Opinion of the European Economic and Social Committee: analysis of the role of organised civil society in the new EU-Organisation of African, Caribbean and Pacific States (OACPS) Agreement, including the situation of the EPAs in this framework

(own-initiative opinion)

(2022/C 443/04)

Rapporteur: **Carlos TRINDADE**

Plenary assembly decision	21.10.2021
Legal basis	Rule 52(2) of the Rules of Procedure
	Own-initiative opinion
Section responsible	External Relations
Adoption in section	9.6.2022
Adoption at plenary	13.7.2022
Plenary session No	571
Outcome of vote	
(for/against/abstentions)	170/0/1

1. **Conclusions and recommendations**

1.1. The European Economic and Social Committee (EESC) notes that the European Union (EU) has long established a framework of values and objectives governing its relations with the African, Caribbean and Pacific (ACP) States, specifically: democracy, good governance, human rights, inclusive sustainable growth and decent work, turning mobility and migration into opportunities, human development, the environment and 'join[ing] forces in the global arena on areas of common interests'. In view of relations with neighbouring third countries, security is to be added to these objectives.

1.2. The EESC endorses this framework of values and objectives, set in a range of international agreements with the ACP States since 1960, and with which the EU has conducted its trade and development cooperation relations.

1.3. The EESC broadly supports the new Agreement and hopes that it can be signed swiftly by the parties, whom it commends for their great efforts and the significant commitments made using the United Nations Sustainable Development Goals (SDGs) as a reference framework.

1.4. In particular, the EESC strongly proposes to the Commission that the development cooperation architecture underpinning the new Agreement and the Economic Partnership Agreements (EPAs) should be the subject of in-depth reflection and new decisions, taking into account the experience of COVID-19 (which raises the issue of critical health infrastructure) and the geopolitical consequences of the Ukraine war (including food security, energy prices and threats to democracy). The EESC underlines that these two key global events, which have profoundly changed the global landscape, have created the need for more complex and urgent responses in the ACP States, requiring a form of international cooperation that is quite different to the current one.

1.5. The EESC is pleased that the new Agreement has recognised the importance of the role played by civil society organisations and the social partners and welcomes the acceptance of this recognition by the signatory parties.

1.6. The EESC takes a very positive view of the fact that the new Agreement, both in the common foundation and in each of the regional protocols, repeatedly refers (albeit with different wording) to the importance of having institutional mechanisms for the participation, information, hearing and structured consultation of civil society (institutional mechanisms).

1.7. The EESC points out that civil society organisations/the social partners have their own institutional mechanisms, where they formally express their opinions, proposals and criticisms. It is essential to have legally regulated institutional mechanisms carrying out formal activities, in which civil society organisations (practising civil dialogue) and the social partners (conducting civil dialogue) participate, regardless of what they are called (economic, social and cultural committees, consultative councils, forums, platforms, CSO networks, standing conferences or other types), in order to contribute to public and democratic debate. Formalising these institutional mechanisms makes society more resilient because it boosts citizenship and drives democratic life.

1.8. The EESC notes that in the EU and in the ACP states, the reality for civil society organisations and the social partners and institutional mechanisms is very different, due to economic, social, cultural and political differences between regions, sub-regions and countries. In the ACP States, informality is an undeniable reality and must be taken into account in the activities of civil society organisations and the social partners and in the implementation and operation of institutional mechanisms. If this is not done, the general public will not benefit from the results of the new Agreement. The EESC takes the view that it is absolutely necessary to create solutions that overcome existing difficulties, in particular, those concerning technical capacity and financial support for civil society organisations and the social partners. The EESC believes that there is a body of good practice within the EU- OACPS that needs to be identified and replicated in other countries. The EU-ACP Follow-up Committee is one such example and is capable of carrying out this task.

1.9. The EESC sets an objective for its involvement in this process: the implementation of institutional mechanisms and promoting and supporting civil society organisations and the social partners in the ACP states, thus recognising their role as driving forces behind sustainable development, particularly in light of the UN SDG 17.

