discussed with JLS colleagues.

JV but Mieke (*Schuurman*) also wanted to...

MS yes, I wanted to come back to the first question that was posed about this possibility for an EU directive or how you can enforce children's rights maybe at an European level. And, well, on the first place of course for the United Nation's Convention you have the mechanism that states have to report every five years to the UN Committee on the rights of the child but we believe that it would be very good to have a Commissioner that is responsible specifically for children's rights. It doesn't have to be a specific children's rights Commissioner, it could be the Commissioner responsible for human rights, but really, who is taking the lead in protection children's rights at EU level. And next to that we believe it's very important that each member state has an ombudsman or ombudswomen for children's rights because then children have direct access in their own language to this person and they can then enforce children's rights at national level. And if they need, if it needs to be, they have a network at the European level as well, they can discuss issues with cross national aspects among the colleagues or go to this Commission. I think that would be...

JV Can the EU really add something in the field of enforcement you believe?

MS Yes, I think if you have a strong Commissioner they can contribute to that, especially because the EU does make a lot of legislation. Just for example on toys the EU legislates whether you can have PVC, it's a kind of chemical thing, in soft toys that children put in their mouth, that babies put in their mouth, it's a law coming from the EU and it's implemented in all the EU member states. So yes, if you want ...

JVthey can. Ian Manners?

IM We heard this in the earlier session about the British and potential Polish opt outs from some of the social clauses in the Charter of Fundamental Rights. The Charter of Fundamental Rights, if it becomes judicial within the EU it's one of the most fantastic events of our lifetime and everybody that comes out and says: 'well, you know, let's push it to the sidelines or it only applies to the institutions of we'd like to opt out of that, if that's ok?' And I think this has been one of the problems of the collapse of the constitutional treaty, and now some of the attempts to radically undermine the reform treaty, it yanks away the legal basis for this. This is why I

opened with the references to the internal and external objectives of the rights of the charter, which are absolutely crucial, and we'll not let it fall. And somebody cunningly managed to sneak in, well done...

JV so you say the EU could make a difference if everybody opts in in what exists in our legal texts? It would be really necessary.

IM yes yes, absolutely. But it's not just about EU citizens.

JV No

IM You know, so much of the rights of the child are just..., cross borders, you know, whether it's child prostitution or child trafficking, you know, the idea that this can be death with nationally, particularly in the Schengen borderless zone, and as you enlarge Schengen of course, this potentially, it would accelerate until you reach relatively similar levels of development which gets you from the political to the economic rights issue, which underlies a lot of the debates today. This isn't just about political rights, this is also about the economic component of cultural and social rights.

JV ok. Another question? Yeah, Rudi (*Delarue*)?

RD I would like to raise a question to Ian Manners and Mieke Schuurman. When you have poor children, quite seldom you have very rich parents. So poor children, poor parents. So, what could you do as an important lobby group in the Parliament, in the Council, to raise also the issue of the poor parents, because we are here talking about social elements of globalisation, in many cases the parents have no social protection at all, there is no global social floor for the moment unfortunately. So, how could you connect the fight for children's rights in a broader framework, let's say of fighting the decent work deficits of most of the parents and also of the children. It's an issue which may be a bit broader but nevertheless it's very much connected. Thank you.

JV Mieke Schuurman?

MS yes I agree, it is connected but you also have to, in a way. The poorest children actually are found in for example one-parent families or in families with a lot of children and, or in ethnic minorities or migrant families, if you look at the statistics. So to help particularly these families I could imagine that would really help the children and the parents. But on the other hand you also have to be careful that, because often people argue if you help the parents you also help the children, that is not always true. Because it is not always if the parents have a lot of money that the children benefit from it. So you have to make sure that the children themselves are helped, either with money or with other kind of facilities, for example if children aren't able to take part in school activities because they have to pay for it, or they are not able to take part in school trips or sport clubs or other clubs they would like to take part in, and if their parents would have some extra benefits and they are not able to pay for it, then maybe there is another way to help these children to not feel socially excluded from the other groups or the other children they play with.

IM yes, certainly, if you take, let's say, the country which claims to be the EU's wealthiest country, that is the UK obviously. What is interesting is that those that are involved in child protection in the UK, understand that it is a cycle of poverty and the social reproduction of poverty that is very closely linked to child abuse in the UK. For those of you who lived or enjoyed travelling in the UK, you'll be aware that there is social housing in every major city in the UK, and these are problematic. They don't look like so problematic because they have been privatised, but they are and this is precisely where the target of most child protection takes places within the UK. Now, this is just an internal dimension but actually it plays out, do we live in a world where we believe that parents actively seek to prostitute their child, are you the target of child sexual tourism, is that what goes on? Clearly this links, in some way, these issues or in somewhat very very similar. It's not simply enough to address the rights based issue, the political rights based issue, you need a holistic approach. And that means that in a form like this you've got to link rights of the child with questions of gender, because it's predominantly female children that are discriminated against and child infanticide is one of the great child issues of the 20th and 21st century. And you've got to link this two together with trade and development issues in the same breath as you say the word 'social'. Is there any easy solution to this? There is no easy solution to this. But certainly, spreading everything thinly across groups that are not open to public debate or public access is a part of our problem. That's why I opened by making the sentence, the statement that maybe we need to turn upside down the institutional structures in the EU to target, make councils and working groups or DG's around the vulnerable rather than the issue. But this is a personal thought.

JV well, if there are no other questions, then I would like to make the link already to gender, which you have already made here in your last intervention. Let's thank the speakers.

