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The EU's Economic Partnership Agreements with Africa: 'Decent Work' and the Challenge of Trade Union Solidarity

Abstract

The EU has in recent years adopted the International Labour Organisation's Decent Work Agenda in its external trade and development policy. It is portrayed as a way to mitigate any negative impacts on labour. However, African trade unions have campaigned against the EU's Economic Partnership Agreements (EPAs). It is argued that their stance highlights the limitations of incorporating the Decent Work Agenda into trade agreements, which instead are seen as central to the process of entrenching economic liberalisation. As a result, the article considers the prospects for transnational labour solidarity to resist EPAs.

Keywords: ACP; labour; Southern Africa; trade and growth; neoliberalization

Introduction

During the 1990s the EU and the US led an unsuccessful attempt to try and include labour standards into the multilateral rules on trade regulated by the World Trade Organisation (WTO).¹ This was a campaign which was supported by the International Confederation of Free Trade Unions (ICFTU). It was argued that nation-states were increasingly powerless to protect labour rights and therefore ‘the leadership of the ICFTU felt that...the only strategy left for labour was to try and make the existing international institutions as least harmful to labour as possible’.² However, a number of trade union movements in the Global South were critical of ICFTU’s support of this approach. Such divisions have continued to be apparent in the negotiation of preferential trade agreements (PTAs) and their potential to ensure core labour standards.

This article considers how these tensions have played out in the case of the EU’s negotiation of PTAs with regions in the Global South. As the direction of EU trade policy has shifted towards bilateralism, so the inclusion of labour standards, and in particular the Decent Work Agenda as articulated by the International Labour Organisation (ILO), have featured increasingly prominently in its trade and development policy with African, Caribbean and Pacific (ACP) states. Van den Putte and Orbie describe how provisions on labour have featured particularly strongly in all the EU’s trade agreements since its first full Economic Partnership Agreement (EPA) with the Caribbean (CARIFORUM) was agreed in 2008.³ The specific focus of this article is the recently signed EPA between the EU and the Southern African Development Community (SADC), which is the first comprehensive EPA signed with a group of African states.

The rest of the article is organised as follows. In the next section I introduce the key aspects of the Decent Work Agenda. Here I demonstrate how it has become an increasingly central feature of the current global development orthodoxy, encapsulated most obviously in the recently agreed Sustainable Development Goals (SDGs). I then trace how this has been reflected in the EU's trade and development policy. Here I argue that the inclusion of 'decent work' in recent trade agreements provides a rhetorical justification for an approach that actually reflects the interests of European capital. The focus then turns to the EPA negotiations between the EU and SADC. Here I outline how the labour movement, although it remains weak in many states across the region, has to varying degrees of intensity, pursued a strategy of resistance in response to the negotiation of an EPA. I also show how this critical stance taken by African trade unions in relation to EPAs has also been articulated at both the continental and regional levels. I then consider the prospects for transnational labour solidarity in response to the EU's trade agenda and the SADC EPA in particular. I argue here that these prospects have been compromised in the past because the European labour movement has been more convinced by the significance of the inclusion of labour standards in trade agreements. Only in the last few years has it demonstrated both a more critical stance on EPAs and more explicit solidarity with the labour movement in Africa. The article then concludes by considering the options available to trade unions in how they respond to the inclusion of the Decent Work Agenda in PTAs.

'Decent Work' and the global development orthodoxy

Decent work has featured increasingly prominently in the emerging orthodoxy on global development. The idea of 'decent work' was set out as the ILO's primary goal in 1999 by the then Director-General, Juan Somavía.⁴ It was central to a reorientation of the ILO's main

focus, whereby they would seek to work more actively in tandem with other institutions of global governance. The theme of ‘decent work’ became the central concept for this new approach and was organised around four key objectives. These were the promotion of core labour standards at work, a focus on decent employment and income, enhancing social protection, and a commitment to social dialogue.⁵ The aim was to make ‘decent work’ a universal principle, which at the same time would be sufficiently flexible for it to be interpreted in relation to local context.⁶ As a result, the ILO’s definition of ‘decent work’ has remained rather imprecise and vague. It was reaffirmed as being at the core of the ILO’s focus in a key declaration in 2008.⁷ Within the ILO’s tripartite structure, employers have continued to be effective in preventing a more concrete definition or set of indicators from being adopted.⁸ Despite these limitations, ‘decent work’ as an idea has become embedded within the new ‘common sense’ on global development.