1.10. The EESC proposes that the Commission, while respecting the structure of the new Agreement, set as an objective the establishment of four institutional mechanisms, namely: the first one, between the EU and the OACPS, supported by the common foundation; the second, between the EU and Africa, supported by the EU-Africa Regional Protocol; the third, between the EU and the Caribbean, supported by the EU-Caribbean Regional Protocol and, the fourth, between the EU and the Pacific, supported by the EU-Pacific Regional Protocol.

1.11. The EESC also proposes to the Commission that consultative committees be created in the EPAs. The EESC affirms that the role of civil society organisations/social partners in EPAs is irreplaceable and should be strengthened. The EESC therefore endorses the recommendations made in the opinion REX/536, which should be implemented in current and future EPAs, and considers the Cariforum Consultative Committee to be an excellent example of good practice, which should be disseminated and replicated.

1.12. The EESC strongly proposes to the Commission that in future the various institutional mechanisms to be operated within the EU-OACPS (common foundation + regional protocols + EPAs) should be properly organised so as to create synergies and optimise resources, especially financial resources. The institutional mechanisms, if they focus on their mission closely and rigorously, operating as a network and working together as a single and structured system, will thus demonstrate their importance to the resilience of societies, economic growth and people's wellbeing.

1.13. The EESC strongly advocates that the Commission put financial instruments in place to support programmes and study and foresight projects focusing on the situation for civil society organisations/social partners in the ACP states, taking into account their needs in terms of empowering leaders, their technical robustness, and the implementation of the planned institutional mechanisms. The EESC stresses that the aim is to contribute in this way to strengthening the existence of democratic civil society organisations/social partners under the new Agreement, with competent action and active involvement from their members.

1.14. The EESC strongly urges the Commission to support the work of the EESC's EU-ACP Follow-up Committee, which is the only institutional mechanism that currently exists under the new EU-OACPS Agreement and which will have an enhanced role in this process, particularly through structured dialogue, in order to: (i) provide the institutions with relevant reports, projects and opinions; (ii) encourage the involvement of stakeholders from the ACP states (iii) contribute to the establishment of planned institutional mechanisms.

2. **General comments on the historical context and strategic objectives**

2.1. In 2016, the EU approved a set of priorities for common interests in the renewed partnership with the countries of the Organisation of African, Caribbean and Pacific States (OACPS), which were reaffirmed in subsequent documents and consist of: democracy, good governance, human rights, inclusive sustainable growth and decent work, turning mobility and migration into opportunities, human development, the environment and 'join[ing] forces in the global arena on areas of common interests' ([1]). Security issues can be added to this list, to take account of countries' relations with their closest neighbours. This categorisation consolidates previous EU objectives in this field.

2.2. The EU has formalised these objectives through international agreements, first through the Yaoundé Convention, then with the Lomé Agreements, subsequently with the Cotonou Agreement and now through the negotiation of the post-Cotonou Agreement. At the same time, the EU has concluded Economic Partnership Agreements with a number of ACP States or groups of States.

2.3. The EPAs are the most general economic instrument for putting this strategy into practice. They set out its objective of smoothly and gradually integrating the ACP States into the world economy and of eradicating poverty, while stressing that the differences between levels of development of the Parties and the specific economic, social and environmental features of each economy and, in particular, the degree of informality in each state or sub-region needs to be taken into account in the negotiations.

2.4. The EESC is of the view that the lessons learned from the pandemic, namely, the difficulties faced by health systems, the harmful consequences for the economy, the increase in social inequalities and poverty, structural problems in relation to accessing or producing medicines and vaccines, the validity of digital tools, threats to human rights and democracy, the enormous economic dependency, *inter alia*, have highlighted the need to rethink development cooperation architecture. This should be considered in the implementation and redesign of EU-OACPS strategies.