(applause)



Session 4: The EU's promotion of gender equality in the world

JV:	John Vandaele – Moderator	(MO*)
JT:	Jacqui True	(University of Auckland)
GM:	Gea Meijers	(WIDE – Women in Development Europe)
AC:	Anthony Crasner	(European Commission, DG development)
AM:	Andrea Maksimovic	(Solidar)
MG:	Myriam Martins Gistelinc	(Katholieke Universiteit Leuven)
PB:	Patrick Belser	(ILO)
TN:	Tonia Novitz	(University of Bristol)



JV let me introduce the speakers on the panel 'EU and promotion of gender equality in the world'. Jacqui True of the University of Auckland, next to her is Anthony Crasner of the European

Commission, DG development. And Gea Meijers of WIDE, Women in Development Europe. Ok, Jacqui True?

JT ok, well, as you might notice from my accent, I'm actually from the other side of the world so if any of you are feeling tired, imagine how tired I'm feeling because it's a twelve hours difference in time, so, I'll do my best.

JV you have just travelled or what? You've just arrived?

JT well, not literally, but yeah, anyway

(laughter)

AC she is still jetlagged.

JT So, being a non-European, I mean, I among others look to the European Union as a promoter, a global promoter of gender equality and certainly among international organisations, the European Union has really stood out in terms of its high-level political commitments to gender equality and to the way in which gender equality has become an integral part of the European social model that's developed since the Treaty of Rome right through to the Amsterdam Treaty where the 'equality between women and men' is considered to be one of the core values and objectives of the European Union. Some of you will know that the European Union played a major role in the Beijing Women's Conference in 1995 which really raised and brought gender equality issues to the highest global level of priority. And in 1996, following the Beijing Conference, the European Commission agreed on a Communication which mandated that gender issues, that is with respect to men and women's equality and the potentially unequal impact of policies on men and women, should be taken into account in all policy areas at all levels of policymaking. And so this was quite a profound mandate and obviously there have been a lot of challenges in implementing gender equality objectives, especially as the European Union itself has expanded to now 27 members. And I always think about the challenges of trying to promote norms around equality and notions of how equality between men and women should be regulated among countries which really have very different historical and cultural and social traditions and norms. And it's quite impressive to think that

there could be some European unity on norms of gender equality, when we look at the world we find that the issues that divides most people, is not their attitudes towards the market, or towards democracy, but they are actually most divided over their attitudes towards gender equality and sexual rights and how people should behave in their private and intimate lives. You can see that division in the World Values survey for instance. So it's quite profound that the European Union appears to have one voice globally the issue of gender equality. However, even in the EU internally we do find the practice lagging behind the official policies, I'll never forget the statement of the Czech Prime Minister in the late 1990's when he was asked of how the Czech Republic would implement the new EU directives on equal opportunities and whether they would be happy to have the European Union monitoring their practices. He said he thought it was ridiculous that the EU should ask questions about the Czech national equal opportunities and whether or not women were discriminated against or not in the employment market, that that would be like a man asking a woman the size of her breasts. To me that incredibly loaded statement conveyed the very deep-seated sexist mentalities that persist even in EU countries that have signed on to the formal objectives of gender equality. But what about the European Union's role globally and its attempt to promote its own norms and values with respect to gender equality around the world? What impact does the EU have on gender equality through its development aid and human rights policies? Like it or not, the European Union, through its structural economic power vis-à-vis other countries, has an impact on gender relations around the world and has the potential to either exacerbate existing inequalities between men and women in developing countries in particular, or the potential to actually reshape and bring about positive change especially with respect to promotion and recognition of women's human rights. Let me give an example of the European Union's trade policy that we've talked about today. Last year the European Union took a case, took Vietnam to court over its dumping of footwear in the European market. This doesn't seem to be related to gender equity but in fact 80 percent of those who work in the footwear factories in Vietnam are women and at least 60 percent of those women are breadwinners, are responsible for families. So a case like that, with the EU defending its trade rights, has a negative and indirect impact on the livelihoods of poor women and children in other countries. And, of course, we don't know about such issues unless we ask the question about what are the external impacts of EU policies and in particular, are there different impacts on men and women? At the same time there is obviously, with the structural power and the fact that the EU is the world's largest development aid donor and has the largest share of world trade, it has a lot of potential to use its soft power to promote gender equality and human rights.

In this light, I have a number of questions I'd like to pose to the two speakers today, with respect to what is the potential for the EU to be more of a positive role model and actor in promoting positive changes toward realizing women's human rights, gender equality and human rights more generally around the world. Let me start first, with a general question, and this might be something that everybody wants to think about: Is the European model of equality and equality between men and women, especially since it has been developed

primarily with respect to the labour market, is this a model of equality that's relevant to the rest of the world? And related to this, does the EU speak with one voice, especially now the EU is a much more diverse and multileveled global player? Is gender equality only for EU member states and to what extent might the political differences among member states undermine any potential for the EU to play a global role in promoting women's human rights and gender equality? The second question I'd like to pose to the speakers is: Are the existing instruments of the EU's external policy adequate for addressing gender equality? We've heard this afternoon about core labour standards, -- core labour standards do include a couple of conventions that address non-discrimination, which refers to non-discrimination against women workers as well as men workers and also to equal pay. But are these labour standards, an adequate instrument for dealing with gender inequalities given that women, especially in developing countries, are the largest producers in subsistence economies and the majority of those working in the the informal economy, which is not covered by those labour or other legal standards? This which means that core labour standards cannot really address all of economic activity, and specifically much of women's economic activity. What about other kinds of tools therefore could the EU use to promote gender equality, for instance what is the potential for CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women, to be used? This kind of human rights tool is much broader and extends beyond economics, given that the EU has political relationships as well as, trade and development relationships with other countries that have not even ratified CEDAW, or if they have, they still have significant reservations under that Treaty. Finally, with respect to development policy, this year the European Commission has passed a new communication on gender and development. The Communication notes the serious challenges in trying to promote a gender perspective on development policy and the problems with implementing some of the significant commitments the EU has made. I'd like to ask other speakers to comment on that Communication and whether or not they see it as a step forward or as yet another rhetorical statement that gives the illusion that the EU is a defender and promoter of women's rights and gender equality but is underscored by a reality that the EU is not really willing to develop new tools and instruments to actually realize those goals.

