

Civil Society Meetings in European Union trade agreements:

Features, purposes, and evaluation

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Executive Summary CLEER Paper

In the new generation free trade agreements concluded between the European Union (EU) and third countries, civil society organisations have apparently been granted an important role. Civil Society Meetings (CSMs) are created for the follow-up and monitoring of the labour and environmental principles contained in the chapter on 'Trade and Sustainable Development'. Despite their unique position in EU trade agreements, their importance in EU discourse, and their recent proliferation, we know surprisingly little about these CSMs. This paper explores (I.) how these CSMs look like (features), (II.) what they are for (purposes), and (III.) how we can evaluate them (assessment).

In doing so, we take stock of current developments (empirical contribution) and propose frameworks for further examination (analytical contribution). While we voice critical concerns on the (so far) limited role of the CSMs, we also conclude that it would be too early to dismiss their future relevance.

I. Features: What do they look like?



There is a remarkable degree of **variation** in the legal texts (de jure) and in the implementation (de facto) of CSMs.

This **descriptive framework** covers the (1) institutional set-up, (2) composition (participants), (3) organisation, and (4) interaction with the governments. Each criterion is explained by means of extensive empirical material, mainly based on the EU trade agreements with South Korea, Peru-Colombia, and Central America.

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II. Purposes: What are they for?

Whereas there is a vague but common understanding that CSMs should give a human face to free trade, correct the negative impact of liberalisation, contribute to sustainable development, and involve civil society in decision-making on this topic, it remains **ambiguous** what exactly is (are) their purpose(s). Drawing from the agreements and the discourses of actors involved, we show that the CSMs can serve four analytically distinct purposes:

1. **Instrumental**: creating support the trade agreement and assuring its ratification
2. **Functional**: monitoring the implementation of the Chapter on Trade and Sustainable Development, reporting on the advancements, and signalling possible defaults
3. **Deliberative**: enabling dialogue, thereby contributing to democratic governance and empowerment
4. **Policy influence**: advising the governments on the promotion of sustainable development

The purposes correspond to different normative roles: whether CSMs (should) constitute (respectively) a fig leaf, an alarm bell or watchdog, an empowerment device, or a policy tool.

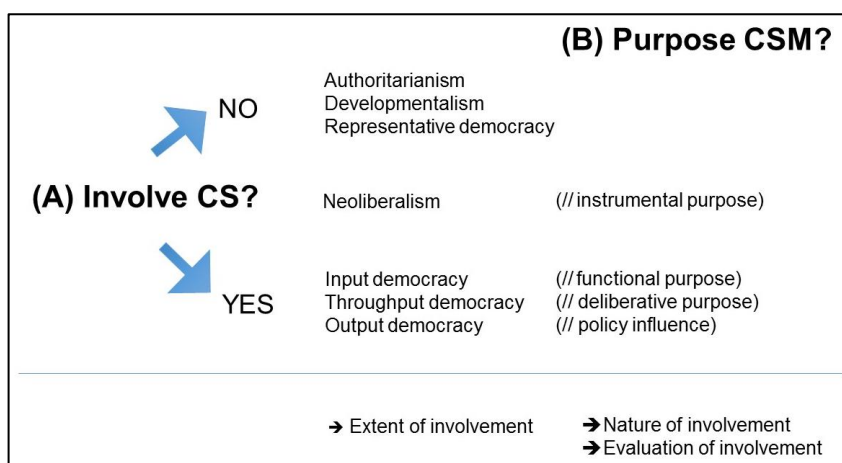
III. Assessment: How to evaluate them?

The **evaluative framework** builds on the previous sections: in order to evaluate the success (or failure) of the CSMs, it is important consider both their features and their different purposes.

This framework is structured around two questions: (A) Should civil society be involved?, (B) if yes, why should this be?

Answers to these questions reflect fundamental perspectives on the role of civil society in the context of trade, democracy and development:

- Limited CSMs are a success from (1) authoritarian (preserving government power), (2) developmentalist (prioritising economic growth), (3) representative democracy (legitimacy of elected policy-makers) or (4) neoliberal (minimal distortion of free trade) perspectives.
- Extensive CSMs are a success if they foster (1) input (involvement of relevant actors), (2) output (tangible outcomes) or (3) throughput (deliberative decision-making) democracy. This corresponds to the functional, deliberative, and policy purposes. Tensions between them may occur.



Conclusion

Evaluating the success of CSMs is harder than might be thought at first sight. We identified a number of shortcomings relating to the organisation of the meetings and accountability mechanisms towards governments. More importantly, however, we also show that evaluations should go beyond practical issues, and fundamentally hinge on one's view on democracy and civil society in the context of international trade.

Whether the meetings will eventually go beyond the instrumental purpose (legitimising the free trade agreement), as it was perhaps originally designed by the governments, will depend on how the EU, its trading partners, civil society organisations involved and the wider public make use of the new mechanisms in the coming years.

¹ This paper reflects ongoing research at the Centre for EU Studies at Ghent University (www.eu-sdg.ugent.be). The full version can be found at <http://www.asser.nl/cleer/publications/cleer-papers/cleer-paper-20163-orbie-martens-van-den-putte>.