3. **Specific comments on the post-Cotonou Agreement**

3.1. A 15-year evaluation of the Cotonou Agreement was carried out in 2015, identifying its successes and weaknesses.

3.2. The Cotonou Agreement was due to end in February 2020. However, discussions on sensitive topics and the pandemic made it impossible to renew the agreement on the date scheduled and it was only in April 2021 that the text of the renewed partnership agreement, commonly known as the 'post-Cotonou Agreement' was initialled by the EU and the OACPS.

3.3. In order to take account of the diversity of the signatory countries and focus on the specific application in each region, the new Agreement includes a common foundation accompanied by three binding regional protocols (Africa, Caribbean, Pacific). The complexity of this structure will require the EU-ACP Follow-up Committee to be more proactive in the future.

3.4. The priorities in the new Agreement demonstrate the commitment by the Parties to achieving the UN Sustainable Development Goals (SDGs) and are organised into six areas: (i) human rights, democracy and governance; (ii) peace and security; (iii) human development (which includes health, education, sanitation, food security, social cohesion, culture and gender equality, as well as development cooperation commitments); (iv) economic growth and inclusive and sustainable development (including an EPA approach); (v) environmental sustainability and climate change; (vi) migration and mobility. These priorities are of paramount importance for civil society organisations and the social partners.

3.5. Tackling the effects of the COVID-19 pandemic in the EU and ACP states should be added to these priorities, both with regard to the risks of shrinking democracy and economic and social recovery, due to the low prospects for recovery in the ACP States and the resulting increase in poverty and inequality.

([1]) Joint communication to the European Parliament and the Council — A renewed partnership with the countries of Africa, the Caribbean and the Pacific, 2016, pp .5-6.

3.6. In particular, the EESC stresses that the issue of critical infrastructure in ACP countries remains as important as ever, as the pandemic has shown. Sustainable development is intrinsically linked to resilient infrastructure that promotes and supports economic activity and social progress and it is instrumental in achieving the SDGs — Agenda 2030 and the African Agenda 2063. The EESC stresses that development cooperation continues to be a necessary condition for its success, although it is not sufficient, and underlines the importance of strengthening it in the ACP countries.

3.7. In this context, the EESC stresses, in particular, the importance of critical health infrastructure. The existence of a universal, easily accessible and generally free health service in the ACP States is essential for the well-being of the population and for sustainable development. In particular, rapid access to vaccines (patents and technical capacity for local production) will give ACP societies the resilience they need in the event of any pandemics that might occur in future. The EESC notes that this important matter is not included in the new Agreement and calls on the EU and the OACPS to take it into consideration when the agreement is implemented.

3.8. The EESC considers that the new Agreement must take into account the impact of the current European and global geopolitical situation, in particular with regard to the consequences of the war in Ukraine (including food security, energy prices and threats to democracy) on development cooperation in general and on the EPAs in particular. The EESC draws attention to the fact that the current situation has led to an increase in competition for influence with the ACP states and calls on the EU to boost its capacity for cooperation with these countries, particularly in economic, social and cultural terms.

3.9. With regard to formal mechanisms for participation, information, hearing and structured consultation of civil society, ('institutional mechanisms'), the EESC very much welcomes the following statements in the Agreement: firstly, that the Parties shall set up 'open and transparent mechanisms for structured consultation with stakeholders' ([2]); the Parties 'shall set up mechanisms for […] consultation' ([3]); 'the Parties shall establish and develop consultation and dialogue mechanisms' ([4]), or finally, that the Parties 'shall foresee consultation and dialogue mechanisms' ([5]).

4. **Specific comments on the Economic Partnership Agreements (EPAs) between the EU and African, Caribbean and Pacific countries**

4.1. The negotiations on nine EPAs have led to seven regional agreements entering into force, with 32 out of 79 ACP countries (14 Caribbean, 14 African and four Pacific countries). Five of these seven agreements are being applied provisionally, as they have not yet been ratified by all EU members. The remaining two, with West and East Africa, are not yet being applied provisionally due to delays in signature and ratification by African countries. A further 21 states have concluded the EPA negotiations that are still to be implemented.