In contrast to the Millennium Development Goals (MDGs) agreed in 2000, ‘decent work’ does feature in the SDGs.⁹ The SDGs could be argued to be relatively more transformative than the MDGs, given that they are a global agenda, rather than essentially a justification for North-South aid programmes.¹⁰ Goal 8 of the SDGs is to ‘promote inclusive and sustainable economic growth, employment and decent work for all’.¹¹ It is acknowledged in the SDGs that employment on its own is not a guarantee for poverty reduction. As Teichman argues, however, the SDGs themselves do not ‘suggest what policy measures would mitigate precarious, low-paid employment for women, youth, or other members of society’.¹² Moreover, in Africa the creation of meaningful jobs remains a real challenge despite the higher growth rates achieved in many parts of the continent since the early 2000s.¹³

Since the introduction of the Decent Work Agenda the EU has enhanced its co-operation with the ILO. In fact, it has been convincingly argued that ‘by aligning itself with the ILO’s broader decent work discourse and programmes, the European Commission acquired a distinctive role in global social governance’.¹⁴ In general, EU development policy has closely followed the emerging Post-Washington Consensus (PWC) since the early 2000s. The PWC seeks to overcome some of the limitations of the neoliberal development model that dominated policymaking during the 1980s. In particular, it acknowledges that neoliberalism had failed to create a sufficient number of productive employment opportunities in many countries in the Global South. The response within the PWC has been to focus on improving education so that there is an increased supply of more skilled labour in developing countries.¹⁵

At the same time, as this article demonstrates, the PWC still retains a belief that trade liberalisation remains a key driver of development. What remains in question, therefore, is where the demand for this more highly skilled labour will come from. The ILO’s Decent Work Agenda is portrayed as the missing link. It becomes the key to ensuring that these qualitative improvements in the supply of labour will result in better quality employment opportunities. This is certainly the view of Guy Ryder, the current Director-General of the ILO, who in a recent statement argued that ‘decent work’ is the key to making progress on reducing both inequality and poverty.¹⁶ Similarly, the United Nations Development Programme has argued recently that the ILO’s Decent Work Agenda ‘and the human development framework are mutually reinforcing’.¹⁷ In the next section, I outline in more detail how the EU has sought to combine the ILO’s Decent Work Agenda with its negotiation of EPAs with ACP states.

Understanding ‘decent work’ in the EU’s trade and development policy

The idea of promoting ‘decent work’ in the EU’s trade and development policy is part of the broader claim made since the beginning of the twenty-first century, that a social dimension to globalisation should guide Europe’s external relations. This was set out in a European Commission communication, which argued that the EU’s external policies should be concerned with ‘maximising the benefits of globalisation for all social groups in all its partner countries and regions’.¹⁸ Pascal Lamy, EU Trade Commissioner at the time, was one of the leading proponents of such a view. For example, in a speech in 2004 he suggested that:

On globalisation, I think we face a two-fold task: first, of harnessing globalisation, of using this force to produce growth and jobs, and better regulation in the name of justice. And secondly, to ensure that we also ensure that development and more specifically the interests of developing countries are fully considered.¹⁹

Thus, it was suggested that the values of the European social model should be promoted, if not directly exported, to other parts of the world. In terms of its trade strategy specifically, this has resulted in the EU focusing on the four pillars of the ILO’s Decent Work Agenda and in particular core labour standards.²⁰ A 2006 communication from the Commission confidently asserted that this commitment would ensure that ‘trade liberalisation should help to achieve goals such as high growth, full employment, poverty reduction and the promotion of decent work’.²¹

In terms of the EU’s relationship with ACP states, the Decent Work Agenda does feature in the Cotonou Agreement between the two parties, which was agreed in 2000. Most notably, Article 50 includes the commitment of all signatories to recognise the ILO’s core labour

standards and not to use them as a disguised form of trade protectionism.²² However, in reality this did not lead to significant outcomes in practice. In particular, the implementation of core labour standards by ACP states has not featured in political dialogue prompted by the Cotonou Agreement.²³ What we have seen in more recent years, however, is an apparent increase in the commitment to the Decent Work Agenda in trade agreements concluded by the EU. The EPA signed with CARIFORUM includes a chapter on ‘social aspects’ and the more recent agreement concluded with the SADC grouping includes a ‘trade and sustainable development’ chapter. In both of these cases clear references are made to a commitment to the ILO’s Decent Work Agenda.²⁴ The EU also highlight the role that Aid for Trade (AfT) can play in ensuring that trade agreements support the goals of the Decent Work Agenda.

