



# WHO DECIDES?

**Gender mapping  
the European Union's policy  
and decision-making  
in the areas of development,  
external relations  
and trade**

Maria Karadenizli



**WIDE** GLOBALISING GENDER EQUALITY AND SOCIAL JUSTICE

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**Author:** Maria Karadenizli

**Proofreader:** Katariina Lensu  
**Produced by:** WIDE  
Rue de la science 10  
1000 Brussels  
Belgium  
[www.wide-network.org](http://www.wide-network.org)

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## Abbreviations and acronyms

ACP	African, Caribbean and Pacific group of states	EPAs	Economic Partnership Agreements
AfT	aid for trade	EU	European Union
ASEAN	South-East Asian Nations	FTAs	Free Trade Agreements
BD	Berne Declaration	GAERC	General Affairs External Relations Council
BPFA	Beijing Platform for Action	GATS	General Agreement on Trade in Services
CAP	Common Agricultural Policy	GATT	General Agreement on Tariffs and Trade
CEDAW	(UN) Convention on the Elimination of All Forms of Discrimination Against Women	GSP	Generalised System of Preferences
COASI	Council Working Party on Co-operation with Asia	HRI	Human Rights Instrument
CODEV	Council Working Party on Development	ILO	International Labour Organization
COREPER	Committee of Permanent Representatives	INTA	EP Committee on International Trade
CSO	civil society organisation	IQSG	Inter-service Quality Support Group
CSP	country strategy paper	LDCs	Least Developed Countries
DAC	Development Assistance Committee	MDGs	Millennium Development Goals
DCI	Development Co-operation Instrument	MEP	Member of the European Parliament
DDA	Doha Development Agenda	NAO	National Authorising Officer
DG	Directorate-General	NGO	non-governmental organisation
DG DEV	Directorate-General for Development	NIP	National Indicative Programme
DG EMPL	Directorate-General for Employment, Social Affairs and Equal Opportunities	NSA	non-state actor
DG RELEX	Directorate-General for External Relations	ODA	Official Development Assistance
EBA	Everything But Arms (initiative)	OECD	Organisation for Economic Co-operation and Development
EC	European Commission	OECD-DAC	Development Co-operation Directorate of OECD
ECB	European Central Bank	RSP	Regional Strategy Paper
ECHO	European Commission Humanitarian Office	SIA	Sustainability Impact Assessment
ECJ	European Court of Justice	TNC	transnational corporation
EDF	European Development Fund	TRA	trade-related assistance
EESC	European Economic and Social Committee	TREATI	Trans-Regional EU-ASEAN Trade Initiative
EIB	European Investment Bank	TRIPs	Trade-Related Aspects of Intellectual Property Rights
EIDHR	European Instrument for Democracy and Human Rights	UN	United Nations
ENPI	European Neighbourhood Policy Instrument	UNCTAD	United Nations Conference on Trade and Development
EP	European Parliament	UNIFEM	United Nations Development Fund for Women
		WP	Working Party (of the Council of Ministers)
		WTO	World Trade Organization

# Introduction

*“Who decides - Gender mapping the European Union’s policy and decision-making in the area of development, external relations and trade”* has been drafted with the aim to provide an **analysis of the role that key European Union institutions** – the Council of Ministers, the European Commission (EC), the EC Delegations, and the European Parliament (EP) – play in the **definition of policy priorities in the areas of development, external relations and trade**. Moreover, the study critically analyses the role of these actors in the **formulation, implementation and monitoring of development programmes** in the countries of the South, as well as in **negotiations on trade agreements** at international, regional and bilateral levels.

Monitoring and analysing the EU external relations agenda from a feminist perspective and influencing the EU trade and development policies to ensure they respond to the needs and realities of women’s and men’s livelihoods in the South and contribute to women’s empowerment have been central in WIDE’s advocacy. WIDE uses different strategies to achieve these objectives, based on inside and outside agency. These strategies include pressing the EU to comply with internationally agreed women’s rights commitments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Platform for Action (BPFA) and highlighting the lack of policy coherence for gender and development objectives. Too often economic considerations based on profit maximisation and safeguarding the EU’s own interests threaten and undermine gender equality and social justice.

This study develops a **two-level analysis** of EU’s gender equality strategy by looking critically into the **general policy framework for the integration of gender issues in EU internal and external policies** (2006-2010 Roadmap for Equality between women and men) and by examining **specific policy commitments, institutional tools and mechanisms for integrating gender equality concerns** in EU development, external relations and trade policies. It also analyses existing spaces for policy dialogue between EU institutions, European and Southern civil society organisations (CSOs) on development and trade issues.

In terms of **geographic scope**, this publication focuses on EU development co-operation with **African,**

**Caribbean and Pacific (ACP) countries** under the Cotonou Agreement and relations with the **South-East Asian Nations (ASEAN)** and **India** under the new Development Co-operation Instrument (DCI). More specifically, the analysis of the EU’s relations with ASEAN and India illustrates the EU’s increased focus on economic issues with the conclusion of free trade agreements (FTAs) and co-operation with third countries on migration and security issues at the expense of poverty eradication and social development objectives, including gender equality.

This institutional mapping is complemented by a **critical overview of recent policy initiatives and emerging trends in EU development, external relations and trade policy**. During the last years, a new political landscape has been created with the following policy issues gaining prominence in the EU external relations agenda: relations with Africa; coherence and complementarity between the EC and EU Member State development policies and programmes; increased use of new aid modalities (budget support); mainstreaming of trade issues in EU development co-operation (Aid for Trade, AfT); and assessment of good governance in partner countries.

An **important political development** with regards to the EU budget was the conclusion of an agreement between the EP and the Council of Ministers on the **2007-2013 EU financial perspectives** in 2006. Furthermore, following several months of negotiations between the two institutions the external co-operation instruments, which form the basis of EU’s co-operation with developing, neighbouring and industrialised countries, were finally adopted in the same year. WIDE’s study focuses on the Development Co-operation Instrument (DCI) and the Human Rights Instrument (HRI) due to the central role of these instruments in EU development co-operation with ACP and Asian countries.

With regard to trade policy, especially in view of the unlikely conclusions of the World Trade Organization (WTO) negotiations before the next U.S presidential elections (November 2008)<sup>1</sup>, the EU’s attention has increasingly shifted towards the **conclusion of a new generation of competitiveness-driven regional and bilateral free trade agreements**. The EC’s 2006 Communication “Global Europe: Competing in the

World” sets out the reference framework for these comprehensive and ambitious free trade agreements with key partners.

In April 2007, the EC received a mandate from the Council of Ministers to open negotiations with ASEAN, India and South Korea on FTAs, which will be aimed towards far reaching liberalisation of trade in goods, services and investment and will give special attention to the elimination of non-tariff barriers. At the same time, the ongoing EU negotiations with ACP countries on the Economic Partnership Agreements (EPAs) have attracted fierce criticism and resulted in increased mobilisation by civil society organisations, which highlight the threats these reciprocal free trade agreements pose on the ACP’s development prospects. Due to their importance, both processes are analysed in WIDE’s study.

This study is by no means exhaustive. Some of the internal policies (for example the Common Agricultural Policy, CAP) and external co-operation instruments (for example the European Neighbourhood Policy Instrument, ENPI), which occupy an important place in the EU’s political agenda and have significant implications for its development and trade policies are addressed only briefly and can be analysed in detail in separate policy papers.

This publication is divided in **five main chapters**. The first chapter is dedicated to the analysis of **general EU commitments on gender equality** with a special focus on the **2006-2010 Roadmap for Equality between Women and Men**. The following three chapters **analyse respectively EU development, external relations and trade policy**. Each chapter covers the following aspects: policy-making and analysis of key actors; policy documents, programming tools and financing instruments; institutional mechanisms and instruments for the integration of gender concerns in the respective policy areas and mechanisms for civil society participation. The last chapter summarises the **main conclusions** and formulates important **entry points** for advocacy and research identified by the study<sup>2</sup>.

This study is based on a review of key EU policy documents, non-governmental organisation (NGO) position papers and statements as well as on interviews with thirty-two representatives of EU institutions and civil society organisations based in Brussels. By providing a critical overview of the **key actors, policies and policy-making mechanisms**, this research is aimed at constituting a **reference work** for people interested in the EU gender-trade-development nexus. It intends to motivate civil society organisations outside the Brussels to actively participate in the dialogue with the EU institutions and to empower these organisations to use the knowledge of the policy and decision-making in the EU in their daily work and the work with their partners in the South. It answers the following questions: How do we influence the European political agenda? Where can our voices be heard? How will our opinion be taken into account? As such, the study is conceptualised as a supporting document that guides the formulation of ideas and entry points for conceptualising successful lobby and advocacy strategies with the long-term objective of ensuring **transparency in EU policy-making** and **influence EU development and trade policy** from a feminist perspective in order **to transform it into a truly sustainable, gender and social-just development agenda**.

Maria Karadenizli, July 2007

<sup>1</sup> From the beginning of September 2007 intensive negotiations on the WTO Doha Round have started again in Geneva. However, few concrete results have been achieved so far and the prospects of agreeing on a basic deal by the end of the year seem increasingly unlikely.

<sup>2</sup> More specific recommendations and entry points for advocacy based on this study are available upon request from the WIDE secretariat.



# Gender and EU policies

**The EU's commitment to gender equality** is reflected in a number of legal and policy documents, including the **Treaty of Amsterdam** which identified gender mainstreaming as a general competence of the EU. The integration of gender equality issues in EU policies is based on a **two-level strategy: gender mainstreaming** and the **implementation of specific actions for women's empowerment**. Chapter 1 on "Gender and general EU policies" focuses mainly on the umbrella policy framework for the integration of gender equality in EU internal and external policies: the **2006-2010 Roadmap for Equality between Women and Men**.

The responsibility for the **compilation** of the Roadmap and **reporting** to the European Council on its implementation lies with **DG Employment and Social Affairs, Unit G1 on Equal Opportunities for Women and Men** (DG EMPL). However, the responsibility for the **implementation** of the policy initiatives and actions outlined in the Roadmap remains within the **individual Commission services** (Directorates-General, DGs) in charge of the respective policy areas.

Chapter 1 also analyses the mandate of different **institutional groups** set up with the objective to provide input and monitor the implementation of the general policy framework of gender mainstreaming. It also looks critically at the integration of gender concerns in the **Impact Assessments (IAs)** and their influence on the Commission's annual work programme and different policy initiatives.

Last but not least, this chapter includes a reference to the 2006 Regulation, which foresees the establishment of a **European Institute for Gender Equality** in 2008.

## 1.1. EU commitments to gender equality: Strategies, implementation, monitoring, evaluation

The United Nations (UN)<sup>3</sup> defines gender mainstreaming as: *"... the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated."*

**The EU's commitment to gender equality is reflected both in primary and secondary legislation documents.** Primary legislation documents (Treaties) lay the foundations—principles of the Union and are binding agreements between the EU Member States on how the Union should operate<sup>4</sup>. Secondary legislation compris-

es the binding legal instruments (Regulations, Directives and Decisions) and the so-called "soft-law" documents (EP Resolutions and Opinions, Council Conclusions, Commission Communications), which are not binding, yet they provide important policy guidelines.

The principle of equal treatment of men and women has been enshrined in the **EC Treaties** since the establishment of the European Economic Community in 1957. The **Treaty of Amsterdam (1997)** recognises equality between women and men as a fundamental principle and as one of the objectives and explicit tasks of the Community (Article 2). Furthermore, Article 3 requires that the Community eliminates inequalities and promotes equality for women and men in all its activities. This last provision gave for the first time legal status to gender mainstreaming within the EU. Gender equality is by now recognised as a human right and as a central objective in policies aiming to achieve sustainable and

<sup>3</sup> United Nations (1997). *Annual Report of the Economic and Social Council, Geneva/New York*.

<sup>4</sup> *Treaty of Rome (1957), Maastricht (1991), Amsterdam (1997) and Nice (2001)*.



people-centred development.

In line with its commitment to the **Beijing Platform for Action (BPFA)**, the **Millennium Development Goals (MDGs)** and other international agreements on women's rights, the **EU** has developed a **two-level strategy** for integrating gender equality concerns in all its policies: **gender mainstreaming and specific actions** aiming to promote women's empowerment and participation in political and economic life among other areas. One of the elements of EU's gender mainstreaming strategy of particular interest for this study is the establishment of gender desks within the different Commission services in charge of EU external policies. The gender desks do not represent a new institutional mechanism or initiative as the establishment of the first 'Women in Development'-WID desk (predecessor of the gender desk) within DG Development dates back to 1982<sup>5</sup>. The mandate and influence of the gender desks on EU policy-making will be examined in more depth in the following chapters.

The implementation of the EU's gender mainstreaming strategy in the areas of development, trade and external relations is still hindered by a number of factors, mainly inadequate allocation of human and financial resources, evaporation of policy commitments at the level of programme implementation, limited gender competence among staff members, absence of political leadership and political will as well as lack of strong accountability mechanisms. Most importantly, the objectives set in a number of documents with regard to the promotion of gender equality, women's empowerment and women's economic and social rights are undermined by other EU policy initiatives, in particular those shaped by the EU's neo-liberal economic policy approach. These issues will be analysed in more detail in the following chapters.

### **A Roadmap for Equality between Women and Men 2006-2010**

The **overall policy framework for the integration of gender equality issues** in all EU policies is developed in the **"2006-2010 Roadmap for Equality between Women and Men"**<sup>6</sup>. The Roadmap focuses mainly on EU internal policies and identifies six priority areas for action, including the promotion of gender equality in external

and development policies<sup>7</sup>.

The Roadmap identifies the following **policy priorities in the areas of external relations and development**: the promotion of education for women and girls; sexual and reproductive health; fight against HIV-AIDS; fight against female genital mutilation; the promotion of women's participation in economic and political life as well as in conflict prevention, resolution, peace building and reconstruction.

More specifically, it foresees support for the following **actions**: monitoring and promoting gender mainstreaming in policy dialogue with partner countries, programming documents (country strategy papers, CSPs) and the new aid modalities (budget support and sector programmes); inclusion of the gender dimension in EC humanitarian aid operations; supporting programmes, capacity building and data collection capacity in developing countries; contributing to the implementation of UN Security Council Resolution 1325 on women, peace and security – for example – through the development of guidelines on gender mainstreaming in crisis management training activities; and promoting women's organisations and networks. It also acknowledges that the achievement of progress in these key areas requires better governance and increased commitment on behalf of all stakeholders: EU institutions, the Member States, parliaments, social partners and civil society.

The Roadmap is not a new initiative in the sense that it follows up and **builds on the experience of its predecessor, the "Community Framework Strategy for Gender Equality"**<sup>8</sup>, which covered the period 2001-2005. The implementation of this strategy was based on the formulation of **annual work programmes** by all Directorates-General of the Commission, outlining priority actions and specific policy initiatives in relation to gender equality. These annual work programmes revealed various levels of institutional commitment. Submissions of Commission services differed significantly with regard to the level of detail of planned actions, the development of monitoring and evaluation tools as well as the definition of indicators for measuring progress towards the objectives set in their annual programmes. The annual work programmes are main-

5 For more information and a historical overview, see the report "Gender mapping the European Union" prepared by Mandy Macdonald and published by WIDE and Eurostep in 1995. The 2007 WIDE gender mapping draws to a large extent on the methodology of this report, while also recognising that some of its findings are valid even today, twelve years later.

6 European Community (2006): A Roadmap for Equality between women and men 2006-2010, COM (2006) 92 final.

7 The other five priority areas are: equal economic independence for women and men; reconciliation of private and professional life; equal representation in decision-making; eradication of all forms of gender-based violence and human trafficking; and elimination of gender stereotypes in society.

8 European Community (2000): Community Framework Strategy for gender equality, COM (2000) 335 final.

## 6.2 Promotion of gender equality in the European Neighbourhood Policy, external and development policies

*Gender equality is a goal in itself, a human right and contributes to reducing poverty. The EU is a key player in international development efforts and adheres to internationally recognised principles such as the Millennium Development Declaration and the Beijing Platform for Action (BPfA). It has reaffirmed gender equality as one of the five key principles of the development policy in the European Consensus on development. The new EU Strategy for Africa includes gender equality as a key element in all partnerships and national development strategies. The EU is committed to promoting gender equality in external relations, including in the ENP. EU humanitarian interventions take particular account of the specific needs of women.*

*Across the world, the EU will continue to promote education and a safe environment for girls and women, sexual and reproductive health and rights, the empowerment of women, which contribute to fighting HIV/AIDS, and the fight against female genital mutilation. Women's participation in economic, political life and decision-making, in conflict prevention and resolution, peace building and reconstruction need to be fostered by the EU and its Member States.*

*COM(2006) 92 final*

tained and adapted for the follow-up of the Roadmap.

The drafting of the Roadmap was based on an internal participatory process: Directors as well as Heads of Unit from all DGs were invited by DG EMPL Director-General to participate in the first preparatory meeting with the aim to reach an agreement on the structure of the document. *"This initiative aimed at ensuring political commitment and ownership of the Roadmap at the highest management levels of the Commission"*, stated an official from DG Employment. The actual drafting of the Roadmap was prepared by the members of the Inter-service Group on Gender Equality<sup>9</sup>. The Roadmap is a "political" sign that the EC has acknowledged gender equality as a goal in itself. The most critical element in relation to the area of external relations is, however, evoked by the fact that the Roadmap does not include any gender equality actions in the area of EU trade policy. There is no evidence of how or whether efforts to

integrate gender concerns in the EU's trade policy are linked to the Roadmap and can be potentially strengthened by its provisions.

Overall, the Roadmap should be seen as a co-ordination mechanism (rather than a binding policy document) relying on "voluntary" inputs from individual Commission services. As we shall see in the sections that follow, the actions outlined in the Roadmap are being implemented by the Commission services in charge of EU external policies with various levels of success.

### ***Reporting mechanisms and policy monitoring***

Achieving institutional gender policy objectives depends greatly on the existence of strong accountability mechanisms, political commitment and institutional ownership on behalf of those actors involved in its implementation.

### ***Annual reports on equality between women and men***

At the 2003 Spring European Council in Brussels, Heads of State and Government invited the **Commission** to prepare, **in collaboration with the Member States, an annual report on policy and legislative developments and orientations for gender equality** in all EU policy areas. Since 2004 these annual reports on equality between women and men submitted by the Commission (DG Employment and Social Affairs) to the Spring European Council, constitute the main reporting mechanism on the implementation of the EU's general gender equality strategy.

The main weakness of these reports lies in the fact that while they offer a profound in-depth analysis of EU internal policy initiatives, actions linked to gender mainstreaming in EU external relations are addressed in a rather superficial and fragmented way. To be more precise, the reports include selective reference to some of the actions undertaken by the Commission services in charge of external relations, while lacking an analysis of their results and impact on women's livelihoods in the South and a clear indication of which institutions have been responsible for their implementation.

### ***Progress indicators***

In terms of policy monitoring, the Roadmap includes **indicators that will be used to monitor progress towards the achievement of objectives outlined under each priority area**. A weakness of the Roadmap is that it lacks specific indicators for measuring progress towards the achievement of objectives with regard to gender equality in EU external and development policies and includes only a general reference to the MDGs and the BPfA. The lack of specific indicators can partly be explained by the fact that the objectives outlined in the Roadmap in this area are themselves quite general. In terms of evaluation, the EC will present a report on the Roadmap's implementation status in 2008 and will carry out an evaluation of the Roadmap (including recommendations for follow-up) in 2010.

<sup>9</sup> See below the description of the Group's composition and mandate.

One can conclude that there is considerable space for improvement in relation to the development of a comprehensive policy framework bringing together specific activities, reporting and monitoring instruments as well as evaluation plans and initiatives. This has partly been recognised within the Commission and accordingly improvements could be expected in this respect. For example, according to DG Employment and Social Affairs officials, future annual reports will follow closely the structure of the Roadmap with the aim to promote accountability of the Commission services in charge of the six priority areas.

## 1.2. Actors and institutional mechanisms

DG EMPL plays a leading role in the formulation and implementation of the EU's general gender equality strategy. More specifically, the task of co-ordination and reporting on the implementation of the Roadmap falls under the responsibility of **Unit G1 on "Equal Opportunities for Women and Men: Strategy and Programme"**. It is important to clarify though that the responsibility for the implementation of the activities included in the Roadmap lies within individual Commission services in charge of the different policy areas.

Looking **beyond the Roadmap**, a number of **institutional mechanisms** have been set up in the recent years with a mandate to provide input in the implementation process of the EU's gender equality strategy.

### **Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities**

At the highest political level, the **Group of Commissioners on Fundamental Rights, Non-Discrimination and Equal Opportunities** was created on the initiative of the President of the Commission, José Manuel Barroso, in 2005<sup>10</sup>. Its mandate is to drive policy and ensure the coherence of Commission actions in the areas of fundamental rights, anti-discrimination, equal opportunities and the social integration of minority groups, and to ensure that gender equality is taken into account in Community policies and actions, in accordance with Article 3.2 of the Maastricht Treaty. The Roadmap emphasises the need to ensure political follow-up of gender mainstreaming initiatives through the meetings of this Group. Yet it

does not include specific recommendations in this direction and there is an urgent need for the Commission services to initiate policy discussions aimed at clarifying and strengthening the Group's role in this context.

### **Inter-service Group on Gender Equality**

Another institutional mechanism of particular interest for this study is the **Inter-service Group on Gender Equality** which was created in 1996. The Group brings together officials of all Commission services responsible for gender equality. The composition of the Group varies depending on the agenda: the meetings of the Group are attended either by Heads of Unit and/or other EC officials. It is chaired by DG EMPL, which convenes regular meetings (circa 4 times a year). It is the appropriate forum for discussing gender as a horizontal issue and to set up, monitor and follow up the annual work plans for the implementation of the Gender Roadmap. Despite the fact that the Group has no mandate for influencing policy and it is rather a co-ordination mechanism, it can potentially play a role in promoting "internal" monitoring and institutional accountability among Commission services.

### **Sub-group on External Relations**

EC officials have emphasised the need to revive the **Sub-group on External Relations** composed of officers in charge of gender issues within DG DEV, EuropeAid, DG RELEX and DG Trade with the objective to increase influence on EU policies in these areas from a gender perspective. In the past, this group was chaired by DG DEV and there were meetings both at the regular EC official and Director level. The reasons behind the disruption of this group's meetings are not clear.

### **Impact Assessments**

Following the conclusions of the Göteborg European Council in 2001 on the EU's Sustainable Development Strategy<sup>11</sup>, the European Commission assumed the responsibility for undertaking Impact Assessments (IAs) in relation to all policy and legislative initiatives, i.e. those included in its annual policy strategy and work programme.

The aim of IAs is to inform and assist the EU's decision-making process by systematically assessing the likely

<sup>10</sup> The Group of Commissioners meets 3-4 times per year and holds an Extraordinary Meeting focussing on gender equality, normally on the 8th of March, on the occasion of the International Women's Day.

<sup>11</sup> European Community (2001): Presidency Conclusions. Göteborg European Council, 15-16 June 2001.

economic, social (including gender) and environmental implications of policy proposals and by highlighting potential trade-offs. The IAs are intended to help improve the quality of policy proposals, to ensure their consistency with policy objectives pursued by the Community and to increase transparency of the EU's decision-making process<sup>12</sup>.

**Gap between policy and practice: limited integration of gender concerns**

Despite the high theoretical objectives concerning gender equality and sustainable development, practice lags behind: An overview of the Commission's annual work, legislative programmes and policy strategy documents reveals a **limited integration of gender concerns**. Furthermore, the more specific Commission work programmes outlining necessary actions for the formulation of these policy documents are not very clear with regards to the level of their "gender-sensitivity" or the participation of civil society organisations and mainly women's groups in policy discussions and formulation.

These controversies are also reflected on other levels: For example, it remains within the responsibility of individual DGs to ensure that the IAs they conduct take into account gender impacts as well. In many cases, the lack of political commitment of Commission services has resulted in the marginalisation of gender equality concerns in the ongoing assessments. For example, the Sustainability Impact Assessments (SIAs) in the area of EU trade policy, co-ordinated by DG Trade, have failed to serve their original purpose not only due to their "gender blindness", but also due to their disconnection from actual policy-making.

However, all in all, there are ongoing efforts within different Commission services to raise awareness on gender equality issues among staff members through the organisation of **gender-specific training sessions**. The training sessions organised by the EuropeAid Co-operation Office for Commission staff members both at Headquarters and the Delegations in partner countries is an example worth mentioning in this area.

### 1.3. European Institute for Gender Equality

In 2006 the European Parliament and the Council of

Ministers adopted the Commission's proposal for the establishment of a **European Institute for Gender Equality**. The Regulation on the establishment of the Institute<sup>13</sup> foresees that the Institute will start operating no later than **January 2008** and will have its seat in **Vilnius, Lithuania**.

The overall objectives of the Institute will be to contribute to and strengthen the **promotion of gender equality**, including gender mainstreaming in all Community policies and the resulting national policies, and to raise EU citizens' awareness of gender equality by providing technical assistance to the Community institutions, in particular the Commission and the authorities of the Member States (Article 2).

The tasks of the Institute (Article 3) will include the collection and analysis of reliable information as regards gender equality including the dissemination of best practices and results from research in this area; the development of methods to improve the reliability of collection of gender disaggregated data at European level; the development, analysis and evaluation of methodological tools in order to support gender mainstreaming in national policies of the EU Member States and in all Community institutions and bodies; the set-up and co-ordination of a European Network on Gender Equality; and the organisation of conferences, campaigns and meetings at the European level.

In fulfilling its mandate, the Institute will co-operate with and draw on the experiences of different stakeholders including EU Member States, Community institutions, research centres, national equality bodies, NGOs, social partners, relevant third countries and international organisations.

All decisions necessary for the operation of the Institute will be taken by the Management Board that consists of eighteen representatives appointed by the Council, on the basis of a proposal from each Member State for a period of three years.<sup>14</sup> In addition, the Commission is appointing one member to the Management Board. At the time of writing this study, the Director of the Institute had not yet been appointed; however, the Commission will propose a shortlist of candidates in autumn 2007 to the Management Board which will then appoint the Director. It is foreseen that the institute will employ around 30 people by the end of the period 2007-2013.

<sup>12</sup> European Community (2004): Commission staff working paper. *Impact Assessment: Next steps. In support of competitiveness and sustainable development*, SEC (2004) 1377.

<sup>13</sup> European Community (2006): Regulation of the European Parliament and of the Council of 20 December 2006 on Establishing a European Institute for Gender Equality, (EC) No 1922/2006.

<sup>14</sup> Belgium, the Czech Republic, Denmark, Germany, Spain, France, Italy, Cyprus, Ireland, Latvia, Lithuania, Greece, Luxembourg, Hungary, Poland, Portugal, Slovenia and Sweden submitted lists of potential candidates to the Council.

The budget for the period 2007-2013 amounts to 52,5 million euro. The Budgetary Authority fixes the amount of administrative and operational expenditure every year. For instance, for 2007 the budget available for administrative expenditure was around 2.310.000 euro and around 2.190.000 euro was allocated for operational expenditure.<sup>15</sup>

The European Gender Equality Institute can potentially

play a major role in strengthening the EU's gender mainstreaming strategy. Its success will depend – among other factors – on its complementarity with existing policy initiatives, its contribution to strengthening institutional mechanisms in charge of gender mainstreaming and the development of partnerships with civil society organisations working in this area.

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<sup>15</sup> Letter from Belinda Pyke, Member of the Management Board and Representative of the Commission, to WIDE on 13 August 2007.



# Gender and EU development co-operation

Chapter 2 covers the **main elements of EU development co-operation** with focus on relations with **African, Caribbean and Pacific (ACP) countries under the Cotonou Agreement** and the priorities outlined in **key EU policy documents**, including the **Development Co-operation Instrument (DCI)** and the **EU Consensus on Development**.

Chapter 2 provides an analysis of the involvement of **key actors**, namely the **European Commission, the EC Delegations** (representing the EC in third countries), **the Council of Ministers and the European Parliament** in the areas of development programming; financing; implementation of country-specific programmes; and monitoring and evaluation of EU development co-operation. The Council of Ministers and the European Parliament have a central role in the approval of **EU legislation** (Regulations, such as the Development Co-operation Instrument) and the **EU budget**, while the European Commission (Headquarters and EC Delegations) is the leading force behind the **formulation of development co-operation priorities** at general, sectoral and country levels. The funds for co-operation with ACP countries come from the **European Development Fund (EDF)** which is a fund separate from the EU budget and is based on voluntary contributions by EU Member States.

This chapter also develops a **critical assessment of gender mainstreaming in EU development co-operation** by looking into recent policy initiatives including: the publication of **the 2007 EC Communication on Gender Equality and Women's Empowerment in Development Co-operation**; the development of a **new financing instrument on gender equality** (DCI thematic programme on Investing in People); and **the gender review of country strategy papers (CSPs)** defining development co-operation **with ACP countries** under the 10<sup>th</sup> European Development Fund. Chapter 2 also reflects critically on the development and gender implications of the **Economic Partnership Agreements** currently under negotiation between the EU and ACP countries.

## 2.1. General introduction

Since its inception in 1957, the European Union has been developing relations with the rest of the world through a common policy on trade, development assistance and formal trade and co-operation agreements with individual countries or regional groups. Development assistance and co-operation, originally concentrated in Sub-Saharan African, Caribbean and Pacific (ACP) countries and the Overseas Countries and Territories (OCTs), was extended to Asia, Latin America and the southern and eastern Mediterranean countries in the mid-1970s.<sup>16</sup>

EU development policy is based on **Articles 177-181 of the Maastricht Treaty**, which emphasise the comple-

mentarity of Community policy with the EU Member States' bilateral development co-operation. The Maastricht Treaty sets the following objectives for EC development co-operation: the sustainable economic and social development of the developing countries; the smooth integration of the developing countries in the world economy; and the campaign against poverty in the developing countries.

The **2005 EU Consensus on Development**<sup>17</sup> jointly adopted by the Council, the Parliament and the Commission has further built upon the principles of complementarity and coherence by providing for the first time a framework intended to guide the actions and outline common principles and objectives both for the Community institutions and the EU Member States

<sup>16</sup> DG DEV has direct responsibility for Community relations with the ACP countries and Overseas Countries and Territories; these relations will be covered under chapter 2. EU co-operation with other regions such as Latin American or Asian countries falls under EU External Relations policies, and will therefore be covered in chapter 3, page 36.

<sup>17</sup> European Community (2006): Joint Statement by the Council and the Representatives of the Governments of the Member States meeting with the Council, the European Parliament and the Commission on European Union Development Policy: "The European Consensus", 2006/C 46/01.

**TITLE XX  
DEVELOPMENT COOPERATION**

**Article 177**

1. Community policy in the sphere of development cooperation, which shall be complementary to the policies pursued by the Member States, shall foster:
  - the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them,
  - the smooth and gradual integration of the developing countries into the world economy,
  - the campaign against poverty in the developing countries.
2. Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.
3. The Community and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations.

**Article 178**

The Community shall take account of the objectives referred to in Article 177 in the policies that it implements which are likely to affect developing countries.

**Article 179**

1. Without prejudice to the other provisions of this Treaty, the Council, acting in accordance with the procedure referred to in Article 251, shall adopt the measures necessary to further the objectives referred to in Article 177. Such measures may take the form of multiannual programmes.
2. The European Investment Bank shall contribute, under the terms laid down in its Statute, to the implementation of the measures referred to in paragraph 1.
3. The provisions of this Article shall not affect cooperation with the African, Caribbean and Pacific countries in the framework of the ACP-EC Convention.