4.2. The EESC points out that EPAs entail both opportunities and risks. It is crucial to ensure a partnership of equals that not only delivers economic growth but also guarantees well-being and social justice. The action of civil society organisations/social partners is key to achieving these objectives.

4.3. However, civil society organisations and the social partners in the EU and partner states have criticised the EPAs.

4.4. This criticism concerns the design of EPAs and the possible limiting effect on productive growth in ACP countries, even though protection of national industries, such as agri-food industries, among others, has been made possible. Free trade between the EU and OACPS is an advantage of the EPAs, but in several cases it has had the adverse effect of decreasing customs revenues, in particular, reducing taxes on external trade. In addition, it can undermine micro-, small- and medium-sized enterprises or cooperatives, the basis of the family economy, given the difference between the economic levels of the EU and the ACP States, as several civil society organisations and the social partners have vigorously pointed out.

([2]) Common Foundation of the Agreement, Article 95.
([3]) Regional Protocol for Africa, Article 5.
([4]) Regional Protocol for the Caribbean, Article 7.
([5]) Regional Protocol for the Pacific, Article 7.

4.5. The role of civil society is included in the EPAs in several ways. It takes different forms and grants civil society organisations different levels of influence when discussing and monitoring these agreements. For example, the EPA with Côte d'Ivoire led to the establishment of the Ivorian Civil Society Convention (CSCI), which set up a project ([6]) to monitor the effects of the EPA on the family economy. In addition, as internal meetings focus on 'sustainable development', civil society's influence is limited on other topics.

4.6. Some EPAs provide for additional bodies such as a Joint Parliamentary Committee, as is the case for Cariforum and the West Africa EPA.

4.7. Since the EPAs explicitly mention that they are included in the priorities of the Cotonou Agreement, the new Agreement gives the signatory Parties the opportunity to cultivate the involvement of civil society organisations and the social partners in a wider, more harmonised and more institutionalised way and full advantage should be taken of this. Not least because, as can be seen from the assessment of its implementation by the EU in September 2021, the process has been slow in this area. The most effective way to implement the institutional mechanisms provided for in the EPAs is for public institutions to inform civil society organisations/social partners on the process in a timely and detailed manner and to invite them to participate in a structured way and to undertake studies and reasoned proposals.

5. **Specific comments on the concept, representativeness, action and institutional mechanisms of civil society and the social partners**

5.1. The EESC positions itself as the 'House of European Civil Society'. The EESC is a consultative body of the European Union set up under Article 13 of the Treaty on European Union. It is composed of 329 members representing employers (Group I), workers (Group II) and civil society organisations (Group III). It is the European institutional mechanism through which these interests express their views on topical EU issues as part of a structured dialogue.

5.2. The EESC points out that civil society organisations include associations with a wide range of objectives. They represent members who are registered and carry out roles within society, including, *inter alia*: taking action to promote people's welling, taking action to promote social inclusion and tackle exclusion, protecting the social, economic, cultural and professional rights and interests of communities and/or groups of citizens, protecting the environment and tackling climate change, standing up for human rights, whistleblowing (vigilance), warning and putting pressure on state bodies, in order to protect the interests of their members and to uphold their societal values.

5.3. The economic, social and political realities of society, which is home to a broad and varied range of organisations, determine the shape of these organisations. This should lead us to avoid considering them as the key player in promoting sustainable development, despite their important and commendable role.

5.4. The EESC underlines that within this multifaceted reality, the high level of economic and social informality that generally exist in the ACP states and which heavily characterise and determine social organisational and institutional relations, must be duly taken into account. In this context, civil society organisations and the social partners tend to experience great difficulties in setting up, organising and operating institutions, economic support and formal activities. These civil society organisations/social partners should receive exceptional financial support. Otherwise, they will be unable to contribute, through their involvement and action, to the sustained development, exercise of citizenship and democratic resilience of their country.

