

# SADC-EU EPA OUTREACH



## IMPLEMENTING THE SADC-EU EPA: ROLE OF CIVIL SOCIETY BRIEFING NOTE

### OBJECTIVES OF CIVIL SOCIETY FORUM

- To sensitise civil society on the Southern African Development Community-European Union (SADC-EU) Economic Partnership Agreement (the EPA), with specific attention to the sustainable development objectives embedded in it.
- To explore the role of civil society in the EPA implementation and monitoring processes.
- To share knowledge of best practices in the region on participation and monitoring.

The participants in the dialogue will engage interactively on underlying questions, including:

How is sustainable development mainstreamed into trade and other policies, both in the EU and in SADC EPA countries? How can the impact of the EPA be monitored? In which ways are citizens' voices heard? Where do the opportunities and challenges of the EPA lie?

The breakaway session will focus on identifying the most suitable ways to monitor the EPA's impact over time around its economic, social and environmental dimensions (such as economic inclusion, gender, poverty eradication, labour standards, environmental protection, use of resources, alignment with Sustainable Development Goals (SDGs), and development co-operation). The suggestions from the groups will feed into the SADC-EU EPA mechanisms on monitoring to be adopted in the coming months.

### CONTEXT: SADC-EU EPA AND SUSTAINABLE DEVELOPMENT

The entry into force of the SADC-EU EPA, on 10 October 2016, heralded a new era in the relations between the Parties to the agreement.

Building on the lessons learned under the EU South Africa Trade, Development and Co-operation Agreement (the TDCA) and under the bilateral relations with other SADC countries, the EPA represents the most accomplished example of a truly regional agreement in Africa, in line with the vision set out in the Cotonou Agreement.

Mindful of the different levels of development of the Parties, the EPA is expected to contribute to the achievement of sustainable development objectives.

An entire chapter of the EPA (Chapter II) is dedicated to "Trade and sustainable development". It covers social (labour issues, corporate social responsibility) and environmental matters (fishing practices, biological diversity, forestry management).



The Agreement reconfirms international obligations and calls for the parties to respect international standards set for labour and the environment. As such, Parties agreed to uphold and implement environmental and labour laws and not derogate from these laws.

Poverty reduction and eradication, in a way that is consistent with the objective of sustainable development, is a key overarching principle throughout the EPA. Article 6 of the EPA recalls the Parties' international obligations and reaffirms "*... their commitments to promote the development of international trade in such a way as to contribute to the objective of sustainable development, in its three pillars (economic development, social development, and environmental protection) for the welfare of present and future generations, and will strive to ensure that this objective is integrated and reflected at every level of their trade relationship*".

Additionally, decision-making under the EPA must embrace principles of ownership, participation and dialogue.

And last but not least, EPA requires Parties "*to continuously monitor the operation and impact of this Agreement through appropriate mechanisms and timing within their respective participative processes and institutions, as well as those set up under this Agreement, in order to ensure that the objectives of the Agreement are achieved, that it is properly implemented and that the benefits for their people deriving from it, in particular, the most vulnerable groups, are maximised*" (Articles 4 as well as Articles 10, 101 and 103).

Civil society has an essential role in supporting the implementation of the EPA, through involvement in monitoring and assessing the impact of the Agreement. This is strongly supported by Parliaments both in the European Union and SADC. The Parties to the Agreement have started to reflect on how civil society could be involved in monitoring and against what indicators should this take place. The Parties fully recognise the role that existing participatory mechanisms and monitoring play in the respective countries.

## **BACKGROUND: SADC AND EU AGENDA ON SUSTAINABLE DEVELOPMENT**

One of the main objectives of SADC is achieving economic growth, development, peace and security through the principles of equitable and sustainable development. This is embodied in the SADC Treaty and is in line with international best practice of multilateral environmental instruments such as the United Nations (UN) Agenda for 2030 in the form of the 17 SDGs. This has also been included in the agreements that SADC Member States have recently concluded such as the EPA.

### **Multilateral Context**

The UN Agenda for 2030 sets out the 17 SDGs that have been adopted in an effort to end poverty, protect the planet and ensure prosperity and peace for all. The goals are inclusive and interlinked to each other, thus achieving the goals requires combined efforts and forming partnerships with all relevant stakeholders. The SDGs cover all dimensions of sustainable development and are broader and more complex than their predecessors.



## African Agenda

The African Union's Agenda 2063 is a strategic framework for Africa's sustainable socio-economic transformation and integration over a five-decade period. It also aims at promoting democracy, peace and security for the continent. There are many overlaps between Agenda 2063 and the UN's Agenda 2030. Agenda 2063 summarises its goal in six aspirations including:

1. A prosperous Africa based on inclusive growth and sustainable development: this goal is aligned with some of the objectives indicated in the UN's Agenda 2030 to eradicate poverty through social (education, health, housing) and economic transformation of the continent.
2. An integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance: focusing on liberation, and political and economic independence.
3. An Africa of good governance, democracy, respect for human rights, justice and the rule of law: one of the objectives being to flush out corruption and impunity.
4. A peaceful and secure Africa: this aspiration identifies key issues such as ending armed conflicts, extremism and terrorism as well as management of diversity and the reduction of crime.
5. An Africa with a strong cultural identity, common heritage, values and ethics: embraces the principle of Pan Africanism as the main objective informing this aspiration.
6. An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children.