**Article 180**

1. The Community and the Member States shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organisations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of Community aid programmes.
2. The Commission may take any useful initiative to promote the coordination referred to in paragraph 1.

*Consolidated version of the Treaty establishing the European Community*

in the area of development co-operation. This initiative is in line with commitments undertaken by the EU in the context of the **2005 OECD Paris Declaration on Aid Effectiveness and Donor Harmonisation**.

In addition, the **2006 Common Framework for Country Strategy Papers**<sup>18</sup> aims at improving the coherence and quality of the EU's external programming and promoting co-ordination and complementarity of the EC development co-operation with bilateral aid provided by the Member States and other donors. Furthermore, it puts **increased emphasis** – among other areas – **on the integration of cross-cutting issues (including gender equality) in the CSPs**. EC Delegations in ACP countries have established dialogue mechanisms with the Member States represented in those countries – through the regular meetings of the Heads of Mission – to comment on strategic development co-operation pri-

as far as the implementation of “good intentions” is concerned. The Member States have their own financial systems and programming cycle, while the three largest Member States (Germany, the UK, France) have almost a global presence similar to the EC.

Continuing to look at the political context, discussions between the EC and the EU Member States give – next to aiming at achieving the

orities jointly defined by the EC and national governments. However, under the programming for the 10<sup>th</sup> European Development Fund, representing 22 billion euro of European Community aid to African, Caribbean, and Pacific countries for the period 2008-13, it seems that the EC's views and interests dominated the discussions with partner countries, while the ACP countries' views and priorities were sidelined in a number of cases undermining the principle of national ownership of development strategies.

One of the recent initiatives has been the adoption of a **code of conduct on the “division of labour” between the Commission and the EU Member States** by the General Affairs External Relations Council (GAERC) meeting in May 2007. This code of conduct sets operational principles and guidelines for the co-ordination between the EC and the Member States at partner country level and the selection of priority countries and sectors. EU Member State national governments and parliaments have allegedly expressed full political commitment to this process. However, the implementation of these guidelines will take place on voluntary basis and a number of considerable challenges lie ahead

*“Political guidelines on the division of labour between the EC and EU Member States will remain artificial if they are not linked to the reality of development co-operation. Coherence between the EC and the EU Member States' development policies should start at country level with input from development specialists in different areas of co-operation. Such initiatives can lead to redefinition of priorities and improved policy co-ordination in the field. At the same time, we need committed people at the level of the Council and the Commission, who will bring the debate forward”.*

An MEP on the issue of coherence between the EC and the Member State development policies

<sup>18</sup> European Community (2006): Communication from the Commission to the Council and the European Parliament. Increasing the impact of EU Aid: A common framework for drafting Country Strategy Papers and joint multi-annual programming, COM (2006) 88 final.



MDGs by 2015 – increasing **priority to the use of new aid modalities (budget support, etc.), EU relations with Africa, Aid for Trade** as well as **coherence between the EU development agenda and other EU policies.**

#### **EU's external co-operation instruments**

- *Development Co-operation Instrument*
- *Human Rights Instrument*
- *European Neighbourhood Policy Instrument*
- *Pre-accession Instrument*
- *Stability Instrument*
- *Instrument for co-operation with industrialised countries*

2006 also witnessed the approval of the **EU's financial perspectives for 2007-2013** by the Council of Ministers and the EP and the **establishment of new instruments for external co-operation**, such as the DCI (mentioned above), the Human Rights Instrument (HRI) and the European Neighbourhood Policy Instrument (ENPI) among others.

EU development policy is based both on **programming under the**

**Cotonou Agreement** (for ACP countries) and the **implementation of thematic programmes**, which apply not only to ACP countries but also to other partner regions including Asia, Latin America and Middle East. The EU's thematic programmes are funded through the Development Co-operation Instrument and aimed at complementing country strategies in different areas, **including the promotion of gender equality, women's rights and empowerment in partner countries.**

## **2.2. Policy-making: Analysis of key actors**

The co-decision procedure is central to the Community decision-making system. In the area of development policy, the **Council of Ministers enacts legislation in co-decision with the European Parliament after the submission of relevant policy proposals by the European Commission.**

These policy proposals take the form of **EC Communications**, which are prepared either on the Commission's "own initiative" or following a request from the Council of Ministers for the preparation of such policy documents. EC Communications can form the basis of EU legislative documents (for example Regulations) or are aimed at guiding EU policies without necessarily leading to the formulation of legislative documents.

Within the European Commission, agreement on the content of EC Communications is reached through the

so-called "inter-service consultation" process, with participation from different EC services including EuropeAid, DG Trade, DG RELEX, DG Budget and the European Commission Humanitarian Office (ECHO). However, not all Commission services are equally engaged in the inter-service consultation process (in terms of providing input and comments) mainly due to lack of time availability. The final step in this process is the approval of the Communications by the College of Commissioners, which is composed of all 27 Commissioners in charge of different policy portfolios.

Apart from EC Communications, a number of other "soft law" policy documents, namely **Council Conclusions**, **give important political direction** to the EU's development co-operation both in terms of policy formulation and implementation.<sup>19</sup> Although these acts are not legally binding, they have a strong political weight and therefore attract the interest of civil society organisations.

### **2.2.1. European Commission**

Three Commission services play a key role in EU development co-operation: **DG DEV, the EuropeAid Co-operation Office and DG Trade.** DG RELEX has no formal role in the implementation of the Cotonou Agreement and in relations with ACP countries and therefore is not mentioned among the key actors analysed in this section. Nevertheless, there is a certain degree of overlap between DG RELEX and DG DEV's responsibilities in some areas including the implementation of the Development Co-operation Instrument thematic programmes and the Human Rights Instrument.

#### **2.2.1.1. Directorate-General for Development**

DG DEV holds the main responsibility for the **formulation of EU development policy** at global and sectoral levels and the drafting of key policy documents (such as the 2007 EC Communication on Gender Equality and Women's Empowerment in EC development co-operation).

Furthermore, it **co-ordinates the Community's relations with ACP countries under the Cotonou Agreement.** More specifically, DG DEV is in charge of political relations with ACP countries, the programming of the European Development Fund (including setting of priorities at national and regional levels) and the allocation of EDF resources as well as monitoring the implemen-

<sup>19</sup> To a minor extent also the European Parliament Resolutions and Reports have an impact on the political direction of the EU development co-operation.

tation of EC development co-operation in ACP countries through the Mid-Term Review and End-of-Term Review. It is also involved in the negotiations on the Economic Partnership Agreements (although in a secondary role compared to DG Trade) and plays a key role in the formulation of policy documents bringing together trade and development issues. DG DEV is divided in geographic and thematic units<sup>20</sup>.

All geographic units of DG DEV have an ACP-EPA desk. Unit B1 on Economic Development, Regional Integration and Trade has overall responsibility for co-

*"The inter-institutional dialogue between DG Development and DG Trade on the links between development and trade has improved during the last years. Nevertheless, it is still far from perfect".*

An official from a Permanent Representation on the co-ordination between DG DEV and DG Trade

ordinating DG DEV's input in the ongoing EPA negotiations and is involved in an inter-institutional dialogue with DG Trade on different aspects of the negotiations. However DG DEV has not been very visible in the actual negotiations on EPAs and its role has mainly been confined to participation

in the non-functioning preparatory regional task forces whose mandate is to ensure the coherence between the trade and development aspects of the future agreements. "DG DEV's role has been limited to echoing – often in minimalistic ways – DG Trade's positions that is the equation of trade liberalisation, markets of scale and business environment that attracts investing in development," an NGO representative commented.

In relation to the **new financing instrument** for development co-operation under the financial perspectives (2007-2013), the Development Co-operation Instrument, DG DEV has drafted a **multi-annual strategy and a multi-annual indicative programme**, which will direct the implementation of thematic programmes – funded through this instrument – including the one on gender (Thematic Programme "Investing in People", see also page 24).

The **gender desk within Unit B3 on Human and Social Development** is in charge of mainstreaming gender equality concerns in all aspects of EU development policy, including programming, policy development and monitoring (CSPs, Mid-Term and End-of-Term Reviews). Furthermore, it is in charge of maintaining regular contacts and dialogue with other Commission services and EU institutions (the Council and the Parliament) on gender equality issues, aimed at ensuring coherence of DG DEV policies with the policies of other Directorates-General and the EU Member States in this area.

### 2.2.1.2. EuropeAid Co-operation Office

The mission of the EuropeAid Co-operation Office is to **implement the external aid instruments** of the European Commission which are funded by the European Community budget and the European Development Fund (the office was established in 2001 as part of the EU's external reform). The Office is responsible for all phases of the project cycle (project identification and appraisal, preparation of financing decisions, project implementation, monitoring and evaluation) and has the objective of ensuring the achievement of the objectives of programmes established by DG DEV and DG RELEX.

#### **Project Cycle Management (cycle of operations for managing the EC's external assistance projects)**

**Programming** (based on country strategy papers and national indicative programmes; definition of focal and non-focal sectors of co-operation)

**Identification and formulation of country-specific projects** (drafting of project identification fiche; financing proposal to be approved by EuropeAid)

**Implementation** (on the basis of annual activity plans and budgets prepared by the Project Management Units with input from the EC Delegations and the National Authorising Officer)

**Evaluation and audit** (undertaken by external consultants)

*Based on the EuropeAid Co-operation Office, March 2004: Aid delivery methods-Project cycle management guidelines*

The role of thematic units under Directorate E on Operations Quality Support is to provide input on the process of identification and preparation of country-specific programmes and projects. The **gender desk of EuropeAid based in Unit E4 on Governance, Human Rights, Democracy and Gender Issues** plays an important role in ongoing efforts to mainstream gender in all EU funded projects in ACP countries and other regions through the dissemination of thematic notes and guidelines to the EC Delegations and through its involvement in the screening of financing proposals and other project documents received from the EC Delegations. The gender desk is also in charge of the co-ordination of the EuropeAid Co-operation Office Gender focal persons network (see page 33, 2.5.1.) and oversees the process of appointment of gender focal persons by the Delegations.

<sup>20</sup> See Organigramme provided in Annex 5, page 76

The preparation and approval of **country-specific programmes and projects** involves continuous communication between the EC Delegations and the EuropeAid Co-operation Office and in principle, a project can be rejected if it is “weak” in terms of the integration of gender concerns. This indicates a potential space for engendering projects at country level, but in practice would require increased commitment on behalf of the EuropeAid Office, EC Delegations and national governments.

Unit 04 on central management of thematic budget lines<sup>21</sup> is in charge of the overall co-ordination of administrative procedures and modalities of the annual action programmes, which guide the implementation of thematic programmes under the DCI (for example through the launching of calls for proposals for NGOs). The annual action programmes define fields of intervention, respective financial allocations and expected outputs and results for each year of implementation on the basis of the multi-annual strategy and the multi-annual indicative programme prepared by DG DEV. Unit 04 is expected to draw on the expertise of the thematic units under Directorate E (including E4 on Governance, Human Rights, Democracy and Gender Issues) in relation to the definition of strategic priorities, including measures in the area of gender equality. As in the case of other policy documents, the annual action programmes will be approved following an inter-service consultation with other Commission services.

### 2.2.1.3. DG Trade

As expected, DG Trade has a very **powerful role in EU trade policy** and is gaining an increasing influence in the area of development as well. The position of the Commissioner for Trade is considered to be one of the most (if not the most) influential in the overall structure of the EC. DG Trade negotiates the EPAs with ACP countries on behalf of the European Community on the basis of the negotiating directives (mandate), which were agreed upon by the Council in 2002. It is important to differentiate between the 2002 negotiating directives and the negotiating priorities, which are reformulated on the basis of ongoing discussions between the Commission and the Member States.

The Director and Deputy-Director of DG Trade undertake important preparatory work at high political level in relation to the negotiations on EPAs (and other bilateral and regional trade negotiations). The technical work and actual negotiations with ACP countries fall

under the responsibility of officials of the DG Trade Units D2 and D3 in charge of EPAs. DG Trade representatives highlight the importance of co-operation with DG DEV in order to ensure that development aspects are integrated in all trade agreements. Despite such statements, DG Trade continues to hold the leading role in the negotiations on EPAs, which the EU aims to conclude by the end of 2007. Some of the major controversies, key issues and conflicts in the negotiations, including a brief analysis of EPAs’ gender implications are outlined below (page 23).

**DG Trade’s increased influence on development co-operation programming** can be confirmed by the level of integration of trade issues in country and regional strategy papers, the choice of focal sectors which reflect the EU’s economic interests, the increased use of development aid in support of trade-related assistance measures and DG Trade’s contribution to the 10<sup>th</sup> European Development Funding programming exercise. DG Trade’s involvement in EDF programming has resulted in an increased use of development funds for regional integration and EPA related costs, thus away from support for social services. This is a big political debate and should be recorded as such, especially given the negative impact of decreasing financial support for social services on women’s reproductive roles and care work. The two units within DG Trade mainly addressing the links between trade and development are Unit C1 on Sustainable Development and Unit D1 on Trade and Development.

### 2.2.1.4. EC Delegations: Relations with national authorities

**EC Delegations** institutionally form a part of the Commission’s structure and **represent the EC in third countries around the world**. The role of EC Delegations in ACP countries has been strengthened as a result of the deconcentration exercise which started in 2001 as an integral part of the EU’s external reform and gave more powers to the Delegations in terms of formulation of policy priorities, programme-project and financial management. Tasks such as the definition of development co-operation priorities in the context of country strategy papers and national indicative programmes; identification, formulation and monitoring of EC-funded projects and programmes; and the drafting of monitoring documents and reports (Joint Annual Report, Mid-Term and End-of-Term Review) fall under the joint responsibility of EC Delegations and the National Authorising Officers (NAO).

21 See *Organigramme of EuropeAid Co-operation Office* provided in Annex 5, page 78.

Under the Cotonou Agreement, each ACP country appoints a senior government official as its National Authorising Officer to represent it in discussions on all EC-funded programmes and to ensure that programmes are consistent with Community rules and regulations. Normally, the NAO is based in the Ministry of Finance and is supported by a team of both local government staff and special contractors comprising the “NAO Support Unit” or “EDF cell”. In the context of EDF programming, EC Delegations and NAO offices organise regular meetings with Ministry officials in order to define priorities of development co-operation.

The Delegations also play an increasingly important role in ensuring coherence between EC and bilateral development co-operation of the EU Member States at country level. In addition, they have the main responsibility for the definition and implementation of projects focusing on trade-related assistance; financing and development of Sustainability Impact Assessments at national level; providing Headquarters in Brussels with information on the negotiating positions of the partner country on different trade issues; and identifying key forces influencing national trade priorities. Nevertheless, the **impact of the EC Delegations on the formulation of EC negotiating positions on EPAs** and their involvement in the actual negotiations **is limited**, although they are invited to participate in the regional negotiating fora.

So far, the majority of EC Delegations have not played an active role in promoting the integration of gender equality concerns in political dialogue with partner countries or country programming despite the fact that their mandate gives them enough policy space to initiate gender-sensitive programmes, actions and strategies at country level jointly with the partner governments. The **limited proactivity** on the part of EC Delegations on gender issues can be attributed to their lack of expertise, lack of human resources, or both or – in the worst case scenario – to the lack of political commitment. The **responsibility** and accountability of the **EC Delegations in the area of gender equality** is expected to **increase** in the near future **with the appointment of gender focal points at Delegation level**. This is an ongoing exercise co-ordinated by the EuropeAid Co-operation Office (Unit E4). However, a number of problems have been identified in relation to this initiative: No additional financial or human resources have been made available to the Delegations for this exercise and in some cases, gender issues are added to the already heavy workload of

Delegation officials, or junior staff are given the responsibility in this area in the absence of “volunteers” at higher management levels to take up the role of gender focal points. In some cases additional professional development staff and operational resources might be needed to strengthen the Delegations’ capacities to take greater responsibility in this context.

#### **2.2.1.5. Mechanisms for inter-institutional dialogue among Commission services**

A number of inter-institutional mechanisms have been set up within the Commission with the objective to provide input in the formulation of country specific strategies and projects as well as in the monitoring and evaluation of the EC’s development co-operation. However, one of the main weaknesses of these mechanisms is linked to the fact that **the gender desks of DG DEV and DG RELEX are not required to participate in the discussions on a regular basis**. In the absence of gender advocates, these groups rarely prioritise gender equality in their discussions on policy priorities and objectives.

##### ***Inter-service Quality Support Group (IQSG)***

The IQSG is composed of senior representatives of all the Commission’s DGs and offices involved in the management or financing of the Community’s relations with developing countries<sup>22</sup>. The Group is chaired by the Deputy Director-General of DG Development. Its tasks include the **harmonisation of thematic and geographic guidelines** as well as provision of **support and guidance in the preparation of geographic (CSPs) and thematic programmes**. All country and region strategy papers as well as the thematic programmes are subject to a screening by the IQSG. The Secretariat of the Group is based in DG DEV.

##### ***Operations Quality Support Group***

This group – composed of representatives of DG DEV and EuropeAid – **provides comments and input in the identification and formulation of development projects** at country level. The main responsibility for **screening the programming documents** (project identification fiche and financing proposals) lies with EuropeAid and DG DEV’s geographic co-ordinators responsible for the country concerned and EuropeAid’s legal, financial and thematic experts (including the representative at EuropeAid’s gender desk).

<sup>22</sup> The Members of the Group are DG DEV, DG External Relations, DG Trade, DG Economic and Financial Affairs, DG Enlargement, ECHO, the EuropeAid Co-operation Office and the Evaluation Unit.



### Country and Region Teams

The Country and Region Team Meetings<sup>23</sup> are organised by the geographic services of DG DEV with the objective to provide input and comments on the draft country strategy papers submitted by the EC Delegations in ACP countries, the Joint Annual Report and the Mid-Term and End-of-Term reviews. The Country and Region Team Meetings play a pivotal role in ensuring coherence of community actions in the partner country or region concerned and in shaping the Community's position in terms of strategy, needs and performance assessment.

### 2.2.2. Council of Ministers

Since 2002 **development and trade issues have been**

*"SIAs' influence on the formulation of negotiating directives and priorities, is rather limited. Yet a request coming from the Council in this area can create different dynamics and different levels of mobilisation by the EC".*

An official from a Permanent Representation on the role of SIAs in EU trade policy

**handled by the General Affairs and External Relations Council of Ministers (GAERC)** as part of the EU's External Relations. GAERC holds separate meetings on General Affairs and on External Relations respectively and meets once a month (more regularly than other Council configurations). GAERC meetings bring together the Foreign Ministers of the Member States and Ministers responsible

Development or Trade depending on the items on the agenda.

The Council in co-operation with the European Parliament adopts the **EU's annual budget** and enacts EU legislation under the co-decision procedure. Furthermore, the Council agrees on **policy guidelines** on important issues in the form of Council Conclusions. Furthermore, the Council through its participation in the Development Co-operation Instrument Committee – composed of representatives of the 27 EU Member States and the European Commission – approves the geographic and thematic strategy papers financed through the Development Co-operation Instrument (see page 23).

### Development policy in the new Member States

Looking at the internal Council dynamics following the 2004 EU Enlargement process, it is important to note

that development co-operation is a new policy area for some of the new Member States. This has influenced political debates within the Council, as the **new Member States** from Central-Eastern Europe put increased emphasis on the EU's neighbourhood policy guided by geo-political interests and priorities in the areas of security and migration. In this context, development co-operation with the Least Developed Countries (LDCs) might not be seen as a priority by some Member States. Another issue concerns the financial contributions of the new Member States to EU development assistance. Some representatives have argued that their countries cannot afford to increase their ODA contributions in the near future as they are constrained by strict fiscal measures in their efforts to join the eurozone. In addition, some of these new emerging bilateral donors find it difficult to conform to the standard development co-operation guidelines produced in Brussels<sup>24</sup>. According to a Member of the European Parliament, the EU is perceived by partners in the South as *"becoming increasingly inward-looking and self-absorbed"*. These critical observations are confirmed by recent trends in EU development and trade policy, including the EU's persistence in concluding Free Trade Agreements (FTAs) with different regions and countries irrespective of their level of development, serving the EU's own economic interests.

### Gender equality

With regard to **gender equality issues, some EU Member States**, including Austria, Denmark, Finland, Germany, Ireland, Sweden, and the Netherlands are perceived as **more active than others** in keeping gender on the EU development agenda. Despite the fact that these countries represent a minority within the Council, their political commitment to gender equality has resulted in the formulation of gender-sensitive Regulations and other policy documents. Furthermore, the **informal Group of Experts on Gender Equality**, which is formed by Member State national gender experts and chaired by DG DEV, has managed to influence EU debates and the EC's positions on gender and development issues despite its non-formal character.

### Committee of Permanent Representatives

The general work of the Council is prepared and co-ordinated by the **Committee of Permanent Representatives (COREPER)**, made up of Member State Ambassadors (and deputy Ambassadors) to the EU,

<sup>23</sup> Concerned services in DG DEV (02, A/1, all policy units in Directorate B, concerned C or D units, as appropriate), the geographic unit in AIDCO C, thematic units in AIDCO E, appropriate Directors in RELEX DGs (RELEX, TRADE and ECHO) and the EIB. In addition, invitations should be sent to the appropriate Directors in DG AGRI, DG BUDG, DG EAC, DG ECFIN, DG ELARG, DG ENV, DG FISH, DG JLS, DG SANCO, DG RTD, DG TAXUD, DG TREN and DG ESTAT.

<sup>24</sup> OECD (2007): EC DAC Peer Review: Main Findings and Recommendations, Paris.

who meet once per week. The work of the Council on **development and trade issues is prepared by COREPER II** (Antichi Group consisting of EU Member State Ambassadors). COREPER will always receive a mandate from their national administrations and this dimension of policy-making enhances the need for increased lobbying by civil society organisations at national level. Nevertheless, it is important to note that Permanent Representations hold detailed and specific information with regard to Member State positions on EU-related policies and issues.

### Working Parties

The work of COREPER is in itself prepared by approximately 250 committees and working parties (WPs) consisting of diplomats who work in the Permanent Representations of the Member States based in Brussels. These WPs are both geographically and thematically oriented. **Two working parties** play an important role in the formulation of key policy commitments and priorities in the area of **EU development policy: the ACP WP** (whose geographical scope is limited to relations with the ACP under the Cotonou Agreement, including trade negotiations<sup>25</sup>) and the **Development Co-operation WP (CODEV)**, which looks into horizontal issues and priorities of EU development co-operation, including gender equality). These WPs are the first “entry point” for discussions among the EU Member States on policy proposals initiated by the Commission.

Permanent Representations seem to be appreciative of civil society organisations’ contributions to policy debates. Some of the representatives interviewed in the context of this study made specific reference to the influence that NGOs have had on policy discussions and the formulation of EU positions on EPAs. However, **the level of openness to dialogue with civil society varies significantly from Representation to Representation**. Structured dialogue between Council representatives and NGOs on development issues is limited to one meeting per Presidency with CONCORD<sup>26</sup> member organisations.

### Decision-making

**Council decisions** in the area of development co-operation are reached on the basis of a **qualified majority** (a weighted voting system based on the populations of the Member States). Nevertheless, it seems that voting is relatively infrequent and that **consensus remains the preferred** path for decision-making in the Council already at the level of the Working Parties (but it is clear that consensus does not equal unanimity). The EC’s level of representation at Council meetings varies depending on the agenda: for example a Commission service might be represented by its Director, Heads of Unit or a responsible officer in charge of a specific Communication.

### EU presidencies

The **rotating Presidency of the Council on a six-month basis** plays an essential role in organising the work of the institution, particularly in promoting legislative proposals, political decisions and strategic priorities. Strategic priorities are jointly set by the EC and the Presidency. The **Presidency is responsible for organising and chairing all Council meetings** and for brokering compromises among the Member States. In 2007, for the first time an eighteen-month programme<sup>27</sup> outlining the working priorities of three consecutive EU Presidencies (Germany, Portugal and Slovenia) was made available, including a section on gender equality. The EU Member State holding the EU Presidency also represents the Council in its dealings with other EU institutions and bodies, such as the EC and the EP. In addition, it represents the EU in international organisations’ meetings (for example UN conferences) and relations with third countries. In its role, the Presidency is assisted by the Council Secretariat<sup>28</sup>.

An example of the role of the Presidency in setting the EU’s political priorities is the German Presidency’s influence<sup>29</sup> on pushing the EC to resume its work on drafting the new Communication on gender equality in EU development co-operation. The drafting of the

25 In EPA negotiations also the Committee 133 plays an important role. The mandate and composition of the 133 Committee is analysed in more detail in chapter 4, page 50.

26 CONCORD is the European confederation of relief and development NGOs. Its national associations and international networks represent over 1,600 NGOs.

27 From 1 January 2007 until 30 June 2008.

28 The Council Secretariat based in Brussels is considered to be the guardian of Council procedures. With a staff of approximately 2,000, the Council Secretariat assists the Council by helping to draft the six-month legislative programme, providing legal advice, briefing government ministers on current EU issues, preparing the agenda for Council meetings, and drafting the meetings’ minutes. Small countries depend heavily for logistical support on the Council Secretariat as well as for the drafting of Council Conclusions and other documents during their presidencies. On the other hand, large Member States during their presidencies mobilise additional human resources from their national administrations to follow up on the different political issues and processes. Member States can play a more or less proactive role in setting priorities. Due to its neutrality the Council Secretariat is not a lobbying target for civil society.

29 Germany held the EU presidency in the first half of 2007.

Communication had been put on hold for several months following an assessment by DG DEV that gender equality issues were adequately addressed by the EU Consensus on Development.

### 2.2.3. European Parliament

The introduction of the co-decision procedure by the Maastricht Treaty has strengthened the EP's legislative role. More specifically, the **EP Committee on Development** played a central role in formulating the Regulation establishing a **new financing instrument for development co-operation and the definition of financial allocations** to its different components. As regards its budgetary functions, the Parliament has to agree with any major decision involving expenditure to be borne by the Community budget. The **EP Committee on Budgetary Control** is responsible – among other areas – for the **control of the implementation of the Union's budget** and the control of the financial activities of the **European Investment Bank**. On the other hand, the **Committee on Budgets** is responsible for the **multi-annual financial framework** of the Union's revenue and expenditure as well as the negotiation and implementation of inter-institutional agreements in this field.

Despite the EP's strengthened role in development policy-making, it should be noted that the EP has no formal role in EU trade policy-making. This institutional weakness is considered as one of the main factors contributing to the undemocratic nature of policy-making in this area and will be examined in more detail in chapter 4.

#### Parliamentary Committees

The EP's **political supervision of Commission policy initiatives** and actions also needs to be highlighted. In their political and monitoring function, Parliamentary Committees monitor Community policies and invite EC officials to present and explain their legislative proposals or to share their views on different policy issues and

initiatives. Through their Reports, Resolutions and Opinions, the Parliamentary Committees exert to a certain extent political influence on the other two main EU institutions, the Commission and the Council to develop or alter existing EU policies.

**Three Parliamentary Committees** contribute to policy-making and/or political discussions in the areas of EU development co-operation and trade: the **Committee on Development**<sup>30</sup>; the **Committee on Women's Rights and Gender Equality**<sup>31</sup> and the **Committee on International Trade**.<sup>32</sup>

Overall, the **Committee on Development**, which consists of about 30 members and meets once or twice per month, has demonstrated a **strong pro-development, gender-sensitive political orientation** in policy discussions with the Commission and the Council on EU's role in the achievement of the MDGs and the negotiations on EPAs, among other areas. For example, it has demanded that gender-specific priorities need to be refocused in the EC Development Policy as basic rights and part of the governance criteria applied under the Cotonou Agreement, and emphasised that EC policies should enable women to play a central role in drawing up and monitoring poverty reduction strategies based on the MDGs.<sup>33</sup> In a number of cases, the **Committee on Women's Rights** has contributed – through its Opinions – to the mainstreaming of gender equality concerns in reports produced by the other two Committees.

A member of one of the parliamentary committees of the European Parliament (rapporteur) draws up a report on a proposal for a "legislative text" presented by the EC. The appointment of the rapporteurs follows a bidding process by the different political groups. Other political groups will appoint a "shadow rapporteur" to follow the development of the report closely. The parliamentary committee votes on this report and possibly amends it. Then the rapporteur presents the committee report in the EP's plenary session in Strasbourg to the

30 The Committee on Development is responsible for: 1. The promotion, implementation and monitoring of the development and co-operation policy of the Union, notably: (a) political dialogue with developing countries, bilaterally and in the relevant international organisations and interparliamentary fora, (b) aid to, and co-operation agreements with, developing countries, (c) promotion of democratic values, good governance and human rights in developing countries; 2. Matters relating to the ACP-EU Partnership Agreement and relations with the relevant bodies; 3. The Parliament's involvement in election observation missions. The committee coordinates the work of the interparliamentary delegations and ad hoc delegations falling within its remit.

31 The Committee on Women's Rights and Gender Equality is responsible - among other areas - for: the promotion of women's rights in third countries; the implementation and further development of gender mainstreaming in all policy sectors; the follow-up and implementation of international agreements and conventions involving the rights of women.

32 The Committee on International Trade is responsible for matters relating to the establishment and implementation of the Union's common commercial policy and its external economic relations, in particular: financial, economic and trade relations with third countries and regional organisations; relations with the relevant international organisations and with organisations promoting regional economic and commercial integration outside the Union; relations with the WTO, including its parliamentary dimension. More information on the Committee on International Trade will be provided in the following sections on EU external relations and EU trade policy.

33 European Parliament/Committee on Development (2005): Report on the role of the European Union in the achievement of the Millennium Development Goals, A6-0075/2005.



785 MEPs. Only at this level, the final decision is made on the position of the EP towards a certain issue.

The Commission is represented at all EP plenary sittings and must give an account of its policies when called upon to do so by an MEP. Furthermore, the Commission is required to answer all MEPs' written and oral questions. In 2006, the **Committee on Development** of the EP acquired the **right to be consulted on the content of CSPs** for all regions under the DCI through the conclusion of an inter-institutional agreement with the EC (see also chapter 3). A point of contention between the Parliament and the Commission has been the rejection of the EP's demands by the Commission (DG Development) to extend this monitoring role to the screening of CSPs for ACP countries.

It is important to note that the political strength of the EP's Reports and their influence on policy-making varies significantly depending on which policy area they address. Some Parliamentary Committees are more influential than others depending on the power that the Parliament exercises in the respective policy area. For example, the Committee on Development is considered to be influential because of its legislative role, while the Committee on International Trade has a limited role and consequently less influence on EU policy-making.

Furthermore, the level of representation of different political groups within the EP and the attempts to reconcile different political positions undoubtedly has an impact on the quality of the documents produced by the body. This can lead to a "watering down" of the Parliament's positions, including the lack of strong recommendations, and lead to only limited influence of the EP on EU policy-making.

The integration of gender issues in the EP's policy analysis and recommendations is not equally strong in all EP documents. MEPs thus need to strengthen their commitment to promoting women's rights and gender equality issues. They also need to systematically follow up on their gender-sensitive recommendations made in their discussions with the Commission.

#### 2.2.4. Joint EU-ACP institutions

##### ACP-EU Council of Ministers

The ACP-EU Council of Ministers comprises, on the one hand, representatives of the Council and the EC and, on the other, a government representative from each ACP state. The functions of the ACP-EU Council are to **engage in political dialogue; adopt policy guidelines;**

**and take legally binding decisions concerning the implementation of the Cotonou Agreement.** The ACP-EU Council meets once a year. It conducts an ongoing dialogue with the representatives of the social and economic partners and other actors of civil society in the ACP and the EU. To that end, consultations with civil society organisations may be held alongside its meetings.