JV Thank you. Gea Meijers?

GM Hello, I'm Gea Meijers and I work at the WIDE, Women in Development Europe. I'm originally from the Netherlands so it's easy to be here and for the language. WIDE is a women's network at the European level that focuses on trade, development and gender, how the three interlink with and how especially trade and development have an impact on gender and we lobby and advocate to watch the European Union to improve gender equality issues on the agenda. And we do that with our European partner in Europe, we have twelve national and regional

platforms. So this is a little bit about WIDE. I have also put some information over there and one of it is a publication I will use for this presentation which is a very good study on how the..., it's just published so it's really fresh and good to take, it's a study on how the EU in its development, in its external relations and in its trade policy includes gender. So it has an overview of all the communications, of all the institutions that work on gender, so it's really an interesting mapping study. I will address some of the questions Jacqui (*True*) has posed, it's quite ambitious to.., I mean, you can say a lot about it, so I'll try to say at least some things to address at least some of the issues. I'd like to start with briefly something on general policy framework of the EU and that has also been published this year, it is the overall policy framework in the roadmap for equality between women and men for 2006-2010, and that's an important document that kind of highlights where the EU wants to go within the gender equality within the European Union and also in its external relations. And I think in this document you can see, it's kind of, my point I want to make is kind of coherent, that the European Commission and all the other institutions, although they have a lot of nice words on gender equality and they put it in documents and that's institutional committed, in practice there could be much more done, it's more marginalized on the practice. And you can for instance see in this world map that, on the external relation policies there is only two general indicators and it says: 'oh this has to be further developed', it's on the millennium development goals and on the BGM platform for action, and it has actually nothing on trade, how trade impacts on women and it's totally blank on that. You can also see in the annual reports that the European Commission produces since 2004 on the equality between women and men that actually the whole external relation is more taken up as an ad hoc and glossary issue and not really deeply taken up and analysed. The gender equality is taken up within the EU external policy, within the development policy and within the trade, so it is different DGs, different frameworks. In the study we did we came to the conclusion that the EU's gender mainstreaming strategy is basic, euh, has significant drawbacks. Mainly the problems are that it has an inadequate allocation of human and financial resources, you see that in the budgets they allocate for gender equality, you see it also in the budget they allocate for staff working on gender equality. This results in an evaporation of policy commitments at the level of programme implementation. There is a limited gender competence among staff and there is an absence of political leadership and political will and there is also a lacking of strong accountability mechanisms which are very important to really, you know, keep track and really see if the commitments are being followed up. I mean, I can not address all but I want to illustrate this general conclusion we draw looking at some of the major financial instrument the EU has in place and also like Jacqui (*True*) said on the communication of gender. Actually on the 'women's day' this year the commission published this Communication on Gender Equality and Women's Empowerment in Development Co-operation, all very symbolic, and generally, when we looked at the document there were some good points in it, like it gives concrete suggestions on governance, employment, education and so on. It also pushed forward for more efficiency in gender equality within dialogue within the partner countries and also it

recognises the key role women's NGO's can play in dialogue with the European Union and in partner countries. So there are definitely good elements in it, the document has a promise but it really lacks in institutional commitment and, I mean, it has to be if you want to really start something it has to be made accountable, you have to see how you can then follow up. So, for us, the main difficulties with the communication that it lacks a deeper analysis of the growing feminisation of poverty, there are no really implementation mechanisms are not so well defined. How the EU will commit to implement the program with human resources it's not very clear and also how it will be monitored and assessed. So, I think, this could be really improved when you talk about gender equality and some of the different development policies, financial instruments, I think it's good to look at these instruments because that's where actually the, I mean, you put your words where your money is, kind of, that you can see where the actual impact is. For the European Union you have the Development Cooperation Instrument, you have the European Development Fund which is specifically for the ACP countries, the countries in the Africa, Caribbean and Pacific and you have also other kinds of external relations policies like the European Neighbourhood Policy which focuses on non-EU countries like Georgia, Ukraine, Jordan which is also an important tool for this countries and the EU-partnering. I will not address all, but for instance on the EDF, the European Development Fund, you can see that, I mean, for the coming, let's see, five years , for 2008-2013 the European Union has set over almost 23 billion euros allocated for the European Development Funds for development in the ACP countries. The money is allocated based on the needs and the performances of ACP countries which basically means they develop national indicative programs, country strategy papers, that kind of documents. In our study we looked at the drafts CSPs under the current EDF and we came to the conclusion that there was a serious lack of gender-disaggregated data and limited integration of gender concerns in many of the country situation analysis and the country strategy papers. I mean there were some positive examples that did have really a gender mainstreaming element and some information, but it's generally lacking. Also with, I mean, you can see the same in the Development Cooperation Instrument where actually we found that for the..., we look at ASEAN countries, that's Vietnam, I can not mention them all, Vietnam, Philippines, Indonesia, all these countries, and India, you can see there that the country strategy papers on national programs they are developing there, there is also a lack of..., actually gender is also weakly incorporated and it's also because of a lack of institutional commitment by the EU, a different partner has mentioned this in our study. Basically the story is the same for the European Neighbourhood Policy. For the resources there is little money allocated for really gender equality programs. I mean just gender mainstreaming generally is not enough if you don't really talk at it and say: 'this is for women', or you put it very well in you analysis, so and these are lacking. And also many women's organisations in these countries are really, they would really love to have more of gender mainstreaming in their countries, strategy papers, they come to Brussels, they have strategy meetings here with also the commission and they address these issues. But if they try to do that in their home countries, when they try to go to the government and say: 'we would