Alongside these policy developments in the EU’s external relations, a new way of conceptualising the EU as a global actor, ‘normative power Europe’ (NPE), entered the academic debate.²⁵ It was suggested that we can identify five central norms inherent to the European project: peace, liberty, democracy, the rule of law, and respect for human rights.²⁶ The NPE approach led to an increased focus on the importance of ideas in conceptualising the EU’s external relations; but at the same time, in doing so, it failed to provide an adequate appreciation of Europe’s material interests, which feature quite explicitly in the case of trade negotiations. Moreover, it puts too much faith in the rhetorical construction of the claims made by the EU itself as to its normative agenda. As Sjursen suggests, there is a danger that NPE analysis ‘leaves researchers vulnerable to the charge of being unable to distinguish between their own sympathy for the European project and their academic role as critical analysts’.²⁷ Rather, the negotiation of reciprocal trade agreements with ACP states, demonstrates the EU’s overarching ideational commitment to neoliberalism, albeit in the form of the PWC. This ideational position means that in reality ‘the negotiation of EPAs

brings the EU's material self-interest and the framing of its normative goals closer together.'²⁸

Hence, what we have witnessed in recent decades is the emergence of what should be more accurately understood as 'corporate Europe', rather than 'social', or 'normative power' Europe. In terms of this being reflected in the EU's external relations, a clear turning point came with the publication by the European Commission of its 'Global Europe' strategy in 2006.²⁹ As Bieler makes clear, this new trade policy was primarily driven by a desire to boost the competitiveness of the EU economy, but at the same time it was also justified by the Commission in terms of the developmental benefits it would confer on its trade partners.³⁰ Given the neoliberal ideology at the heart of EU policymaking, trade is seen as a positive-sum game where all participants benefit. As a result, European policymakers genuinely believe that they can 'enhance Europe's profits but also achieve ethical objectives associated with livelihood creation, employment, and trickle-down poverty elimination for poorer citizens in former colonies'.³¹ Hence, in the case of the negotiation of EPAs with ACP states, the EU's ambitious strategy to include behind-the-border issues, rather than simply the liberalisation of trade in goods, represented 'a concerted attempt to secure much 'deeper' roots for the neoliberal development model'.³² Although it has faced significant resistance to these more comprehensive EPAs, the Commission's current trade strategy makes it clear that by including rendez-vous clauses in the most recently concluded EPAs, they remain firmly committed to the eventual inclusion of services and investment.³³

However, at the same time as the material interests of EU policy have become increasingly explicit, clauses on sustainable development, including a focus on the ILO's Decent Work Agenda, have become common in recent EU trade agreements. By incorporating elements

from the ILO's Decent Work Agenda into its external trade agreements, the EU is seeking to provide a rhetorical justification for an approach that is based on reciprocal trade liberalisation. The inclusion of AfT also forms part of this discursive process. As Langan and Scott argue, AfT has helped legitimate the reciprocal trade liberalisation that is central to EPAs despite the fact that 'the development credentials of AfT measures implemented by the EU are doubtful'.³⁴ In so doing, the EU hopes to assuage any critics who may highlight potential downsides to this approach. As a way of justifying its development policy this is not a new political strategy. As Langan reminds us, the EU has a long history of including specific measures within its relationship with ACP states to legitimate the developmental claims of its policies.³⁵

In essence then, there are significant problems with the concurrent rise of an agenda that is increasingly driven by the needs of European capital, and the commitment to ensuring the ILO's Decent Work Agenda is also advanced. The main aim of this article, however, is not to focus on demonstrating the gap between rhetorical EU policy claims and the reality of the impact of EPAs in relation to the Decent Work Agenda. Prior research has already done an excellent job in this regard. For example, Orbie notes how the peculiar institutional set-up of the EU, whereby the Commission has competency for trade policymaking, means that it becomes more likely that any commitment to social norms will be secondary to material interests.³⁶ Meanwhile, Langan in a more forceful and compelling critique, focuses on two specific economic sectors (poultry production and cut-flowers) to highlight the gap between the EU's discourse on 'decent work' and the actual outcomes of its trade and development policies to Africa.³⁷ Instead, I want to explore these tensions in relation to the response of trade unions to the EPA negotiations between the EU and SADC. In doing so I will assess the resultant challenges posed to transnational solidarity between the labour movement in Europe

and Southern Africa. The next section begins by considering the views of trade unions within the SADC region to the negotiation of an EPA with the EU.

Trade Unions within SADC and EPA negotiations

Member states of SADC have been negotiating a new trade agreement with the EU since EPA negotiations began with regional sub-groups of the larger ACP group in 2004.³⁸ After missing the original deadline of December 31, 2007, negotiations finally came to a conclusion recently when an EPA was officially signed on June 10, 2016.³⁹ Only seven SADC member states were involved in the EPA negotiations and hence the negotiating group is often referred to as SADC-Minus.⁴⁰ As noted in the previous section, 'decent work' features in a number of the articles within the text of this EPA. In particular, Article 8 refers to 'decent work for all as a key element of sustainable development for all countries and as a priority objective of international cooperation'.⁴¹ Meanwhile, Article 11 suggests that the signatories to the agreement may cooperate on 'the trade aspects of labour or environmental policies in international fora, such as the ILO Decent Work Agenda and MEAs'.⁴²

Hence, we see the inclusion in the final agreement of the discourse aligned to the normative developmental agenda identified in the previous section. At the signing ceremony in Kasane, Botswana, the EU Trade Commissioner, Cecilia Malmström, reinforced this message in a speech where she argued that:

