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Private Non-State Actors and Africa-EU Relations: Sovereignty and/or Sustainable Development

Authors: Dr Mark Langan, & Sophia Price

Affiliation: Newcastle University / Leeds Beckett University

Bio: Dr Mark Langan is Senior Lecturer in International Politics at Newcastle University. He is the author of the recently published book *Neo-colonialism and the poverty of 'development' in Africa* with Routledge. Dr Sophia Price is Head of Politics and International Relations at Leeds Beckett University. Her research focuses on Feminist Political Economy and EU-Africa Development Cooperation Relations

Contact details: mark.langan@ncl.ac.uk / sophia.price@leedsbeckett.ac.uk

Abstract

International Political Economy (IPE) has increasingly focused upon the influence of private non-state actors within global politics. Such a move is a necessity in the case of Africa-EU relations. It is particularly vital to examine how private sector entities play an influential role in not only shaping EU donor policies, but also in shaping possibilities for the exercise of empirical sovereignty within African polities. Major corporate actors - not least in the formulation of the UN SDGs and the EU EPAs - play a major role in setting the scene for African 'development'. The role of non-governmental organisations (NGOs), meanwhile, remains another key factor; with certain groups casting light upon perceived injustices (for instance, in relation to migration) whilst others engaging in regressive forms of extraversion (for instance, in relation to EPAs). Accordingly, the chapter examines the influence of private non-state actors as part of a critical engagement with the concept of 'neo-colonialism'. In so doing it underscores ways in which private non-state actors may both support - and close down - avenues for progressive African agency vis-à-vis the EU metropole.

Introduction

Private non-state actors have increasingly emerged as the focus of scholarly work within International Political Economy (IPE) and Development Studies. Moving beyond strictly Realist and/or Westphalian paradigms, IPE as an emergent discipline has sought to fully recognize the potential clout of non-state agents in shaping the contours of economic globalization - and therein of inter-state power relations and sovereignties. In particular, much work has been paid to the role of business associations within global value chains (GVCs)¹, the role of trade unions in shaping core labour standards and Decent Work prerogatives², the role of individual corporations in pushing forward private sector development (PSD) in the Global South³, and the role of non-governmental organisations (NGOs) and civil society in pushing forward new global agendas, such as on trade justice and migration.⁴ In this vein, scholars have adopted a post-Westphalian outlook - or what might more accurately be termed a 'Westphalia Plus' perspective - within IPE which recognizes the importance of nation-states

and of state sovereignties, yet moves beyond the strict state-centrism of orthodox International Relations (IR).

This shift, via IPE, towards a 'Westphalia Plus' perspective is an essential component of any contemporary study of Africa-EU relations. Of course, nation-states do continue to play a crucial role in shaping both the economic and political relationship between the two blocs. It is nation-states who form the constituent members of both the African Union (AU), the African, Caribbean and Pacific (ACP) bloc, and the European Union (EU) - the three most vital institutional interlocutors in terms of pushing forward Africa-EU affairs. It is imperative, however, to temper any analysis of AU/ACP and EU ties with proportionate focus on the agency of trade unions, corporations, civil society and other private non-state actors. Only by understanding the agency and potential clout of such bodies in (re)shaping agendas and implementing 'development' policies, can the contours of Africa-EU affairs be realized. Omitting consideration of private non-state actors within a myopic focus on Westphalian nation-states and supranational agencies would surely lead to lopsided analysis on a number of policy fronts – whether trade, environment, gender justice or aid delivery. It would also surely miss how these private non-state actors can either support – or undermine – developing country sovereignties within Africa-EU affairs.

This chapter, accordingly, examines the role of non-state actors with regards to sustainable development, sovereignty and neo-colonialism in Africa, both north and south of the Sahara. It examines i. business associations and corporate actors with regards to PSD and economic development and ii. NGOs and civil society with regards to trade justice. In so doing, the chapter explores the influence of non-state private actors in shaping African states' sovereign space (or lack thereof) for pro-poor development. For instance, the chapter explores the role of Unilever in pushing forward PSD strategies as part of the UN Global Compact, which in turn has had a marked influence on the 'pro-poor' growth policies of the European Commission. Moreover, the chapter illustrates how individual corporate actors such as Tullow Oil often work in tandem within official state bodies (such as the UK's Department for International Development [DFID]) to influence European policy, often with dubious consequences for empirical sovereignty within African countries. In addition, the chapter details how business associations – such as the National Association of Nigerian Traders (NANTS) – may play a progressive role in relation to African state sovereignties for pro-poor economic development. For example, it explores warnings about the likely impact of premature trade liberalization and neo-colonialism under EU-sponsored free trade agreements (FTAs) both in sub-Saharan Africa and the Maghreb.