like to have more gender mainstreaming, we would like to really discuss how gender is on the agenda in the, in this funding and how the EU is going to support it.' If they ask for documents, it's sometimes really hard to get even a document and it's not even.. , and also like involvement in discussions, it's very difficult for them to get an opening. So I think there is a lot of possibility for the EU to really, you know, commit, not only in the communications, but institutionally and then really push forward. Finally I would like to say something about trade policy, this is also, I think, very important to look at since it has a huge impact on the developing of many countries. And as we see it, trade is taking the lead on the external relations agenda and gaining also prominence on the development agenda. You can see that for instance with new budget models as aid-for-trade, I'd say they really want to give development money to support countries in adjusting to trade liberalisation. When you look at the EU trade agenda you can see it's really adopting a neo-liberal stance. The strategy is summarized in the EC Communication, that was presented by the DG Trade Commissioner. Mandelson's "Global Europe: Competing in the world", which is about, not about sustainable development, but it's about gaining market access, it's about.., for European companies, it's about privatization of services for instance, it's about increasing competition between, you know, companies and between the north and the south and it's about deregulation of trade rules. So, this agenda is really 'how can European companies, how can we benefit from trade.', and it's not so much about 'how can we develop the developing countries'. And I think it's really important that women, that we look at trade from a women's perspective because the trade has a lot of impact on the role of women in developing countries. And for instance now with the current..

JV could you more or less finish?

GM yeah, ok, I'll just finish this point. With the current practice how the EU is now working on this trade agenda since the WTO Doha-rounds have been stalled, the EU is now pushing more aggressively for bilateral and regional trade agreements, for instance with India, with American countries, with Asian countries and also with the African, Caribbean and Pacific countries in the EPA negotiations. So they are not focussing on developed countries for trade negotiations. Now they are going to look for developing countries and upcoming markets to there negotiate liberalisation. And for instance you can see in the EPA negotiation really strongly how the EU is trying to stick to its agenda and protecting its own developing or competitive interest vis-à-vis really developing the developing countries and it's really chocking to see, I think. WIDE had today a consultation between EU officials and Civil Society. One of the speakers that was also here, Juul-Jørgensen, she confirmed that the EU trade policy is about competition and she didn't see a problem with it, because for her it was like 'you have a competition and then you can have other policies that kind of do some damage control.' This is not how she said it, but

it's how I kind of interpreted. But I think you can not really separate trade from development and it's really, it's impossible to disconnect and we really have to start negotiating the trade policy from EU from development perspective. I don't know if I have some time to say something on the impact of women, of trade on women? Ok? Briefly. Why is it important that we look at trade from a gender aspect, is that with the current trade negotiations you can, I mean, when you talk about liberalisations of markets, you can like, women like Jacqui (*True*) said, they are part of.., eu, we had a discussion in the morning on core labour standards. Women are mostly used as cheap labour, for instance in China, for instance in Vietnam. So, core labour standards that are now on the table for trade negotiations are very important for women. How strongly will the EU push for inclusion of those? That's an important question. Also, if they going to open up markets to large companies, I mean, that will threaten the life, the livelihood of women, many women are active in for instance fishery, in agriculture, for instance in textile, in Asian countries. So, opening up a market can put a lot of families out of employment and in misery and also if you're going to liberalise public goods, for instance water, foods, health care, education, you will always also put this jobs on jeopardy. And what we have seen on liberalisation, that with privatisation prices go up, so this will also mean for women, that are mostly responsible in the households for providing health, for providing care, with all the costs that will go up, so it will also negatively impact them. So I think it's very important to look at trade when you talk about external relations within the EU. And I would like to conclude that I think that the EU policies for gender equality in the EU policy is more of a peripheral issue, it's more marginalized, and actually in the trade policy it's contradictory to sustainable development and gender equality. And I think this strategy is really bad for the credibility of the EU in the long run and for men and women worldwide.

JV Thank you. Mr Crasner, I think there are a lot of things to answer.

AC Thank you, good afternoon, good evening ladies and gentlemen. I'm not quite sure where to start. I have five main messages which I'd like to share with you and I hope in actually discussing these messages I might cover most, some of the points raised by Jacqui (*True*) and Gea (*Meijers*). Just a word on background, I work in DG Development, which is the policy and programming arm of the Commission responsible specifically for the African, Caribbean and Pacific countries. We set policy though for the development cooperation of the Commission, right across the world, with all the developing country partners and one of the policy areas which we are active in and where we have produced, as Gea (*Meijers*) pointed out, the communication of earlier this year on March the 8th, 'international women's day', was a communication on women's empowerment, gender equality in development cooperation. And what I would like to do is to say essentially what this communication is about, what it does, but to do so in the sense of a practical point of view, because I spend most of my life working in