##### ACP-EU Committee of Ambassadors

The ACP-EU Committee of Ambassadors is **the second decision-making body** in this process and meets once a month. The Committee of Ambassadors includes, on the one hand, a permanent representative of each EU Member State and a representative of the Commission and, on the other hand, the head of mission of each ACP State to the EU. The role of the Committee of Ambassadors consists of **assisting the ACP-EU Council of Ministers** in its functions and carrying out any mandate assigned, and **monitoring the implementation of the ACP-EU Partnership Agreement.**

The Committee has six technical Subcommittees that cover the following areas: political, social, humanitarian and cultural affairs; trade and commodity protocols; investment and the private sector; sustainable development; financing and development; and establishment and finance.

##### ACP-EU Joint Parliamentary Assembly

The ACP-EU Joint Parliamentary Assembly is composed of equal numbers of EU and ACP representatives and is a **consultative body**. The Joint Parliamentary Assembly meets twice a year in a plenary session. Its role is to: promote democratic processes through dialogue and consultation; facilitate greater understanding between the population of the EU and those of the ACP states and to raise public awareness of development issues; adopt resolutions and make recommendations to the ACP-EU Council of Ministers. It also considers topical political questions, adopts positions on human rights cases and regularly forms exploratory or fact-finding missions to ACP countries.

Three Standing Committees have been established to draw up substantive proposals, which are then voted on by the Joint Parliamentary Assembly: Committee on Political Affairs; Committee on Economic Development, Finance and Trade and Committee on Social Affairs and the Environment.

The Joint Parliamentary Assembly has formal institutional relations with economic and social partners who have a speaking right in its plenary

sessions. This is however not the case for other non-state actors and civil society. The meetings of the Joint Parliamentary Assembly represent an opportunity for raising the profile of gender equality in political dialogue between EU and ACP countries, but a strong political commitment is required from all parties to ensure the strengthening of the ongoing dialogue in this area.

### 2.3. Legal instruments, policy documents and programming tools

The majority of EU policy documents, programming and financial instruments in the area of development co-operation include as main points of reference the commitment of the European Commission and the EU Member States to the MDGs and to donor harmonisation as reflected in the objectives of the 2005 OECD Paris Declaration.

*“At the dawn of the twenty-first century, the cooperation links between the European Union and its partners in the developing world must be seen in the context of the globalisation of international economic relations.”*

European Commission,  
<http://europa.eu/scadplus/leg/en/lvb/r12000.htm>

It is important to distinguish between four categories of documents which form the basis for the EU's development co-operation:

**legal instruments** such as the Development Co-operation Instrument Regulation and the Cotonou Agreement (co-signed by the EU and the ACP Council), which are legally binding; **policy documents** (EC Communications), which are drafted behind closed doors by the Commission with little or no consultation with civil society organisations and are not legally binding (but provide important policy guidance); **programming instruments**, which form the basis of co-operation with countries in the South (Country Strategy Papers; National Indicative Programmes); and **programming guidelines** (such as the gender guidelines for the country strategy papers) the use of which depends on the commitment and “good will” of those institutions in charge of the EC's development co-operation formulation and implementation.

#### 2.3.1. Legal instruments

##### **ACP-EU Partnership Agreement (Cotonou Agreement)**<sup>34</sup>

The ACP-EU Partnership Agreement was signed in

Cotonou, the capital of Benin, on 23 June 2000 and replaced the Lomé Convention which had been the basis for ACP-EU development co-operation since 1975 and constituted the most elaborate system in the EU's development co-operation policy. As the international context had changed considerably, in particular following the creation of the World Trade Organization (WTO), new co-operation agreements had to be negotiated with the 79 ACP countries. The Cotonou Agreement introduces a new approach and represents a new stage in the ACP-EU relations, while preserving the main instruments of co-operation (the institutions, the financial instruments, etc.). Major innovations have been the enhancement of political dialogue between EU and ACP countries; commitment to strengthening consultations with civil society on policy issues and programme implementation; refocusing development co-operation on poverty eradication and of course the negotiations of a new trade framework, the so-called Economic Partnership Agreements (EPAs) with 6 ACP regions, namely the Caribbean, Pacific, East, South, West, and Central Africa. Funds for the implementation of the Cotonou Agreement come from the European Development Fund<sup>35</sup>, which is funded by Member State contributions, thus separate from the EU budget.

Gender equality has been included under Cotonou as one of the cross-cutting issues combining the integration of a “gender-sensitive approach” at every level of development co-operation with the adoption of specific positive measures in favour of women. Such specific positive measures lie in the areas of women's participation in national and local politics; support for women's organisations; as well as women's access to basic social services and productive resources.

The **Cotonou Agreement** provides thus the **framework for the launching** of the negotiations on **Economic Partnership Agreements** that the EU wishes to conclude with the ACP countries by the end of 2007. The EPA negotiations are aimed at establishing a new WTO-compatible trade regime between the EU and the ACP countries which will substitute the current trade preferences granted to ACP countries. A reciprocal system of free trade in goods and services will be phased in from 2008 to 2020 and EPAs will serve to create a new framework for trade and investment flows between the EU and the ACP countries. A critical analysis of EPAs focuses on the asymmetrical power

<sup>34</sup> The Cotonou Agreement provides for a revision clause which foresees that the Agreement is adapted every five years. In accordance with this clause, the latest negotiations between the EU and ACP countries on the revision of the Agreement were concluded on 23 February 2005.

<sup>35</sup> 2008-2013: 10th EDF: 22 billion euro.

relations between the EU and the ACP countries and the EU's pressure on the ACP countries to open up their markets in different trade areas (including trade in goods, services and investment) despite the negative impact that such measures will have on these countries' efforts to develop their national economies and eradicate poverty.

Other points of concern identified are: the potential revenue loss for ACP countries resulting from trade liberalisation<sup>36</sup>; the influx of subsidised EU goods into ACP markets and its negative implications for the productive sectors affected by trade liberalisation; the disturbance of regional integration processes; and the failure of the negotiations to address the supply side constraints faced by ACP countries. To address these challenges, ACP governments have been demanding additional EU assistance (beyond the 10<sup>th</sup> EDF resources) in order to deal with supply-side constraints, increase productive capacity and to deal with the adjustment costs that will arise from the conclusion of the EPAs. Even though the EC has indicated that a "substantial share" of resources in the framework of the EU Aid for Trade initiative (2 billion euro by 2010, see page 52) should be allocated to ACP countries, these amounts will still not suffice to cover EPA-related costs. Moreover, the EC has not committed to covering adjustment costs, but Aid for Trade resources will only be spent on trade policy and regulation, trade development and trade-related infrastructure.

In terms of a gender analysis<sup>37</sup>, the negative impacts of EPAs especially on poor women's productive and reproductive roles (for example as smallholder farmers, traders, workers and family carers) need to be highlighted, including the implications for poor women's access to income and social services; for their participation in the labour market and labour market conditions in the sectors with high female representation; and for food security and local production systems. *"The EPAs represent the latest assault on the sovereignty of the South. They herald the demise of indigenous retailers, the decline in inter-regional trade, the outsourcing of basic social services, the depletion of*

*local income at household level and the continued exploitation of women and low income communities."*<sup>38</sup>

Against this background and the wealth of criticism pointing out the negative effects of the liberalisation of trade and investment within weaker economies, civil society actors from ACP countries and the EU oppose EPAs, and demand ACP governments not to sacrifice long-term development co-operation relations between themselves by making highly questionable compromises with the EU in the EPA negotiations under pressure. EPA negotiations must be suspended pending independent impact assessments in ACP countries and other essential international rule changes that the ACP governments are demanding<sup>39</sup>.

#### **Development Co-operation Instrument (DCI)**<sup>40</sup>

With a budget of 16.9 billion euro, the **Development Co-operation Instrument** is considered to be the **main funding tool for EU development co-operation** programmes around the world and is funded from the EU annual budget. The DCI is managed by DG RELEX and implemented by EuropeAid. The DCI Regulation was signed by the Parliament and the Council in December 2006 and sets out a simplified framework for financing various areas of European Community development co-operation for **the period 2007-2013**.

This Regulation **replaces** a number of budget lines on specific development co-operation issues that came to an end in December 2006, including **the gender budget line**. The Regulation supports actions at two mutually reinforcing levels: **geographic programmes in five regions** (Latin America, Asia, Central Asia, South Africa and the Middle East) and **five thematic programmes**, which are additional to

#### **Development Co-operation Instrument**

##### **Five thematic programmes:**

- **Investing in people** (addressing human and social development issues, including gender equality);
- **Environment and sustainable management of natural resources;**
- **Non-state actors and local authorities;**
- **Migration and asylum;**
- **Food security.**

<sup>36</sup> Revenues constitute more than 60% of public income for many ACP countries.

<sup>37</sup> *One World Action (2006): The likely impact of the EPAs on Women's Rights and Gender Equality in Mozambique, Namibia and Zambia*, by Zohra Khan, London.

*APRODEV (2002): "EPAs-What's in it for women?" A gender based impact assessment study on women in Zimbabwe: Issues in future trade negotiations with the EU*, London.

<sup>38</sup> *Pheko, Liepollo Lebohang (undated): Friend or Foe – the EPAs unmasked*, Gender & Trade Network for Africa.

<sup>39</sup> *Keet, Dot (2007): EPAs: Responses to the EU Offensive against ACP Developmental regions*, Amsterdam.

<sup>40</sup> *European Community (2006): Regulation of the European Parliament and the Council of 18 December 2006: establishing a financing instrument for development co-operation, (EC) No 1905/2006*.

actions funded under geographic programmes.

**The five thematic programmes are: investing in people** (addressing human and social development issues, including gender equality); **environment and sustainable management of natural resources; non-state actors and local authorities; migration and asylum; and food security.** All developing countries, including the ACP countries, are eligible for additional funding through the thematic programmes. However, it is important to clarify that the financial allocations to developing countries under the thematic programmes will be decided on a competitive basis through calls for proposals. Moreover, the foreseen use of EU development financing in support of international organisations' activities is worrying, as this can potentially undermine and lead to a decrease of support for civil society programmes and initiatives in developing countries. Last but not least, a specific amount (1.2 billion euro) is earmarked for the eighteen ACP countries that are beneficiaries of the ACP Sugar Protocol and need assistance in adjusting to the effects of the EU's sugar sector reform.

Given the limited resource allocation to the EU's thematic programmes and the direction of a substantial part of funding in support of global initiatives (global funds), country and regional programmes should remain the main channels for achieving the objectives of EU development co-operation and the MDGs. Furthermore, the existence of thematic programmes *"should not be used as an excuse for not integrating important issues, such as environment, HIV-AIDS, gender or support to civil society actors in geographic programming"*<sup>41</sup>.

The thematic programme **"Investing in People"** sets four **key priorities** for action on human and social development: good health for all; education, knowledge and skills; **gender equality**; and other aspects (including employment and social cohesion; youth and children and culture). Apart from its inclusion as a separate area for action, consideration of gender equality issues has also been included in the priority areas of education and health.

Under "Investing in People", financial support is foreseen for actions in the following areas: providing strategic support to programmes that contribute to achieving the objectives of the Beijing Platform for Action with a special emphasis on gender equality in governance and women's political and social represen-

tation; promoting civil society organisations, notably women's organisations and networks, in their endeavours to promote gender equality and economic and social empowerment, including North-South and South-South networking and advocacy; supporting the development and dissemination of data and indicators disaggregated by sex as well as gender equality data and indicators; reducing the adult illiteracy rate, with particular emphasis on female literacy; and supporting actions combating violence against women.

The **total allocation to gender equality** oriented programmes under **"Investing in people"** amounts to **approximately 57 million euro** representing a slight improvement in comparison to the resources allocated towards the promotion of gender equality and the rights of women and girl children under the gender budget line (9 million euro for three years covering the period 2004-2006). Nevertheless, it is still marginal compared to the total allocation of over 1 billion euro foreseen for the implementation of the thematic programme as a whole. The main weakness of the DCI thematic programmes lies in the fact that they include no specific analysis or reference to the gender dimensions of employment and social cohesion, food security, migration and environmental management. Moreover, they do not foresee any support for gender-sensitive programmes in the above areas.

### 2.3.2. Policy documents<sup>42</sup>

#### EU Consensus on Development

Jointly adopted by the Council, the Parliament and the Commission on 20 December 2005, the EU Consensus on Development is the first document intended to guide the actions and outline **common principles and objectives both for the Community institutions and the EU Member States in development co-operation** (for example with regards to increasing financial resources for development; achieving co-ordination between the EC and the EU Member State development programmes and tools). The Consensus is a politically binding document, but not a legally binding one in the sense that non-compliance with the Consensus cannot be brought as a case to the European Court of Justice. However, it is a basic document guiding the definition of financial instruments as well as co-operation policies and priorities of the Commission and the EU Member States.

<sup>41</sup> EuropeAid-CONCORD-FERN-WWF (16 March 2007). *Shared NGO concerns and proposals on the programming of thematic programmes.*

<sup>42</sup> This list of policy documents is by no means exhaustive. Due to space constraints only a very limited number of policy documents can be introduced.



In addition, the Consensus discusses how to deliver aid more effectively and how to increase coherence among EU external policies affecting developing countries. It also identifies areas of comparative advantage of Community programmes vis-à-vis Member State interventions. The EU Consensus on Development is politically binding for EU development co-operation interventions in all developing countries.

The priorities of the Consensus are poverty eradication and the promotion of good governance, democracy and human rights in line with the International Conventions on Human Rights<sup>43</sup> on the one hand, and the MDGs adopted by the UN in 2000 on the other.

The Consensus recognises the promotion of gender equality as a fundamental human right and a question of social justice, and foresees a **strengthened approach to gender equality** in all EU development co-operation policies and the promotion of gender equality through support to women's equal rights, access to and control over resources, as well as political and economic voice.

#### Gender equality

104. Equality between men and women and the active involvement of both genders in all aspects of social progress are key prerequisites for poverty reduction. The gender aspect must be addressed in close conjunction with poverty reduction, social and political development and economic growth, and mainstreamed in all aspects of development cooperation. Gender equality will be promoted through support to equal rights, access and control over resources and political and economic voice.

European Consensus on  
Development

Representatives of the EU Member States consider this document a major breakthrough in efforts undertaken to ensure **complementarity and coherence between EC and bilateral development**

**policy** in the context of the Paris Declaration on Donor Harmonisation and Aid Effectiveness of March 2005. However, concerns have been raised about the capacity of EU actors to implement the ambitious objectives of the Consensus.<sup>44</sup> In addition, cross-cutting priorities such as gender, environment, HIV/AIDS and the achievement of the MDGs are not sufficiently translated into specific programmes or initiatives at country level. In this context, a considerable challenge for the Commission and the EU Member States is how to define their broad vision in more operational terms.

#### Policy Coherence for Development<sup>45</sup>

The European Community Treaty (Art.178) requires that **development objectives be taken into account in all non-aid policies affecting the developing world** and that these policies support development objectives. Policy coherence is also a key political commitment in the context of the MDGs. In 2005 the Council launched a new initiative on policy coherence by underlining that better development co-operation in itself, including increased finance and improved aid delivery, will not be sufficient for achieving the MDGs by 2015; in addition, the coherence of developed countries' policies must also be improved. In its Communication "Policy Coherence for development" the Commission identified a wide-ranging list of 11 policy coherence priority areas: trade, environment, security, agriculture, fisheries, social dimension of globalisation (including the promotion of employment and decent work), migration, research and innovation, information society, transport, and energy<sup>46</sup>. In all these policy areas, a gender equality perspective will be taken into account. The Communication highlights "trade policy as a powerful tool that contributes to poverty reduction and sustainable development" and confirms the EU's commitment to ensuring a development-friendly and sustainable outcome of the Doha Development Agenda and EPA negotiations (as well as the negotiations with Mercosur, Central America, and the Andean Community). In this context, gender impact assessments of trade, financial and investment policies would prove useful for pointing out that trade and investment policies do not yield gender-neutral results, but rather lead to the distribution of benefits and costs directly and indirectly biased against poor women.<sup>47</sup>

A work plan for this policy coherence agenda was adopted by the Council in 2006<sup>48</sup>, including a calendar of action and proposals in each priority area. The work plan also defined more specific roles for the Council, the Commission and the Member States. Progress on the policy coherence agenda will be monitored and results will be reported every two years. The first report will be prepared in 2007. This could be a defining moment for future European action in this regard, including a prioritisation of the current ambitious list of actions so as to better allocate limited resources and

43 Including the BPFA, the Cairo Agenda of the International Conference on Population and Development and CEDAW.

44 OECD (2007): EC 2007 DAC Peer Review: Main findings and recommendations, Paris.

45 European Community (2005): Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. Policy Coherence for development, COM (2005) 134.

46 Climate change was later added as the 12th priority area.

47 Floro, Maria/Hoppe, Hella (2005): Engendering policy coherence for development, Berlin/New York.

48 European Commission (2006): Policy Coherence for Development. Work Programme 2006-2007. Commission Staff Working Paper.

identify the most efficient distribution of roles among the Commission, the Council and the Member States. It is also an entry point for addressing “policy space”, as the current nature and direction of policy coherence is being shaped in the context of the globalisation of international economic relations. Policy coherence must not further limit the sovereignty of governments in formulating and implementing domestic policies and strategies that would put people at the centre of the development process. It should rather contribute to a people-centred concept of policy coherence that supports and operates in compliance with agreed UN Commitments, especially as regards gender equality and women’s empowerment.<sup>49</sup>

**Financing for Development and Aid Effectiveness**

In the run up to the UN Conference on Financing for Development in Monterrey in 2002 which aimed at mobilising adequate resources for the achievement of the MDGs by 2015 as well as increasing aid effectiveness (**Monterrey Consensus**), the EU adopted the so-called “Barcelona commitments”.<sup>50</sup> They spell out EU commitments towards increasing development aid and improving the impact and speed of aid delivery in order to meet the challenges of the MDGs by 2015.

In 2005, the EC and the Member States endorsed the **OECD Paris Declaration on Aid Effectiveness** which established global commitments for donor and partner countries to support more effective aid in the context of a significant scaling up of Official Development Assistance. The “Paris Declaration” outlines five principles to be monitored in terms of how aid should be delivered, namely: **ownership, alignment, harmonisation, managing for results, and mutual accountability.**

Both the Monterrey Consensus as well as the Paris Declaration on Aid Effectiveness have had significant influence on the EC’s development policies. The EC Communication “Accelerating progress towards attaining the MDGs – Financing for development and aid effectiveness”,<sup>51</sup> together with the EC Communication “Financing for Development and Aid Effectiveness - The challenges of scaling up EU aid 2006-2010”,<sup>52</sup> outline the way towards reaching a possi-

Old aid modalities	New Aid modalities: features
Primary tool/mechanisms: project aid and structural adjustment programs	Primary tools/mechanisms: programme based approach—Budget support plus SWAPs, joint funding – basket funding or common pool
Features:	Features:
1. Donors had parallel structure (worked out side of public budget—off budget); by pass government system	1. Donors work within national budgetary framework; assistance through government system.
2. Tied aid	2. Untied and untargeted aid
3. Traditional conditionalities (Seen as ‘necessary evil’)	3. ‘Re-fashioned conditionalities (Seen as useful reforms)
a. Conditionality on sector or project	a. Programme focused and cross economy reform proposal
b. conditionality not linked to local conditions but were theoretical blue prints—restrictive Fiscal policy etc. Specified from outside.	b. Policy Dialogue (donors and partners set conditionalities base on domestic conditions etc). Issue of subjective and objective criteria for ‘good policy’
c. ex ante conditionality	c. ex post and pre-lending
d. Too detailed, ‘incoherent and incredible’	d. performance based; partner government decide how best to implement and achieve goals
e. ‘All or nothing’ approach: funds or tranches disbursed in full or completely frozen if goals and targets not reached.	e. flexible disbursement mechanisms, possible reduction in performance based tranche/floating/tiered tranche.
f. Funds tend to flow out.	4. High transactions costs and improved quality Assumed to decrease, but in reality may be high in short run low in long run (due to more complex projects, new analytical instruments, new communications mechanisms etc)
4. High transactions costs (administrative costs, indirect costs and opportunity costs)with regard to preparation, negotiation mechanisms, implementation and monitoring)	5. Result oriented
5. Political and ideological oriented	6. Positive economic, ecological and social consequences expected
6. Negative economic, ecological and social consequences	7. Highly fungible

Source: Williams, M. (2007): Civil Society and the new aid modalities, addressing the challenges for gender equality, democracy and participation.

ble new interim target for increased ODA volumes in the EU by 2010 (0.56% of its GNI) as well as towards reaching the 0.7% target set by the United Nations. They suggest new detailed arrangements for aid, map out options for innovative sources of finance and propose ways to address the debt problems of low-income countries that remain after the Heavily Indebted Poor Countries (HIPC) initiative. They also focus on untying aid to least developed countries and improving the quality and effectiveness of trade-related assistance (TRA).

These initiatives are complemented by the EC Communication “EU Aid: Delivering more, better and faster”,<sup>53</sup> which sets out an action plan comprising nine time-bound measures (“deliverables”) to be implemented jointly by the Commission and the Member States; the EC Communication “Increasing the impact of EU aid: a common framework for drafting country

49 Floro, Maria/Hoppe, Hella (2005): *Engendering policy coherence for development*, Berlin/New York.  
 50 European Council Meeting, Barcelona, March 2002.  
 51 European Community (2005): *Communication from the Commission to the Council and the European Parliament. Accelerating progress towards attaining the MDGs – Financing for Development and Aid Effectiveness*, COM(2005) 133.  
 52 European Community (2006): *Communication from the Commission to the Council and the European Parliament. Financing for Development and Aid Effectiveness – The challenges of scaling up EU aid 2006-2010*, COM(2006) 85 final.  
 53 European Community (2006): *Communication from the Commission. EU Aid: Delivering more, better and faster*, COM(2006) 87 final.

strategy papers and joint multi-annual programming"<sup>54</sup>; and the EC Communication on the new voluntary "EU Code of Conduct on Division of labour in Development Policy"<sup>55</sup> that lays down principles for a better division of labour among EU donors in developing countries.

According to official figures, most EU Member States are living up to their aid promises. But nearly one third of the EU's reported ODA in 2006 was not in fact genuine aid. Many Member States are exaggerating their progress by charging debt relief or spending within Europe on refugees and foreign students' education to ODA. If these non-aid items are deducted from official figures, the Member States missed their 2006 target, by providing instead of 0.395 of GNI as aid only 0.31%<sup>56</sup>. This means that the EC and the Member States seriously need to increase their efforts to reach their targets by 2010 and 2015 respectively.

The main concern with regard to these "new" trends in financing for development and aid modalities is linked to the fact that sustainable development, poverty eradication and gender equality issues are hardly considered in relevant policy debates. The Paris Declaration focuses narrowly on technical matters, such as aid delivery procedures rather than on an assessment of the actual impact of development policies on local communities in countries of the South. However, aid cannot be effective without taking into account development and human rights' concerns. With this in mind, governments of partner countries as well as civil society and especially women's organisations should be genuinely involved in the definition of development co-operation priorities and the allocation and management of financial resources in support of development policies and objectives.

#### **From the EU Strategy for Africa<sup>57</sup> to a joint EU-Africa Strategy<sup>58</sup>**

The **EU Strategy for Africa** was adopted in December 2005 and **provides a long-term policy framework for EC development co-operation with African countries**. Being criticised for having adopted a strategy that had

been developed without sufficient consultation and that retained elements of a traditional unilateral "donor-recipient" approach, the EC re-launched the process and is currently developing a **Joint EU-Africa strategy** – "a partnership *with* Africa, rather than a strategy *for* Africa". This joint strategy, which explains the political vision and guides the future EU-Africa strategic partnership, will be adopted by the African and EU heads of states and governments at the next EU-Africa Summit in Lisbon in December 2007.

Europe's relationship with Africa is deeply rooted in history that has gradually evolved from the colonial relation to the current economic African dependency on aid and trade. But Africa is of strategic importance to the EU's economic interests too, for example in relation to energy supplies, or the access to natural resources, especially with the emergence of new economic leaders (i.e. China) that has re-launched international competition on access to and control over Africa's natural and mineral reserves. It also plays a strategic role because of the location of north-east African countries neighbouring the Middle East (i.e. Saudi Arabia, and the Nile basin). Migration flows from African countries to the EU are another issue that has motivated the interest of EU Member States to invest in this strategy.

The 2005 EU Strategy for Africa focuses on co-operation with African countries in three main areas: areas considered as prerequisites for achieving the MDGs (peace/security and good governance); areas that create the economic environment necessary for achieving the MDGs (economic growth, trade, agriculture and interconnectivity); as well as other areas directly targeted by the MDGs, such as access to basic services, social cohesion, decent work, gender equality and the environment. The EU Strategy for Africa also foresees an increase in EU financing for Africa as well as the development and implementation of a more effective approach. From a gender perspective, the Africa Strategy lacks concrete initiatives and a coherent approach to address the achievement of gender equal-

54 European Community (2006): *Communication from the Commission to the Council and the European Parliament: Increasing the impact of EU aid*, COM (2006) 88 final.

55 European Community (2007): *Communication from the Commission to the Council and the European Parliament. EU Code of Conduct on Division of labour in Development Policy*, COM (2007) 72 final.

56 *Concord (2007): Hold the applause! EU governments risk breaking aid promises.*

57 European Community (2005): *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. Strategy for Africa: Towards a Euro-African Pact to accelerate Africa's development*, COM (2005) 489 final.

European Community (2006): *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. An EU-Caribbean Partnership for growth, stability and development*, COM (2006) 86 final.

European Community (2006): *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. EU relations with Pacific Islands – A strategy for strengthened partnership*, COM (2006) 248 final.

58 European Community (2007): *Communication from the Commission to the Council and the European Parliament. – From Cairo to Lisbon – The EU-Africa Strategic Partnership*, COM (2007)357 final.



ity in the region. Without addressing gender concerns in a holistic way, there is little chance of the strategy responding to the development needs and priorities of the people in the region.

The EU-Africa partnership agreement has four main political objectives: reinforcing the EU-Africa political partnership; promoting peace and security, governance and human rights; trade and regional and continental integration in Africa; and addressing political challenges and strengthening people-centred partnership in Africa and the EU. Moreover, it specifies some flagship initiatives that will take the EU-Africa partnership forward in different areas, including energy, climate change, migration, mobility and employment, democratic governance and a joint EU-Africa political and institutional architecture. In addition, an action plan for the joint strategy will be worked out.

***Specific policy documents on gender<sup>59</sup>***  
***EC Communication on Gender Equality and Women's Empowerment in Development Co-operation<sup>60</sup>***

This Communication is a **key document as it provides the main policy basis for the integration of gender equality concerns into EC development co-operation programmes**, it adopts a human rights perspective and complements the provisions of the thematic programme "Investing in People". The Communication was adopted by the May 2007 GAERC meeting.

Its added value lies in the fact that it outlines the EC strategy and priorities on three levels: First, it provides 41 concrete suggestions in the areas of governance, employment, education, health and domestic violence as examples for how gender equality can best be supported in a specific region or country. Second, it suggests increasing the efficiency of gender equality in political dialogue with partner countries (through the establishment of effective partnerships for a dialogue on gender and development) and in development co-operation itself. The Communication recognises that the key role of women for growth and development should be taken into account in the preparation and implementation of development strategies. The strategy also proposes checklists to evaluate each action against its contribution to gender equality in order to ensure that gender issues are more effectively integrated into each development project supported by the

EC. Third, it explores the added value for gender equality of using general budget support modalities in developing countries or to specific sectors such as health or education as opposed to individual project support<sup>61</sup>.

Despite the positive elements mentioned above, the Communication lacks a deeper analysis of and references to the growing feminisation of poverty. Furthermore, the implementation mechanisms are not well defined; neither are the financial and human resources that are necessary to ensure an effective implementation of the strategy. Moreover, the Communication does not provide sufficient information on available mechanisms for monitoring and assessing the strategy's implementation. In coherence with the principles of ownership and accountability, transparent and systematic mechanisms need to be put in place that will allow women's organisations to engage meaningfully in the implementation of the Communication as well as in its monitoring and evaluation.

Although the Communication acknowledges the structural obstacles faced by women in developing countries, it still needs improvement in the following areas related to the empowerment of women: The strategy remains unclear on how women's participation at all political and decision-making spheres can be achieved. Moreover, the empowerment of women in employment and economic activities is not linked to the formal and informal sectors and does not take into account the gender implications of the care economy. In relation to combating gender-based violence, the actions proposed remain still basic.

Another point of critique is linked to using general budget support as one of the main aid modalities: This is an extremely controversial issue and its contribu-

*Although trade liberalisation has had a positive impact on most economies in the long-term, it may also result in short-term negative consequences for vulnerable groups with poor women being particularly affected (10). Different sectors of the economy can have a crucial impact on gender equality: e.g. poor infrastructure can undermine girls' schooling because of insecure transport or if the lack of nearby water sources 'forces' the parents to use girls for house work.*

COM (2007)100 final

59 This Communication is a successor of the Programme of Action for the Mainstreaming of Gender Equality in Community Development Co-operation [COM (2001) 295 final] that came to an end in December 2006.

60 European Community (2007): Communication from the Commission to the Council and the European Parliament. Gender Equality and Women's Empowerment in Development Co-operation, COM (2007) 100 final.

61 DG DEV/DG RELEX (2007): Joint press release. EC proposes a European strategy to promote gender equality in development co-operation, 8 March 2007.

tion to poverty eradication, social development and gender equality objectives in developing countries is questioned, given the lack of public accountability systems and the marginal integration of gender concerns in relevant initiatives. *“The importance of developing mechanisms and monitoring tools to ensure that resources channelled through this aid modality will genuinely benefit human and social development”*<sup>62</sup> must therefore be highlighted. Moreover, both sector-wide approach programmes and budget support can lead to a further deprioritisation of gender equality as *“the new aid architecture has few, if any, mechanisms for accountability and even less mechanisms for the implementation of national obligations to gender equality”*<sup>63</sup>. These weaknesses of the new aid architecture are further reinforced by existing challenges in the implementation of gender mainstreaming in EU development assistance.

Given the EC’s weak record in turning policy commitments in the area of gender equality into practice, the main **challenge**, but also a **major opportunity**, lies now in the **operationalisation of the commitments** outlined not only in the above EC Communication, but also in other key documents.

### 2.3.3. Programming tools

#### Country strategy papers

**Country strategy papers** are the **main EC programming instruments** at national level setting priorities and focal/non-focal sectors for EC development co-operation with partner countries. CSPs provide an analysis of the partner country’s economic, social and political situation, its basic needs and main elements of its national development agenda. Most importantly, they **outline a country response strategy** detailing how the EC can contribute to the partner country’s development, taking into consideration ongoing programmes and actions supported by the EU Member States and other donors. The **regional strategy papers (RSPs)** outline strategies and priorities for the different ACP **regions** as well as proposals for the specific EC contribution to the regional integration process (both in terms of programming and financing)<sup>64</sup>.