5.5. The activities undertaken by civil society organisations depend on the social role they want to have (more civic or political), their size, the social importance that their members and their society grants them, the leadership they achieve, the funding they need for their objectives and in this regard, any constraints imposed by their financial backers.

([6]) Support for strengthening the operational capacity of Ivorian civil society organisations, to support citizen monitoring of the interim Economic Partnership Agreement with Côte d'Ivoire.

5.6. In general, the weaknesses of civil society organisations lead them to compete for funding, sometimes not only amongst themselves but also with public bodies. These weaknesses make their activity and participation in national and/or international institutional mechanisms problematic. Moreover, they may create dependencies on their financial backers and/or state authorities.

5.7. Trade unions and business associations, referred to as the social partners, are considered to be civil society organisations but, because of their unique nature, they have their own identity that is distinct from the latter. The social partners represent and take action to protect their members, particularly economic members, either before state bodies, through specific consultation and collective bargaining mechanisms, or by interacting with each other, particularly during negotiations and collective bargaining. The social partners have a consistent structure, represent clear interests, have an undeniable longevity and a recognised historical acquis, they have an established and well-defined area of activity and interaction, and in general, they possess the ability to self-finance.

6. **Specific comments on the post-Cotonou Agreement and civil society and the social partners**

6.1. *Civil society and the social partners in the post-Cotonou agreement*

6.1.1. The new Agreement, both in its common foundation and in each of the three regional protocols, provides for an active role for civil society. However, this role is not formalised, as the agreement leaves it to the signatory Parties (OACPS-EU) to define the institutional framework for their participation, including the establishment of institutional mechanisms. This raises the critical question of how to ensure civil society organisations/the social partners participate both at national and transnational level.

6.1.2. Including key organisational arrangements, such as their legal constitution, representativeness, the selection of their representatives, and minimum requirements for the frequency of meetings, will create dynamics that will strengthen the role of civil society organisations/the social partners, who are the stakeholders in this process.

6.1.3. These stakeholders have a specific role due to their own interests, which should not be confused with the role that political parties play in society. The involvement of civil society organisations/the social partners should be promoted via specific activities and go beyond general discussions. With their studies, opinions and proposals to the institutions, they will provide input for debates and decisions. Establishing institutional mechanisms that actively involve stakeholders in the process, are self-managed and are based on well-established rules of procedure, which facilitate the dissemination of information and interactions with each other through consultation and structured dialogue, is the best way that civil society organisations/the social partners can contribute to the existence of open government ([7]).

6.1.4. The question of financing is particularly important. Without adequate, selective and transparent funding, the participation of civil society organisations/the social partners will not be guaranteed, either in meetings or, above all, in the prior applied research work, which consists of data collection and the drafting of studies and opinions.

6.2. *The current reality in the EU and ACP states for civil society and social partners*

6.2.1. Europe

As far as Europe is concerned, there are many thousands of associations, organisations, federations, confederations, platforms, forums, at national and European level. They come from civil society organisations, the business sector (private, micro- and small enterprises, both public and social) and the trade union sector, and there is some organisational alignment.

6.2.2. Africa, Caribbean and the Pacific

6.2.2.1. Where the ACP States are concerned, the economic, social, political and historical situation of each region, sub-region and state results in a wide range of organisational diversity between civil society organisations/the social partners and, in some cases, a lack of interaction between them. There are both numerous examples of good practice and many difficulties and shortcomings.

([7]) Principle as defined by the OECD.

6.2.2.2. There are also the difficulties with or even the complete absence of general or specific information for civil society organisations/social partners about the new Agreement or the EPAs (where they exist) as well as the general lack of forums for participation and structured discussion with public institutions.