developing countries and I find the level of abstraction that we've been discussing things at a little difficult to understand and to internalise. Could I start by saying that gender is not just a theoretical construct, it's a practical issue. I'll give you two examples: one, a success story, one a story of failure. My last country was Papua New Guinea, under EDF 7, the 7th European Development Fund. We had a project of a rural water supply and sanitation, and it was a very well conceived and interesting project. We had teams of engineers with a sociologist attached who went to the villages and who worked on the basis that: without local ownership, you don't have a successful project. So, in fact, these teams went to the villages and in one particular village they went to, which happened to be recorded in a study that I read, and they went to the village decision takers and said: 'where do you want your water supply to go?' And the village decision takers, who interesting enough were all male, said: 'ah, there is a spring up in the mountain, a piping from the spring down to the village and we can have the standpipe in the centre of the village'. 'And that', they said quite openly, 'will show how modern, how engaged, how progressive this particular village is when it has a standpipe in the centre'. The team accepted this and build the water supply and erected the standpipe, it worked, there was a formal opening ceremony, everybody said thank you very much to the government and to the European Union for providing this resource and the team went away. And nine months later they came back as part of a routine evaluation, and found to their horror, the pipes were broken, the standpipe didn't work, and nobody had actually taken ownership of the scheme at all. They explored why and of course they found that the decision takers of the village, who were interestingly enough male, were not the people who actually used the standpipe, who were interestingly enough female. And the females not only were responsible for bringing water to their families but they also liked to use the standpipe to take a bath. And mysteriously they objected to taking a bath in the full view of the rest of the village because the standpipe was located right in the centre. So, here was one failure, the scheme was broken, nobody had collected money, nobody, to repair it, nobody had taken responsibility. Here was one village without clean water for the families, for the young children who suffered from water borne diseases like diarrhoea and so on and we basically had wasted our money, and 'we' being Europe, because this is your money that you contribute through your taxes. A story of a success. The Island of Bougainville, as you know, was involved in a civil war, part of a civil war in Papua New Guinea as a result of the closure of the Panguna Mine, a copper mine, in 1994. We were, the European Commission was, extremely active in attempting to bring about a reconciliation which is now, there is now a peace process which is concluded, and there is an autonomous government in the province. Bougainville is way down in the Pacific, away from the main island of Papua New Guinea, and actually culturally and ethnically is more akin to the Solomon Islands. So, there is a lot to be said for Bougainville seeking to separate from Papua New Guinea, it hasn't yet. We have a project which built agriculture feeder roads, as Bougainville produces a very high graded cocoa. And getting the cocoa to the market needs roads which get you to the main trunk roads, which get you to the towns and the ports where the cocoa can be stored, where the cocoa can be stored and sold. Now, we had an engineer

who was inspecting these feeder roads and on one of the all too common events that happened, he drove around the corner, found himself confronting five guys with AK47s and home made shotguns standing at a home made roadblock, who said basically: 'stop, give us your car, get out, you're on your own!' The engineer who was with some other people did exactly that, gave them the car, they drove off and then our project manager in Bougainville who is a very true gentleman said: 'we need to go back to the communities and discuss this matter with them, we can't let it lie. And because we've been active supporting women's groups and particularly women cocoa farmers, we may have a chance to negotiate the return of the truck.' And that is exactly what happened, it took three days, it took very intensive negotiations that because of the fact that the European Commission was known to support gender equality in Bougainville, we managed to get the vehicle returned, not in very good condition I have to admit, but at least it came back. And there was an apology from the community and the young men concerned were asked to hand in their weapons. So, gender is not something which is just a theoretical construct, it is something that has a day-to-day practical application in development cooperation and my first message is if you unadmit or ignore the element of gender you jeopardise both viability and sustainability of development cooperation activities. Second message: there is resistance to change in gender stereotyping which persists in many developing country partners and at the same time the EC does not always find it easy to create procedures that support, that encourage, that induce change. What does one do if you are negotiating with a government, and our program under the European Development Fund and under the DCI is government to government, when you go and sit with the government, with a government minister who is the national authorizing officer, the only signatory on the paper that says: 'we want money to go in a particular direction', and you say to him: 'Mr Minister, we want to have a project, for example, to provide a refuge for battered women because of the situation of domestic violence in your country'. And you happen to know that two weekends ago, the same minister beat up his wife. Now, most of the countries that we work with, in fact, are patriarchal or have strong patriarchal elements. Papua New Guinea has both, is both matriarchal and patriarchal, predominantly patriarchal and we are basically seeking to push, to change the mindset to have – the cliché – a paradigm shift amongst people who have to see that it is not necessarily in their interest to change their point of view. Now, there is a possible solution for this, this underlines for me the difficulty of negotiating an aid program that produces real sustainable change because very often you are basically discussing, you have as your interlocutor the people who say: 'you are telling me that your aid program will support and encourage dramatic social and political and economic change in my country, but what is our interest in pursuing such an agenda?' And in the field of gender this is particularly significant because women don't necessarily have a great political voice, what is the advantage, what is the benefit for actually changing these things? So we need to find a constituency, a group elements in society who are interested and do support this kind of change, and such a group, such a constituency, such stakeholders are the women's organisations NGOs and their male supporters who in fact are keenly interested in changing

the status of women and keenly interested in pursuing greater gender equality. Now, we deal with the government, they say it's a government to government program and this is the key to many of the suggestions that have been made this afternoon as to why it is that we seem to have a policy that is not necessarily connected to results, outcomes or even resources. We go to the country concerned and say: 'in the course of the five year planning cycle of the European Development Fund, government, we have a program with you, which we ask, we invite you to propose to no more focal sector for our aid, for European Union aid which will support your agenda because the Cotonou partnership agreement, which is our bible, says 'the development priorities of our partner country concerned shall become those of the commission'. And the officials and the ministers of the government concerned said: 'ah, we want rural development, we want infrastructure, roads'. In Papua New Guinea it was the highlands highway which was the perennial topic of discussion. Very very few governments say: 'we want greater gender equality', so effectively we can bring to the table the policy priorities of the European Union and the European Commission, we can say, for example, that 'sustainable environmental and natural resources management is a top priority in the interest of climate change, global warming and the negative effects on the rural population of the destruction of the environment.' We can say to the government that 'you are disenfranchising 50 percent of your population by not giving more equality and more empowerment to women.' But unless the government says to us: 'we want it, here is the letter that says it, put it into our programming document', we are stuck. So we have to find another means of addressing this particular issue...

