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Civil society meetings in EU trade agreements

Recommendations and lessons for EPAs

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Key messages

EU trade agreements increasingly involve civil society to discuss and monitor sustainable development.

Evaluations of these civil society meetings vary widely from being mere talking shops to empowering platforms.

The new EPAs have weak or no provisions on civil society involvement and should be strengthened in this regard.

In order to maximise the full potential of these meetings, lessons can be drawn from the existing mechanisms.

Introduction

The conclusion, signing and ratification process of three new Economic Partnership Agreements (EPAs) between the European Union (EU) and the Southern African Development Community (SADC), the Eastern African Community (EAC) and the Economic Community of West Africa States (ECOWAS), has reopened the debate on EPAs, including in the European Parliament.

Within the EU, it has increasingly been recognised that civil society should be involved in the discussion and monitoring of trade agreements, in particular when it comes to the sustainable development dimension. However, civil society provisions in the EPAs differ significantly from those in other recent trade agreements concluded by the EU, and in the case of the EU-SADC EPA they are non-existent. This is surprising since the EU-CARIFORUM EPA does have experience with civil society meetings and civil society organisations (CSOs) have strongly contested the African EPAs.

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This raises the important question of whether and how civil society could be involved more in the new African EPAs?

This Briefing Note addresses this question by (1) providing a background on civil society meetings in recent EU trade agreements, (2) exploring the relevant content of the three African EPAs that are tabled for ratification, and (3) putting forward ten recommendations based on experiences with existing agreements.

Civil society meetings in EU trade agreements²

Since the EU-Korea trade agreement, the first new generation agreement that the EU has negotiated since the 'Global Europe' strategy³, dedicated chapters on trade and sustainable development have become a standard feature of EU trade agreements. These include references to labour and environmental standards that should be respected in the framework of the agreement as a whole. They also establish civil society meetings which grant an, apparently, important role to CSOs in the follow up and monitoring of these sustainable development commitments. These meetings are part of the EU's cooperative approach that shies away from sanctions and instead emphasises cooperation and dialogue.⁴

Even though there is some variation in the legal texts establishing these meetings, there are three recurrent features:

- They refer to **domestic civil society meetings** in which representatives of three constituencies (labour, environment and business) of each Party (both within the EU and within its trading partner(s)) participate. This is often called the Domestic Advisory Group (DAG).
- They also establish a **transnational civil society meeting** where the members of the domestic meetings and/or other actors of both the EU and its trading partner(s) meet annually.
- They foresee some **interaction** between these two meetings and the **intergovernmental body** (between the EU and its trading partner(s), the so-called Parties) that meets annually in relation to the implementation of the sustainable development chapter.

The EU-CARIFORUM EPA with the Caribbean group was the first concluded EPA, implementing the trade commitments of the 2000 Cotonou Agreement and was negotiated between 2004 and 2007. This EPA also includes commitments on labour and environmental standards and establishes a transnational civil society meeting, called the Consultative Committee. There are three relevant differences with the subsequent agreements. However, the differences could also be put into perspective:

- First, the EU-CARIFORUM EPA does not legally foresee a domestic meeting. Nonetheless, in practice Caribbean and EU representatives have met separately in preparation of the transnational meeting.
- Second, the EU-CARIFORUM EPA does not have a separate chapter on sustainable development. In practice, however, discussions in the transnational meeting do largely concern sustainable development issues.
- Third, the organisational provisions in the EU-CARIFORUM EPA are less elaborated than those in the new generation trade agreements. For instance, there are no provisions setting out when the first meeting should take place, the frequency of these meetings and whether they depend on the governments to be convened. In practice, however, Rules of Procedure have been elaborated for the transnational meeting.