6.2.2.3. In the light of this mixed reality, both aspects should be studied on the ground, with a view to disseminating examples of good practice, while also overcoming difficulties and shortcomings in order to boost the status of civil society organisations/the social partners and to promote their role. Through this approach, it will be possible to -support existing institutional mechanisms and to promote- the creation of new ones.

6.2.3. EU-ACP Follow-up Committee

Currently, under the framework for EU-ACP relations, the civil society organisations/social partners have the EU-ACP Follow-up Committee, which is part of the EESC and composed of 12 members from the EU/EESC and 12 members nominated by civil society organisations and the social partners from the ACP countries (currently 8 from Africa, 2 from the Caribbean and 2 from the Pacific), who are appointed by organised civil society from each of the regions and with respect for the balance of interests.

7. **Specific comments on how to promote and support civil society organisations and social partners as drivers of sustainable development**

7.1. The EESC considers it of paramount importance to formalise the planned institutional mechanisms and indicates that this is its main objective in this area.

7.2. The EESC strongly recommends that the Commission, following the final signature of the new Agreement, take the initiative to propose the creation of political, organisational and financial conditions for the implementation of these institutional mechanisms to the OACPS and the respective countries.

7.3. The EESC strongly urges the ACP to be equally committed to this process.

7.4. The EESC notes that the structure of the new Agreement provides for the establishment of an institutional mechanism linked to the common foundation and which includes representatives of the EU and the OACPS. At the same time, the regional protocols allow for the establishment in each region (Africa, the Caribbean and the Pacific) of an institutional mechanism involving representatives of that region and of the European Union. We will therefore have a system of 1 + 3 institutional mechanisms, which will cover the whole of the new Agreement.

7.5. The EESC notes that institutional mechanisms, the consultative committees, are also envisaged within the framework of the EPAs, as is the case with the agreements concluded with Cariforum, West Africa and East Africa.

7.6. The EESC points out in particular that the whole set of institutional mechanisms will require a major organisational and networking effort, as a single and structured system, in order to create synergies, avoid the duplication of efforts and to roll out resources and optimise their use, in particular the financial resources.

7.7. The EESC proposes that the Commission encourage the EU delegations in OACPS to support projects of civil society organisations and the social partners, particularly those focused on raising awareness among their members and leaders, training and empowering them, strengthening their technical capacity and boosting the establishment of institutional mechanisms. The EESC recommends to the Commission that, while considering their respective merits, the applications of civil society organisations and the social partners from ACP countries should be given priority over other applications.

7.8. The EESC proposes that the Commission set up programmes to make it possible, when implementing institutional mechanisms, to study the reality on the ground. This includes the opportunities and difficulties for civil society organisations/social partners and the various existing structures (platforms, forums, etc.). The aim would be to collect examples of good practice (which already exist in the context of EU-OACP relations) to be shared. The EESC recommends that civil society organisations/social partners from ACP countries be key players in this study, in terms of their quantitative and qualitative contribution.

7.9. The EESC emphasises that the ACP-EU Follow-up Committee will strengthen its organisation with more resources, members and delegates so that it can better contribute to this process and fulfil its mission.

7.10. The EESC strongly recommends that the Commission include the funding of this process in the current financial instruments. The EESC draws particular attention to the fact that the activities of civil society organisations/social partners require funding, as self-financing is insufficient. The EESC recalls that, due to the geographical dimension of the new Agreement, institutional mechanisms and the involvement of civil society organisations/social partners requires the availability of funds that they do not have. Even using rigorous management control techniques and modern digital technologies, financial support to civil society organisations/social partners is crucial. The EESC firmly calls on the EU, the OACPS and the Member-States to adopt specific support programmes for the work of civil society organisations/social partners, as well as for the operation of institutional mechanisms.

Brussels, 13 July 2022.

The President
of the European Economic and Social Committee
Christa SCHWENG