An overview of the AU Agenda's 2063 aspirations indicates that they mirror the objectives set out in the UN's Agenda 2030 for Sustainable Development and the SDGs. Much work still needs to be done, however, to flesh out Agenda 2063 and to establish a concrete set of activities that will continue to build on the priority areas identified for the work of the AU and its partner organizations, including the regional economic communities like SADC.

## SADC Provisions

Sustainable development is reflected in the main text of the Treaty and through other instruments such as protocols, declarations and work plans. Below is a list of the key sustainable development sectors that have their own strategies at SADC level.

### Environment

1. **Protocol on Forestry** – promote and protect the environment through conservation, sustainable management and utilisation of all types of forest and trees.
2. **Protocol on Fisheries** – promote the sustainable use and protection of the living aquatic resources and aquatic environment.
3. **Protocol on Wildlife Conservation and Law Enforcement** – promote the conservation and sustainable use of wildlife in the region.
4. **SADC: Regional Indicative Strategic Development Plan** – overarching plan to guide the economic integration and development of the region.
5. **Regional Water Policy** – protect water resources.

### Employment

1. **Protocol on Employment and Labour** – to facilitate the creation of productive and decent employment.
2. **Protocol on Mining** – Mining sector as a key sector for employment creation.

Other policy instruments and guidelines have been adopted by the SADC Member States with a focus on employment and labour. These include the SADC Charter of Fundamental Social Rights; the Draft Codes of Conduct on Child Labour; the Declaration on Productivity; and the Code on Safe Use of Chemicals.

### Gender

1. **Protocol on Gender and Development** – provides for the integration of gender issues into the SADC Programme of Action, which is crucial to sustainable development in the region.
2. **Declaration on Gender and Development** – to eliminate gender discrimination and mainstream gender issues in Southern Africa, including through policy and institutional frameworks and monitoring of gender issues.

#### Case Study: Civil Society Monitoring of the SADC Gender Protocol

The SADC Gender Protocol originally contained a set of time-bound commitments by the Member States. These expired in 2015 and the Protocol was reviewed. An updated document was adopted in 2016 and is accompanied by a Monitoring, Evaluation and Reporting Framework to provide a comprehensive approach to tracking implementation of the agreement.

Civil society organisations have been actively involved in the monitoring of the SADC Gender Protocol. A barometer was set up to measure progress against a matrix of indicators. The Barometer maps out the current state of play of various gender-related social, political, education, health and economic indicators. The aim of the Barometer was to help civil society track progress made by the SADC Member States in implementation as well as provide a tool for governments to measure their own delivery on regional commitments.

## EU Provisions

The EU has committed to implementing UN SDGs by partnering with the rest of the world. Trade is viewed as a tool for contributing to sustainable development and the SDGs are therefore reflected in the incorporation of sustainable development provisions in various trade agreements concluded by the EU, including the SADC EPA. Traditionally, these sustainable development provisions include human rights, social and environmental standards. The EU also undertakes **Sustainability Impact Assessments (SIAs)** of its trade agreements. This is a tool designed to aid the process of sustainable development through trade negotiations. The process involves an in-depth analysis of the potential economic, social, human rights and environmental impacts of on-going trade negotiations.

A SIA of the EU EPAs with African, Caribbean and Pacific (ACP) countries was undertaken between 2002 and 2006. It was found that the EPAs present new opportunities for ACP countries to trade, improve investment and capital flows, and generate advances in technology (including information technology) to promote economic growth, development and raise the living standards of the people. Realising these potential gains depends on a range of factors, including improved competitiveness, productivity, horizontal diversification, vertical integration, the delivery of basic services, and improved infrastructure. Many of the SIA recommendations are reflected in the SADC-EU EPA. There were three specific suggestions on sustainability and the linkage between the Agreement and cooperation provisions:

- Development cooperation should focus on priority needs for diversification of production and exports towards higher value-added products, with an emphasis on reinforcing economic and industrial sectors impacted by the EPAs, while ensuring the sustainability of new development.
- Development cooperation should focus on technical assistance to collect information and data on trade and sustainability to support sound policy development.
- Development cooperation should focus on capacity building to promote sustainable development in both the private and public sectors, with an emphasis on training, research and development, and a sound regulatory framework.

More recently the EU has adopted a **sustainable development package** – Sustainable Development: EU sets out its Priorities'. The package sets out a strategic approach for achieving sustainable development in Europe and around the world. The package will be implemented through three communications:

1. **Communication on the next steps with for a sustainable European Future** – expands on how the Commission's 10 political priorities contribute to implementing the UN 2030 Agenda and how the EU will meet the SDGs in the future.
2. **Communication on a new European Consensus on Development** – proposes a shared vision and framework for development cooperation for the EU and its Member States, aligned with the 2030 Agenda.
3. **Communication on a renewed partnership with ACP countries** – proposes building blocks for a new, sustainable phase in EU-ACP relations after the Cotonou Partnership Agreement expires in 2020.

## **FIVE QUESTIONS TO GUIDE DISCUSSION**

**1. How can CSOs be instrumental in the shaping of trade and investment policy/rules to promote sustainable development?**

**2. What platform or institutional arrangement can be created for Civil Society Organisations to ensure the implementation of the EPA is consistent with the SDGs?**

**3. What specific issues need to be addressed to ensure the implementation of the EPA supports sustainable development?**

**4. How can the opportunities presented by the EPA be maximised for the benefit of all people in the SADC EPA group countries, particularly the most vulnerable?**

**5. What steps are needed to mitigate the risks presented by the EPA?**