Currently, civil society meetings have been set up in the framework of the EU trade agreements with Korea, Peru-Colombia, Central America, Moldova, Georgia, and the CARIFORUM. In the near future such meetings will also be created for the agreements with Ukraine and Vietnam. The civil society meetings are thus proliferating rapidly. They increasingly require resources from CSOs, the European Commission and third country governments. However, despite their growing prominence, there is **much confusion on the exact purposes** served by these meetings. At least four distinct purposes can be identified:

² The insights provided hereafter draw from previous research at CEUS, based on participant observation and more than 55 interviews with participants of such meetings (mainly in the EU and in Colombia, Costa Rica, Honduras and Peru). See Orbie & Van den Putte (2016) and Orbie, Martens & Van den Putte (2016).

³ See European Commission, 2006.

⁴ See Campling *et al.* (2014), International Institute for Labour Studies (2016), Oehri (2015), Postnikov & Bastiaens (2014).

- **instrumental:** gathering support for the trade agreement by giving the agreement a ‘human’ face;
- **functional:** monitoring the chapter on sustainable development, gathering information on its implementation, and signalling possible defaults;
- **deliberative:** providing a forum for dialogue and deliberation thereby contributing to democratic governance and empowerment of CSOs;
- **policy:** advising governments and stakeholders on how the EU and its trade partner should approach sustainable development issues by providing tailor-made recommendations on labour and environmental issues.

This poses a **paradox**: while the civil society meetings are an increasingly significant part of the EU’s cooperative approach, there is much ambiguity about their purposes and much uncertainty about their effective functioning. This is reflected in the widely diverging evaluations of the meetings – ranging from ‘talking shops’ to ‘empowering’ marginalised groups.⁵ In any case, it is obviously important that the meetings go beyond the ‘instrumental’ purpose and are not merely a ‘talking shop’. This is already challenging for the meetings that are currently being organised under the existing agreements. For the African EPAs, it will be even more difficult given that civil society meetings are less elaborated in these agreements – as will be outlined below.

Maximising the potential of civil society in EPAs

The EU-EAC and the EU-ECOWAS EPA contain provisions similar to the EU-CARIFORUM EPA. Both of these African EPAs establish a transnational meeting (also called Consultative Committee). Provisions on the scope and composition of these meetings are quasi-identical to the EU-CARIFORUM EPA. Hence, compared to the ‘new generation’ of EU trade agreements, there are no provisions for domestic meeting, the scope is broader than ‘sustainable development’⁶, and there is no obligation regarding the frequency of the meetings.

Whereas the EU-SADC EPA contains a dedicated chapter on trade and sustainable development, similar to the respective chapters in the ‘Global Europe’ agreements discussed above, this agreement does not refer to any civil society involvement whatsoever. The agreement with the Southern African states only contains an article⁷ referring to monitoring through the ‘respective participative processes and institutions’ of the Parties (Article 4). The absence of civil society involvement in this EPA has also been an issue of concern for the European Parliament.⁸

Thus, the EU-SADC EPA is clearly less ambitious than the other EPAs when it comes to civil society involvement. In turn, the role of civil society in the EU-ECOWAS and EU-EAC EPAs, as in the EU-CARIFORUM EPA, is more limited than in the new generation agreements. The legal differences should be put into perspective, as mentioned in the previous section. However, the absence of a formal domestic meeting, that is legally required to meet on a regular basis, makes the EU-CARIFORUM, EU-ECOWAS and EU-EAC agreements less far-reaching than the recent ‘Global Europe’ agreements. Legally required domestic meetings, in addition to transnational meetings enhance the opportunities for continuity, elaborate monitoring and discussion of sustainable development issues, because they would more strongly institutionalise the civil society involvement. They can also provide input to the transnational meeting, involve local stakeholders that are not willing or able to be attend the international meetings, and last but not least, they enhance the possibilities for strengthening democratic governance at the local and national level.

⁵ See Ulmer, 2013 and Orbie, Martens and Van den Putte, 2016.