JV Mr Crasner, could you more or less....

AC Can I remind you, Mr Chairman, that the speaker on my left had 22 minutes exactly, could I have the same please?

JV Yeah

AC Thank you! I will rap up very quickly. The speaker on my left used this dreaded word 'mainstreaming'. We address this issue firstly by finding a constituency for specific actions, this is what the communication sets out, for example a legislative framework which provides equal rights for women, for example refuges for battered women, some poor lady got, actually got kerosene poured over her and was set on fire two weeks ago in Mount Hagen because her husband said 'she is mine, I paid my bride price, she is my property'. We can address this issue to some extent, but our main vehicle, because our main money is tight up in the national program. This is to say, we mainstream gender issues within all our cooperation, just as you pointed out, that has been agreed for the Europe, internal within the European Union, all action should include a gender component. Now, in practice, in 2005, 770 million euros worth of projects were implemented under projects which mark the deck code of OECD, the gender

marker 201, that means that gender is either a significant or a primary objective. Whether in fact this is meaningful is something that I'm happy to discuss with you, but this is in fact the main vehicle we have, we try exercise gender equality and women's empowerment, to promote gender equality, women's empowerment through mainstreaming and through specific actions. And this twin track approach is supported and has now become formally European Union policy for development cooperation. Mr Chairman, I'm sorry to have gone on for so long. Thank you very much

JV Well, since we are at 6 o'clock now, I would propose that we start questioning quickly.

AM I might have missed it but I think even the session before and just now, the question of the MDGs, you know, no one sort of mentioned the Millennium Development Goals and this is a worrying thing for me because the Millennium Development Goals are a very basic starting point but they do have targets around getting women, getting girls into schools and, you know, a range of other things which obviously relate to children as well. So, do you think that this is about the fact that people don't think the Millennium Development Goals are no longer relevant? I mean this is something now that's of the agenda because we have moved on, because we are not going to achieve them or.., I just kind of get a feeling because I think it's something that, you know, people spent a lot of time, particularly in 2005, under the 'Global Call to Action against Poverty' trying to get governments together and now it seems to have kind of disappeared.

JV are they forgotten, MDGs? the fact that, well...

AC Not, by any means, forgotten, a major omission, put it down to that, that the chairman was hassling me! Yes, the MDGs are crucial but I do suspect that the fact that there has been insufficient resources allocated to MDG focused activities to achieve the targets by 2015, meaning that in 5 years time we will have a major political crisis around the MDGs. The danger is that nobody has actually costed, except some figures in the case of health, exactly what is going to be involved, the public finance implications, in achieving the MDGs. Therefore it becomes extremely difficult for the donor community to say: 'there are financial, financing gaps in individual country programs which have to be filled with such and such an adding of resources.' And this again is something that has to be addressed and addressed rather quickly. Thank you for a very important question.

GM I would like to add that I think the MDGs are also still definitely on the agenda and I think one of the problems is also that, for donor countries, for instance in OECD-DAC, they commit they should give actually more aid, they have committed to that, but actually there is not more aid coming, so then I mean, then you don't make that much progress on your Millennium

Development Goals. So I think that's also one of the reasons why there are not very focal on it.

AC excuse me intervening on this one but there is something very important. There is a lot more aid coming. Do remember that the European member states, the 15 of them, have committed themselves to increasing aid, to point 7 percent of GDP by 2015. That means, because the financial perspectives of the European Commission are set to 2013, there will be no more money through the European Commission, the member states on the other hand are swimming with money, in theory, if they honour their commitments. And there is a possibility of all the money that is needed to achieve the MDGs coming through programs organised by the member states. And it is up to organisations like the civil society representatives here to put pressure on their governments to make sure they honour their commitments.

JV do you really believe they will honour those commitments? You, who are in, well, the business of development cooperation?

AC forgive me, I don't think that that is actually a relevant question, if they have actually engaged in the commitments, like signing an ILO convention on decent work agreeing to have certain degree, percentage of GDP allocated as development aid, they then become accountable. Accountability is essential in any democratic society and it's crucial to make sure that there is pressure from civil society organisations, from academia, to make sure that these commitments are honoured.

JV well, speaking from Belgium, I see this pressure exists but not much is happening on the field of real money, more real money going to developing countries, well yeah, this is

MG I really can see what kind of effects that trade flows have on gender equality and so on. But, I understand how you can integrate gender into development policies, but, I'm not sure how to integrate gender objectives into trade policy because it's just such a blunt instrument and I just want to know how you can integrate it?

JT Something to that, because I was actually going to ask Anthony (*Crasner*) the trade question which is a little unfair because he is from DG Development. But I'm sorry you can't understand the trade and gender question because I gave my Vietnam example, which is to say that there are really clear and direct impacts of trade and it seems to me...

JV ...She said she can see it but she...

JT ...Oh, you can see it but you think trade is the blunt instrument...

A1 ...But I can't see how through trade instruments you can act upon that, because trade flows are so, is such a blunt instrument, like you can either close or open your market, or, you know, so...