It's a pragmatic deal based on a realistic collective assessment of everyone's relative strengths. As a result it will allow all six countries to shelter products and sectors from competition where needed in some cases forever, in other cases over long timelines. That makes it strongly pro-development. As do the provisions on workers' rights and

protecting the environment. The EPA favours sustainable development – not growth at all costs!⁴³

Similarly, during the ratification process of the SADC EPA in the European Parliament in September 2016, the MEP acting as chief rapporteur, Alexander Graf Lambsdorff, suggested that ‘the language on human rights and sustainable development is one of the strongest that you will find in any EU agreement’.⁴⁴

African trade unions have felt rather marginalised within the process of the negotiations. The Southern African Trade Union Coordination Council (SATUCC) and a range of other civil society organisations have expressed frustration at their lack of involvement in the SADC EPA negotiations.⁴⁵ To a large extent this is a product of the limited strength of many trade unions given the pervasiveness of authoritarian forms of nationalism across the region. Even in South Africa, where the Congress of South African Trade Unions (COSATU) is in a formal alliance with the ruling African National Congress (ANC), there are significant limitations to its influence. It has ‘evolved from an organisation that pursued wider social transformation (social movement unionism) to one that increasingly prioritises collective bargaining’.⁴⁶ South Africa does have institutional arrangements, such as the National Economic Development and Labour Council (NEDLAC) to give trade unions a formal platform in the policymaking process. However, it has been convincingly argued that on major policy decisions the ANC government has tended to ignore NEDLAC completely.⁴⁷

Nevertheless, given the focus on decent work and the broader developmental claims made by the EU, one might expect trade unions within the SADC-Minus group to be supportive of the recent signing of the EPA. However, over the last decade the labour movement across the

region has consistently remained critical of the potential impact of EPAs on workers. As a result, a recent statement by the African Regional Organisation of the International Trade Union Confederation (ITUC-Africa) continues to urge African governments not to sign EPAs. This statement encapsulates both the strength of feeling within the labour movement in the region and the central aspects of their critique of EPAs.⁴⁸ It is argued that the inequitable structure of Africa's trading relationship with Europe will only be perpetuated by the signing of EPAs. Despite the asymmetry built into the liberalisation agenda it emphasises that EPAs are ultimately free trade agreements. Contrary to the claims made by the European Commission, this statement by ITUC-Africa predicts that EPAs will result in a loss of tariff revenues, a loss of policy space which is needed to support domestic industry in the region, and an undermining of the processes of regional integration.

Similar arguments have been made by individual trade union confederations in Southern Africa in response to the SADC EPA. COSATU has been particularly vocal in their opposition to the EPA negotiations. Speaking at a policy conference discussing 'decent work' organised by ITUC and ETUC, then General Secretary, Zwelinzima Vavi was explicit in arguing that the relationship between contemporary trade negotiations and the Decent Work Agenda was not mutually compatible. He concluded that 'trade liberalisation as proposed by the EU and the US in particular is bad news for a decent work agenda in the South'.⁴⁹ After an interim EPA (iEPA) was agreed with SADC, COSATU put out a press release in March 2008 supportive of both the South African and Namibian governments who were refusing to sign the iEPA.⁵⁰ In 2011 in a speech to the Norwegian Confederation of Trade Unions, Vavi accused the EU of 'arm twisting-bully tactics to force African countries into an anti-development trade agreement'.⁵¹ The case of South Africa is a rather unique one within the SADC region, as they had already signed a Trade, Development and Cooperation Agreement

(TDCA) with the EU in 1999.⁵² Hence, the government's aim was to resist any further opening up to European capital, whilst seeking improved access to the European market. COSATU's opposition to the final EPA was less apparent than it had been during the earlier phase of the negotiations. Their main focus was on the use of export taxes, which are more limited under the terms of the SADC EPA. Export taxes are a way to increase the value of commodity exports and COSATU argued that they 'are necessary in order to ensure that minerals are processed and jobs are created in SA'.⁵³

The Botswana Federation of Trade Unions (BFTU) joined COSATU in contributing to a statement by a network of African trade unions on EPAs, which argued that the 'rapid loss of government revenue will paralyse our governments' abilities to invest in education, health and decent jobs'.⁵⁴ In responding to a Presidential State of the Nation address, BFTU were also critical of the long-term consequences of signing an EPA with the EU, suggesting that the government failed 'to place the link between diversification, economic strategy and trade policy'.⁵⁵ Similar concerns were expressed by the National Union of Namibian Workers (NUNW) who, like COSATU in South Africa, supported their own government in refusing to sign the iEPA. NUNW's then Secretary General, Evilastus Kaaronda, argued 'that the proposed tariff reductions will cut very heavily into our labour intensive sectors leaving the majority of the already languishing Namibians further trapped in poverty'.⁵⁶