⁶ While the EU-CARIFORUM and EU-ECOWAS EPAs specify that the meetings encompass ‘all economic, social and environmental aspects’ that ‘arise in the context of the implementation of this Agreement.’ (Article 232.1 EU-CARIFORUM; Article 97.1 EU-ECOWAS), the EU-EAC EPA states that it encompasses ‘all matters covered under this Agreement as they arise in the context of the implementation this Agreement’ (Article 108.1).

⁷ A similar provision on ‘monitoring’ through domestic institutions is included in the EU-CARIFORUM EPA (not in the EU-AEC or EU-ECOWAS EPA).

⁸ See European Parliament, 2016 and oral question by Bernd Lange, Alexander Graf Lambsdorff, on behalf of the INTA Committee, 2016.

The more limited institutionalisation of civil society meetings, and particularly the absence of such meetings in the EU-SADC EPA, is surprising for a number of reasons. First, the involvement of civil society is a commitment enshrined in the overarching Cotonou Agreement between the EU and the African, Caribbean and Pacific (ACP) group. Since the EPAs are arguably one of the most important elements of the Cotonou Agreement, it is surprising that a separate civil society mechanism is not established in the case of the EU-SADC EPA or is not more elaborated and dedicated to the issue of sustainable development in the case of the EU-EAC and EU-ECOWAS EPA. Second, the EPAs have been heavily contested by CSOs in the North and the South, and the mobilisation against an EU trade agreement with Canada and the United States suggests that this politicisation of EU trade agreements is not going to decrease. Therefore, again, one would expect the level of ambition on civil society to be high in the new EPAs, or at least equivalent to other recently negotiated trade agreements, thus establishing domestic and transnational meetings on sustainable development.

However, this should not prevent domestic and transnational civil society meetings to take place on issues related to sustainable development in the context of the African EPAs. Given the far-reaching impact of trade liberalisation for sustainable development⁹, it would be desirable to maximise the potential of civil society involvement. In this regard, several alternative approaches could be envisaged.

Concerning the EU-SADC EPA:

- A **protocol could be added to the agreement** during the consent phase. Such protocols would reiterate the importance of civil society meetings to the respective agreements and spell out how these should be established to ensure a smooth functioning. A light version of this approach would be to agree on a Roadmap with commitments on civil society involvement, similar to the Roadmap that was agreed for the ratification of the EU-Peru-Colombia agreement at the insistence of the European Parliament. This Roadmap would have to include specific guidelines on the functioning of these meetings.
- **Informal civil society meetings on the sustainable development provisions of the EPAs** could still be organised. For this purpose, the ACP Civil Society Forum, which was established in 2001 and is not very active, together with the informal meetings of civil society in the context of the ACP-EU Joint Parliamentary Assembly meetings, could be used as building blocks.¹⁰ Again, the success of this option hinges on a strong political commitment from the Parties, not least the EU institutions. By setting up such meetings at its own initiative, the EU would initiate a practice that could eventually be formalised.
- Include civil society meetings in the legal text through the use of the **revision clause** five years after the EPA entered into force (see below).

Concerning the EU-EAC and EU-ECOWAS EPAs:

- **Optimal use can be made of the existing provisions on civil society** currently included in these two agreements. This requires a strong commitment from the EU, or ideally all the Parties, to make all necessary efforts to facilitate meaningful civil society meetings. Again, **informal meetings** on both sides could compensate for the absence of formal domestic civil society meetings. In addition, ambitious and clear **'Rules of Procedure'** could be negotiated between the members of the meetings. Experience with the EU-Korea agreement for instance show that Rules of Procedure are indeed important for the practical functioning of the meetings. In this context, there should be guarantees that the broad scope of the transnational meeting (covering all the dimensions of the agreement, not only sustainable development) leaves specific opportunity for **focused discussion** on specific (and perhaps sensitive) issues such as labour rights violations. While the broad scope may offer opportunities for dialogue on various matters, there is also a danger that politically sensitive debates will be overshadowed because of an overcrowded agenda, especially if meetings only take place on an annual basis (see below, recommendation 1).
- As a last resort, the **rendez-vous clauses** in the EU-EAC and EU-ECOWAS EPAs leave the door open for discussions on sustainable development. These clauses are very brief¹¹ and it is unclear whether they intend to create more elaborated civil society meetings. Similarly, the EU-SADC and EU-ECOWAS EPA **revision clauses** and the EU-EAC EPA **review clause** could also provide scope

⁹ See for example Langan & Price, 2015.