The drafting of CSPs is an exercise jointly undertaken by EC Delegations and national governments in ACP countries. In the context of the 10<sup>th</sup> EDF programming

exercise, which started in February 2006, a series of meetings were organised between the EC Delegations and representatives of the Ministry of Finance (National Authorising Officer) and other Ministries (Ministry of Agriculture, Ministry of Transport and Infrastructure, etc.) in order to discuss and jointly decide on policy priorities to be funded by the EC. As already mentioned under point 2.1. (page 13) EC interests have dominated these discussions, while ACP countries’ views have been sidelined. This can lead to a choice of focal sectors and/or the focus within these sectors having little relevance to the needs of the greater population in the countries. Often focal sectors reflect EU interests, including the EC’s own perceived “comparative advantage” vis-à-vis other international donors, political priorities, but also economic interests.<sup>65</sup>

It is debatable as to how far the EU’s increased **support to the ACP countries** in the areas of regional integration, infrastructure and trade-related assistance under the 10<sup>th</sup> European Development Fund will have an impact on the achievement of the MDGs and social development, including gender equality in the countries of the South. Another major area of concern is the **marginalisation of gender concerns in EC country specific strategies**.

With regard to **gender in the EDF programming exercise**, the EC Headquarters circulated to the Delegations in ACP countries **gender information briefs** and **gender guidelines to guide the formulation of CSPs**. The gender information briefs provide an overview of the situation of gender equality in selected partner countries and cover the main issues that need to be addressed in order to support the promotion of gender equality, in coherence with the national development goals. The gender guidelines address three dimensions: they set the scene by reviewing the concept and key issues related to gender equality and women’s empowerment in the fight against poverty; they carry out an analysis of gender equality in the country and focus on relevant policies, actors and indicators; and they explain how gender equality can be addressed in the Community’s response strategy.

Despite the availability of methodological tools, a **gender review of the draft CSPs under the 10<sup>th</sup> EDF** revealed a **serious lack of gender-disaggregated data**

62 *CONCORD Cotonou Working Group (2006): Briefing Paper ACP-EU relations: Will the EU deliver on its promises? Challenges of the 10th EDF Programming process, Brussels.*

63 *Eurostep/Social Watch (2005): Accountability upside down – Gender equality in a partnership for poverty eradication, Brussels.*

64 *RSPs are negotiated by mandated bodies in six regions: the Caribbean, the Pacific, Southern, Central, East and West Africa.*

65 *CIDSE (2007): The EU’s footprint in the South. Does European Community development co-operation make a difference for the poor?, Brussels.*

and limited integration of gender concerns in the country situation analysis and the country response strategies. As far as the new EU aid modalities are concerned, an internal EU assessment states that, “*indicators disaggregated by sex will be included in the budget support performance monitoring frameworks related to education and sometimes to health, but there are no other visible results of gender mainstreaming in general budget support*”.

This indicates that the **tools and resources prepared by Headquarters** have **not been used adequately by the Delegations** or they **were simply ignored given their non-binding nature**. On a more positive note, Botswana, Cameroon, Malawi and Mozambique provided the highest quality CSPs from a gender perspective by integrating a gender analysis of poverty; including references to gender equality policies and actors; and outlining specific programmes or specific activities under the focal and non-focal sectors of co-operation with the objective to contribute to gender equality and women’s empowerment. The use of gender-sensitive programming tools by the Delegations should be regularly followed-up by EC Headquarters (DG DEV and EuropeAid) in order to ensure coherence between policy and practice.

Country strategy papers are complemented by the **national indicative programmes** which define the focus sectors and areas to be supported in a specific country and set out a **detailed budget allocation** for the different fields for co-operation. They also include a precise timetable and details for the integration of non-state actors.

#### 2.4. Financing instruments

Financial resources are made available to ACP countries through two sources: **the European Development Fund** and the **thematic programmes funded under the EU budget** (see details under 2.3.1. page 23).

##### European Development Fund

The **European Development Fund** is the **main instrument for providing Community aid for development co-operation in the ACP countries** and thus forms a central part of ACP-EU relations. Each EDF is concluded for a period of five years. The 10th EDF (2008-2013) has been set to cover 22.7 billion euro. The main task of the EC is to manage the EDF resources on behalf of the EU Member States; the implementation is incumbent on EuropeAid. The EDF budget, which is funded by Member States’ contributions, is subject to its own

financial rules and is managed by a committee composed of representatives of the EU Member States (EDF Committee). The EDF does therefore not come under the Community’s general budget even though a heading has been reserved for the Fund in the Community budget since 1993 following a request by the European Parliament. This results in the EP having very limited power in terms of the allocation of aid through the EDF, and the EP’s role is limited to granting an annual discharge in respect of operations financed under this instrument.

Resources under the EDF consist of two main elements: an **allocation for long-term development co-operation activities, including macroeconomic support, programmes and projects** (Envelope A) and an **allocation to cover unforeseen needs**, such as emergency assistance (Envelope B). The EDF provides trade related aid as well as funding for a wide range of development programmes including health, education, rural development, etc. It also contains provisions related to trade and structural adjustment. In addition, financing is made available to ACP countries through the intra-ACP facilities (EU Energy and EU Water Facility), the implementation of which is co-ordinated by the EuropeAid Co-operation Office. The EDF also foresees financial support for regional programmes (Regional Envelopes).

Indicative resource allocation under the EDF is based on both the needs and the performance (including absorption capacity) of ACP countries (national indicative programmes and country strategy papers)<sup>66</sup>. DG DEV puts forward initial suggestions in this area, while the final decision on specific country allocations lies with the EDF Committee which in fact increases the decision-making power of the EU Member States in the process. The EU may revise the initial resource allocation to the different sectors on the basis of the results of the Mid and End-of-Term Review.

The provision of EDF resources happens through two different instruments: One part is available in the form of grants to sectoral programmes, debt cancellation, integration, etc. The other, much smaller part, is available in the form of loans through the European Investment Bank and aims at the promotion of private investments (see page 31).

The 10<sup>th</sup> EDF also foresees **additional financial allocations to ACP countries on the basis of an “incentive tranche” linked to an assessment of good governance** in partner countries undertaken by EC Delegations with input from the EU Member States represented in those countries (“good governance profiles”). This unilateral assessment of good governance, which does not or

<sup>66</sup> ECPDM argues that the 10th EDF is in fact lower than the 9th EDF if one factors in the amount of resources that were transferred from the 6th, 7th and 8th EDF envelopes. See South Center (2007): Analytical note, Fact sheet number 6, May 2007.

only to a very limited amount take into account the contribution of local actors, undermines the principle of partnership as laid down in the Cotonou Agreement and results in a one-sided definition of good governance. In addition, this approach does not take into account the political and social complexities in partner countries and seems to ignore civil society's views and existing initiatives to promote good governance. The methodology used by the Commission leads to the prioritisation of issues that "have more to do with Europe's own priority interests", such as migration, the fight against terrorism, the proliferation of weapons of mass destruction and private-sector friendly policies<sup>67</sup>. Last but not least, the good governance profiles include various indicators from the traditional area of governance (transparency, the fight against corruption, accountability, human rights); only one out of the 23 indicators is linked to gender equality.

In the context of discussions on the potential "budgetisation" of the EDF, civil society organisations emphasise that the level of resources available to ACP countries should be safeguarded and funds should not be diverted to other regions or used for other purposes other than poverty eradication. Furthermore, they demand that resource allocation criteria should be centred on the needs and rights of the populations of developing countries; the political role of the joint EU-ACP institutions should be reinforced, while the key principles of partnership, ownership and participation of civil society should be respected<sup>68</sup>.

Also the question how to deal with EPA-related adjustment costs caused by economic restructuring and reciprocal liberalisation is not satisfactorily solved. ACP countries consider the EDF not as an appropriate mechanism to compensate for the costs of adjustment and to address the needs of ACP countries due to a wide range of reasons, including stagnating aid-to-GNI ratio, declining real value of assistance, slow rates of disbursement, and inexperience in trade and private sector development.<sup>69</sup>

### **European Investment Bank**

The European Investment Bank has a dual role in development co-operation: it manages a part of the EDF resources (loans and risk capital), and contributes finances from its own resources. The role of the EIB is expected to be strengthened in the near future in the

context of the implementation of the EU-Africa Partnership on Infrastructure.

### **2.5. Gender initiatives in EU development co-operation**

The **main elements of the EC gender equality strategy in development co-operation** include the **formulation of gender sensitive policy documents, the allocation of financial resources** to support gender-sensitive programmes and activities of women's organisations in partner countries, the **appointment of gender desks** in the Commission services in charge of external relations, as well as **building capacity** on gender issues among staff members through the organisation of training sessions.

#### **Gender desks in DG DEV and the EuropeAid Co-operation Office**

The responsibility for gender equality in EC development co-operation lies mainly with the **policy officers in charge of gender issues (gender desks)** in the thematic Units B3 in DG DEV and E4 of the EuropeAid Co-operation Office. Each gender desk is composed of one official employed full-time. However, gender desks do not cover only gender issues, but are also required to cover other policy issues and priorities, such as cultural aspects in EC development co-operation (in the case of the DG DEV gender desk) and civil society as well as children's rights (in the case of EuropeAid's gender desk). The limited allocation of human resources to implement the EC gender equality strategy can be perceived as an indication of the low importance that the EC ascribes to gender equality.

*"The problem with gender mainstreaming lies mainly with the implementation of EC development co-operation. In some cases, there is political commitment but the question is how we translate policy documents into concrete initiatives in partner countries. In other cases, there is politically correct speech but no real commitment either on behalf of the European Commission or on behalf of national governments. Furthermore, gender equality remains a politically sensitive issue in many partner countries".*

An MEP on gender mainstreaming

#### **Financing for gender equality**

Gender projects in ACP countries will be financed through the **national indicative programmes** under the

<sup>67</sup> CIDSE (2006): *Governance and Development Cooperation: Civil Society Perspectives on the European Union Approach*, Brussels.

<sup>68</sup> CONCORD Task force on Financial perspectives (2005): *Letter to COREPER – Recommendations on Heading 4 of the financial perspectives 2007-2013*, Brussels.

<sup>69</sup> South Center (2007): *Analytical note, Fact sheet number 6, May 2007*, Geneva.



**European Development Fund and/or thematic programmes.** Given the fact that gender is supposed to be mainstreamed in EC supported country strategies for ACP countries, it is very difficult to calculate the exact level of financial resources allocated to gender-sensitive programmes under the national indicative programmes.

The **policy and financial basis** for the implementation of the EC gender equality strategy is mainly outlined in two key documents: the **2007 Communication on Gender Equality and Women's Empowerment in Development Co-operation** and the **DCI Regulation – Thematic programme “Investing in People”**.<sup>70</sup>

These documents are considered to follow up on two major initiatives that came to an end in December 2006: the 2001-2006 Programme of Action of Mainstreaming Gender in EC development co-operation and the financing of gender-specific projects through the “gender budget line”. The implementation of these initiatives confirmed the need to identify a long-term strategy and for clearly defined objectives and activities in the area of gender mainstreaming that go beyond policy declarations.

Some of the **policy initiatives undertaken by the European Commission** with the aim to strengthen the level of integration of gender equality issues in EC development co-operation (such as the gender review of the country strategy papers for ACP countries in the context of the 10<sup>th</sup> EDF programming exercise, the drafting of gender guidelines and gender briefs etc.) have been analysed in the previous sections. Although such initiatives **reveal good intentions** and point to the right direction, unfortunately they have so far had **limited influence on EC policy-making in the area of development co-operation**. Some Member State representatives interviewed for this study have commented on DG DEV's (and DG RELEX's) lack of “*serious commitment*” to gender equality issues.

Studies by civil society organisations such as APRODEV and One World Action<sup>71</sup> have emphasised the **evaporation of gender policy commitments at implementation level** and have been critical of the marginalisation of gender issues and the **limited involvement of women's organisations** in the political dialogue between the EC and ACP countries (as well as between the EC and other regional groups). The same studies have identified adequate human and financial resources as well as a clear allocation of responsibilities at the Headquarter and EC Delegation level as cru-

cial for the successful implementation of EC commitments in this area. They have also pointed out that gender mainstreaming is relevant and should be integrated in all stages of project cycle management, including programming, formulation, implementation, monitoring and evaluation. Furthermore, institutional commitment on behalf of all Commission services involved in the formulation and implementation of EC development co-operation has been identified as a crucial factor for the successful implementation of gender equality initiatives.

#### **Capacity building**

Lack of awareness on gender issues has been recognised as a barrier for an effective gender equality strategy. The training sessions organised by the EuropeAid Co-operation Office in co-operation with the Gender Help Desk (see section 2.5.2.) for staff members both at EC Headquarters and the EC Delegations in partner countries is an important initiative in this context. Since promoting gender equality is not an official task included in job descriptions, staff who decide to dedicate time to this training do so out of personal commitment vis-à-vis their workload. As a result, the level of participation by different Commission services in training sessions organised by the Gender Help Desk varied considerably with EuropeAid being the most active, DG DEV making the “strategic choice” to shift activities originally planned for its staff members to the Delegations, and DG RELEX with limited (to non-existent) participation.

#### **Monitoring and evaluation**

Last but not least, the EC does not report in a structured way on the implementation of activities linked to gender equality to the EP or the Council on development issues. Gender seems to be marginalised in the annual reports on the implementation of EC development co-operation produced by the EC.

### **2.5.1. Institutional mechanisms**

#### **Informal Group of Experts on Gender Equality**

The **informal Group of Experts on Gender Equality** is formed by national gender experts from the Member States and is chaired by DG DEV (gender desk-Unit B3). It convenes meetings annually and its aim is to **discuss policy developments in relation to gender and development** in the context of the EU and international major

<sup>70</sup> See also sections 2.3.1. and 2.3.2

<sup>71</sup> See among others APRODEV/One World Action (2002): *Everywhere and Nowhere: Assessing Gender Mainstreaming in European Community Development Cooperation*, Brussels/London.

events, such as UN conferences. The Members of the Group are also invited to provide comments on policy documents prepared by DG DEV.

### **Europe Aid Co-operation Office Gender Focal Persons Network**

The network is composed of EC officials dealing with gender issues both in Brussels and in EC Delegations. Following a suspension of its activities for one year due to the re-organisation process at EuropeAid, the network was re-launched in 2006. It provides **a discussion and information forum, which monitors and makes proposals for more effective gender mainstreaming** in EC development co-operation; contributes to better dissemination of good practices in this area; **identifies gender training needs**; and **contributes to the preparation of methodological tools**. The co-ordination of the network falls under the responsibility of Europe-Aid Co-operation Office, Unit E4.

#### **2.5.2. UNIFEM-EC-ILO project**

In December 2006, the EC, UNIFEM and the ILO signed a contract for the initiation of a project aimed at **identifying practical approaches for incorporating gender equality and women's rights into aid programmes funded by the EC**. The implementation of this project started in April 2007 and its total duration will be three years.

The focus of this project is to **increase civil society stakeholders' influence on national development strategies and EC development planning at country level** in 12 pre-selected countries from different regions through awareness-raising on how the new EU aid architecture works and through the dissemination of gender tools developed by the ILO Training Centre<sup>72</sup>. More specifically, the project will capacitate policy dialogue on gender and development issues through the organisation of national consultations with the participation of women's ministries and ministries of planning, members of national

*"Ownership is a key word: gender mainstreaming is related to endogenous change and can be sustainable only with adequate internal human-financial resources and clear accountability lines. Some of these initiatives – if sustained at decision-making levels within the Commission – can potentially have a critical impact on the actual capacity of EC cooperation to promote gender equality."*

Gender help desk for the EC RELEX family, ILO, Turin, (2007) Activity report.

parliaments, NGOs, the EC Delegations, UN agencies, other international organisations and donors. UNIFEM country offices will have the responsibility to co-ordinate activities at national level, while the ILO will continue to provide on-line training for EC staff and will develop further existing training tools. In the same context, a virtual Gender Help Desk will be established providing information to the EC Headquarters and the Delegations upon request and an interactive website will act as a forum for sharing information among the EC Delegation gender focal points. Civil society organisations specialised in gender and development issues can play an advisory and monitoring role in the context of the implementation of this project.

### **Follow-up project to the former gender help desk**

The UNIFEM-EC-ILO project will follow up on the activities implemented by the Gender Help Desk of the EC RELEX family which was run by the ILO International Training Centre between 1 January 2004 and December 2006. During the three years of its operation, the activities of the Gender Help Desk focused on the preparation of an EU package of "gender tools" responding to operational needs, including the production of a "Toolkit on Mainstreaming Gender Equality in EC Development Co-operation", the drafting of gender guidelines for CSPs and the organisation of training sessions on gender mainstreaming and specific themes at Headquarter and Delegation levels. The success of the training sessions varied considerably. In some cases, training sessions resulted in the presence of committed and competent gender focal points in EC Delegations (e.g. Nigeria, Mozambique, Ghana, India) and/or the formulation of a gender equality strategy at Delegation level, supported by the Head of Delegation (e.g. Nigeria).

Despite the varying levels of participation and commitment shown by the different Commission services, a number of activities undertaken by the Gender Help Desk initiated a process of institutional learning and inter-institutional dialogue between Commission services and between the Commission and the EU Member States on the implementation of gender equality in EU development co-operation. The role of the ILO Training Centre as an "external service provider", although extremely important, indicates its little margin of action to initiate and ensure long-term institutional changes within the Commission services.

<sup>72</sup> The main objectives of the project are to incorporate gender into the EC development co-operation programming process (including the Mid-Term Review of CSPs under the 10th EDF); mainstream UN Security Council Resolution 1325 (women and security) into conflict prevention and peace building initiatives in 4 countries; and build capacity on gender issues so that multi-stakeholder groups from minimum 8 countries become more committed to gender in the Ghana High Level Forum on Aid Effectiveness planned to take place in 2008. The Steering Committee of the project is composed of EuropeAid, DG DEV and DG RELEX representatives.



## 2.6. Civil society dialogue mechanisms

In the context of EU initiatives on promoting good governance, **all EU institutions have the obligation to provide information and support dialogue with civil society organisations.** This is at the core of institutional accountability and transparency. Furthermore, debates on promoting the democratic nature of EU policy-making have been revived following the rejection of the Constitution for the Future of Europe by the people of two EU Member States (France and the Netherlands).

At Headquarter level, **DG DEV and the EuropeAid Co-operation Office organise consultations with civil society organisations in an ad-hoc, informal manner lacking in transparency** depending on priorities and issues under discussion by the Commission services and other EU institutions. In some cases, information on possibilities for civil society contributions and input is published on the DG DEV website. In other cases, specific civil society organisations are invited by the Commission to provide input. The criteria for selecting civil society organisations to contribute to the discussions are not clear.

Only recently (in March 2007) the European Commissioner for Development and Relations with ACP countries initiated contacts with representatives of civil society organisations to discuss the possibility of establishing a mechanism for **structured policy dialogue between the Commission and civil society** on development issues and priorities. As this is only the first step in what is foreseen to be a lengthy process of discussions between the two parties, no predictions can be made on the structure of the dialogue.

**Political dialogue** is also an **essential element of the Cotonou Agreement**. The agreement foresees an increase in discussions not only between the official parties (EC and ACP national governments), but also with civil society organisations. In **ACP countries, civil society dialogue** meetings have been organised by EC Delegations **in the context of the Joint Annual Reports,**

**Mid-Term and End-of-Term Review and in the context of the programming exercise for the 10<sup>th</sup> EDF.** A specific annex developing an analysis of consultations with civil society organisations at national level is attached to the Country Strategy Papers for ACP countries.

However, when looking at issues such as the timing of these meetings vis-à-vis the definition of co-operation priorities (focal and non-focal sectors) and the finalisation of programming documents, the quality of dialogue, NGOs' access to information and the selection of civil society organisations invited to attend these meet-

ings questions arise on the effectiveness and impact of such consultation meetings.<sup>73</sup> *“Consultation should not just serve as validation, but civil society must be involved from the beginning in agenda setting and defining policy, both in Europe and in developing countries”.*<sup>74</sup> Another weakness in this process is that there is no systematic analysis available on the extent of participation of Ministries in charge of gender issues and women's organisations in policy

discussions on the 10<sup>th</sup> EDF programming exercise.

Furthermore, a meaningful dialogue between the EC, the National Authorising Officer and civil society is needed at country level.

Projects aimed at enhancing the capacity of national civil society organisations in the areas of lobbying, advocacy and networking and strengthening existing spaces for dialogue between EC Delegations and CSOs have been set up in all ACP countries.<sup>75</sup> These projects are funded through the EDF budget and are integrated in the national indicative programmes under the 9<sup>th</sup> and the 10<sup>th</sup> EDF. Support to civil society organisations is also foreseen through a specific thematic programme under the financial perspectives 2007-2013 (see section on the DCI). It should be acknowledged though that in many cases local NGOs and especially grassroots organisations do not have the needed knowledge of EC procedures to apply successfully for funds. This is a case demonstrating how donor requirements and procedures have a negative impact on the participation of

*“We – as Europeans – have our political priorities and positions in relation to development and trade. Yet, these are issues to be decided by the people and civil society in partner countries in the South. This is the core of democracy”.*

MEP on the role of civil society in discussions on EU development and trade policy

73 See for example: Eurostep (2006): *We decide, You “own”! An assessment of the programming of the European Community Aid to ACP countries under the 10th European Development Fund*, London.

74 CARITAS/CIDSE (2006): *Letter to Director General of DG DEV: Ten recommendations to improve EC cooperation with civil society*, London.

75 An extensive analysis of the involvement of NSAs in the implementation of the Cotonou Agreement is developed in the joint ECDPM (European Centre for Development Policy Management) and ACP toolkit *“The Cotonou Agreement: A User's guide for Non-State Actors”*.

local stakeholders in development co-operation.

It is important that partner organisations in ACP countries are active in monitoring the implementation of these programmes given their potential contribution to strengthening and supporting women's organisations' activities at country level. Decision-makers both at the

EC and the ACP need to pay specific attention to the level of women's organisations' representation in policy discussions. Women's participation in the policy dialogue on development issues needs to be encouraged and promoted given their role as agents of development and social change.

## 3. EU external relations and gender (India and ASEAN)

Chapter 3 examines **EU external co-operation with India and ASEAN under the geographic programmes of the Development Co-operation Instrument**.

**The European Commission (DG RELEX)** has the main responsibility for the **formulation of the country strategies**, while **the DCI Committee within the Council of Ministers and the EP Committee on Development** are involved in the **screening and approval of country strategy papers**. Chapter 3 analyses in detail the involvement of these institutions in the programming exercise, as well as the main policy documents (Development Co-operation Instrument, relevant EC Communications) which guide the definition of priorities for co-operation with these countries. At the same time, this chapter focuses on the **level of integration of gender equality issues in the country strategies** and identifies entry points for lobbying by civil society organisations in this area.

An analysis of EU relations with India and ASEAN would be incomplete without reference to the **EC (DG Trade) initiative to launch negotiations** with these countries **on Free-Trade Agreements (FTAs)** and **the role that the Council of Ministers plays in EU trade policy**. In this context, chapter 3 provides **an overview of the main elements of DG Trade's negotiating mandates** and includes reference to civil society organisations' analysis of the development, social and gender implications of these agreements.

### 3.1. General introduction

EU external relations cover **foreign policy issues and co-operation with countries and regions throughout the world**, including the US, Russia, China, Japan, Middle East, Asia and Latin America<sup>76</sup>. Since 1976, the EU has been implementing a financial and technical aid programme for the developing countries in Latin America and Asia (ALA). EU relations with these countries take the form of bilateral economic and trade co-operation agreements. Such agreements have been signed in particular with India (1981), Brazil (1982) and China (1985).

In the beginning EU-ALA co-operation was not mainly trade-based: most of the trade between the EU and these countries or regions came under the non-preferential trade arrangements. Co-operation activities have long been concentrated to certain sectors, such as agricultural development, the exploitation of forestry resources or the development of social infrastructure.

More recently, regional co-operation support and economic criteria have become ever more important, and a broader type of economic co-operation has emerged,

in particular via the promotion of partnerships between Asian or Latin American and European companies.

The expansion of EU borders to the East and South with the accession of ten new Member States in 2004 and the consideration of geo-political issues including security concerns has led the EU to develop mechanisms for strengthened co-operation with its neighbouring countries in the Middle East, North Africa, Balkans and the Caucasus region. EU priorities in this area are reflected in the new **European Neighbourhood Policy Instrument**, which was included among the external co-operation instruments together with the **Development Co-operation Instrument** and the **Human Rights Instrument** (among others). The development of these instruments and respective financial allocations were finalised in 2006 under the **2007-2013 EU financial perspectives**. Partner countries from the South have commented that following the EU enlargement process, the EU's "energy" – both in political terms and in terms of dialogue – has shifted to the East.

Despite these political developments, the EU has maintained an interest in relations with its Southern partners partly because of its Member States' commitment

<sup>76</sup> *External relations with these regions include trade and co-operation agreements of various types, financial and technical aid, humanitarian aid and funds devoted to the campaign against poverty. A presentation of the different types of international agreements concluded between the EU and third countries is included in the Glossary, Annex 1*

to international processes such as the MDGs and other development objectives and partly because of economic interests and considerations. Due to space limitations, this chapter will focus on **EC co-operation with India and ASEAN**,<sup>77</sup> providing an illustration of the links and contradictions between the EU development and trade agendas.

### EU-India and EU-ASEAN co-operation

Co-operation agreements with India and ASEAN comprise **three main components: political dialogue, development co-operation and trade**. The selection of India and ASEAN for this study is linked to the growing interest shown by the EU to strengthen economic relations with these countries through the conclusion of **free trade agreements and enhanced co-operation in the areas of trade, investment, education and the environment**, reflected in the draft strategy papers for the countries in the region and regional co-operation strategies. The EU's interest in the region is partly seen as a reaction to the increased US influence on the region. It is also linked to the fact that these countries represent rapid growth and large markets for EU export companies. It takes into account the growing importance of these countries in international trade, the prominent role held by India in the representation of developing country interests in the WTO fora since the Ministerial Meeting in Cancún and its evolution into an emerging regional and international leader in the UN fora.

In April 2007 the European Commission (DG Trade) received negotiating mandates from the Council of Ministers for a new generation of competitiveness-driven bilateral trade agreements with India, South Korea and the regional grouping of ASEAN including the areas of investment and services. The mandates are presented as an integral part of the EC Communication "Global Europe: Competing in the World" launched in October 2006<sup>78</sup> and should also be analysed in the context of the preparation of a new framework for co-operation with these countries under the Development Co-operation Instrument (2007-2013). So far, these ambitious agreements ignore the political and social diversity as well as the poverty levels and social inequalities in these countries. Some of the countries of the ASEAN group (Cambodia, Burma/Myanmar and Laos) are classified as LDCs, while others (Vietnam, Indonesia, Philippines, Thailand)

belong to the groups of low income and lower middle-income countries.

Applying a "one-size-fits-all" strategy will result in serious negative implications for the development of these countries. The simplistic view that trade liberalisation leads to poverty eradication and social development needs to be challenged as many examples have shown how increased trade and flows of foreign direct investment have failed to change the basic structures determining employment, livelihoods and poverty for the majority of the population in these countries (including the presence of a high degree of underemployment; a strong dualism between the formal and informal sectors, especially in manufacturing; and the involvement of by far the larger share of the workforce, mainly women, in low-productivity employment)<sup>79</sup>.

In addition, **the marginalisation of gender equality in the framework of co-operation with these countries**, as well as the limited involvement of civil society and national parliaments in the preparation of country strategies and discussions on the launching of trade negotiations, needs to be highlighted.

### **3.2. Policy-making: Analysis of key actors**

Similar to EU development co-operation, **EU external relations** fall under the Community decision-making process and is a **shared competence between the EC and the EU Member States**. Binding legal instruments, such as Regulations, are jointly approved by the Council of Ministers and the European Parliament (Committee on Development) under the co-decision procedure. Furthermore, both the EP and the Council of Ministers have co-decision powers with regards to the approval of the EU budget, which finances external co-operation with all regions and countries except for ACP countries (see chapter 2).

A main difference in relation to co-operation with ACP countries is the fact that **programming for India and ASEAN countries is a 'Brussels-driven' process** with the European Commission (DG RELEX) playing a major role in the formulation of country strategies (drafting of country strategy papers and national indicative programmes). The geographic separation of ACP countries with DG DEV and other developing countries with DG RELEX without consideration of their status as develop-

77 The ASEAN Group consists of ten countries: Brunei/Darussalam, Cambodia, Indonesia, Laos, Malaysia, Burma/Myanmar, Philippines, Singapore, Thailand, Vietnam.

78 More information on this Communication will be provided in Chapter 5.

79 See for example: Christian Aid (2005): Policy discussion paper: *Is India a success story of economic liberalisation?*, by Jayati Ghosh, London.

ing countries represents a major institutional dilemma. It has resulted in different provisions for aid modalities and in the definition of trade, increased investment flows and security as political priorities in the EU's agenda for co-operation with Asian countries.

The **concentration of power by EC Headquarters** in the area of programming is an **indication of the importance that the Commission attributes to relations with these countries** due to the opportunities that they offer for European companies in terms of market access, supply of cheap labour force and natural resources. EU's relations with ASEAN and India are **increasingly driven by economic interests** rather than development objectives and considerations. The EC Delegations' role is mainly focusing on policy dialogue with host countries on trade issues and economic co-operation as well as management and implementation of economic and development co-operation programmes at national and regional levels rather than definition of strategic priorities. This programming format and process places limitations on the influence that civil society organisations based in the South have on the definition of development co-operation priorities and increases the need for intensified lobbying at the Brussels level. Alliance building and joint lobbying by European and Southern civil society organisations is of utmost importance to increase pressure towards the EU and national governments to decide jointly on co-operation priorities, which place at their centre specific measures and programmes for poverty eradication, respect for human rights and women's empowerment, rather than the promotion of corporate interests.

Both the **Council (DCI Committee)** and the **European Parliament (Committee on Development**, in a consultative role) contribute to the **approval and screening of country strategy papers** prepared by the Commission in terms of their priorities and in compliance with the OECD-DAC criteria for Official Development Assistance (ODA) spending<sup>80</sup>. Consultation with the European Parliament in this area is a novelty of the Development Co-operation Instrument and a move welcomed by many EU Member States and civil society organisations.

### 3.2.1. European Commission

Two Commission services play a major role in EU external relations: DG RELEX and DG Trade<sup>81</sup>.

#### 3.2.1.1. DG RELEX

The **Directorate-General for External Relations** is in charge of the **formulation of EU external relations policy** and the **management of bilateral relations** with a number of countries and regions, including the Middle East, Asia, Central Asia and Latin America<sup>82</sup>.

The European Commission's extensive powers in the area of external relations have been acknowledged by many EU Member State representatives. Desk officers from DG RELEX Units H1 (Horizontal matters and policy co-ordination), H3 (Geographic Unit for India, Bhutan and Nepal) and H5 (Geographic Unit for South-East Asia) have the main responsibility of **co-ordinating and drafting country strategy papers, multi-annual indicative programmes and annual action programmes** (definition of specific activities on an annual basis) both for India and ASEAN countries. DG RELEX is also responsible for the **formulation of regional strategies and regional indicative programmes**.

The gender desk of DG RELEX is based in **Unit B1 on Human Rights and Democratisation**. Its role and contribution to the integration of gender concerns in EU external relations will be analysed in section 3.5.

#### 3.2.1.2. DG Trade

**DG Trade, Unit C3** is in charge of **bilateral trade negotiations with South Asian countries** (including India) and **South-East Asian Nations (ASEAN)**. As noted above, DG Trade had received a mandate from the EU Member States to start negotiations on FTAs with

*"The Commission holds a lot of power in the area of development programming. We can change the substance of strategy documents only if a big number of Member States within the Council support such initiative".*

An Official from a Permanent Representation on the role of the Council in the screening of CSPs

<sup>80</sup> OECD-DAC Reporting Directives for the Creditor Reporting System (6 July 2005). Addendum 2. Annex 5: Reporting on the purpose of Aid. The CRS "purpose codes" outlined in this Annex are used by international donors to report on the purpose and sectors of their development assistance to developing and transition countries. These codes provide the main framework for testing the ODA eligibility of donor supported activities and programmes.