At the regional level, the impact of trade union resistance to EPAs has been significantly undermined by organisational limitations. The main platform for putting forward a regional voice, SATUCC, includes all the major national labour federations in the region. Ever since 1995 when the decision was taken within SADC to form a new sector on 'Employment and Labour', SATUCC has been formally recognised as the regional voice of labour.⁵⁷ However,

SATUCC's influence is reflective of the relative strength and organisational capacity of many of the national trade union federations outside of South Africa.⁵⁸ As with other attempts at co-ordination of civil society actors in the region, SATUCC is limited by the fact that 'regional agendas are not evident to the national members and their respective constituencies'.⁵⁹ SATUCC's impact on the EPA negotiations is also reflective of the fact that different member states have been negotiating in different regional groupings. It first made a minor intervention into the debate on EPAs in 2006 when it published a brief statement outlining a number of criticisms of EPAs that were broadly in line with those made by COSATU.⁶⁰ A much more detailed publication on the broader challenges faced by the region, as a result of the dominance of neoliberalism, was produced by SATUCC together with other key representatives of the regional labour movement. Reflecting on SADC's external economic relations it was strongly argued that 'the comprehensive liberalisation agenda, the IMF, the WTO, EPA's, African Growth and Opportunity Act (AGOA), regional trade agreements etc. should be stopped'.⁶¹

In sum, the labour movement within the SADC region has been clear in its opposition to the negotiation of EPAs. This has been most effectively articulated within the national context, in particular by COSATU in South Africa, rather than through SATUCC at the regional level. They remain unconvinced by the claims made by the European Commission that EPAs will ensure the advancement of the Decent Work Agenda across the region. Given that the growth of PTAs has become central to the process of entrenching economic liberalisation, it is important that the international labour movement works together to resist their negotiation. In the next section, I consider the extent to which trade unions within Europe have supported the stance taken by their colleagues in the SADC region.

The SADC EPA negotiations, transnational labour solidarity and the prospects for ‘decent work’

As the previous section has highlighted, African trade unions have been consistent in their resistance to the negotiation of the SADC EPA with the EU. As I argued earlier the Decent Work Agenda fits within the broader PWC global development orthodoxy. As such, it provides a framework of rights for workers that, whilst important, are often difficult to enforce. However, proponents of the PWC, such as the EU, also remain committed to comprehensive trade agreements based on reciprocal liberalisation. These seek to ensure that ‘peripheral capitalist spaces become locked into new relationships of unequal exchange’.⁶² The negative consequences of these agreements are often more significant for workers in the Global South and this has meant they have been more explicit in their opposition to the negotiation of free trade agreements in the first place. This contrasts with trade unions in the Global North who have tended to focus on ensuring that the agreements contain clauses that can ameliorate their overall impact on labour. As a result, this structural context makes solidarity between Northern and Southern trade unions difficult, but at the same time it is important to ensure that labour retains sufficient agency in the analysis.⁶³ Hence, in the rest of this section I consider the position of European trade unions in response to the EU’s broader free trade agenda and the SADC EPA specifically. In doing so, I demonstrate the emergence of some more recent examples of solidarity between the labour movement in Europe and their counterparts in Africa.

Historically, however, the prospects for effective transnational labour solidarity in response to the EU’s trade agenda have been limited. The trade union movement within Europe has displayed a rather ambivalent response to the EU’s negotiation of free trade agreements. For

example, the European Trade Union Confederation (ETUC) gave rather mixed messages in response to the European Commission's 'Global Europe' strategy. On the one hand, ETUC outlined 'its disagreement with the proposed general reorientation of European trade policy in favour of an extremely aggressive liberalisation agenda in the developing countries'.⁶⁴ On the other hand, at a conference organised by the Commission to discuss the new strategy in November 2006, the General Secretary of ETUC at the time, John Monks, outlined in a speech how he was not against PTAs in principle, but that the EU should ensure that an effective social dimension (including the promotion of 'decent work') should be included in future trade agreements.⁶⁵ A similar stance was taken by the British Trades Union Congress (TUC) in 2007 when they called 'for labour standards...to be included in all agreements with the same level of enforcement and support for their implementation as commercial clauses'.⁶⁶ Some European trade unions, particularly those representing workers in export-oriented sectors of the Germany economy, took a more overtly positive view of the 'Global Europe' trade agenda.⁶⁷ In doing so, they are reflecting the material interests of their members ahead of the broader goals of international solidarity.