¹⁰ For more information see ECDPM, 2013.

¹¹ The EU-ECOWAS EPA states that 'the Parties mutually undertake to enter into discussions concerning (...) sustainable development' (Article 3). The EU-EAC EPA states that 'The Parties undertake to conclude the negotiations in the subject matters listed below (...) Trade, environment and sustainable development' (Article 106.2).

for the inclusion of civil society at a later date (even though these clauses do not mention sustainable development or civil society involvement specifically).

The **civil society meetings would ideally be based on ambitious legal provisions**. However, lacking strong legal commitments in the EPAs, these practical alternatives could be considered as a second best option.

Specifically, for these meetings to materialise their full potential, the next section will outline ten recommendations.

Recommendations

Although the civil society meetings are still in an embryonic phase (several have met only two or three times), we can formulate a number of recommendations. Some relate to the legal design in the agreements, while others concern the implementation in practice. Finally, the last two recommendations discuss issues for further reflection on civil society meetings in general. The recommendations draw from research on the new generation agreements, but could also be relevant for the forthcoming African EPAs.

1. DISENTANGLE 'SUSTAINABLE DEVELOPMENT'

In order to give sufficient and appropriate attention to the three pillars of sustainable development - people, planet and profit - the agreement should allow for **the creation of sub-groups dedicated to these three topics**.

In the current agreements, labour, environmental and business issues are always holistically discussed in the same meeting. Sensitive issues, such as labour rights, can be easily overshadowed by less controversial issues, such as environmental issues, as in the context of EU-Korea, or business issues, as in the context of EU-Moldova. The wider the scope of topics that can be discussed at the table, the more **likely that sensitive but important issues are not seriously addressed**.

The establishment of separate meetings to deal with labour and environmental issues, as is foreseen in the EU-Canada trade agreement, could be considered. In June 2016 in Colombia, CSOs and government representatives agreed to create sub-groups (for, respectively, labour and environment) within the existing domestic meetings. Trade unions and an environmental organisation are currently tasked to elaborate proposals for the composition and working methods of those sub-groups. Another example is Costa Rica, which is the only Central American country that organises separate meetings. However, this example also illustrates that the separation of the three topics is not a guarantee for more focused and substantial discussions, as in practice business groups dominate the labour meetings and labour unions rarely participate. Holding separate meetings would nevertheless be part of a strategy to avoid the watering down of discussions and hence the 'talking shop' nature of the meetings. Another possibility would be to set up (in)formal sub groups where rapporteurs can be responsible for the communication on a very specific topic. For example, in the EU domestic mechanism for the EU-Korea agreement a civil society member from the International Trade Union Confederation was the rapporteur for an opinion on the status of labour rights in Korea.

2. FORESEE DETAILED ROLE, ESTABLISHMENT AND FUNCTIONING

The agreements should include key organisational elements concerning the **selection and membership of these meetings**.

Existing trade agreements contain several ambiguities and uncertainties on the role and functioning of these meetings, which has hindered their implementation. Because of this lack of clarity several civil society meetings have so far been limited to lengthy discussions on procedural issues, without touching on substantial debates on sustainable development. This has frustrated and discouraged a number of members about the relevance of the meetings. In this regard several questions have also been raised about the **selection and independence of civil society members** from the government. In most cases, the procedure for CSOs to participate to the meetings is neither clear nor transparent. In other cases the independence of members is not mentioned (e.g. EU-Peru-Colombia agreement) or not respected (e.g. Honduras in the EU-Central America agreement). In the case of Korea, one of the main union federations was originally not included in the domestic civil

society meeting, and the independence of several academic experts was doubtful. Disagreements on the selection of the Caribbean members in the EU-CARIFORUM Consultative Committee also contributed to the long delays in organising the first meeting.