<sup>81</sup> Similar to the case of the ACP countries, the EuropeAid Co-operation Office (Directorate D on Asia and Central Asia) has the main responsibility for monitoring the implementation of development co-operation programmes/projects with the countries of the two regions (both in terms of project/programme quality and financing).

<sup>82</sup> DG RELEX is also responsible for the Commission's participation in Common Foreign and Security Policy, the management of EC Delegations, EC relations with the UN and other international organisations, and the implementation of the European Neighbourhood Policy. An organigramme of DG RELEX can be found on page ...



ASEAN, India and South Korea in April 2007<sup>83</sup>. The key economic criteria for starting negotiations with these partners were their market potential (economic size, growth) and the level of protection against EU export interests (tariffs, non-tariff barriers), taking into account the partners' negotiations with EU competitors. Despite this general "consensus", some Member State officials interviewed for this study are of the opinion that clear limits should be placed on the trade dimension of co-operation with these countries in order to ensure a balance between the trade and development components. The negotiating mandates in all three cases are very similar and quite detailed. They will be comprehensive and ambitious in coverage, aiming at the highest possible degree of trade liberalisation, including far-reaching liberalisation of services and investment. They can thus be called WTO-plus agreements, including provisions on the so-called Singapore issues (government procurement, trade facilitation, investment and competition policy), issues that were strongly opposed and rejected by various ASEAN countries and India in the context of WTO negotiations. They will also explore new ways of addressing non-tariff barriers and incorporating provisions on trade-related aspects of sustainable development.

DG Trade representatives describe the **EC's increased interest in Free Trade Agreements as a "natural progress" of EU economic relations with these countries**, which also reflects their level of development as emerging economies. The EC's political motivation in this area is "in line" with EU efforts to strengthen the European economy through the expansion of European companies' activities in Asian markets<sup>84</sup>. Research commissioned by the EC has illustrated the likely economic benefits of the new generation of bilateral trade agreements with the countries under examination: The agreements will boost EU exports to ASEAN by 24.2%, to India by 56.8% and to Korea by 47.8%. The three deals combined could increase the total of EU exports (1.3 trillion euro in 2005) by 3.23%. The profits for European transnational corporations (TNCs) arising from the conclusion of these agreements in the future will be enormous.

The **EC decision** to launch these trade negotiations is a decision which **represents a significant departure from**

**the EU's stated commitments to sustainable development, social justice, gender equity and decent work.**

The vast socio-economic disparities in ASEAN are not being taken into account as the EU is demanding full reciprocity without meaningful special and differential treatment; the liberalisation of services at a WTO-plus level will tend to out compete ASEAN service providers given the dominance of EU service companies; the inclusion of the Singapore issues and the accompanying limitations on the ability of national governments to regulate investment, competition policy and government procurement in the public interest will jeopardise access to essential social services, and have far-reaching implications for the poor and rural populations in both regions, especially for women; lowering of tariffs will result in significant losses of revenue for developing countries; the EU's high priority on access to raw materials will seriously undermine ASEAN countries' capacity to maintain sovereignty over their natural resources, including restrictions on exports, investment and intellectual property rights<sup>85</sup>.

An analysis of **policy priorities** identified by DG RELEX and DG Trade reveals a **low level of institutional commitment to the promotion of women's rights, economic and social empowerment**. DG RELEX's theoretical commitment to gender equality is hardly ever translated into country-specific programmes and actions supported through the Development Co-operation Instrument. At the same time, DG Trade's policy documents on the links between trade, decent work and sustainable development are silent on the gender implications of trade liberalisation and agreements.

### 3.2.1.3. EC Delegations

As noted above, **EC Delegations** in Asian countries have **focused their contribution to the definition of strategic priorities for co-operation with partner countries**. The Delegations are mainly responsible for **overseeing the implementation of co-operation agreements** with the countries and commitments undertaken in high-level fora such as the EU-India Summit and EU-ASEAN Ministerial Meetings. EC Delegations are also **involved in policy dialogue with the host countries on trade, economic and general co-operation issues**, and promote EU interests and positions in these areas. Furthermore, they manage the whole range of econom-

83 Council of the European Union (2007): *Conclusions on the recommendations to open negotiations with countries of ASEAN, India and South Korea 23/24 April 2007*.

84 In 2005, the EU was ASEAN's second largest export market and the third largest trading partner after the United States and Japan. EU exports to ASEAN were estimated at 45 billion euro, while EU imports from ASEAN were valued at 71 billion euro. With regard to trade relations with India, in 2005 the EU imported goods from India to the amount of 18.9 billion euro and EU exports amounted to 21.1 billion euro.

85 NGO statement (2007): *Statement of concern regarding the proposed EU-ASEAN free trade negotiations, (February 2007)*.

ic and development co-operation programmes supported by the EU in partner countries (for example in the areas of education, health, environment, trade and investment facilitation, civil society and NGO-related projects).

In the area of development co-operation programming, EC Delegations in the respective countries provide a “concept paper” to Headquarters in Brussels in view of the programming exercise, and co-ordinate policy discussions with local stakeholders at country level. It is unclear to what extent the EC Delegations in these countries have fulfilled their obligation with regards to the co-ordination of policy dialogue with national governments and national parliaments, local authorities and civil society organisations. Many draft country strategy papers are silent on this issue and as a result, the national ownership of country strategies can be contested.

The role of the Delegations as diplomatic missions of the European Commission in third countries, and their mandate to facilitate policy dialogue with local stakeholders on programming issues, adds them to the list of lobby targets, although in a secondary position to the EC Headquarters. On the one hand EC Delegations need to ensure the transparent, inclusive and democratic nature of policy dialogue with local stakeholders, including women’s organisations, in partner countries.<sup>86</sup>

On the other hand, they need to increase their commitment to gender equality and consequently, the level of integration of gender issues in all stages of the project cycle including programming, project formulation, implementation, monitoring and evaluation.

### 3.2.2. Council of Ministers

The **Council of Ministers** plays an important role in relation to both development co-operation and trade negotiations with India and the ASEAN group. Under Comitology<sup>87</sup>, all **country strategy papers** determining EU co-operation with Asian countries need to be **screened and get the approval of the DCI Committee** which consists of representatives of all EU Member States and the Commission. Furthermore, the DCI Committee **examines and approves all thematic programmes** and the content of multi-annual programmes and **annual plans** guiding their implementation (see also chapter 2).

The revision of CSPs by the Council and the EP can theoretically open the door for the improvement of these programming documents from a gender perspective. Yet, so far no progress has been achieved in this area mainly due to the fact that gender equality does not feature among the political priorities of the majority of the EU Member States. As mentioned in the section on gender and development, the main “gender advocates” within the Council are seven Member States (Austria, Denmark, Finland, Germany, Ireland, Sweden, and the Netherlands) with a strong tradition of promoting of women’s rights and empowerment at international level.

In this respect, building alliances with representatives of the EU Member States leading discussions on gender and development issues seems useful. In some cases, representatives of these Member States have emphasised that their work can potentially be strengthened through policy dialogue with civil society organisations and through sharing policy analysis and research on the gender implications of the EU development and trade policy. At the same time, efforts need to be increased to raise awareness among representatives of other EU Member States on the importance of gender equality and women’s empowerment. Given the fact that the Permanent Representations are guided in their actions and positions by the mandate they receive from their capitals, lobbying initiatives should combine actions both at European and national levels, in co-operation with partner organisations active in the respective EU Member States.

#### **Working parties of the Council: Article 133 Committee and COASI**

In the area of trade policy, both the **Article 133 Committee** (consisting of trade representatives of the 27 EU member states) and the **Working Party on Co-operation with Asia (COASI)** give input and orientation to the Commission in relation to the trade-related aspects of co-operation agreements with Asian countries and the actual trade negotiations.

The commitment is, however, differently oriented. The COASI WP consists of representatives of the foreign policy departments and Asia desks of the EU Member States’ Permanent Representations in Brussels. It looks at horizontal aspects of co-operation and provides

<sup>86</sup> For example, Eurostep has initiated a number of lobbying actions towards the EC in this area in the context of the 10th EDF programming exercise and the preparation of country strategy programmes under the DCI.

<sup>87</sup> Comitology” or the “Committee procedure” is the term for a system of committees that assist the Commission in the exercise of its powers when implementing adopted legislation (see DCI and EDF Committees). Comitology committees are created by means of a basic legislative act adopted by the Council, or the Council and the European Parliament that confers implementing powers on the Commission. There are different types of committees. Management committees are typically used to monitor the implementation of policies (programmes) with substantial budgets.

input in relation to the EU's political dialogue with Asian countries on various issues, including the configuration of the EU-ASEAN FTA.

DG Trade shows preference for the input of the like-minded (economically-oriented) Article 133 Committee vis-à-vis the COASI WP presenting the justification that the geographically oriented working party lacks the expertise in highly technical trade issues. This is a reflection of DG Trade's ideological orientation and mandate. The Council also concludes, on behalf of the Community and the Union, international agreements between the EU and third countries or international organisations<sup>88</sup>.

### 3.2.3. European Parliament

Three **EP Parliamentary Committees** are active in political discussions and monitoring of EU external relations with India and the ASEAN group: **Committee on Development, Committee on Trade and Committee on Foreign Affairs**<sup>89</sup> (including its sub-committee on Human Rights). For example, the Committee on Foreign Affairs had drafted a report on the establishment of a new EU financing instrument for democracy and human rights<sup>90</sup> and its work is of great interest for those organisations working on human rights (including women's rights) issues.

#### **Committee on Development: Consultation on programming for Asian countries**

In 2007 for the first time the EC initiated consultations with the EP on the formulation of programming priorities for Asian countries and other regional groups, parallel to discussions and consultations with the Member States. Following an inter-institutional agreement between the EP and the EC, the EC has the obligation to inform the Committee on Development of the proceedings of the DCI Committee and to consult the EP on the

content of all geographic and thematic strategy papers under the Development Co-operation Instrument on a regular basis. In order to respond to its new role, the Committee on Development has established geographically oriented working groups on the basis of all countries/regions covered by the Development Co-operation Instrument.

MEPs have commented on the consultative and non-legislative character of this process and criticised the limited 30-day period given to the Parliament to communicate its official comments and positions to the EC, following a favourable opinion given by the DCI Committee for the first drafts of the strategy papers. *"Unless we reach in the future an agreement with the Commission on the extension of this period to take also into account the timing of the Strasbourg plenary sessions, we can talk about a parody of consultation"*, stated one MEP<sup>91</sup>.

The EP was quite quick in making use of its recently acquired right in February 2007. In its Resolution of 15 February 2007<sup>92</sup>, it called the EC to withdraw or amend its draft decisions establishing country strategy papers for Malaysia, Pakistan and Brazil on the basis that certain co-operation areas included in these strategy papers (respectively dialogue facility on trade and investment, anti money-laundering measures and strengthening links between EU-Brazilian institutions, academia and civil society organisations) do not fulfil the OECD-DAC criteria for Official Development Assistance<sup>93</sup> and do not contribute to the overall poverty reduction objective set in the Development Co-operation Instrument. In the Parliament's view the above can be areas of co-operation, yet they should not be financed by the Development Co-operation Instrument.

Overall, the European Parliament has played an important role in **policy discussions on country programming under the development co-operation instrument** by highlighting the marginalisation of poverty eradication

<sup>88</sup> These agreements are binding on the Community and the Member States and thus render them liable at international level.

<sup>89</sup> The Parliamentary Committee on Foreign Affairs is responsible – among other areas – for issues concerning human rights, the protection of minorities and the promotion of democratic values in third countries. In this context the committee is assisted by a subcommittee on human rights. The committee co-ordinates the work of joint parliamentary committees, parliamentary co-operation committees as well as that of the interparliamentary delegations and ad hoc delegations and election observation missions falling within its remit.

<sup>90</sup> European Parliament/Committee on Foreign Affairs (2006): Report on the proposal for a regulation of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights worldwide (European Instrument for Democracy and Human Rights), A6-0376/2006.

<sup>91</sup> A Memorandum of Understanding is currently negotiated between the EC and the EP to give some flexibility to this deadline so that it is more realistic.

<sup>92</sup> European Parliament (2007): Motion for a resolution on the draft Commission decision to establish country strategy papers and indicative programmes for Malaysia, Brazil and Pakistan, B6-0067/2007.

<sup>93</sup> DAC criteria for ODA spending define what areas of expenditure donors can report as development aid as opposed to other forms of foreign assistance (for example military aid). Non-compliance with DAC criteria on ODA is the only case in which the EP can resort to the use of legal means (i.e. referring the Commission to the European Court of Justice) in relation to the development co-operation instrument implementation.

objectives and MDGs in some country strategy papers and by demanding clarifications from the EC on a number of other substantive issues. It also called the EC to fulfil its commitment in line with Article 5 of the development co-operation instrument that a benchmark of 20% of its allocated assistance under country programmes will be dedicated to basic and secondary education and basic health by the year of the Mid-Term Review of country strategy papers (2009)<sup>94</sup>. The EP's critical views reflect – to a large extent – concerns and demands raised by civil society organisations on a number of occasions. The EP's influence on the process can be confirmed by the fact that following an exchange of views between the Commission, the DCI Committee and the EP Committee on Development, DG RELEX made a commitment that references to counter-terrorism measures will be removed from all country strategy papers for Asian countries.

With regard to gender equality, the Committee on Development urges the Commission to include in its annual action programmes clear benchmarks and/or impact indicators on the participation of vulnerable groups in planned activities (including women, indigenous peoples etc.) and to indicate specific plans and programmes on gender.

#### **INTA committee**

As far as trade negotiations on FTAs with India and the ASEAN group are concerned, the co-ordinators appointed by the different political groups in the INTA Committee play an important role as they lead discussions and guide other MEPs in their political group how to vote during parliamentary committee meetings and plenary sessions. However, the role of the INTA committee is rather limited in terms of having real influence on policy-making.

The EP will also engage in a dialogue and exchange of views with partner countries on trade issues through the EU-ASEAN Delegation. The European Parliament Delegations maintain relations and exchange information with parliaments in non-EU countries. The role of the European Parliament in EU trade policy will be analysed in detail in Chapter 4.

### **3.2.4. Joint EU-ASEAN/EU-India fora**

#### **ASEAN-EU Ministerial Meetings**

The regular **ASEAN-EU Ministerial Meetings provide a high-level forum for political dialogue** between the EU Member States, ASEAN Ministers for Foreign Affairs and the EC on international issues and co-operation between the two regions. The meetings take place every two years and offer a forum for a review of co-operation between the two regional groups, including trade relations and negotiations. As expected, the **agenda** of these meetings is taken over by discussions on **security, trade and investment issues rather than development co-operation**. The Ministerial Meetings are attended by the Foreign Ministers of the ASEAN Group and of the EU, the European Commissioner for External Relations and the Secretary General of ASEAN. The Meetings are co-chaired by the country acting as the ASEAN coordinator and the EU Member State holding the EU Presidency.

#### **EU-India Summit**

Similarly, the EU-India Summits held on an annual basis since 2000 provide a **dialogue forum on political, development and economic co-operation issues as well as trade and investment**. The EU is represented in the Summits by the Member State holding the EU Presidency, the High Representative for Common Foreign and Security Policy, the President of the European Commission and the European Commissioners for External Relations and Trade. India is represented by the Prime Minister and the Ministers in charge of external affairs, commerce and industries and national security.

During the 6<sup>th</sup> EU-India Summit, which took place in Delhi in 2005, the two parties decided on a Joint Action Plan which sets out a roadmap guiding the implementation of their strategic partnership in all co-operation areas. The 2005 EU-India Summit also launched a **High Level Trade Group (HLTG)** mandated *“to study and explore ways and means to deepen and widen the bilateral trade and investment relationship,”* including the launching of negotiations on a broad-based trade and investment agreement. The 7<sup>th</sup> EU-India Summit in October 2006 in Helsinki witnessed the establishment of the **EU-India CEO Round Table** under the lead of business confederations on both sides: the

<sup>94</sup> This provision is in line with the 1995 World Summit on Social Development which took place in Copenhagen. The Report of the Summit (Chapter V on Implementation and Follow-up – Mobilisation of financial resources) emphasised the need for a mutual commitment between developed and developing countries to allocate on average 20% of the Official Development Assistance and 20% of the national budget to basic social programmes.



Confederation of European Business (CEB-UNICE), the Confederation of Indian Industry and the Federation of Indian Chambers of Commerce-Industry. The main objectives of the CEO Round Table are to establish a direct dialogue channel between business and policy-makers and to develop networks for sectoral industrial co-operation and investment promotion. Furthermore, the annual EU-India Business Summit is attended by high-level political figures from both parties.

The **infiltration of corporate interests** in these high-level political fora over the years increases the need for the organisation of counter-meetings by civil society organisations in support of human and social development objectives, including women's empowerment and economic and social rights. An initiative worth analysing in this context is the **EU-India Civil Society Round Table** which was established in 2000 as a forum for involving "leading representatives of EU and Indian civil society" to discuss regular and shape perceptions on global issues of mutual interest. The Round Table provides opinions and information for subsequent discussions at the EU-India Summit meetings. It is composed of representatives of the European Economic and Social Committee and of representatives of Indian civil society organisations. Discussions in this group which take place on an annual basis address social and economic aspects of globalisation; trade, investment and intellectual property rights; migration; and other issues.

### 3.3. Legal instruments, policy documents, programming tools

#### 3.3.1. Legal instruments

##### *Development Co-operation Instrument Regulation (geographic programmes)*

While the Cotonou Agreement governs development co-operation with ACP countries, the 2006 Development Co-operation Instrument Regulation provides the **legal framework for co-operation with Asian countries through the section on geographic programmes, and covers the period 2007-2013**. The Development Co-operation Instrument Regulation substitutes the ALA Regulation (EU co-operation with Asia and Latin America), which is repealed by the new financing instrument. The total allocation to Asian countries foreseen by the Regulation amounts to over 5.1 billion euro. DCI supports the implementation of

policies aimed at **poverty eradication** and the achievement of the **MDGs** in the areas of health (including increased access to health services for women, improving maternal health and sexual-reproductive rights); in education (including eliminating gender disparity in education); in social cohesion and employment (including combating all forms of group-based discrimination and promoting gender equality). Supporting an active civil society, good governance and institutional reforms is seen as a priority, yet no specific reference is made to women's organisations and their contribution to political, social and economic life in partner countries.

The DCI also outlines support **measures in the areas of trade and regional integration, environment and sustainable** management of natural resources, water and energy, transport and infrastructure as well as in post-crisis situations. **No reference to gender equality issues is included in any of the above sections.** Furthermore, **the section on co-operation with Asia (Article 7) includes no gender-specific provisions.**

##### *Regulation establishing a financing instrument for the promotion of democracy and human rights worldwide (Human Rights Instrument)*<sup>95</sup>

A separate financing instrument for the **promotion of democracy and human rights** provides the legal basis for the successor programme to the European Initiative for Democracy and Human Rights (EIDHR) and aims to contribute to the objectives of the European Consensus for Development and the ACP-EU Cotonou Agreement as well as to reinforce actions under other external co-operation instruments, including the Development Co-operation Instrument. Assistance provided in this framework will aim at enhancing respect for human rights and fundamental freedoms; strengthening the role of civil society in promoting human rights and democratic reform; developing political participation and representation; supporting conflict prevention; supporting the international framework for the protection of human rights; and building confidence in democratic electoral processes through the development of electoral observation and assistance.

The Regulation also foresees support for actions promoting the equal participation of men and women in social, economic and political life and increasing women's political representation. These provisions reflect the importance of the protection and promotion of women's rights as proclaimed in the CEDAW and its

<sup>95</sup> *European Community (2006): Regulation of the European Parliament and of the Council of European Community on establishing a financing instrument for the promotion of democracy and human rights worldwide, (EC) No 1889/2006.*



Optional Protocols. Furthermore, the HRI foresees financial assistance for programmes directed towards combating female genital mutilation, forced marriages, crimes of honour, trafficking, and any other form of violence against women. Last but not least, it foresees support for local, regional, national or international civil society organisations active in the promotion of human rights.

The implementation of this Regulation will be based on strategy papers and annual action plans. DG RELEX administers the new HRI, yet it is important to note that all developing countries (including the ACP) can potentially benefit from this instrument. This indicates the complexities of the management of the new instrument and strengthens demands for increased co-operation and inter-institutional dialogue between DG RELEX and DG DEV in this area.

### 3.3.2. Policy documents

#### *EC Communication: A new partnership with South-East Asia*<sup>96</sup>

This Communication from 2003 endorses **six strategic priorities** for the region: Regional stability and the fight against terrorism; human rights, democratic principles and good governance; justice and home affairs issues; regional trade and investment relations; development of less prosperous countries and intensifying dialogue and co-operation in specific policy areas (including science and technology, higher education, culture, transport, energy; environment, trade issues, justice and home affairs). Increasingly co-operation is also directed towards activities in the areas of migration, combating of organised crime and counter-terrorism measures.

Integration of **gender issues** in the document is limited to the section on “promoting human rights, and democratic principles” and reference is made to human trafficking and sexual exploitation of women and children. Gender is absent in all other sections of the Communication and it is unclear whether and how gender concerns will be addressed in relation to all other areas of co-operation.

**Trade and investment** have a central role in EU co-operation with South-East Asian countries. The Trans-Regional EU-ASEAN Trade Initiative (TREATI) is aimed

towards expanding trade and investment flows and establishing a framework for dialogue and regulatory co-operation on trade facilitation, market access and investment flows between the two regions. Civil society organisations have warned against the negative impact the diversion of financial resources in support of trade and security-related activities on the quality of co-operation in the area of provision of basic social services, such as health and education.

#### *EC Communication: An EU- India strategic partnership*<sup>97</sup>

This 2004 Communication foresees **improving co-operation and strengthening political dialogue with India** on a number of issues, including conflict prevention and post-conflict reconstruction; non-proliferation of weapons of mass destruction; fight against terrorism and organised crime; migration; democracy and human rights. In relation to the last area, the Communication emphasises the EU’s commitment to extend political dialogue with India on important human rights issues such as gender discrimination, child labour, labour rights, corporate social responsibility and religious freedom. The EC Communication has as its main point of reference ongoing high-level discussions on these issues in the context of UN fora, such as the UN High Level Panel on Threats, Challenges and Change which addresses important political issues linked to the UN Reform and Restructuring.

**Strengthening economic partnership** with India is another major policy priority and the Communication emphasises that the Government of India should keep pushing ahead with economic and administrative reforms in relation to trade, including the removal of numerous non-tariff barriers and restrictions on foreign direct investment. More specifically, the EU-India Joint Initiative for Enhancing Trade and Investment (JITP) has been focusing on the formulation of business recommendations for action in specific sectors and on general trade and investment matters. Furthermore, the Communication foresees enhanced co-operation in the areas of environment (land and water management), information and communication technologies, transport, energy and biotechnology.

The section of the Communication dedicated to development co-operation includes **no reference to gender equality** or actions/programmes aimed at promoting women’s empowerment, although it foresees support in

96 European Community (2003): *A new partnership with South East Asia*, COM (2003) 399 final.

97 European Community (2004): *Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee. An EU-India Strategic Partnership*, COM (2004) 430 final.

a number of areas directed towards combating forms of social exclusion and discrimination.

### 3.3.3. Programming tools

#### Geographic strategy papers and multi-annual indicative programmes

The **implementation of the Development Co-operation Instrument Regulation** (programming and financial allocation) is **based on** the formulation of a **strategy paper** and a **multi-annual indicative programme** for each partner country and region following discussions with civil society organisations and regional-local authorities at country level organised by the EC Delegations (see chapter 2, page 29). At the EC level, the **approval of country strategy papers and national indicative programmes** is expressed by the **College of Commissioners and the Inter-Quality Support Group**.

**Support for economic and social reforms**, including reforms of health and basic education sectors, represents the **main element** of EU country strategies for co-operation with the majority of **South-East Asian countries and India**. Exceptions to this rule are Malaysia and Thailand where the EC focus is on economic relations, trade and investment, while lacking a poverty eradication focus and marginalizing partner countries' needs and priorities.

An overview of the draft Country Strategy Papers and National Indicative Programmes for India and ASEAN countries reveals **the varying, partial and/or limited levels of integration of gender concerns** and women's rights in the different co-operation areas and the proposed sectoral reforms in priority policy areas, such as health and education. In many cases, strategy papers lack gender-specific country programmes (inconsistency between country strategy papers and national indicative programmes) or limit interventions on gender issues only in the context of certain co-operation sectors<sup>98</sup>. Other papers include only a general reference to gender mainstreaming as one of the cross-cutting issues of EC development co-operation with no reference to specific programmes in this area. The "gender-blindness" of the country strategy papers contradicts the provisions of a number of EU policy documents which provide important policy guidance in this area, including the EU Consensus on Development and the

Development Co-operation Instrument Regulation.

While gender equality concerns remain marginalised, trade-related assistance represents a significant part of EU co-operation with these countries. Priorities in this area vary from country to country: In the case of new WTO members (for example Vietnam and Cambodia), priority is given to the adaptation of legislation and institutional structures linked to their accession to the WTO, while in the case of existing WTO members (for example the Philippines and Indonesia) the focus is on trade facilitation, phytosanitary measures and EU market access. The increased focus of country-specific programmes on trade-related issues is a strong indication of the convergence of DG RELEX and DG Trade's policy priorities, ideologies and mandates.

Actions at country and regional levels will be complemented by the implementation of thematic programmes across countries and regions (see chapter 2.3.1.).

## 3.4. Financing instruments

### EU Budget

The **implementation of the Development Co-operation Instrument falls under the EU budget**, a main difference compared to co-operation with ACP countries which is funded through the European Development Fund. The **Commission, the Parliament and the Council of Ministers have different roles and powers in the formulation and approval of the EU budget**. The EP and the Council of Ministers together constitute the Union's budgetary authority which decides each year on its expenditure and revenue. The procedure of examining and then adopting the budget takes place between June and late-December.

As the first step, all EU institutions and bodies draw up their estimates for the preliminary draft budget according to their internal procedures. The Commission consolidates these estimates in the "preliminary draft budget", which takes into account the guidelines and priorities for the coming budget year. The Commission submits the preliminary draft budget to the Council of Ministers in April or early May before the Budget Council meets in July. The Council of Ministers and the EP must work on the basis of the Commission's propos-

<sup>98</sup> For example, the CSP for Burma/Myanmar includes a country gender profile outlining the impact of the humanitarian crisis on women and the gender dimension of human trafficking and migration; the NIP for Cambodia foresees discussions on the integration of gender issues in the Public Financial Management Reform programme and the integration of gender concerns in the education sector reform; the CSP for Vietnam foresees the integration of gender concerns in the policy dialogue on two focal sectors: financing for Vietnam's Socio-Economic Development Programme (SEDP) and support for the Health Sector (including support for specific activities to raise awareness among women on their right to health care).

als and propose amendments to the draft budget. The approval of the EU budget entails a number of procedural steps (different “readings” by the Parliament) and increased communication between the Council and the Parliament depending on the policy area concerned (compulsory and non-compulsory expenditure). The budget cannot be implemented until it has been signed by the President of the European Parliament.

Furthermore, the EP Committee on Budgetary Control monitors the Union’s expenditure on a permanent basis. The European Parliament, on a recommendation from the Council of Ministers, gives the Commission a discharge for the implementation of the budget<sup>99</sup>.

Probably the **greatest influence the EP has on development co-operation remains in its budgetary powers**. The EP can and does influence both the size and the use of development co-operation funds which come from the Union’s annual general budget.<sup>100</sup> Lobbying the European Parliament (Committee on Budgets and Committee on Development) on the increase of financial allocations on gender-specific programmes should be prioritised, since the allocation of financial resources determines – to a large extent – the success of the EU gender equality strategy.

### 3.5. Gender initiatives in EU external relations

#### DG RELEX Gender desk

The main responsibility for gender in EU external relations lies with the **gender desk of DG External Relations** which is based in **Unit B1 on Human Rights and Democratisation** and consists of **one EC official in a full-time position**. Its main tasks are the integration of women’s rights (especially civil and political rights), and mainstreaming of gender equality concerns in co-operation and political dialogue with all partner countries and regions that fall within DG RELEX’s responsibility. This is quite an overwhelming task considering the diversity of countries and regions under DG RELEX’s authority and the fact that the gender desk also has to follow discus-

sions and issues linked to children’s rights. Furthermore, the gender desk has provided input in the drafting of the new Human Rights Instrument and the integration of gender issues in initiatives on disarmament and rehabilitation process in partner countries in line with the UN Security Resolution 1325 which addresses women’s role in conflict resolution and sustainable peace.

DG RELEX’s gender desk has also been involved in the formulation of the new UNIFEM-ILO-EC project and participates in the project’s Steering Committee. It has initiated a consultation process with RELEX geographic services on the selection of countries to benefit from the programme (6 countries to participate in this programme have been selected from regions under RELEX’s responsibility) (see chapter 2.5.2.).

**The gender function in DG RELEX was virtually non-existent for some time until the appointment of the new gender desk in the beginning of 2006.** Some EC Delegations had expressed serious concern at the lack of support from RELEX Headquarters with respect to the relevance and political importance of gender equality in EU external relations. Member State representatives have been extremely critical of DG DEV and DG RELEX’s lack of institutional commitment in relation to gender equality and the limited allocation of human and financial resources to support actions in this area. The discontinuity in the gender desk’s function has resulted in weak Country Strategy Papers for co-operation with the ASEAN group and India from a gender perspective. In most cases, policy commitments and declarations do not make it all the way to programme and project implementation at national level, raising important questions with regards to the gender desk’s influence on the officers in charge of geographic programmes.

#### Increased commitment to gender equality...

Overall the commitment to the integration of a comprehensive gender perspective into RELEX policies has been strengthened since 2006, but coherence and continuity must still be kept in mind. The

*“The top management within the Commission is not allocating necessary professional resources to work on gender mainstreaming: their priorities are infrastructure and budget support and other issues attractive to powerful men. They do make policy on gender, mostly pamphlets with all politically correct wording, but no real serious mainstreaming into policies. We have got the obligation to mainstreaming gender written in the European Consensus and the DCI Regulation but the country strategies coming to the DCI-committee do not systematically integrate this issue”.*

An official from a Permanent Representation on the Commission’s commitment to gender mainstreaming

99 More information on the different steps linked to the approval of EU’s budget can be found on the European Parliament’s website.

100 WIDE-Eurostep (1995): *Gender mapping the European Union*, by Mandy Macdonald, Brussels

preparation of annual programmes (guiding the implementation of co-operation on focal and non-focal sectors) and the Mid-Term Review of Country Strategy Papers (planned to take place in 2009) offer an opportunity to challenge and correct the “gender-blind” nature of country specific strategies. Equally important is the implementation of the thematic programme on “Investing in People” and its gender component. Engendering country specific strategies should be seen as a joint responsibility of the EC Delegations and DG RELEX.

In 2006 **EC Delegations** were requested to appoint a **gender focal point**. The EuropeAid Co-operation Office is co-ordinating and following up on this process and so far positive responses have been received from a number of Delegations. However, a number of problems have been identified in relation to this initiative: No additional financial or human resources have been made available to the Delegations for this exercise and in some cases, gender issues are added to the already heavy workload of Delegation officials, or junior staff are given the responsibility in this area in the absence of “volunteers” at higher management levels to take up the role of gender focal points (see chapter 2).