In response to the particularly contentious EPA negotiations, both ETUC and the International Trade Union Confederation (ITUC) jointly took the position that development should be put at the heart of the trade negotiations, and in particular they called for 'strong, effective and operational social and labour chapters'.⁶⁸ Thus, the European trade union movement took a reformist stance in arguing that the EU's normative claims to the developmental potential of EPAs were not without foundation. The key argument being made was that labour rights must be effectively enshrined with the final EPA agreements. Such positioning was clearly at odds with the much bolder approach based on resistance, taken by Southern African trade unions in response to the SADC EPA negotiations, as discussed in the

previous section. In sum, Hilary convincingly concludes that the response of European trade unions to the EU's free trade agenda was 'at best to lobby for the inclusion of social conditionalities within the agreements as a means of mitigating their most damaging effects'.⁶⁹

Partly as a result of being alerted to the more immediate dangers to workers from both the Comprehensive Economic and Trade Agreement (CETA) negotiations with Canada and the Transatlantic Trade and Investment Partnership (TTIP) negotiations between the EU and the United States, some European trade unions have recently begun to develop a more explicitly solidaristic position with their Southern colleagues. Trade unions were not at the forefront of the initial critique of these trade negotiations within Europe. However, as Dierckx argues, both TTIP and CETA, and in particular their inclusion of protections for investors, have since 2014 led to a re-think in the European labour movement.⁷⁰ Even trade unions that were previously supportive of free trade have adopted a more critical stance, such as IG Metall, which represents German metalworkers in a range of sectors including the car industry.⁷¹ In the specific case of the SADC EPA, the TUC published a letter urging MEPs not to ratify the agreement, because it 'will restrict the policy space of governments...cause a significant loss of revenue from tariffs and undermine fundamental labour rights'.⁷² The letter also made a direct reference of support for ITUC-Africa, who in a recent statement provided a damning assessment of EPAs arguing that overall they 'will only make it harder for Africa to achieve the 2030 Sustainable Development Goals'.⁷³

The recent change in the stance taken by European trade unions is also related to the realisation that there are significant limitations to the strength of the sustainable development chapters within EPAs. In its submission to the European Commission's public consultation

on the future of the Cotonou Agreement, ITUC argued that the ‘monitoring of efforts concerning labour rights should be conducted in a more thorough, systematic and inclusive manner’.⁷⁴ In the case of the SADC EPA specifically, the robustness of the inclusion of references to the Decent Work Agenda in the agreement was tested almost immediately after the final round of trade negotiations had ended. In October 2014 ETUC and ITUC demonstrated their solidarity with trade unions in Swaziland who had been banned by the monarchy. The ban was an explicit contravention of ILO Convention 87, which guarantees freedom of association and the right of workers to organise. ETUC sent a letter to Catherine Ashton, then the EU’s High Representative for Foreign Affairs and Security Policy, which noted that the actions in Swaziland contravened the sustainable development clauses of the SADC EPA and urged the European Commission to use diplomatic pressure on the regime in Swaziland.⁷⁵ Eventually in May 2015 the Trade Union Congress of Swaziland was recognised by the regime but as a recent report suggests it is still the case that ‘trade unions face massive restrictions, and workers who want to join unions or participate in union activity have frequently been intimidated and harassed’.⁷⁶

Hence, in the case of the SADC EPA, it is only belatedly that trade union federations in both Europe and Southern Africa have begun to adopt a united position of resistance. From the European side this appears to have been driven by a realisation that the clauses in the SADC EPA, on the Decent Work Agenda, contain no provisions for effective monitoring or enforcement. This position of solidarity was encapsulated in a joint letter sent to MEPs in August 2016.⁷⁷ This urged them to vote down the agreement when it went to the European Parliament for ratification the following month. The letter expressed concern that:

...the EPA does not have a strong Sustainable Development chapter that would enable us to put forward social, labour and environmental concerns stemming from the

implementation of the Agreement. In particular, the chapter does not explicitly establish monitoring bodies with the participation of trade unions, and satisfactory procedures for the enforcement of the sustainable development provisions are lacking.⁷⁸

In sum, the main argument being developed here is that despite some limited recent progress in the strength of transnational labour solidarity in response to EPA negotiations by the European trade union movement, the reality is that the global development orthodoxy outlined earlier remains pervasive. This orthodoxy suggests that the inclusion of the Decent Work Agenda in trade agreements will ensure that workers across the globe will see improvements in the four central objectives identified by the ILO. This article outlines why trade unions should resist, and not legitimate EPAs with ACP states. Otherwise they will be sanctioning a set of agreements that will ultimately ensure the ‘lock-in’ of a liberalisation agenda and domestic regulatory environments across Africa that serve the interests of transnational capital rather than labour.⁷⁹

Conclusions

In conclusion, this article has highlighted some of the limitations of the Decent Work Agenda given the structural context of continuing attempts to deepen the process of trade liberalisation. Trade unions have a choice to make in the strategies they pursue in this regard. They can act as legitimators of trade policy (as has often been the case with respect to the trade union movement in the EU) or they can adopt a counter-hegemonic role by resisting EPAs and advancing a more transformative agenda.⁸⁰ As such, a set of common demands around which trade unions can unite, is a vital part of developing a more effective counter-hegemonic approach. One recent example is the ‘Futures Commission’ project organised by

the Southern Initiative on Globalisation and Trade Union Rights. In its first publication, Bieler sketches out the central ideas that could form the basis of an alternative ‘fair’ trade system, whereby ‘a range of joint demands may be feasible around the re-assertion of national sovereignty and against the increasing structural power of transnational capital’.⁸¹