The new EPAs contain the same flaws as existing agreements. These problems could be overcome if the legal and/or procedural texts would contain **provisions on the selection procedure, the institutional set-up and independent and balanced membership**. Of course these provisions should take into account the specific context of the trade partner at hand and should leave enough room for CSOs to implement the provisions in the most suitable way. For example, more detailed provisions in the initial EU-CARIFORUM EPA could have spared additional delay and provided greater clarity to establish the first Consultative Committee meeting.

3. INCREASE AWARENESS WITH CIVIL SOCIETY

There is a need for **better understanding by civil society of the trade agreement**, its sustainable development provisions, and the potential role of the civil society meetings in this regard.

In the EU's partner countries in particular, there is a lack of awareness and knowledge on these issues among CSOs. This not only concerns the labour and environmental organisations, but also small and medium enterprises (SMEs). In addition, the EU has often been hesitant to interfere in domestic politics of third countries by directly promoting the domestic civil society meetings. For example, Central American CSOs have very **little knowledge on the existence and potential opportunities of these meetings generating little interest** to participate. In Peru and Colombia several civil society representatives, including even participants of the transnational meeting, are not aware of the fact that there is a certain domestic mechanism to discuss the sustainable development aspects of the EU trade agreement. This fundamentally hinders the effective functioning of the domestic meetings and interaction with the transnational meetings. Indeed, this is no different from the case of CARIFORUM, where limited awareness delayed the organisation of the first meeting for several years. The European Economic and Social Committee (EESC), supported by the European Parliament, was the driving force behind raising awareness amongst CSOs in the CARIFORUM countries of the existence of the structure and the opportunities it created.

The EU, and in particular its Delegations, could **more proactively inform civil society in partner countries**. Inspiration could be drawn from the initiative of the EU Delegation in Colombia that organised a meeting with local CSOs on the trade agreement, the civil society meetings included in it and how its functioning could be improved. Such meetings could also be linked to the Roadmaps of the EU Delegations, which aim to set out specific ways in which to deal with local civil society (as is happening in Peru).

A novel way to increase awareness would also be to allow CSOs to observe negotiations *ex ante*, and not only *ex post*. In the case of the EU-EAC EPA, Kenyan civil society successfully took the government to court in order to gain access to the information of the negotiations, in line with the spirit of the Cotonou Agreement (Article 4).¹² Indeed, the heavily contested nature of international trade agreements, combined with the drive for increased transparency, should favour such a thrust to include civil society in both the *ex ante* and *ex post* oversight of trade agreements.

4. ENSURE INTERACTION WITH THE GOVERNMENTS

The governments should be **informed about the discussions** at the civil society meetings and **follow up on the questions and recommendations** that are expressed during these meetings. Without two-way communication and accountability of the respective governments, the civil society meetings lose its relevance, as CSOs do not see the benefit of investing resources in participation.

While the interaction between governments and CSOs is important, one should be cautious about the presence and active participation of governmental actors during the actual meetings. In the CARIFORUM Consultative Committee for example the participant from the government was quite vocal and dominant, and in turn, this seemed to hamper free and substantive discussions.

It is however possible to ensure government-civil society interaction without resorting to governmental presence. The EU-Canada agreement for example obliges the governments to annually report on how they have followed up the communications from the civil society meetings.

5. COORDINATION AMONG CSOs WITHIN THE REGION

CSOs within each region should coordinate among themselves **in order to increase their weight in terms of expertise and impact**.

¹² See In the case 'Kenya Small Scale Farmers Forum & 6 others v Republic of Kenya & 2 others' Petition No. 1174 of 2007, wherein the High Court of Kenya ruled in favour of the Petitioners in 2013.