### ***...but still a long way to go***

Institutional resistance remains at different levels: Some DG RELEX officials view gender equality concerns as relevant only in relation to some elements of co-operation or not relevant at all. The participation of DG RELEX representatives in training sessions organised by the Gender Help Desk has been limited to non-existent. Some officials feel that they already have quite a detailed knowledge of gender equality issues and therefore do not need any additional information. Others have no interest in a strictly gender-oriented training session doubting its relevance to their work or considering it as an additional burden on their busy schedule.

Timing and co-ordination also play an important role: A training seminar organised for DG RELEX staff on gender issues had limited attendance as the main part of the programming exercise had already been completed. Furthermore, the disruption of the drafting of the EC Communication on Women’s Empowerment and Gender Equality in Development Co-operation (see Chapter 2) has resulted in limited participation of DG RELEX in this process. DG RELEX representatives commented that the Communication should have been drafted in a more holistic and participatory manner in

order to ensure its relevance to the work of RELEX geographic officers.

Other representatives of the EC and the EP have questioned the commitment of partner governments to gender equality and women’s rights which – in their view – places limitations on the integration of gender concerns in political dialogue with these countries.

### **3.6. Civil society dialogue mechanisms**

There is **no permanent structure for dialogue between DG RELEX and civil society organisations** on EU external relations policy priorities. Civil society dialogue meetings organised from time to time (at the regional level or in Brussels) to discuss co-operation with partner countries and regions reveal a fragmented approach and a low level of commitment shown by DG RELEX towards policy dialogue with civil society organisations. DG RELEX’s low profile and interest in this area might partly be explained by a lack in demand for such a dialogue from Brussels-based civil society organisations. There is a significant gap in terms of civil society mobilisation and monitoring of EU external relations with Asian countries, as most civil society organisations based in Brussels are working on issues linked to EU development co-operation with ACP countries under the Cotonou Agreement. However, this is by no means a justification of DG RELEX’s lack of commitment which contradicts the EU principles of transparency and accountability in policy-making. The programming exercise for co-operation with Asian countries represents a missed opportunity for policy dialogue between the Commission and civil society on strategic priorities and areas of concern.

The value of policy dialogue at partner country level is not to be questioned taking into account the extensive knowledge that civil society organisations active at national and local levels have developed over the years of local populations’ needs and priorities. Unfortunately the preparation of country strategies for the ASEAN group and India has been characterised by a high level of uncertainty with regard to the structure of the dialogue process organised by the EC Delegations in these countries and the extent of local stakeholders’ participation. The organisation of civil society dialogue at national level deserves continuous monitoring by NGOs based in the South in the context of ongoing efforts to promote transparency and accountability of EU policy-making at all levels.

## 4. EU trade policy and gender

The EU is a major trading power and one of the strongest proponents of trade liberalisation within the World Trade Organization (WTO). Chapter 4 analyses the **role of the European Commission (DG Trade), the Council of Ministers (Article 133 Committee) and the European Parliament (Committee on International Trade) in the formulation of EU trade policy and trade negotiations** at bilateral, regional and international levels.

It examines **DG Trade's extensive powers in this area** and **European Transnational Corporations' (TNCs) privileged access to EU trade policy-making**. Chapter 4 analyses the **EC Communication on Global Europe** which provides the EC's new strategy for integrating trade policy into the EU's competitiveness and economic reform agenda and **sets as its main objective the opening of new markets for European companies in third countries by targeting developing countries' overall regulatory environment**.

Furthermore, **the EC's focus on increasing development financing in support of trade-related assistance programmes in developing countries is reflected in its recent Communication on Aid for Trade strategy**, a reference to which is included in this chapter.

Chapter 4 also **comments on the lack of a comprehensive EU policy on gender and trade** and analyses the **limitations of Sustainability Impact Assessments (SIAs) as a policy tool to highlight gender concerns in EU trade policy**.

### 4.1. General introduction

The EU is one of the world's trading powers representing a major importer and exporter of agricultural and industrial goods as well as services. EU demands for a rapid and radical market opening by countries in the South in a number of sectors (including agriculture, services, investment and public procurement) in the context of the WTO (multilateral level), at regional and bilateral levels, and the infiltration of economic interests in EU's development agenda are at the centre of WIDE's critical analysis.

Contrary to EU development and EU external relations, **EU trade (commercial) policy<sup>101</sup> falls under the Community's exclusive sphere of competence** as far as most negotiating areas are concerned. In trade policy, the **European Commission (DG Trade) represents the EU Member States** and has the responsibility for negotiating trade agreements with third countries involving tariff amendments, customs, trade provisions and protective measures on the basis of negotiating directives (mandates) agreed upon by the Council. This gives the **Commissioner for Trade** much more **power** compared

to other Commissioners in charge of policy areas where competence between the EC and the EU Member States is shared.

One of the main **tasks** falling within DG Trade's mandate is identifying opportunities and ensuring European companies' access to international markets through the **conclusion of trade agreements with third countries**. DG Trade's vision in this area has been developed in detail in the EC Communication "Global Europe: Competing in the world" published in October 2006. The EU's dual role as the biggest international development donor and as a regional actor promoting its Member States' economic growth and interests is controversial and stirs heated political debates between the EU institutions and between the EU and civil society organisations.

#### ***Mainstreaming trade into development policy***

When the EC talks about coherence between EU development and EU trade policy, it normally refers to the mainstreaming of trade-related issues in the development co-operation agenda with different countries and regional groups. The borders between EU development

<sup>101</sup> The common commercial policy was founded on uniform principles, notably as regards tariff charges, the conclusion of tariff and commercial agreements and the harmonisation of liberalisation measures, export policies and trade defence mechanisms, including those to be employed in case of dumping and subsidies (Article 133 TEC, ex-Art. 113 EEC).



and EU trade policy have become ever more blurred and increasing “**Aid for Trade**” has been a political priority supported by both DG Development and DG Trade.

WIDE has been monitoring EU trade policy at all levels and challenges the assumption that applying a one-size-fits-all liberalisation strategy, increasing trade and opening markets will indiscriminately yield equitable development in countries of the South. In its work, WIDE in co-operation with its partners worldwide, analyses the impacts of trade liberalisation on women in their roles as farmers, workers, traders and service providers, and calls for a paradigm shift in EU trade policies in line with international agreements on women’s rights and the right to development.

## 4.2. Policy analysis: Analysis of key actors

**EU trade policy is based on Article 133 of the European Community Treaty.** The EC negotiates trade agreements and represents EU Member States’ economic interests at multilateral, regional and bilateral fora. The current WTO mandate dates back to 1999 and has been revised in various Council meetings.

The **Commission conducts the negotiations in consultation with** a special committee, the **Article 133 Committee**, which is appointed by the Council of Ministers and composed of high-level trade officials. This Committee is consulted both on the overall conduct and direction of trade negotiations as well as on specific negotiating areas. Furthermore, Committee 133 approves negotiating directives to guide the Commission in its negotiations with third countries. DG Trade’s control over the process is manifested by the fact that a first draft of the negotiating directives comes from the Commission (DG Trade) itself. Article 133 EC (amended by the Treaty of Nice) also provides the legal basis for preferential trade regimes applicable to developing countries.

The **European Parliament (INTA Committee)** has only a **consultative role** in trade negotiations. Strengthening the role of the EP in EU trade policy-making is thus an essential element of ongoing efforts to increase transparency and accountability of EU policy in this area.

### 4.2.1. European Commission

DG Trade is the key driver of EU trade policy<sup>102</sup>. Under the right of initiative, the **European Commission prepares EU proposals and positions for trade negotiations at all levels** (multilateral, regional, bilateral). The proposals are discussed with and agreed upon by the Article 133 Committee members and form the negotiating directives guiding DG Trade throughout the negotiations. They are finally approved by the Council of Ministers. The EC is the only negotiator representing the EU in international fora, except in areas of shared competence with the EU Member States (such as trade in basic social and cultural services).

Every year DG Trade drafts an **annual work programme** setting out operational objectives and priorities to be discussed with the members of the Article 133 Committee touching upon a number of areas including bilateral agreements, trade and development.

Furthermore, DG Trade **monitors the implementation of international agreements** by using the WTO dispute settlement system and the instruments for trade promotion or defence adopted by the Community (for example anti-dumping and anti-subsidy rules). It also takes part in **formulating and monitoring internal or external policies** which have an impact on the Union’s trade and external investments (including, health, environment, intellectual property, competition, energy, transport and agriculture). The increased influence of DG Trade on development programming and external relations is analysed in Chapters 2 and 3.

The **corporate influence on EU negotiating positions** in the areas of agriculture (processed food industry), services (financial and retail services) and non-agriculture goods (chemicals and natural resources) has demonstrable detrimental effects on the environment, on women and men’s livelihoods and rights in developing countries<sup>103</sup>. **TNCs’ privileged lobbying access to trade negotiators** can be documented by initiatives such as the “Market Access Symposium” organised by DG Trade on a bi-annual basis or by TNC’s access to negotiating documents and direct consultations on the drafting of EU negotiating positions<sup>104</sup>. In addition, different mechanisms have also been set up in the context of regional and bilateral trade negotiations to facilitate corporate access to decision-makers, such as the EU-India CEO Round Table mentioned in chapter 3.2.4.

<sup>102</sup> An organigramme of DG Trade can be found on page 79.

<sup>103</sup> Seattle to Brussels Network (2006): *Corporate power over EU trade policy: Good for business, bad for the world*, Brussels.

Seattle to Brussels Network (2005). *The EU Corporate Trade Agenda. The role and the interests of corporations and their lobby groups in Trade Policy Making in the European Union*, Brussels.

<sup>104</sup> Ibid.

#### 4.2.2. Council of Ministers

The **Article 133 Committee**, named after the relevant article of the European Community Treaty, is a working party of the Council. The 133 Committee meets on a weekly basis, usually on Fridays. The Committee also meets in Geneva and in the context of WTO Ministerial Meetings. It discusses the full range of trade policy issues affecting the Community, from strategic issues surrounding the launch of trade negotiation rounds at the WTO to specific difficulties with the export of individual products. It is a consultative rather than legislative committee, but with significant powers.

The members of the 133 Committee have the following tasks: to authorise the Commission to open trade negotiations with third countries; to scrutinise, amend and approve Commission proposals (including formally approving the negotiating directives drafted by DG Trade); and to provide input and feedback to the Commission throughout the negotiations.

The 133 Committee meets in two formations: full members (high-ranking officials from the Member States) and deputy members (representatives either of the national administrations or the Permanent Representations based in Brussels). Formally there is no difference but in practice the full members are regarded as being more political and less technical, while the deputy members are perceived to be more technical and less political. Nevertheless, the roles change and there are cases where the deputies have established very political positions, while full members have also looked into the technicalities of negotiations. There is always an effort to have a “full member” meeting preceding a Council meeting where multilateral trade is on the agenda, but this does not always work in practice. The 133 Committee is also composed of three specialised sub-committees covering negotiations on textiles, services and steel.

DG Trade sets the agenda for the 133 Committee meetings in co-operation with the EU Member State holding the Presidency. In the deputy members’ meetings, DG Trade is represented by Heads of Unit (depending on the items in the agenda), while in the full members’ meetings, DG Trade is represented by its Director-General. Most decisions with regards to EU trade policy – including approval of negotiated agreements with

third countries – are reached by the Council by qualified majority. Competence in some areas (such as trade in basic and cultural services) is shared between the Commission and the Member States and the conclusion of agreements in some fields of trade in services and commercial aspects of intellectual property require a unanimous vote by the EU Member States. Agreements are binding both on the institutions of the Community and on the Member States.

The Committee **holds substantial decision-making power** and its technical nature implies that decisions are made by trade officials not ministers. In addition, there are no provisions for membership, appointment or rules for procedure mentioned in the EC Treaty. The 133 Committee also works by consensus and objections on EC proposals with regard to WTO negotiations need support from a significant number of members in order to go through. Insiders also report that it is a waste of time to push an item within the Committee without prior agreement with the Commission.<sup>105</sup>

Next to the undemocratic nature of the 133 Committee, secrecy and lack of transparency are the other major characteristics of 133 Committee meetings. There is no public access to the minutes of the Committee meetings and the draft negotiating mandates. Demands for minutes and draft negotiating mandates have been resisted by both the Member State representatives and the EC who refuse public access to such documents.

#### 4.2.3. European Parliament

The **Committee on International Trade (INTA committee)** was established in the beginning of 2004<sup>106</sup>. The Treaty establishing the European Community granted a very limited role to the EP in EU trade policy. This is still the case today, yet some slow improvements have been noticed in this area.

An inter-institutional agreement between the EP and the Commission in June 2000<sup>107</sup> redefined the basis of

*“We hope that the Article 133 Committee will become more open to development concerns by interacting with other Working Parties of the Council”.*

An official from a Permanent Representation on the role of the 133 Committee in trade negotiations

<sup>105</sup> *Friends of the Earth Europe (undated): Presentation on EU trade policy making – How does it work and what can you do about it?, Brussels.*

<sup>106</sup> *On 29 January 2004 the European Parliament adopted a decision on the number, powers and responsibilities of committees (P5\_TA (2004) 0050) which e.g. set out the mandate of the new International Trade Committee.*

<sup>107</sup> *The EP and the Commission jointly adopted a Framework Agreement on relations between the EP and the Commission on 29 June 2000 and this was amended on 25 May 2005. The objective of the inter-institutional agreement is to update the two codes of conduct, adopted in 1990 and 1995, that guided relations between the two institutions; to strengthen the responsibility and legitimacy of the Commission; to extend constructive dialogue and political co-operation; to improve the flow of information; and to consult and inform the EP on Commission administrative reforms.*

relations between the two institutions and clarified the EP's role in relation to the conclusion of trade agreements. It states that *"in connection with international agreements, including trade agreements, the Commission shall provide early and clear information to the Parliament both during the phase of preparation of the agreements and during the conduct and conclusion of international negotiations in order to be able to take due account of the EP's views in so far as possible. This information covers the draft negotiating directives, the adopted negotiating directives, the subsequent conduct and conclusion of the negotiations"*. Under this provision, the co-ordinators appointed by the different political groups in the INTA Committee receive the draft negotiating mandates and Article 133 Committee documents.

According to the same agreement *"where the Commission represents the European Community, it shall, at Parliament's request, facilitate the inclusion of Members of Parliament as observers in Community delegations negotiating multilateral agreements"*. The term "observers" makes it clear that MEPs do not take part directly in trade negotiations.

In the case of association agreements with third countries or trade agreements with considerable financial implications for the Community, the EP is granted a more important role through compulsory consultation and considerable leverage through the assent procedure. According to the assent procedure, the EP may accept or reject a proposal but cannot amend it.

**Despite its limited powers** in this area **the EP can, however, exert political influence on EU trade policy** through its resolutions and reports and questions by MEPs addressed to DG Trade officials. In the first half of 2007 the INTA Committee finalised reports covering a number of development and trade issues, including Aid for Trade, the EU's Generalised System of Preferences and the Communication on Global Europe. In some cases, INTA's reports include gender-sensitive recommendations: for example the report on Aid for Trade<sup>108</sup> calls on the EU to devote specific attention to increasing opportunities for women to participate in international trade, given the fact that women benefit less from the opportunities presented by trade liberalisation and globalisation, while at the same time being harder hit by the adverse effects of those phenomena.

Insiders question the EP's capacity to follow up on the Commission's "intensive" trade agenda and work pro-

gramme and comment that in some cases *"resolutions are adopted in the plenary too late to have an impact on the Commission's positions"*. They also point out that the EP's reports need to be "focused" and to include strong recommendations in order to stir inter-institutional dialogue and have an actual impact on DG Trade positions. Consistent follow-up by MEPs on gender-sensitive recommendations formulated in EP reports and resolutions is equally important to increase political pressure on the Commission. This follow-up and monitoring can take place through the formulation of oral and written questions addressed to the Commission, and through strengthened inter-institutional dialogue between the EP and the EC services in charge of trade, external relations and development co-operation on gender and trade issues.

A delegation of MEPs (mainly members of the INTA and Development Committee) is present at all WTO Ministerial Meetings and attends the Parliamentary Assembly on the WTO which takes place on the side of the official negotiations, an indication of its informal character. In some cases MEPs have "bilateral" meetings with representatives of the 133 Committee and EC trade negotiators in order to get information on the progress of negotiations.

### 4.3. Legal instruments and policy documents

#### 4.3.1. EU policy and legal instruments

##### ***EC Communication "Global Europe: Competing in the world"***<sup>109</sup>

This Communication provides the **EC's new strategy to integrate trade policy into the EU's competitiveness and economic reform agenda**. It sets as its main objective the **opening of new markets for EU companies by targeting developing countries' overall regulatory environment** despite the acknowledged problems this will cause to poorer countries' own development efforts<sup>110</sup>.

Another major contradiction lies in the fact that while the Communication emphasises the EU's commitment to the WTO and the multilateral trading system, it proposes a **new generation of bilateral free trade agree-**

<sup>108</sup> European Parliament/EP Committee on International Trade (2007): *Report on the EU's Aid for Trade*, A6-0088/2007.

<sup>109</sup> European Community (2006): *Global Europe: competing in the world*. COM (2006) 567.

<sup>110</sup> WIDE News (2006): *Mandelson trades away gender justice and sustainable development – New EC communication: Global Europe: Competing in the world*, by Barbara Specht, No 9/2006.

*“What do we mean by external aspects of competitiveness? We mean ensuring that competitive European companies, supported by the right internal policies, must be enabled to gain access to, and to operate securely in, world markets. That’s our agenda”.*

Peter Mandelson, 18 September 2006, Berlin

ments with key partners “tackling issues that are not ready for multilateral discussion”. It is no coincidence that the Commission (DG Trade) requested a mandate from the Council of Ministers to start negotiations on FTAs with a number of countries and

regional groups following the publication of this Communication (see chapter 3, external relations). Other main elements included in the Communication are: the renewal of the EC **Market Access Strategy** to focus on **non-tariff barriers**; the drafting of a new strategy for ensuring better access for EU companies to major **public procurement** markets; development of an EC strategy to protect **intellectual property rights**; and ensuring EU **access to natural resources, including energy**. The Communication also **links external aspects to internal reforms** and proposes the “harmonisation” of European standards which can be interpreted as starting a process of convergence with the US regulatory system.

Sustainable development and poverty eradication, which are supposed to be the cornerstones of the EU trade policy, are hardly mentioned in the document. The Communication acknowledges that European citizens need to be equipped for structural changes due to liberalisation and deregulation and refers in this sense to the new generation of cohesion policy programmes and the European Globalisation Adjustment Fund. However, how women and men in developing countries – not being able to count on any safety nets – will respond to the structural changes is not elaborated in the Communication. Moreover it is likely that this initiative will contribute to a further lowering of social and environmental standards, as well as to increased gender inequality and poverty in developing countries.<sup>111</sup>

### ***EC Communication “Towards an EU Aid for Trade strategy – The Commission’s contribution”<sup>112</sup>***

This EC Communication is the Commission’s **contribution to further increasing EU support for Aid for Trade**,

pointing towards the adoption of a joint EU (EC and Member State) strategy by the Council (GAERC) in the second half of 2007. This Communication has been jointly drafted by DG DEV and DG Trade and sets the following policy objectives: **increasing the volumes of EU Aid for Trade by reaching** an annual allocation of **2 billion euro** (1 billion from the EU Member States and 1 billion from the Commission) by 2010; enhancing the **quality** of Aid for Trade by applying commitments to making development co-operation in this area more effective; supporting effective monitoring and reporting; and ensuring that the Commission and the Member States have sufficient capacity to reach these objectives. The drafting of this Communication followed the EU’s commitment at the Hong Kong WTO Ministerial Meeting in December 2005 to increase its collective annual spending on trade-related assistance for developing countries and the relevant Council Conclusions in October 2006.<sup>113</sup>

EU Aid for Trade distinguishes five categories in line with the classification established by the WTO Aid for Trade task force: trade policy and regulation, trade development, trade-related infrastructure, building productive capacity and trade-related adjustment. However, only the first three categories will be covered by EU allocations. With regards to the quality of Aid for Trade, the Communication focuses on the following main aspects: links between poverty and Aid for Trade; ownership and participation of partner countries in the formulation of priorities; sustainability; joint analysis, programming and delivery by the EC and the Member States; and effectiveness of regional Aid for Trade. As mentioned in the previous sections, trade-related assistance represents an important element of EU co-operation with third countries including ACP and Asian countries, and the EU (the EC and the Member States collectively) is the main international donor in this area<sup>114</sup>.

The Communication emphasises that specific attention needs to be directed at the ongoing negotiations on EPAs with ACP countries, and indicates that a “substantial share” of the increase of EU Aid for Trade resources should be allocated to ACP countries, thus providing additional funding to the resources coming under the EDF to cover EPA related costs.

<sup>111</sup> *Ibid.*

<sup>112</sup> European Community (2007): *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Towards an EU Aid for Trade Strategy – the Commission’s contribution, COM (2007) 163 final. The Communication was published in April 2007.*

<sup>113</sup> European Council (2006): *Aid for Trade. Draft Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council, GAERC 13882/06.*

<sup>114</sup> *During the period 2001-2004 Community and Member State TRA commitments were on average 840 million euro and 300 million euro per year respectively.*



ACP countries have welcomed EU commitments towards the increase of Aid for Trade but many concerns and important questions remain unanswered regarding their involvement in the identification of programmes that will fall under the future EU Aid for Trade Strategy, or the extent to which they will benefit from additional financial allocations in this area<sup>115</sup>. Furthermore, a critical analysis of the EU strategy on Aid for Trade should take into account ACP countries' requests for the creation of "adjustment funds" to address EPA-related adjustment costs, such as loss of customs revenue and the establishment of an additional EPA financing facility at national and regional levels which will ensure ACP country access to predictable support for addressing supply-side constraints and trade-related adjustment.

Aid for Trade resources are indeed provided in addition to existing trade related support by the EU (the EC and the Member States), but they will be shifted from already existing ODA commitments<sup>116</sup>, and constitute therefore a re-labelling of existing aid commitments and a re-directing of development aid towards trade and regional integration objectives.

It is highly important that EU funds for Aid for Trade should match developing countries' priorities and not be shifted from sectors such as education and health which are of primary importance for poor women's empowerment and livelihoods in developing countries<sup>117</sup>. Furthermore, Aid for Trade should not become a means to influence the outcome of the Doha Round or the ongoing EPA negotiations. The formulation of the EU Aid for Trade strategy should take into account the complexity of the impact of gender relations and gender inequalities (e.g. in education, access to productive inputs, such as credits and training and command over property) on trade policy outcomes as well as the impact of trade policies on gender equity. The gender dimensions of economic production and trade should also be reflected in the criteria formulated for the evaluation of Aid for Trade programmes and their contribution to poverty eradication objectives in developing countries.

**Policy documents for trade relations with developing countries: Generalised System of Preferences (GSP) and the Everything But Arms Initiative (EBA)**

Following the United Nations Conference on Trade And Development (UNCTAD) in 1968, the European Community was the first to apply, in effect from 1 July 1971, the **Generalised System of Preferences (GSP)** to developing countries belonging to the "Group of 77" within UNCTAD, as well as to the overseas countries and territories of the EU Member States. The EU's GSP grants manufactured or semi-manufactured goods, processed agricultural products and textiles imported from GSP beneficiary countries either **duty-free access or a tariff reduction**, depending on which of the GSP arrangements a country enjoys. There is no reciprocity clause for the developing countries which are bound only to apply the most-favoured nation clause and not to discriminate between Community countries. The objective of the GSP was threefold: to increase developing countries' export income, promote the industrialisation of these countries and accelerate their economic growth. Over the years, the system has been progressively developed and greater selectivity has been applied with countries that are now industrialised or oil-producing countries no longer eligible for this mechanism. Finally, the Council now has the option to suspend the GSP for a particular country if it is established that the country in question is not respecting certain fundamental principles, particularly those relating to human rights.

For the period 1 January 2006 to 31 December 2008 there are three types of arrangement in force for beneficiary countries<sup>118</sup>:

- **GSP - general arrangement:** All beneficiary countries enjoy the benefit of the general arrangement;
- **GSP+:** The special incentive arrangement for sustainable development and good governance provides additional benefits for countries implementing certain international standards in human and labour rights, environmental protection and good governance;

115 *Trade Negotiations insights (2006): EU commitments on Aid for Trade and EPAs, Vol. 5 No.6.*

116 *Statement of Dr. Evita Schmeig from the German Federal Ministry for Economic Cooperation and Development at the round table discussion "What added value to seek from an EU Strategy on Aid for Trade?" in the European Parliament on 5 June 2007.*

117 *WIDE-IGTN (2007): Letter to Commissioners for Trade and Development (April 2007). WIDE/IGTN comments on the EC issue paper on Aid for Trade.*

118 *European Community (2005): Council Regulation. Applying a scheme of generalised tariff preferences, (EC) No 980/2005. The EU GSP is implemented by means of Council Regulations following a cycle of ten years. This regulation applies from 1 January 2006 to 31 December 2008, but the provisions concerning the special incentive scheme for sustainable development and good governance (the "GSP-plus" or "GSP+" incentive) were applied already from 1 July 2005. In managing the GSP the Commission is assisted by the Council's Committee on Generalised Preferences, composed of representatives of the Member States and chaired by the Commission. A new Regulation expected to be drafted in 2007 will guide the implementation of the GSP for the period 2009-2011.*



- **Everything But Arms (EBA) initiative**<sup>119</sup>: This special arrangement for the LDCs grants duty-free access to imports of all products from the LDCs without any quantitative restrictions, except to arms and munitions. The EBA initiative is compatible with international (WTO) trade rules and the relevant Regulation foresees that the special arrangements for LDCs should be maintained for an unlimited period of time and not be subject to the periodic renewal of the Community's scheme of generalised preferences.

The impact of EBA preferences on LDCs has been modest, given the limited supply capacities of LDCs. If more substantive gains were to arise, measures to address **supply side constraints** in these countries should be put in place. This observation is linked to the general debate on Aid for Trade (see above). In addition, there is also a danger of possible withdrawal of these preferences, since they are unilaterally established and are not bound by the WTO. Moreover, the preferences for LDC countries under the EBA initiative have been undermined by the EU's strict rules of origin, administrative procedures and rapidly changing sanitary and phytosanitary measures.

#### **Sustainability Impact Assessments and gender equality**

Gender issues and women's voices remain to a large extent absent from EU trade policy-making and mechanisms. The Sustainability Impact Assessments (SIAs) funded by DG Trade offer an illustration of the opportunities, constraints and challenges of highlighting gender concerns into EU trade policies. SIAs are assessments by external consultants undertaken during a trade negotiation seeking to integrate sustainability into trade policy by informing negotiators of the possible social, environmental and economic impacts. SIAs have failed so far to capture the importance of gender equality and women's empowerment as key elements of sustainable development. Gender equality has been marginally integrated in completed studies as an indicator of minor importance (second-tier indicator)<sup>120</sup>. Furthermore, the assessment of coherence between EU trade and development policies from a gender perspective remains outside the scope of SIAs.

Correctly conducted and used, SIAs can help deliver more sustainable trade by highlighting the potential

social, gender, environmental and developmental impacts of trade agreements<sup>121</sup>. Yet the reality of SIA implementation reveals a far from perfect picture. The pro-liberalisation bias and the SIAs' emphasis on "flanking measures" used to mitigate the negative impacts of trade liberalisation in partner countries are other issues of concern, as there is little evidence of SIAs actually being translated into policy changes or a serious review of the EU negotiating positions at the WTO and inter-regional levels. Also the disconnection of SIAs from actual trade policy and decision-making as well as the insufficient stakeholder consultation in third countries weaken the SIA process.

#### **4.3.2. International agreements**

##### **WTO agreements**

WTO agreements provide the **legal basis and guiding principles for trade relations among the members of the organisation**. The General Agreement on Tariffs and Trade (GATT) concluded in 1948 set the first rules for the international trading system dealing mainly with trade in goods. Under GATT contracting parties were engaged in periodic negotiations (rounds) with the view to reducing tariffs and other barriers to trade. During the Uruguay Round (1986-1994), the decision was made to create a formal organisation to govern global trade - the WTO, with its secretariat based in Geneva. The Uruguay agreements extended the remit of GATT to include new agreements on agriculture, textiles and clothing as well as on services, investment measures and intellectual property rights. In addition, a more rigorous set of dispute settlement procedures was put in place.

Thus, WTO agreements fall into a structure with six main parts: the umbrella agreement (the Agreement establishing the WTO); agreements for each of the three broad trade areas covered by the WTO: goods, services and intellectual property rights (for example GATS and TRIPs); dispute settlement; and the trade policy review mechanism.

WTO agreements **spell out the principles of trade liberalisation and permitted exceptions**. They include individual country commitments to lower customs tariffs and other trade barriers, and to open and keep open services markets. They set procedures for settling dis-

119 European Community (2001): Council Regulation. Amending Regulation (EC) No 2820/98 applying a multiannual scheme of generalised tariff preferences for the period 1 July 1999 to 31 December 2001 so as to extend duty-free access without any quantitative restrictions to produce originating in the least developed countries, (EC) No 416/2001.

120 WIDE (2003): *The gender dimension of SIA: A key to sustainable development (and not just another indicator...)*. Presentation at the Sustainable Trade Day organised by the European Commission, Cancun/Mexico, 9 September 2003.

121 Statement of European civil society organisations (2006): *EU Trade Sustainability Impact Assessments: A critical view*, October 2006.

puts and they require governments to make their trade policies transparent by notifying the WTO about laws in force and measures adopted, and through regular reports by the secretariat on countries' trade policies. The current round of negotiations, known as the Doha Development Agenda (DDA), was launched at the fourth WTO Ministerial Meeting in Doha, Qatar in November 2001.

### **The Doha Development Agenda**

So far, the DDA has produced its fair share of drama: the round's launch was delayed by the collapse of the Seattle Ministerial; the content, format and conduct of the negotiations have been subject of heated debate; negotiation deadlines have constantly been missed; and the negotiations have twice broken down – in Cancun in September 2003 and in Geneva in July 2006. This, as well as the fact that developing countries and especially Sub-Saharan countries will not benefit in terms of development from the current negotiations under the DDA<sup>122</sup>, strengthens demands for a radical reform of the multilateral trading system.

In the context of the DDA negotiations, EU demands for market opening from developing countries in the areas of investment, services and public procurement – in line with European corporate interests – have met strong opposition from countries in the South. At the same time, EU offers in the area of agriculture have been fiercely criticised due to the lack of decisive commitments towards the reduction of domestic subsidies and elimination of export subsidies.

The gender and development implications of EU trade policy and negotiating positions at the WTO level have been analysed in depth by WIDE and its partners. For example, export-driven agricultural production and increase in imports of subsidised agricultural goods from the North in developing countries have a tremendous impact on small producers' livelihoods, including women producers. Trade liberalisation has displaced food production with cash-crop export-oriented production, undermining food sovereignty in developing countries and local production systems. Competition among countries to attract foreign direct investment

has reduced the ability of governments to regulate capital and led to the reinforcement of existing gender inequalities and poverty levels due to lowering social standards and the increased informalisation of women's employment. Furthermore, lowering tariffs (resulting from trade liberalisation) has led to a fall in government revenue in developing countries with significant implications for government expenditure on social services and consequently, for women's reproductive work, poverty and social equality.

WIDE's advocacy offers an alternative vision of policy coherence by demanding that EU trade policy must be adjusted to a development framework of social justice, the enforcement of human and women's rights, the reduction of inequality and poverty eradication<sup>123</sup>.