If the NPE view was correct and normative interests, such as the Decent Work Agenda, were really at the heart of EPAs then why is it that African trade unions, as I have demonstrated in the case of the SADC EPA, have remained consistently opposed to them? The answer lies in the material interests and core neoliberal assumptions that are central to the EU’s trade agenda. Trade unions across the Global South have refused to accept the inclusion of social clauses in free trade agreements as a sufficient mechanism for protection from the material impacts of trade liberalisation. This view is neatly encapsulated by two COSATU researchers who argue that ‘core labour standards are necessary, but not sufficient, to prevent a race to the bottom as a result of more open economies’.⁸²

As I have argued in this article, this is a view that the European labour movement has been slow to acknowledge. In contrast, as Hilary notes, the view of the labour movement in Africa ‘is shared by European alter-globalisation organisations active on trade policy issues, as well as by social movements and the broader mass of civil society groups in the Global South’.⁸³ Nevertheless, as I have demonstrated, in recent years European trade unions have become more critical of the EPA negotiations. It is to be hoped these examples of European solidarity with African trade unions continue to be built upon, as the EU’s desire to secure deeper trade agreements with Africa remains a part of its broader trade strategy.

Notes

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- ¹ For details see Hughes and Haworth, *The ILO*, 61-72.
- ² Anner, "The Paradox of Labour Transnationalism," 74.
- ³ Van den Putte and Orbie, "EU Bilateral Trade Agreements," 265-269.
- ⁴ See International Labour Organisation, "Decent Work".
- ⁵ *Ibid.*, 13.
- ⁶ Hughes and Haworth, *The ILO*, 75.
- ⁷ International Labour Organisation, *ILO Declaration on Social Justice for a Fair Globalization*.
- ⁸ Maupain, *The Future of the International Labour Organization*, 54-56.
- ⁹ Decent work was belatedly included in the MDGs in 2007 but it remained a goal based more on aspiration, in comparison to the other MDGs.
- ¹⁰ Fukuda-Parr, "From the Millennium Development Goals to the Sustainable Development Goals," 44.
- ¹¹ This is one of 17 SDGs agreed at the UN Sustainable Development Summit in September 2015. Goal 8 includes an extensive list of contributory targets including 'increase Aid for Trade support for developing countries, in particular least developed countries, including through the Enhanced Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries'. For further details see <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>
- ¹² Teichman, *The Politics of Inclusive Development*, 14.
- ¹³ United Nations Economic Commission for Africa, *Economic Report on Africa 2013*, 61.
- ¹⁴ Orbie and Tortell, "From the social clause to the social dimension of globalization," 9.
- ¹⁵ Öniş and Şenses, "Rethinking the Emerging Post-Washington Consensus," 281.
- ¹⁶ Ryder, "Decent Work key to reducing poverty and inequality."
- ¹⁷ United Nations Development Programme, *Human Development Report 2015*, 23.
- ¹⁸ European Commission, *The Social Dimension of Globalisation*, 2.
- ¹⁹ Lamy, "Globalisation and Trade: How to make sure there is space for development?"
- ²⁰ Orbie, "Work in progress: the social dimension of EU-Africa relations," 285.
- ²¹ European Commission, *Promoting Decent Work for All*, 8.
- ²² European Union, *Partnership Agreement signed in Cotonou*, 23.
- ²³ Orbie, "Work in progress: the social dimension of EU-Africa relations," 288.
- ²⁴ In the cases of the other five ACP sub-regions that are negotiating EPAs, any agreements that have been concluded so far include a commitment to continue negotiations in this area.
- ²⁵ See Manners, "Normative power Europe."
- ²⁶ *Ibid.*, 242.
- ²⁷ Sjørusen, "What kind of power?" 170.
- ²⁸ Hurt, "The EU-SADC Economic Partnership Agreement Negotiations," 497.
- ²⁹ European Commission, *Global Europe*.
- ³⁰ Bieler, "The EU, Global Europe, and processes of uneven and combined development," 164.
- ³¹ Langan, "Normative Power Europe and the Moral Economy of Africa-EU Ties," 253.
- ³² Hurt, "The EU-SADC Economic Partnership Agreement Negotiations," 499.
- ³³ European Commission, *Trade for All*, 24.
- ³⁴ Langan and Scott, "The Aid for Trade Charade," 158.
- ³⁵ Langan, "Decent work and indecent trade agendas," 23.
- ³⁶ Orbie, "Promoting Labour Standards Through Trade," 182.
- ³⁷ Langan, "Decent work and indecent trade agendas."
- ³⁸ EPA negotiations were initially launched in 2002 but during the first phase they were conducted with the ACP group of states as a whole.
- ³⁹ The end of 2007 deadline was when the WTO's waiver for the non-reciprocal trade preferences enjoyed by ACP states was set to expire. At this point an interim EPA agreement covering only the trade in goods was concluded instead.
- ⁴⁰ The SADC EPA was signed by Botswana, Lesotho, Namibia, South Africa, and Swaziland (the five member states of the Southern African Customs Union) and Mozambique. Angola was directly involved in the negotiations and has the option to join the EPA in the future. The remaining eight member states of SADC have been involved in other EPA negotiating groups.
- ⁴¹ European Union, "Economic Partnership Agreement between the EU and the SADC EPA States," 8.
- ⁴² *Ibid.*, 9.
- ⁴³ Malmström, "EU-SADC EPA - Why it matters."
- ⁴⁴ Tempest, "MEPs approve trade deal with six African states."
- ⁴⁵ Godsäter, "Civil Society and Regional Trade Integration in Southern Africa," 122.