Without coordination within the regions, the communication between the civil society of both regions risks being very slow and difficult. For instance, so far there is no coordination between the Central American domestic meetings that take place at national level to prepare for the transnational meeting or, in general, to communicate on the EU domestic meeting. During the civil society meetings in June 2016, the EU domestic meeting pointed out that this was the most crucial issue to overcome. As a result, the Central American domestic meetings will now endeavour to have a more coordinated collaboration. Also in the context of the EU-Peru-Colombia agreement, there has not been an exchange of views among Peruvian and Colombian civil society. This pitfall is especially relevant for the African EPAs, because they involve a high number of countries (which makes coordination more cumbersome). Moreover, the agreements do not foresee the establishment of domestic meetings where coordination could take place.

Despite the lack of provisions foreseeing a domestic meeting, in the context of the EU-CARIFORUM EPA, CARIFORUM civil society meets prior to the transnational EU-CARIFORUM civil society meeting to align their regional position beforehand. In general, such coordination could be facilitated by a **secretariat**, like the EESC for the EU domestic meetings, which centralises the communication efforts of the meetings. Alternatively, one person per country could be appointed as a contact person to manage the coordination.

6. Pursue **CONTINUOUS FOLLOW-UP**

The domestic and transnational meetings should be complemented by **other contact opportunities** for CSOs to follow up and advance the work of these meetings.

Most transnational meetings only take place once a year with little or no follow-up in between. This puts any substantive advancement and continuity at risk. This issue is related to the previous recommendation, where, in the case of Central America, the lack of coordination coincides with a lack of communication and follow-up leading to little or no progress on substantive issues. This has been discouraging for participating organisations.

Virtual communication tools (e.g. videoconferencing, web streaming, a communication portal, improved website) and concrete arrangements for communication (e.g. a secretariat and one contact person per domestic mechanism as mentioned in the previous recommendation) can help to address this issue. Such arrangements would enable the civil society meetings to be more dynamic and react more promptly to recent developments.

7. Foresee **FUNDING**

Funding is necessary to cover **travel expenses and other organisational costs** of the civil society meetings, as well as evidence-based **research**.

The European Commission covers travel expenses for a number of members of the domestic meetings in the EU, whereas partner countries rarely do so. This lack of resources has a serious negative impact on the attendance at these meetings. In the case of Central America, very few organisations, except for a small number of business representatives, are able to attend meetings in Brussels. Moreover, in the case of the EU-Peru-Colombia agreement, it has proven impossible for Peruvian civil society to attend the meetings when these took place in Colombia and *vice versa*. Difficulties for CSOs to attend meetings even within their own region (let alone to the EU meetings in Brussels) are obviously all the more relevant for the African regional EPAs. The limited activity of the ACP Civil Society Forum is also due to a lack funding and support from the ACP Secretariat. A more positive example can be found in the case of the EU-Korea agreement where the rules of procedure stipulate that the travel costs are to be covered by the respective government.

In addition, there is a lack of knowledge about the social, economic and environmental impact of (EU and other) trade agreements. While the civil society meetings can serve to highlight relevant issues to the Parties and monitor possible deficiencies, this should be complemented with independent research into the impact of the EU trade agreements. The EU could contribute to funding these studies and to disseminating their results to civil society. In this regard, we could also point to the role of the civil society-led observatories such as the 'Central American Regional Observatory of Free Trade Agreements and Corporate Responsibility' and the 'Observatory of the EU-Central American Association Agreement'. By means of case studies and newsletters these networks want to create more knowledge on the impact of the trade agreement.

In any case funding for these trade-related meetings should be **coherent with development policy**: by funding civil society in third countries (as envisaged in the EU's 'Agenda for Change') or dedicated development budgets to the civil society meetings. Within the European Commission, some bureaucratic obstacles between DG Trade and DG DEVCO should be addressed to make this possible. If EU funds would be considered too patronising towards the EU's partner country, a

common fund with the partner country could be created. This could be included in the legal text of future agreements or in the protocol that was suggested above.