### **4.4. Gender initiatives and EU trade policy**

The **rationale for gender equality in the area of EU trade policy is much less defined compared to other policy areas**, in part because **DG Trade has not formulated its own policy statements** and refers to policy developed by DG Development, External Relations and Employment and Social Affairs<sup>124</sup>. In addition, the Gender Roadmap (see chapter 1, page 7) includes no specific measures and initiatives for highlighting gender equality concerns in EU trade policy.

because **DG Trade has not formulated its own policy statements** and refers to policy developed by DG Development, External Relations and Employment and Social Affairs<sup>124</sup>. In addition, the Gender Roadmap (see chapter 1, page 7) includes no specific measures and initiatives for highlighting gender equality concerns in EU trade policy.

*“An increase of women's representation in the negotiations can offer a 'holistic' approach to trade and development issues and challenge the narrow, reductionist approach of trade negotiators. Integration of gender concerns can change the way in which negotiations are conducted”.*

A DG Trade official on the links between gender and trade

#### **DG Trade gender desk**

The responsibility for gender issues in EU trade policy lies with the gender desk of DG Trade, which is based within the Unit for Sustainable Development (Unit C1) and is composed of one EC official in a full-time posi-

<sup>122</sup> Recent World Bank and other studies such as the Carnegie Endowment highlighted the fact that the current trade liberalisation agenda is not working for the majority of women and men, particularly those living in impoverished developing countries, and that especially women “tend to be among the most vulnerable to adverse impacts” (see also EU SIA on DDA).

<sup>123</sup> WIDE/Friends of the Earth Europe (2006): *The EU's responsibility at the WTO: Environment, gender and development conference proceeding*. Article based on Christa Wichterich's presentation: “On the road to Hong-Kong: Towards a sustainable, gender-fair, just governance”, Brussels.

<sup>124</sup> APRODEV-One World Action (2002): *Everywhere and Nowhere: Assessing Gender Mainstreaming in European Community Development Cooperation*, Brussels/London.

tion. It provides considerable input in DG Trade's work at two levels: personnel issues (equal opportunities between men and women including the representation of female staff members in senior negotiating positions)<sup>125</sup> and the integration of gender concerns in all trade negotiations.

DG Trade has proposed a sustainable development chapter covering both the social and environmental dimensions of trade liberalisation to be integrated in the Economic Partnership Agreements and in the draft directives to guide future **negotiations with India and ASEAN on FTAs. This chapter includes provisions to promote adherence to and effective implementation of internationally agreed standards in the social and environmental domain** (including the implementation of ILO core labour standards) **by all negotiating parties as a necessary condition for sustainable development.**

Although these provisions included in the negotiating documents are promoted by DG Trade officials as a policy instrument for integrating gender concerns in EU trade policy and trade negotiations, they hardly ever include an explicit reference to gender equality and women's rights. In most (if not all) cases, gender equality is covered by the general term of "sustainable development".

**The differentiated impact of EU trade policy on women and men is occasionally considered in trade SIAs** and gender is included in the assessments as one of the "second-tier" indicators (see also 4.3.1.). The level of integration of an analysis of the gender impacts of trade liberalisation varies considerably from study to study and relies on the "good will" of external consultants. DG Trade officials argue that it is often difficult for the consultants carrying out the SIAs to access reliable country-specific, gender-disaggregated data and to produce detailed gender-specific information.

In order to address these constraints, DG Trade initiated in co-operation with the ILO a pilot project in Uganda and the Philippines to assess the feasibility of developing trade and decent work indicators (including gender indicators) aiming to analyse the impact of trade opening on labour market adjustment in countries of the South. The findings of this project estimate that almost all lower middle-income countries and a half of

lower-income countries have sufficient labour data to develop decent work indicators.

As a follow-up, DG Trade is considering continuing co-operation with the ILO (through the thematic programme on "Investing in People") in the area of developing decent work and gender indicators in order to assess the effects of trade on social adjustment in developing countries. Also the 2007 EC Communication on Gender Equality and Women's Empowerment in Development Co-operation (see chapter 2.3.2.) foresees provisions to develop and support the use of gender-sensitive indicators and strengthen the underlying basic statistics to assess gender equality and empowerment issues; and to analyse the impacts of trade liberalisation on decent work for women, men and children. The Communication recognises that unless policy endeavours to narrow down the gender inequality gaps between women and men, trade liberalisation will contribute to the widening of gender gaps in terms of access to and quality of employment.

Despite the value of some of these technical improvements, applying a gender perspective to trade policies should not be seen as a mechanistic integration of gender concerns in negotiating texts or be limited to the development of gender-disaggregated data. Rather it must be understood as a "tool" for developing a critical analysis of EU trade policy outlining its development implications and its differentiated impact on men and women (at macro and micro-levels) and inform the trade negotiations' process, while resulting in a change of the EU negotiating positions and priorities. It should also point out measures to enhance women's access to productive resources and their participation in policy discussions and decision-making process over trade agreements. Given DG Trade's mandate, it is doubtful whether it can take up such a political view.

#### 4.5. Civil society dialogue mechanisms

**Transparency in EU trade policy-making** and trade negotiations (including access to negotiating mandates and other documents) is a **central demand** of civil society organisations. Strengthening the EP's role in this area has been one of the most prominent issues in this discussion, while some EU Member States (for example

<sup>125</sup> In December 2005 DG TRADE adopted an Equal Opportunities Action Plan covering the period 2006-2008 reflecting the measures proposed in the 4th Action Programme established by the Commission. The overall objective of the Action Plan is to create an environment within DG TRADE which encourages women to apply for posts at all levels and in which it is clear that gender equality is actively pursued and supported as an important part of human resources management. It also sets out a number of objectives such as addressing barriers to career development for women and facilitating the reconciliation of private and professional life. An Equal Opportunity Group of DG TRADE has been created with the mandate to be a discussion forum on equal opportunities issues and to monitor the implementation of the Action Plan.

the Netherlands and Finland) emphasised in the past the need for increased transparency and institutional accountability. Overall, the Member States and the Commission have shown resistance to disclosing documents on the negotiations arguing that these are

*“EU Member States have the right not to disclose sensitive information concerning their economic interests or negotiating tactics. At the same time, they also have the responsibility to inform citizens within their own countries about their political positions and main elements of EU trade policy. This is linked to accountability and transparency of policy-making”.*

An NGO representative on the issue of the transparency of EU trade policy

linked to highly sensitive political priorities and economic interests.

**DG Trade has been the most proactive of all External Relations DGs in organising regular civil society dialogue meetings and has an officer in charge of relations with civil society.** The schedule of **regular and ad-hoc meet-**

**ings** on specific negotiating areas and on the progress of WTO, inter-regional and bilateral trade negotiations is available on DG Trade’s website. Regular meetings are also organised with the Commissioner for Trade and other top officials. From time to time DG Trade has also set up consultation mechanisms on its website. Nevertheless, the rather “impersonal nature” of the consultation process through DG Trade’s website does not guarantee that NGO positions will be taken into account and there is no possibility to monitor the responses received.

Civil society organisations have made a number of critical remarks in relation to the quality of dialogue, the extent to which NGO input influences the EC negotiating positions and priorities, the timing of the meetings vis-à-vis the schedule of negotiations, the focus of the dialogue on Brussels-based organisations, the over-representation of business lobbying groups at the meetings and most importantly, the fear of the “instru-

mentalisation” of civil society dialogue meetings in support of DG Trade’s positions and priorities. Also the fact that there is no follow-up monitoring possible to see what happens with the concerns raised during these meetings, as there are no minutes available, is concerning.

A **Contact Group** – composed of NGOs and business representatives – has been established as a mechanism to help structure and organise the dialogue. The members of the Contact Group propose topics for discussion and give advice on organisational matters. External observers are critical of the Contact Group’s role complaining that its original mandate has been “extended” to cover also issues of substance.

DG Trade also includes representatives of **civil society organisations in its official delegation to WTO Ministerial Meetings**. For the first time, the EC delegation to the WTO Hong Kong Ministerial Meeting included a “gender” slot filled by WIDE. One should be aware of the limitations of participation in such structures: The assessment of WIDE’s representative was that while her participation at the delegation sharpened the profile of a gender approach vis-à-vis other members of the Delegation and other NGOs, her position did not actually enable her to influence EC trade policy<sup>126</sup>.

Participation in official structures and the delegations of international organisations (such as the EU) is linked to a broader political debate on “inside-outside” advocacy strategies and NGOs’ political identity and profile.

**Resorting to legal means to challenge EC trade policy is not a common practice among NGOs**, although the possibility exists of either referring a case to the European Court of Justice (ECJ) or approaching the European Ombudsman.<sup>127</sup> Appointed by the EP, the European Ombudsman investigates reported cases of maladministration by EU institutions and submits his findings to the institution concerned and the EP.

<sup>126</sup> WIDE (2006): *A gender perspective on the 6th WTO Ministerial Conference at Hong Kong. Report by Maeve Taylor and Christa Wichterich, Brussels.*

<sup>127</sup> See Glossary.

## 5. Concluding remarks

**The European Union's political commitment to gender equality is reflected in a number of legal and policy documents and initiatives**, including the 2006-2010 Roadmap for Equality between Women and Men; the 2007 EC Communication on Women's Empowerment and Gender Equality in Development Co-operation; the Development Co-operation Instrument; the gender review of Country Strategy Papers under the 10<sup>th</sup> European Development Fund; the establishment of gender desks in the Commission's services and the nomination of gender focal points in EC Delegations, to name but a few. All these initiatives are welcome and important steps towards achieving gender equality and fulfilling women's rights worldwide.

Yet, a critical analysis of the EU's external relations agenda reveals a **significant lack of coherence between policy declarations and practice with regard to achieving gender equality and women's empowerment as well as between the EU's development and trade policy objectives and priorities**. In many cases gender mainstreaming in EU external relations seems to be understood as a purely technical issue, limited to the collection of gender disaggregated data and the development of gender indicators, or the mechanistic integration of gender concerns in co-operation agreements or trade negotiation texts. However, it should rather be understood as a **tool for developing a critical analysis of EU development and trade policy and for designing programmes that place at their centre women's rights and empowerment**.

At the same time, the EU's development agenda is increasingly being taken over by the EU's own economic interests. Trade liberalisation and economic growth are promoted as the means to achieve poverty eradication in countries of the South with no serious questioning of their social and gender implications. WIDE challenges the assumption that applying a one-size-fit-all liberalisation strategy, increasing trade and opening markets will indiscriminately yield equitable development. EU policy does not seem to give enough space to the priorities and needs identified by developing countries and thus contradicts the concepts of ownership and partnership as laid down in the Paris Declaration on Aid Effectiveness and promoted by the EC and the Member States in international fora. The convergence of EU development and trade policy priorities under the neo-liberal paradigm, and the marginalisation of peo-

ple's needs and social development objectives in ongoing policy discussions between the EU and partner countries contradict WIDE's alternative, people-centred notion of policy coherence which implies that EU trade policy must be transformed into a development framework of social justice, guaranteeing the enforcement of human and women's rights and eradicating all forms of inequalities, discrimination and poverty.

In this political context, the need for **increased mobilisation by women's organisations in Europe and the South becomes more urgent than ever**. The objectives of this research have been to shed light on the complex decision-making processes in the EU in the area of external relations. At the same time, the study contributes to defining entry points, advocacy priorities and strategies for WIDE and its partners at national, European and international levels. Some of the entry points for advocacy and research identified by the study are the following:

- **Address the contradictions between the EU trade negotiating positions and the development objectives set in EU legal and policy documents and in co-operation agreements with partner countries by:**
  - **Analysing the gender impacts of trade liberalisation** in the areas of agriculture, services and investment through the development of country-specific studies.
  - **Examining the gender impact of the increased use of EU** (European Commission as well as Member State) **development financing in support of regional integration and trade-related assistance**, as well as the level of integration of gender equality concerns in existing trade-related assistance programmes (Aid for Trade, mainstreaming trade into development co-operation).
- **Monitor the implementation of EU initiatives/policy commitments to gender equality:**
  - **2007 EC Communication on Gender Equality and Women's Empowerment** in Development Co-operation.
  - **2006-2010 EU's Roadmap for Equality between Women and Men**
  - **EU's Annual Action Plans on Gender Mainstreaming** drafted by the Commission services in charge of EU external relations.
  - Setting up/work of the **European Gender Equality Institute**.



- **Monitor the implementation of gender sensitive programmes** in the area of external relations:
  - **Monitor the formulation and implementation of gender-sensitive programmes and actions under the Development Co-operation Instrument thematic programmes** with main focus on the implementation of “Investing in People” and “Non-State Actors” thematic programmes.
  - Undertake a **gender review of country-specific programmes** supported by the EU in view of the Mid-Term Review of EU development co-operation with these countries, scheduled to take place respectively in 2009 and 2010.
- **Facilitate systematic and timely access of partner organisations to information on latest policy developments at the EU level**, for example, with regard to the state of play of trade negotiations and/or the formulation of policy and programming documents.
- **Provide information to partner organisations on funding opportunities** for women’s organisations and organisations working on gender equality issues available through the EU thematic and country-specific programmes.
- **Advocate for the active participation of women’s organisations in policy discussions** between the EC, national governments and civil society organisations on development and trade issues and concerns.

### **Choosing the appropriate lobbying targets and building alliances**

Looking at EU structures, institutions and policy-making mechanisms, the study **prioritises the European Commission services** in charge of EU external relations (DG DEV, DG RELEX, DG Trade and EuropeAid as well as the EC Delegations) **among lobbying targets**, given their central role in the formulation, implementation and monitoring of EU development, external relations and trade policy. The **different mandates** of these institutions as well as the **power relations** and struggles between them should be **taken into account**. The infiltration of trade issues and economic interests in EU development policy and external relations provides a clear example of these power relations. **DG Trade** is the leading force behind trade negotiations with third countries and during the last years, it has also increased its influence on development programming.

However, the study notes that the level of openness of

Commission officials towards civil society and more specifically gender equality concerns varies widely. The lack of institutional commitment to policy dialogue with civil society organisations is reflected in the fact that out of the four Commission services in charge of EU external policies examined in this study, only one (DG Trade) has established a structured mechanism of dialogue with civil society organisations.<sup>128</sup> Nevertheless, the flaws of this mechanism described in the study and analysed eloquently by various civil society organisations prevents it from being a major entry point for lobbying the Commission on trade issues.

The **gender desks** within the Commission services can be seen as possible allies in efforts to integrate gender equality issues and women’s rights in the EU external relations agenda, despite the fact that their role is constrained by limited human resources.

Lobbying towards the **EC Delegations** should be aimed towards increasing their commitment to gender equality and consequently the level of integration of gender issues in all stages of the project cycle (formulation, implementation and monitoring) and country programming. Specific demands should also be raised in relation to the transparency of policy dialogue at national level and the involvement of civil society organisations, including women’s organisations in this process. The process of nomination of gender focal points by EC Delegations is an initiative to be monitored by civil society organisations.

Moving to the other main EU institutions, the importance of lobbying the **Council of Ministers** lies in the powers that this institution has regarding the formulation of binding legislative **policy documents** (Regulations), the approval of trade negotiation mandates and monitoring of trade negotiations, as well as the approval of the **EU budget**, including the financing of development co-operation programmes and priorities. Both EU development co-operation and EU external relations fall under the Community decision-making process and constitute a shared competence between the EC and the EU Member States, contrary to EU trade policy which is a European Commission competence as far as most trade policy areas are concerned. A deeper look into the power and decision-making competences of the Council of Ministers reveals the importance of lobbying national governments in order to increase pressure on EU policy-makers.

The power of the **European Parliament** varies significantly depending on the policy area. In the area of

<sup>128</sup> DG DEV is currently looking into setting up a more structured civil society dialogue in Brussels (see 3.6.)

development and external relations, the EP – through the Committee on Development and the Committee on Budget – plays a considerable role in the formulation of legislative documents and the approval of the EU budget. In terms of trade policy-making, the EP (INTA Committee) plays a minor role. Nevertheless, raising the profile of certain policy issues (including the gender implications of trade agreements) among MEPs (INTA Committee and Committee on Development) can strengthen the political monitoring of EC positions by the Parliament and the ongoing dialogue between the two institutions on the development implications of EU trade policy.

Lobbying the **Member State holding the EU Presidency** is relevant to advocacy initiatives on the EU's general political priorities and agenda. The publication of the programme outlining the working priorities of three consecutive EU Presidencies allows lobbying by civil society organisations before a Member State actually takes over the Presidency.

**Gender equality and women's rights before profit-making**

Participation, transparency and accountability of policy-making and adherence to human and women's rights are principles that should apply to all stakeholders involved in external policies, including EU institutions, the EU Member States and national governments

in the countries of the South. The promotion of women's empowerment and their economic, social and political rights and entitlements should be seen as a joint responsibility of those stakeholders. The value and importance of civil society and especially women's organisations' contributions to policy formulation, monitoring and implementation should be recognised and supported by both the EU and partner country governments through appropriate initiatives and actions (including the creation of political spaces for true policy dialogue and the extension of financial support for women's organisations). Openness of EU institutions to dialogue with civil society organisations is an obligation and not a concession, even though in some cases it is presented as such.

Advocacy initiatives undertaken at European and national levels will aim at complementing and reinforcing lobbying actions undertaken by women's organisations in the South targeting their national governments. The success of civil society organisations' advocacy depends partly on increased knowledge of EU policy-making structures and mechanisms, but first and foremost, on the development of strong coalitions between women's organisations in Europe and the South. Only through alliance building, can women's movements increase political pressure and influence on decision-makers at all levels and achieve the transformation of EU external relations policies into a truly sustainable and just development agenda.

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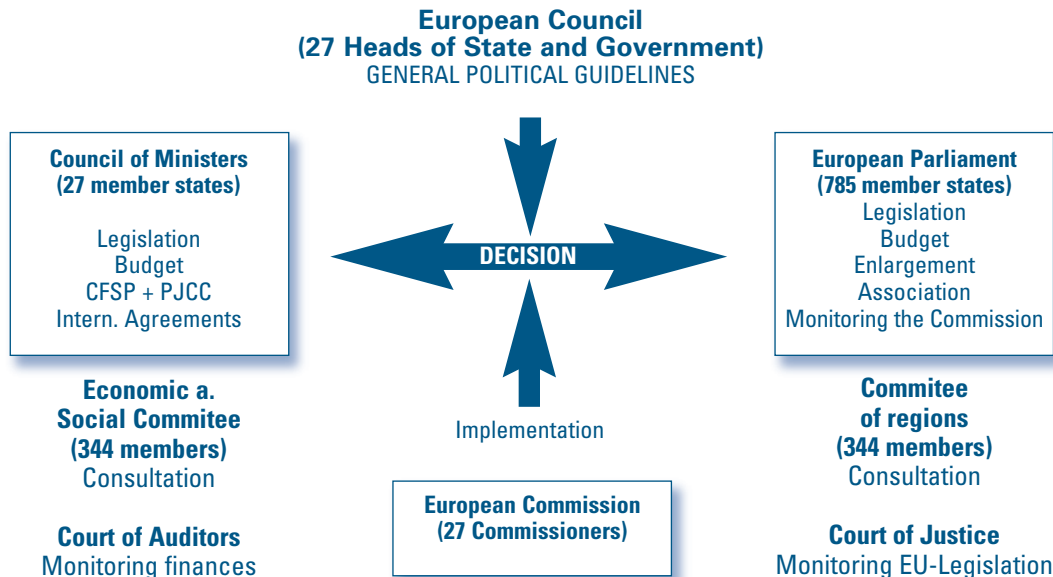
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# Annex 1

## Glossary of EU institutions and legislation<sup>129</sup>

### Institutions of the EU



Source: Adapted from Austrian NDGO EU-Platform (2007): EU-Entwicklungszusammenarbeit verstehen, Die EZA der Europäischen Gemeinschaft, Institutionen-Strukturen-Prozesse, p. 7.

### EU Institutions: Main decision-making institutions

#### European Council

The European Council is a meeting of the Heads of State and Governments of the EU Member States held four times a year and is attended by the European Commission President. It establishes general political guidelines for the EU.

#### Council of the European Union (Council of Ministers)

(<http://www.consilium.europa.eu>)

The Council of the European Union (Council of Ministers) is the main decision-making body of the EU. It is made up of representatives of the governments of the 27 EU Member States. It meets in nine different configurations depending on the subjects on the agenda, as each Member State is represented by the member of the government with responsibility for the area in question (foreign affairs, development co-operation, finance, social affairs, transport, agriculture, etc.).

Since 2002 development and trade issues have been

handled by the General Affairs and External Relations Council of Ministers (GAERC) which meets monthly. It is customary for the country holding the EU Presidency to organise informal meetings of EU Ministers, including of Ministers for Development Co-operation in order to discuss topical EU-related issues. These are not formal Council sessions and no formal decisions are reached during these meetings.

The key responsibilities of the Council are: to adopt Community legislation on the basis of proposals put forward by the Commission (in many fields jointly with the European Parliament, for example in the field of development co-operation); to adopt, jointly with the European Parliament, the budget of the EU; to conclude international agreements with third countries and international organisations; to co-ordinate the broad economic policies of the Member States; and to define the EU's Common Foreign and Security Policy on the basis of guidelines set by the European Council.

<sup>129</sup> The presentation of the institutions and legislative procedures is based on information from EUROPE Glossary: <http://europa.eu>; the EU's law postal: <http://eur-lex.europa.eu> and the websites of the respective EU institutions.

### European Commission

(<http://ec.europa.eu>)

The European Commission consists of 27 Commissioners, one per Member State. The members of the Commission are appointed by the Council, after approval by the European Parliament, for a period of five years. The President of the Commission is designated by the Council meeting at the level of Heads of State or Government; this designation is then approved by the European Parliament. The Commission's departments are divided into Directorates-General, each of which is responsible for a particular area of activity.

The European Commission has four main roles: it has a near monopoly in initiating legislation and is responsible for drawing up proposals for new legislative instruments, which it forwards to the Parliament and the Council for approval; it is responsible for managing and carrying out the EU budget and puts into effect the policies and programmes adopted by Parliament and the Council; ensures that the legal provisions adopted by the Community institutions are applied by individuals, by the Member States and by the other institutions; it conducts negotiations on behalf of the Community with a view to concluding international agreements with non-member countries or international organisations.

### European Parliament

(<http://www.europarl.europa.eu>)

The European Parliament is made up of 785 representatives of the citizens of the Member States, elected by direct universal suffrage for a period of five years. The number of representatives elected in each Member State varies depending on the size of the population. MEPs do not sit in national delegations but form political groups composed of representatives of different Member States. MEPs are divided up into a number of specialist committees and delegations. The reports drawn up by Parliamentary committees are submitted for adoption by the Parliament as a whole in plenary sessions. Parliamentary sessions take place in Brussels (parliamentary committee meetings) and in Strasbourg (plenary sessions).

The Parliament takes part to varying degrees in the approval of Community legislative documents (see below the different legislative processes). It shares budgetary powers with the Council and is in charge of the political supervision of the executive (Commission). The appointment of the President and the Members of the Commission is subject to the prior approval of the European Parliament.

### European Ombudsman

(<http://www.ombudsman.europa.eu>)

The European Ombudsman is appointed by the

European Parliament and investigates complaints concerning maladministration in the institutions and bodies of the EU. Maladministration occurs when an EU institution fails to act in accordance with the law, fails to respect the principles of good administration, or violates human rights (for example abuse of power, refusal of information, administrative irregularities). The Ombudsman might receive complaints from individual citizens, businesses, associations or other bodies with a registered office in the Union.

### EU Institutions: Advisory bodies

#### Committee of the Regions

(<http://www.cor.europa.eu>)

The Committee of the Regions comprises representatives of regional and local governments. The members of the Committee, together with the same number of alternatives, are proposed by the Member States and appointed by the Council of Ministers for a period of four years. The Committee of the Regions is a consultative body. Its role is to raise awareness of local and regional points of view with regard to European legislation. To this end, the Committee submits Opinions on Commission proposals.

#### Economic and Social Committee

(<http://www.cese.europa.eu>)

The European Economic and Social Committee (EESC) comprises representatives of three groups representing various aspects of the society: employers, employees and various economic and social interests. The members of the EESC are proposed by the Member States and appointed by the Council for a period of four years. The EESC has a consultative role in EU policy-making. It puts forward the views of its members and defends their interests in policy discussions with the Commission, the Council and the EP. It must be consulted before any decision involving economic and social policy.

### EU Institutions: Judicial institutions

#### Court of Auditors

(<http://www.eca.europa.eu>)

The Court of Auditors is made up of one national from each Member State. The members of the Court of Auditors are appointed by the Council, acting by qualified majority after consulting the European Parliament, for a term of six years. The Court of Auditors is responsible for examining all revenue or expenditure accounts of the Community or any Community body, in order to ensure the soundness of EU financial management.

## European Court of Justice and Court of First Instance of the European Communities

(<http://curia.europa.eu>)

The European Court of Justice is made up of 27 judges and eight advocates-general, appointed by common accord of the governments of the Member States for a renewable term of six years. The European Court of Justice is the judicial institution of the Community. It is made up of three courts: the Court of Justice, the Court of First Instance and the Civil Service Tribunal. Its main task is to examine the legality of Community measures and to ensure the uniform interpretation and application of Community law.

## EU Institutions: Financial institutions

### European Central Bank

(<http://www.ecb.int/home/html/index.en.html>)

The European Central Bank (ECB) is the central bank for Europe's single currency, the euro. The ECB is responsible for the definition and implementation of monetary policy for the euro area. The euro area comprises the 13 EU countries that have introduced the euro since 2000. Its basic task is to maintain the euro's purchasing power and thus price stability in the euro area. The Governing Council is the main decision-making body of the ECB. It consists of the governors of the national central banks from the 13 euro area countries and an executive board of six members that serve an eight-year (non-renewable) term.

### European Investment Bank

(<http://www.eib.europa.eu/>)

The European Investment Bank (EIB) is the financing institution of the EU. The members of the EIB are the Member States of the EU, who have all subscribed to the Bank's capital. Each Member State's share in the Bank's capital is calculated in accordance with its economic weight within the EU (expressed in GDP) at the time of its accession. The EIB is made up of a Board of Governors (consisting of the Member State finance ministers), a Board of Directors and a Management Committee. It invests in projects both in and outside Europe (including in the ACP, Asian and Latin American countries).

## EU legislation: EU laws

### Acquis communautaire

The "acquis communautaire" is the entire body of EU legislation and Treaties. Applicant countries must adopt, implement and enforce all EU legislation before

they can officially join the EU.

### Primary legislation

The Treaties constitute the EU's "primary legislation" (for example the Treaty of Rome, Maastricht, Amsterdam and Nice, as well as the Convention on the Future of Europe). They lay down the fundamental features of the Union, in particular the responsibilities of the various actors in the decision-making process, the legislative procedures under the Community system and the powers conferred on them. The Treaties themselves are the subject of direct negotiations between the governments of the Member States, after which they have to be ratified in accordance with the procedures applying at national level (in principle by the national parliaments or by referendum).

### International agreements

International agreements are the second source of EU law, allowing the EU to develop its economic, social and political relations with the rest of the world. These are always agreements concluded between subjects of international law (the Member States or organisations) for the purpose of establishing co-operation at international level. International agreements can be concluded either by the Community or by the Community and the Member States depending on the policy area. Three forms of agreement can be distinguished:

- **Association agreements:** Association agreements involve close economic co-operation, combined with extensive financial support from the Community for the partner in the agreement. This category of agreements includes those with the overseas countries and territories, agreements preparing the way for accession and creating a customs union, and the agreement on the European Economic Area (EEA).
- **Partnership and Co-operation agreements:** Co-operation agreements do not have the same scope as association agreements, in that they are concerned only with intensive economic co-operation. Agreements of this kind link the Community in particular with the countries of the Maghreb (Algeria, Morocco and Tunisia) and Mashar (Egypt, Jordan, Lebanon and Syria) and with Israel.
- **Trade agreements:** These are agreements on customs and trade policy concluded with non-member countries or groups of non-member countries or within the framework of international trade organisations. The agreement establishing the World Trade Organization comes into this category.

### Secondary legislation

"Secondary legislation" is the third major source of Community law after the Treaties (primary legislation) and international agreements. It can be defined as the

totality of the legislative instruments adopted by the European institutions pursuant to the provisions of the treaties. Secondary legislation comprises the binding legal instruments (Regulations, Directives and Decisions) and non-binding (soft law) instruments (Resolutions and Opinions) provided for in the EC Treaty, together with a whole series of other instruments such as the institutions' internal regulations and Community action programmes.

**Regulation**

Adopted by the Council of Ministers in conjunction with the European Parliament or by the Commission alone, a Regulation is a general measure that is binding in all its parts. A Regulation is directly applicable, which means that it creates law which takes immediate effect in all the Member States in the same way as a national instrument, without any further action on the part of the national authorities.

**Decision**

A Decision is the instrument by which the Community institutions give a ruling on a particular matter. By means of a Decision, the institutions can require a Member State or a citizen of the EU to take or refrain from taking a particular action, or confer rights or impose obligations on a Member State or a citizen. A Decision is an individual measure, and the persons to whom it is addressed must be specified individually.

**Directive**

A Directive is a form of legislative act addressed to the Member States and its main purpose is to align national legislation. A directive is binding on the Member States as to the result to be achieved but leaves them the choice of the form and method they adopt to realise the Community objectives.

**Communication**

A Communication is a policy proposal prepared by the European Commission services. EC Communications can form the basis of EU legislative documents (for example Regulations) or are aimed at guiding EU policies without necessarily leading to the formulation of legislative documents.

**Opinion**

An Opinion is an instrument that allows the institutions to make a statement in a non-binding fashion, in other words without imposing any legal obligation on those to whom it is addressed. The aim is to set out an institution's point of view on a question.

**EU legislation: Legislative process**

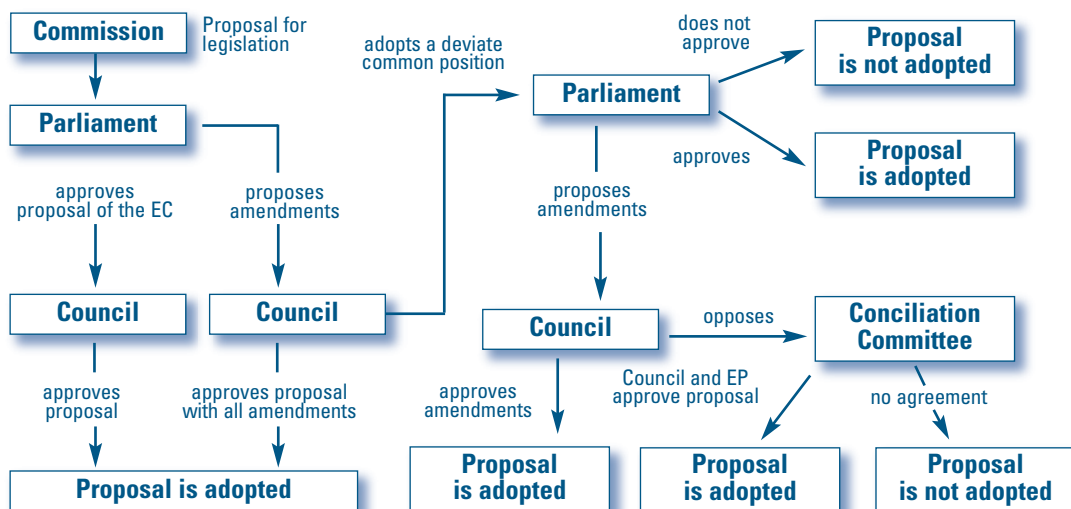
**Assent procedure**

The assent procedure requires the Council of Ministers to obtain the European Parliament's assent before certain important decisions are taken. The assent principle is based on a single reading. Parliament may accept or reject a proposal but cannot amend it. If Parliament does not give its assent, the act in question cannot be adopted. The assent procedure applies mainly to the accession of new Member States, association agreements and other fundamental agreements with third countries.