JT Right, well, we can go back to the sustainability impact decisions that were mentioned earlier, and if those impact assessments included a significant gender analysis, which is to look at the specific sectors that were being liberalized and whether or not there was likely, that there were likely, you know, like for instance there were more men than women employed and whether or not there was likely to be more of a deleterious impact on women than on men. This kind of impact could be taken into account in negotiating, if, of course, sustainability impact assessments were completed prior to negotiation, rather than published after negotiations. Other trade organizations around the world are actually engaging in gender analysis of their trade policies and this is not simply a regional organization's responsibility, it's also something that national governments can take up themselves. It's in the interest of national governments to try to mitigate social impacts, social dislocation as a result of trade. And if you take, if you take the assumption that the economy is deeply structured by gender, that the top ten occupations for men or not the same as the top ten occupations for women, then you have to do a gender assessment, otherwise your trade agreements are really going to have, you know, all sorts of unequal impacts. So, ...

A1 But the instruments you might use to address those problems are going to be through development aid or through local policies. I mean, trade as such, I don't know how it can be an instrument? That's my main question.

GM I mean trade, you can have different kind of trade systems, I think the problem is not that the EU is trading or is discussing this with the partner countries, but I think the kind of agenda they use, I mean they really are adopting a very neo-liberal agenda which pushes for further liberalization which you also see in Europe and that's a political choice. It's not a necessary choice, it's a political choice: do we want to liberalize postal service, do we want to liberalize electricity? And they also want this kind of liberalization for developing countries and there is also a political kind of choice they then give, or push, upon developing countries. I think, I mean I don't think it's difficult to include gender equality norms into trade agreements, it's where you politically chose for, I think. Do you chose more for development, do you chose more for like equal partnerships or do you really want to push for competing and putting the European businesses first?

AC Could I just ask a nasty question? I share your view very much about trade being a blunt instrument and I agree that it is tragic to have 400.000 women, or whatever it is, in the textile industry in Vietnam, put out of work because of the trade policy of the European Union. Would it be any better if it was 400.000 men?

JT No, I mean, no!

JV good question!

JT Actually I think it works both ways, I mean, that's the point of gender mainstreaming, isn't it? And that if you understand the economy is being structured by gender, then you actually need to take that into account because you are likely to have adverse impact on women or men. And it could easily happen either way, precisely because of that structure. But, I think, part of the problem is that if we only talk about development policy, I mean, the EU promotes trade as a development tool, right? I mean, the EPA's are supposed to be a development tool. And so if we don't take, if we don't think about trade and economic objectives and how they might undermine gender equality and sustainable development, then we're not going to have any policy coherence, it's just going to be, you know, it's either just going to be a complete contradiction between this two, this two kinds of tools and, you know, development policy won't be, will be powerless actually.

AC If I could respond on the question of EPA's because I think this is a subject where there was much confusion and obfuscation earlier this afternoon. Can I say that it is a really difficult issue too and I share a lot of your criticisms of the EPA concept, but can we just be clear about what they are and what they are not? First: under the Lomé Convention, ACP countries, now 78 of them, were given preferential access to the European market, whereby, just for example, sugar is imported at the internal market price which is supported, subsidized by the European member state governments, not at world market price. These subsidies have produced overdependency in many of the partner developing countries on single, primary product exports and have distorted the market dramatically. The result of this was that there was a case of the WTO arbitration panel brought by, I believe, India and Brazil, which said: 'this is an unfair arrangement', that everybody should either benefit from it or these privileges should be withdrawn. The response of the European Commission was to say two things. Firstly, under Commissioner Pascal Lamy, there was the 'everything but arms' provision, which actually allows all trade from all least developed countries to enter Europe tariff and duty free. The second thing was that the idea of having a partnership agreement which would conform to WTO legislation. And that means reciprocal abolition of barriers to trade. Now, I think the European Commission has actually sold the idea extremely badly. I think the negotiations have proved to be extremely difficult, but it is not a concealed idea to have increased market access for European industry, it is an attempt, for better or for worse, to find a way of allowing the ACP countries to continue to trade under very advantageous preferential terms with the European Union.

JV I think it's a pity but we can't go really go in to the EPA's discussion. Yes, Mr ...

PB Patrick

JV yeah, Patrick Belser.

PB ok, I have a question to Jacqui (*True*). You mentioned the two ILO conventions against discrimination, these are conventions n° 100 and n° 111, I believe, and one is about promoting equal access to employment and the other one is about promoting equal remuneration for a work of equal value. And you said that these instruments are not really appropriate or sufficient. Could you elaborate a little bit on that and maybe explain why? And it's certainly the case that discrimination is a different concept from equality also, so, it's not really equality of outcomes, it's more maybe equality of opportunities when we talk about discrimination. Is there, how do you actually define your view of equality in the labour market?

TN I had a separate question which is about country ownership as an idea, I've utterly accepted the notion of country ownership and developing countries being able to set many of their priorities but I guess I've failed to see why gender equality is not going to be a condition of development funding throughout that particular objectives. Because it seems to me that what we know is that gender equality boosts employment, boosts enterprise development, it boosts economic efficiency and it would complement infrastructural developments, it would complement rural development. It's not such a difficult thing to put in place and to make conditional and it's a less blunt instrument, if you like, than a sort of straightforward trade sanctions. So, why isn't that being more promoted proactively along the lines of country ownership?

JV ok, who wants to answer first?