8. **COORDINATE with other relevant actors**

Several EU and international actors are dealing with similar issues. It is therefore necessary to **align** with these actors, **share expertise and shape a coherent work agenda**.

So far, little or no communication between the different relevant actors exists. For example, there seems to be no discussion in the civil society meetings about the pending labour case under the US-Peru trade agreement. In this case, CSOs from Peru and the US have jointly complained to the US Department of Labour on the lack of freedom of association and the right to collective bargaining in the agricultural and textile sector in Peru. The same goes for the labour case in Honduras that was submitted under the US-Central America trade agreement. While these cases also apply to the EU trade agreements with these countries, this issue does not seem to be followed up on in the civil society meetings.

Relevant actors include international organisations (such as the International Labour Organisation), EU institutions (relevant units in several DGs - Trade, Development, Employment and Social Affairs, Environment - and the monitoring groups and delegations in the European Parliament) and EU Member States working on these topics through their embassies and development aid. In this regard the presence of a member of the Committee on International Trade in the European Parliament at the EU domestic meeting of the EU-Peru-Colombia agreement, can be seen as a positive sign. Another positive example concerns the presence of an ILO representative at the 2015 transnational meeting of the EU-Korea agreement.

Further reflection

9. **Consider the FEASIBILITY of a growing number of meetings**

New **ways of organising** the civil society meetings should be examined to anticipate the growing number of trade agreements and avoid an unmanageable patchwork of meetings.

If the current evolution of an increasing number of civil society meetings continues, one can seriously doubt whether CSOs, the European Commission, and the EESC can continue investing sufficient resources. For some European or international trade unionists, the situation already seems quite challenging.

Alternative ways of organising these meetings should be considered. One possibility would be to **cluster some meetings** of the several trade agreements, as many of the members (at least on the EU side) are part of several of them. In this regard, the EU could draw inspiration from the National Advisory Committee in the US where a fixed group of people monitors the implementation of the labour provisions of all US trade agreements. In addition to the vertical meetings organised for each trade agreement, horizontal **thematic meetings** could be considered where for instance child labour or the environmental impact of extractive industries are discussed.

10. **The EU should be MORE ASSERTIVE to enforce the agreement**

Even though the EU prefers a cooperative approach, it should take a stronger stand to **make sure that civil society meetings in the partner country are effectively established**.

For now the EU is insufficiently following up on the existence and functioning of the civil society meetings in the partner countries. This is especially evident in the case of Peru. The text of this trade agreement does not allow the EU, or the members of the EU domestic meeting, to be informed about the composition and agenda of the Peruvian meeting domestic group. As the Peruvian government is reluctant to share information on its domestic meetings, it is difficult for the EU to know whether Peru is complying with its treaty commitments. At the same time it complicates the efforts of European CSOs to engage with their counterparts in these third countries.

The EU could overcome this hurdle by being more assertive both in the trade agreement as well as in the implementation thereof. The civil society meetings are perhaps the most outstanding 'soft' aspect of the EU's approach. If the EU is really serious about its commitment to such an approach, pushing for these meetings is the least that can be expected.

However, the inconsistent approach to civil society across EU trade agreements, sets EU-ACP CSO engagement apart from the other new generation of EU trade agreements. This Briefing note has shown that there are clearer rules for engagements in the new generation of trade agreements – including provisions for domestic meetings and chapters for engagement on sustainable development – that were not included in the EU-CARIFORUM EPA and the three new African EPAs. Therefore, the question could

be asked, to what extent does this differentiation maintain a holistic ACP approach to trade and sustainable development, and to what extent can this be indicative of a holistic post-Cotonou approach to the ACP in general? What is clear is that this differentiated approach sets ACP group apart from other third country partners and in turn, reflects on a broader EU policy incoherency for development. As this Briefing note has suggested, **a more coherent approach to all third party CSOs in trade agreements could maximise the potential benefits for CSOs and the EU alike.**

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