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- ⁴⁶ Hurt, "What's left of 'the left' in post-apartheid South Africa?" 11.
- ⁴⁷ Buhlungu, *A Paradox of Victory*, 6.
- ⁴⁸ ITUC-Africa, "Statement on EPAs."
- ⁴⁹ COSATU, "Zwelinzima Vavi's Speech to Policy Conference for Decent Work."
- ⁵⁰ COSATU, "SA right to resist EU trade blackmail."
- ⁵¹ COSATU, "Zwelinzima Vavi Speech to LO Norway."
- ⁵² For a discussion of the TDCA see Hurt, "A Case of Economic Pragmatism?"
- ⁵³ COSATU, "COSATU calls on the Department of Trade and Industry to be firm on export taxes."
- ⁵⁴ Network of African Trade Unions, "African Trade Unions statement on EPA."
- ⁵⁵ Toka, "The Ego has landed?"
- ⁵⁶ Sasman, "NUNW Backs Govt on IEPA."
- ⁵⁷ Smit, "Transnational Labour Relations in SADC," 21.
- ⁵⁸ Hurt, "The Congress of South African Trade Unions and Free Trade," 102.
- ⁵⁹ Godsäter, "Civil Society and Regional Trade Integration in Southern Africa," 125.
- ⁶⁰ Ibid., 100.
- ⁶¹ Alternatives to Neo-liberalism in Southern Africa, *The search for Sustainable human development*, 48-49.
- ⁶² Bieler and Morton, "Uneven and Combined Development," 42.
- ⁶³ Hurt, "The Congress of South African Trade Unions and Free Trade," 95.
- ⁶⁴ European Trade Union Confederation, "On the Communication 'Global Europe'."
- ⁶⁵ European Trade Union Confederation, "Speaking Note for John Monks."
- ⁶⁶ Trades Union Congress, "Put labour standards and development at the heart of EU trade agreements."
- ⁶⁷ Hilary, "European Trade Unions and Free Trade," 50.
- ⁶⁸ European Trade Union Confederation, "ITUC and ETUC call on EU to root economic partnership in development."
- ⁶⁹ Hilary, "European Trade Unions and Free Trade," 48.
- ⁷⁰ Dierckx, "European unions and the repoliticization of transnational capital."
- ⁷¹ De Ville and Siles-Brügge, "Why TTIP is a game-changer," 5.
- ⁷² Trades Union Congress, "TUC calls on MEPs to reject Economic Partnership Agreement."
- ⁷³ ITUC-Africa, "Statement on EPAs."
- ⁷⁴ International Trade Union Confederation, "Submission to the Towards a new partnership Consultation," 14.
- ⁷⁵ European Trade Union Confederation, "Swaziland - ETUC letter to High Representative."
- ⁷⁶ Action for Southern Africa, "Swaziland's Downward Spiral," 4.
- ⁷⁷ This letter was signed by ITUC-Africa, SATUCC, ETUC, ITUC and national trade union federations in Botswana, Mozambique, South Africa and Swaziland.
- ⁷⁸ ITUC-Africa, "ITUCAF-ITUC-ETUC letter to MEPs."
- ⁷⁹ See Hurt, "The EU-SADC Economic Partnership Agreement Negotiations," and Nunn and Price "Managing Development."
- ⁸⁰ For a summary of this distinction see Söderbaum, *Rethinking Regionalism*, 138-142.
- ⁸¹ Bieler, "From 'Free Trade' to 'Fair Trade'", 38.
- ⁸² Makgetla and van Meelis, "Trade and Development in South Africa," 111.
- ⁸³ Hilary, "European Trade Unions and Free Trade," 52.

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