**Co-decision procedure**

The co-decision procedure gives the European Parliament the power to adopt instruments jointly with the Council of the European Union and puts the two institutions on an equal footing in the legislative process. The procedure comprises one, two or three readings. It has the effect of increasing contacts

**Co-decision procedure according to article 251 of EC-Treaty: Possibilities of the process**



Adapted from Austrian NDGO EU-Platform (2007): EU-Entwicklungszusammenarbeit verstehen, Die EZA der Europäischen Gemeinschaft, Institutionen-Strukturen-Prozesse, p. 17.



between the Parliament and the Council, the co-legislators, and with the European Commission. In the event of disagreement, a conciliation committee made up of representatives of the Council and of Parliament has to arrive at a text that is acceptable to the two institutions.

### **Consultation procedure**

The consultation procedure enables the European Parliament to give its opinion on a proposal from the European Commission (one stage consultation). In the cases laid down by the Treaty, the Council must consult the European Parliament before voting on the Commission proposal and take its views into account. However, it is not bound by the Parliament's position but only by the obligation to consult it. The powers of the Parliament are fairly limited under this procedure.

### **Co-operation procedure**

The co-operation procedure (exclusively applied to the field of economic and monetary union) gives the European Parliament greater influence in the legislative process by allowing it two "readings". The Parliament can make amendments to a Council common position but, unlike the co-decision procedure, the final decision lies with the Council alone. A common position is an instrument adopted by qualified majority by the Member States meeting within the Council as part of a legislative procedure in which the Council shares its decision-making power with the European Parliament.

## **EU Principles**

### **Proportionality**

The principle of proportionality regulates the exercise of powers by the EU, seeking to set within specified bounds the action taken by the institutions of the Union. Under this rule, the institutions' involvement must be limited to what is necessary to achieve the objectives of the Treaties. This means that when various forms of intervention are available to the Union, it must, where the effect is the same, opt for the approach which

leaves the greatest freedom to the Member States and individuals.

### **Subsidiarity**

The principle whereby the Union does not take action (except in the areas which fall within its exclusive competence) unless it is more effective than action taken at the national, regional or local level. It is closely bound up with the principles of proportionality and necessity, which require that any action by the Union should not go beyond what is necessary to achieve the objectives of the Treaty.

## **Other terms**

### **College of Commissioners**

The College of Commissioners is composed of all 27 Commissioners in charge of different policy portfolios. All Commission policy proposals are adopted by the College of Commissioners with simple majority on the basis of either a written procedure (no discussion among the Commissioners) or an oral procedure (the dossier is discussed by the College of Commissioners), and are published in the Official Journal of the EU. The College meets once per week under the direction of the President of the Commission for such "interservice consultations".

### **Comitology**

Comitology or the "Committee procedure" is the term for a system of committees that assist the Commission in the exercise of its powers when implementing adopted legislation (see DCI and EDF Committees). Comitology committees are created by means of a basic legislative act adopted by the Council, or the Council and the European Parliament that confers implementing powers on the Commission. There are different types of committees. Management committees are typically used to monitor the implementation of policies (programmes) with substantial budgets.

## Annex 2

### Schematic presentation of EU Development policy and gender: Main Actors

#### European Commission

##### DG Development

Initiates and drafts policy documents

Under Cotonou: coordinates relations with ACP and OCT; in charge of programming of EDF; allocation of EDF resources; monitoring of the implementation of EDF programme

Under the Development Co-operation Instrument – Thematic priorities: drafting of multi annual strategy and indicative programme

##### EuropeAid Co-operation Office

Implements external aid instruments; responsible for the preparation and approval of country-specific programmes and projects

##### DG Trade

Drafts trade negotiating mandates; conducts trade negotiations on EPAs on behalf of the Community

#### Council of Ministers

Approval of EU legislation in co-decision with EP; approval of annual EU budget in co-decision with EP; approves trade negotiation mandates; monitors EPA negotiations.

**COREPER II:** Committee of permanent representatives on development and trade issues

**ACP Working Party:** Relations with ACP under Cotonou

**CODEV Working Party:**

Development co-operation

**EDF Committee:** Approval of financial allocation to ACP under EDF

**DCI Committee:** Approval of geographic and thematic strategy papers under DCI

**Article 133 Committee:** EPA negotiations

#### EU presidency

Responsible for organising and chairing council meetings; brokering compromises between the member states; represents the EU in International meetings

#### EC Delegations

Define jointly strategic development co-operation priorities at country level; responsible for the formulation, implementation, monitoring of development programmes at country level; organise dialogue with civil society organisations

#### National Authorising Officer

Represents ACP country in discussions on EU funded projects; works with the EC delegation on issues mentioned

#### ACP-EU Council of Ministers

Takes binding decisions concerning the implementation of Cotonou; adopts policy guidelines

#### ACP-EU Committee of Ambassadors

Assists ACP-EU Council of Ministers, Monitors implementation of Cotonou

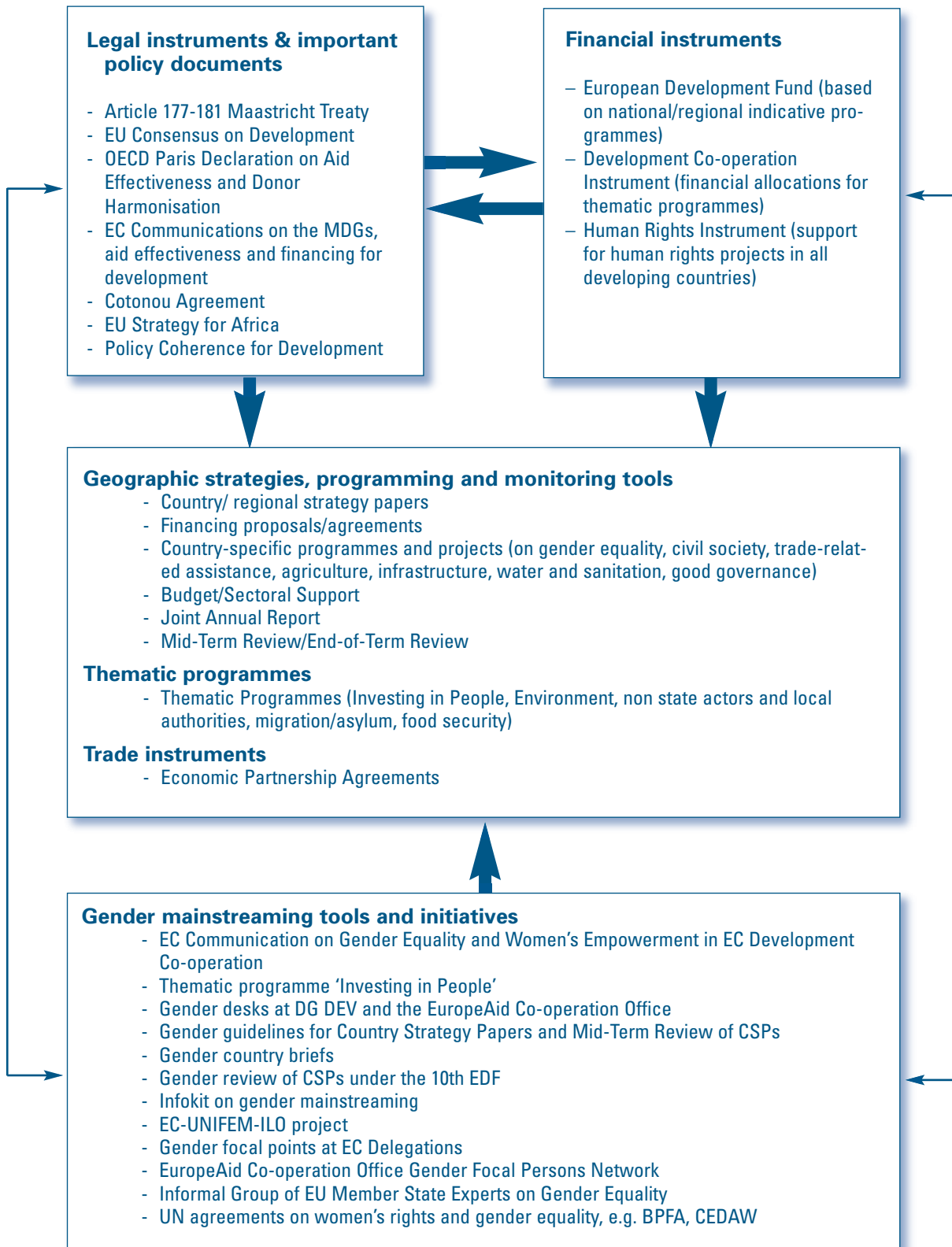
#### European Parliament

Co-decision power in approval of EU legislation; co-decision power in approval of annual EU Budget; monitors and comments on development co-operation through Opinions, Reports, and Resolutions

**Committee on Development, Committee on Trade, Committee on Women's Rights Committee on Budgetary control**

**ACP-EU Joint Parliamentary assembly**  
Consultative body

## EU Development policy and gender: Main policy documents and financing instruments

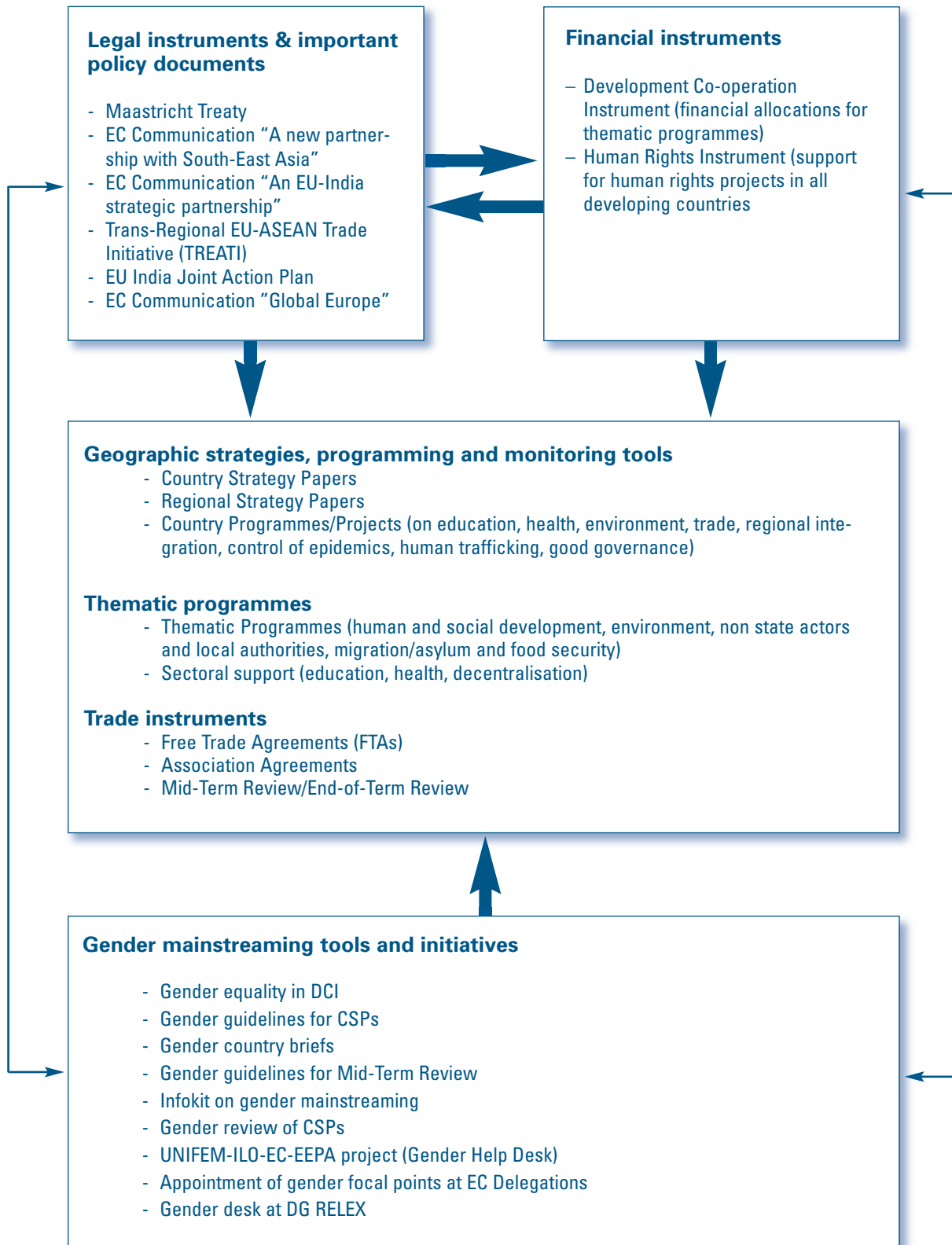


# Annex 3

## Schematic presentation of EU external relations and gender: Main Actors



## EU external relations and gender: Main policy documents and financing instruments





# Annex 4

## Schematic presentation of EU trade policy and gender: Main Actors



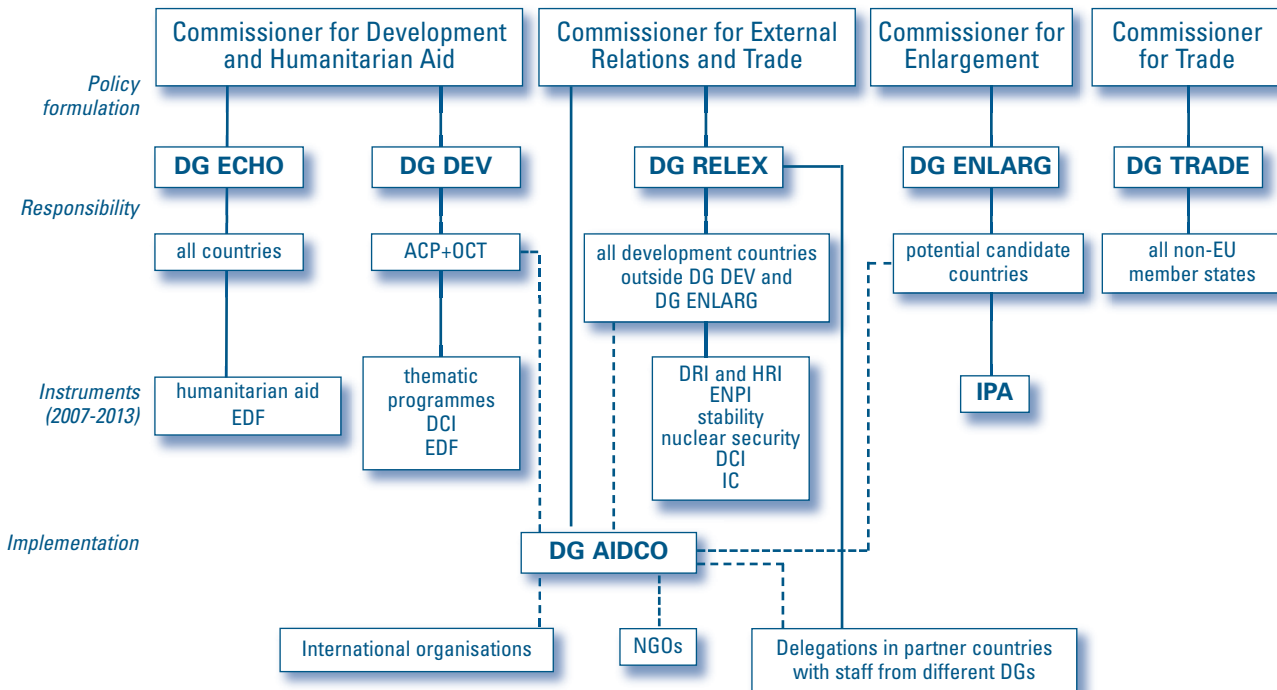
## EU trade policy and gender: Main policy documents and financing instruments



# Annex 5

## Organigrammes

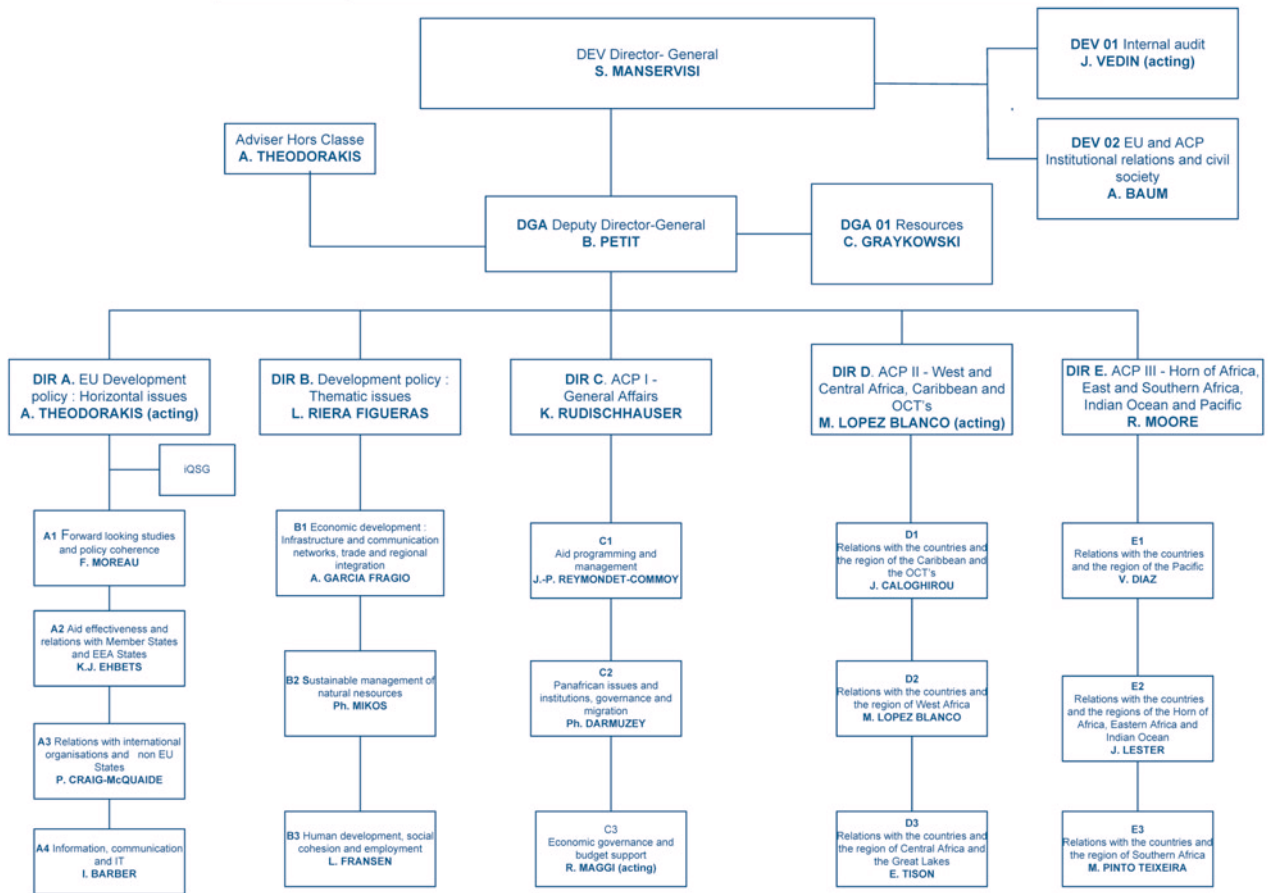
### External relations in the structures of the European Commission: Responsibilities and instruments of the Directorates General



Source: Adapted from Austrian NDGO EU-Plattform (2007): EU-Entwicklungszusammenarbeit verstehen, Die EZA der Europäischen Gemeinschaft, Institutionen-Strukturen-Prozesse, p. 12.

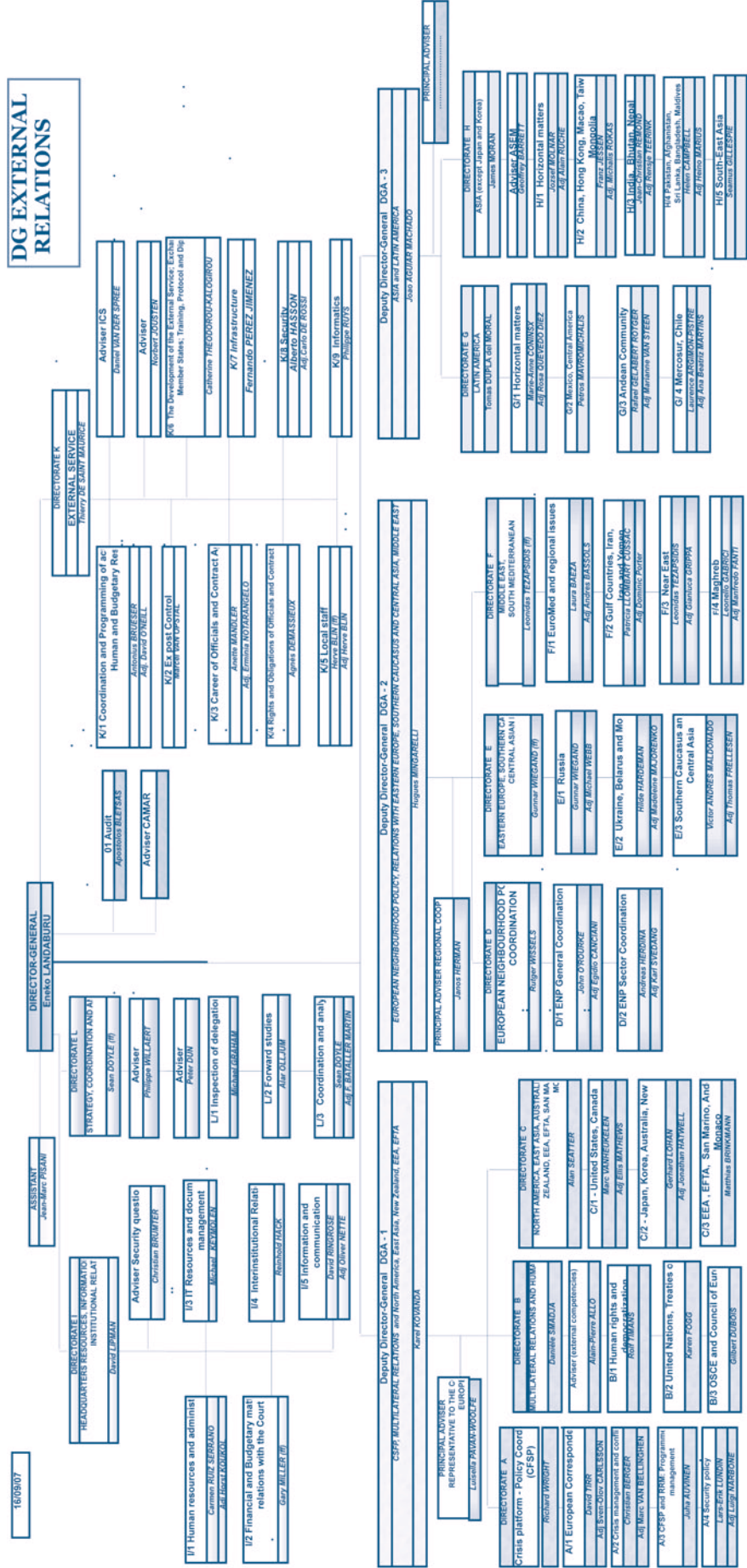
## 5.1. DG Development

### DG Development and Relations with African, Caribbean and Pacific States

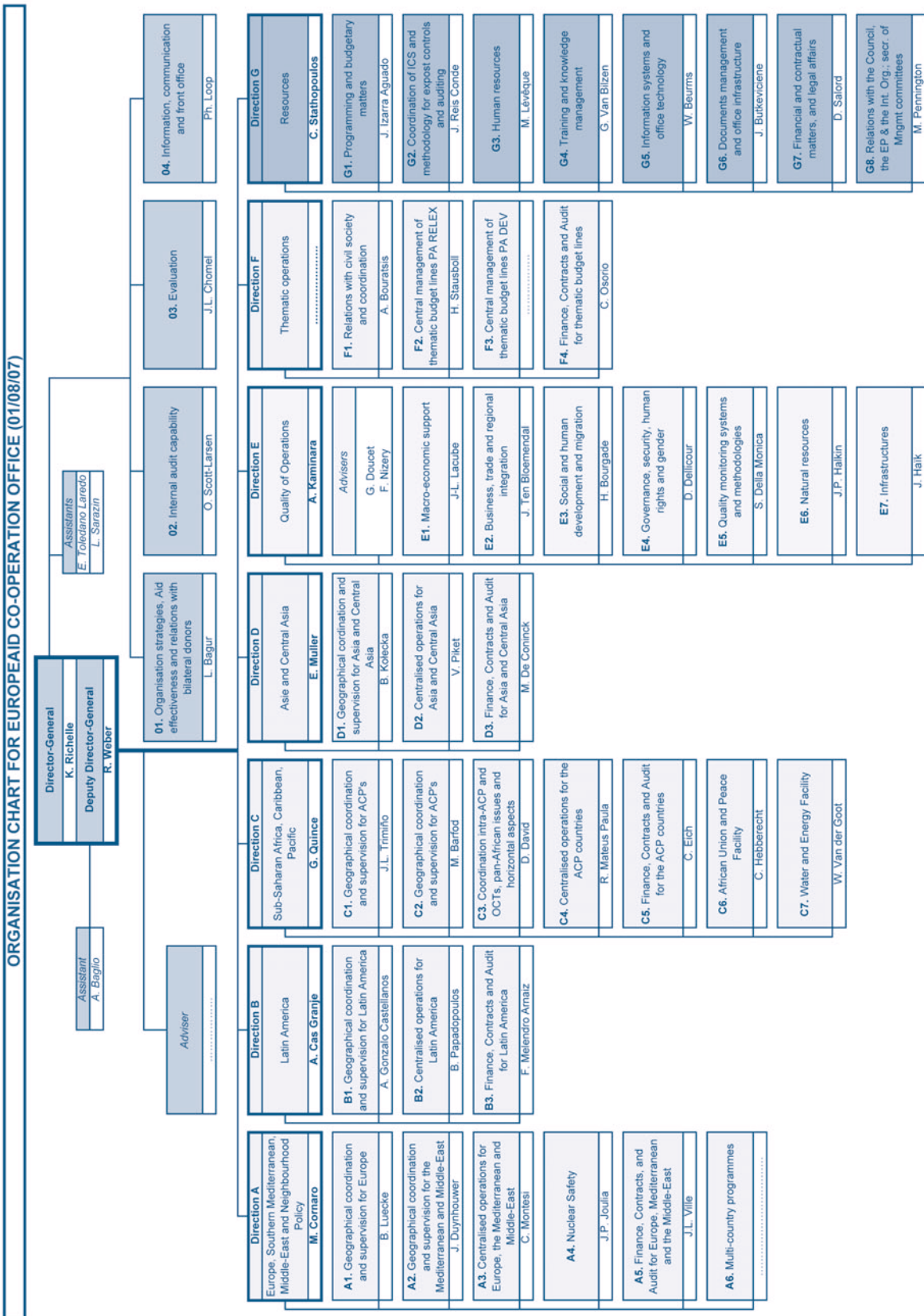


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5.2. DG RELEX

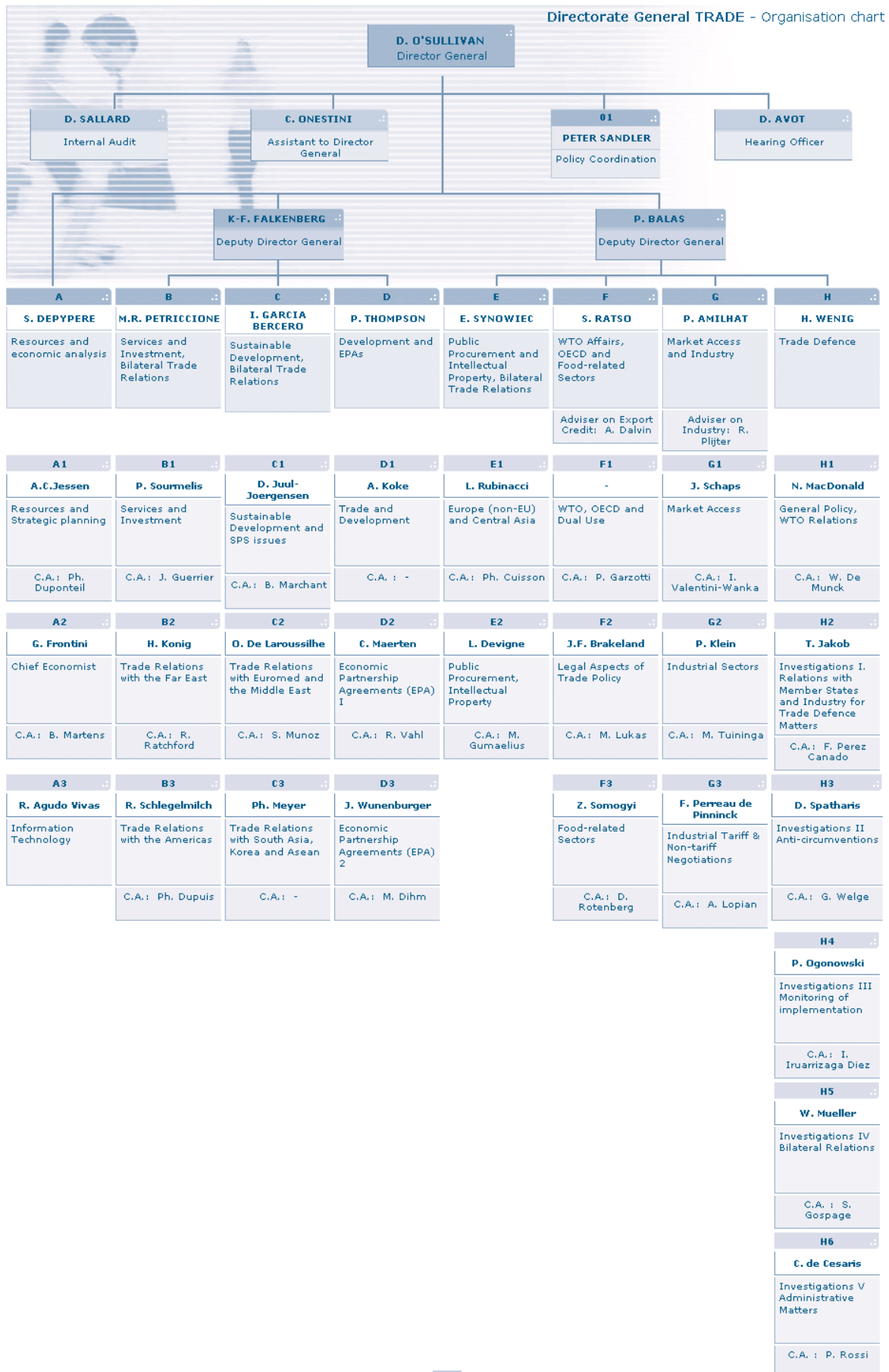


### 5.3. EuropeAid Co-operation Office





### 5.4. DG Trade



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