JT we'll just go along in this order. Gea (*Meijers*) can have the last word. Thanks very much for your question. My reference to feminist critiques of core labour standards is not necessarily my own personal view but some of the research and perspectives that you all find, especially that produced by southern networks of women's organisations, and I think basically that there's two issues with core labour standards from a gender perspective. And the first is that obviously core labour standards apply to the labour market, ok? And the labour market, the paid labour force is actually only a small part of the economy in developing countries and women spend, the majority of those in the unpaid economy, in the informal economy and the informal sector, and so therefore core labour standards are never going to apply to those parts. The economy, I mean, we talked earlier about the problems of unionizing the informal sector, and that's obviously one issue. And obviously also some of the impacts of trade agreements do have adverse impacts on the unpaid economy, for example Gea (*Meijers*) mentioned when you have policies within countries to cut back public expenditures, they are

often cut back and social services and health and education, and this means that a lot of the work around that social servicing shifts to the unpaid economy, which actually means women's labour has to expand to do those activities that were previously paid for by the government and maybe part of the labour market. Right? So core labour standards can only ever address part of women's labour and men's labour ever too, but it's especially important for women because they are the majority of those in the unpaid economy and they are for social and cultural reasons, they are considered to be those responsible for the social provisioning. So that's one reason. So I think a lot of people would say, there would be some feminists that would say: 'core labour standards, yes, let's support them, but in themselves they are not enough to address gender injustices in the economy'. Because we have a broader conception of the economy, ok? The second critique of core labour standards really comes from southern feminists and those who come from a developing country perspective. And that is this: that there have been many employment opportunities opened up for women in developing countries in the manufacturing sector, where multinationals have moved in and have employed women because their labour is constructed as cheap, right? It's a construction that they are cheaper and that they are more docile and so on. But that, those opportunities in the manufacturing sector have actually, in some ways, improved life chances for women, compared to their other life chances in rural villages where they are subject to patriarchal traditions and constraints and suddenly they have an income that actually has had an impact on their bargaining power within the family and within very patriarchal societies and families. So, the fear is, among southern feminists, that core labour standards could force, could undermine the comparative advantage that has allowed for employment and opportunities for women in those countries and could then lead multinational companies to shift therefore their production outside of those countries and that women could lose those employment opportunities and be forced to move into the informal sector. So, and there are some very strong arguments, one author is Naila Kabeer, very strong arguments from some researchers, you know, strongly opposing labour standards and arguing that this would actually undermine the long-term potential to bring about, you know, a transformation both in terms of incomes for women and in terms of the economic position. It's not necessarily my personal view but I think it's very important to take that view seriously and I think the core labour standards debate, is a debate that needs to include feminists and it needs to include these dimensions, if it is going to be effective.

JV Yeah.

AC Thank you. Could I just say that the communication, this whole thing, this 12 page document which is submitted to Council, in fact, gives us the bargaining power, the instrument, to do exactly what you have just suggested, which is to make sure that gender is considered to be a priority which is central to all our cooperation programs. Because on the basis of the communication we do two things. Firstly we write to the delegation saying: 'when you are

negotiation projects and programmes or programming documents, gender must be fully reflected'. Secondly, we train on the basis of this our own staff to make sure that the institutional capacity is there to make gender equality a reality, not just a statement on paper. So it is the communication which is the instrument which allows us to achieve exactly that particular objective

TN have you got budgetary resources to actually build those commitments in the communication?

AC I must admit that the biggest weakness of our system internally, is that we set policy objectives without attaching necessarily a budget to it. This is why mainstreaming is so important because it says basically that your project, which deals with for example education, should also include an element of girl's access to school, or your project which deals with agriculture feeder roads should mobilize female labour to keep the culverts clear of weeds. Because there is no allocation outside the focal areas chosen by the government, agreed and endorsed by the European Commission and approved by the EU member states at the management committee, the EDF committee, which endorses it. Therefore the importance of the communication and the statement in the European consensus, that gender is a crosscutting issue that must be included in all our actions, is crucial because that is what makes available resources to engage in gender activities. There is a gender component in the 'investing in people' budget line but it is obviously much smaller than the money that's available under the national programs for all the countries concerned.

TN what worries me about that, if you don't mind me interjecting, is that if you just mainstream gender but you don't build up the civil society capacity to actually tackle those issues, if you don't put in the separate funding to nurture that on the ground, then you're not really going to effect real gender mainstreaming, it will end up being superficial.

AC well, don't hold your breath but there has been a management decision last week that we should prepare a new communication on mainstreaming...

JV yeah...

AC ...So, that will tell us how it's to be done to achieve exactly the objective that you said. Sorry, one tiny other point. Conditionality is a dirty word, we don't have conditionalities on our aid.

JV Gea (*Meijers*), you have the last word.

GM my colleague gives a lot of new information that.., very surprisingly. But I just want to say, earlier you said like it's very hard to put gender on the agenda because of partner countries, they don't want gender on the agenda, they don't want to use it as a conditionality. Now you

are saying that with this new communication there is an open window for really using gender as a really strong conditionality so I'm really looking forward to see that in practice. I just wanted to say something also on partnership in relation to the EPA's. I think, what you see in the EPA, the EU is..., it is possible for the EU to put things on the agenda and really push forward. I mean, they, of course for the least developing countries, the everything but arms is already installed by the WTO, so for them it has no changes, but for the other ACP countries you can see that the EU is now really pushing for something that is beyond the WTO currently. For instance, the developing countries have opposed in the WTO to liberalize investment and services and now the EU puts this on the agenda and they really want to have binding commitments. So they can put our partner countries really, you know, they can push for issues, but they don't use gender equality as an issue, they chose trade liberalization as an issue. So that's my conclusion I would like to say.

JV Ok, so I propose that we finish now, we have heard that people are already working there with food and drinks.

(applause)