In a similar vein, the chapter illustrates how NGOs and civil society groups have played an active role in shaping policy space for sustainable development with regard to FTAs. In so doing it illustrates how NGOs and civil society bodies may represent a voice for greater social justice and African state sovereignties within bi-continental affairs. However, the chapter demonstrates that in some instances civil society can do more to reinforce neo-colonial economic relations than to meaningfully restructure Africa-EU ties towards greater emphasis on genuine sustainable development. As a foreground to these discussions, meanwhile, the chapter first reflects on existing works within Africa-EU studies that have drawn attention to the importance of analyzing private non-state actors' agency. This underscores how scholars of Africa-EU ties have increasingly embraced a Westphalia Plus perspective to better grasp issues surrounding trade and economic relations. It also serves as a necessary reminder of the

complexities of the Africa-EU relationship, and as a springboard for the chapter's interrogation of the significance of private non-state actors in shaping African state sovereignties for sustainable development.

1. A Post-Westphalian Turn within Africa-EU Studies?

Historically there has been a strong Westphalian and/or Realist leaning within studies of the Africa-EU relationship, defined in terms of EU ties with the Maghreb and with the African, Caribbean and Pacific (ACP) grouping (of which sub-Saharan African nations form the majority). Notably, in the time of the ACP-EU Lomé Conventions (1975-2000), the majority of authors adopted state-centric perspectives in alignment with preponderant debates within IR. Seminal contributions from Zartman (1971) and Ravenhill (1985), for instance, examined nation states' negotiation capacities in terms of North-South power relationships. Zartman (1971: 1-4) argued that developing countries could utilize their 'weak' status to morally cajole 'strong' developed nations in Europe into making significant concessions on terms of trade, as well as aid allocations. This chimed with the 'spirit of Lomé' in which ACP countries did manage to secure significant concessions from the then European Economic Community (EEC), particularly in terms of the promise of non-reciprocal trade (which did *not* expect ACP countries to reduce tariffs in return for advantageous access to Europe). Ravenhill (1985), meanwhile, in a landmark monograph on 'collective clientelism' interrogated how former colonies could band together to secure significant concessions from the European metropole even within relations of dependency. This cautiously optimistic outlook, in terms of African states' capacity to achieve concessions in North-South ties, was echoed within a number of additional studies. For instance, Gruhn (1976), who argued that ACP countries and the EEC were slowly inching towards inter-dependence (as opposed to dependency relations).

State-centric/Westphalian perspectives were also widely adopted in terms of the more radical or 'critical' contributions within studies of Africa-EU ties during the Lomé Conventions. Galtung (1973), for instance, explored theories of imperialism within his influential text *The European Economic Community: A Superpower in the Making*. In his discussion, he identified how the EEC politically manipulated North African and sub-Saharan African nations and perpetuated relations of economic dependency through skewed trade and aid linkages. His broad thesis was supported by numerous other authors, including Robert (1980) who critiqued unequal development and dependency in terms of the EEC and the Maghreb (North Africa) and the Mashreq (Arabia). Also by Martin (1982), who critiqued European officials' embrace of EurAfrican discourse in order to perpetuate domination over territories in sub-Saharan Africa under consecutive ACP-EU Association agreements. While departing from the more optimistic findings of Zartman, Ravenhill, and Gruhn, nevertheless, the critical scholars maintained a preponderant focus upon the behavior of states within the international system – as in keeping with the zeitgeist of IR prior to the emergence of IPE.

However, with impactful contributions such as Strange (1986), Rosenau (1988), and Hocking and Smith (1997) helping to construct and cement IPE as a separate (sub)discipline within the study of economic globalization, the literature on Africa-EU affairs increasingly turned towards a post-Westphalian focus. Usefully here, the work of Nunn and Price (2016) creates a typology of rival critical interpretations of the Africa-EU relationships, highlighting how in addition to the Realist tradition, there has emerged alternative accounts that share

materialist foundations, broadly understood as Gramscian or Uneven and Combined Development approaches, as well as non-materialist social constructivist accounts.

Within the variety of these critical approaches, there has been a concerted attempt to balance the consideration of state strategies with the simultaneous examination of the role of private non-state actors, including the business community, trade unions and civil society groups. In 1999, for instance, Bretherton and Vogler (1999) offered an ambitious critique of the EU as a global actor with focus on both North and sub-Saharan Africa. In so doing they sought to locate the EU within a complex web of international agents, including transnational corporations and civil society. Gibb (2000), meanwhile, provided a detailed account of the role of Chiquita, the multinational fruit company, in sparking the 'banana wars' between the EU and the USA, and hence precipitating the demise of the ACP-EU Lomé Conventions and its preferential trade scheme. In more recent times, this Westphalia Plus perspective has been augmented by a number of studies. For instance, Langan (2011) who has focused on business stakeholder perspectives within vulnerable ACP sectors; Teivainen and Trommer (2017) who have examined civil society campaigns in West Africa with regards to the controversial Economic Partnership Agreements (EPAs); Hurt (2016) who has assessed trade union influence in EPA negotiations; and Orbie et al. (2016) who have considered the role played by civil society groups in Africa-EU trade reforms (to name but few).

Within these varied readings there has been a discernable movement from the sole focus upon Westphalian nation-states and supranational EU institutions and to consideration of private non-state actors. They have not denied the importance of state actors' decision-making. On the contrary, they have sought to contextualize how African countries' sovereign policy space is shaped and conditioned by the behavior of corporations, trade unions and civil society (in addition to the actions of the EU and its member states). Following their example, the chapter now examines the agency of private non-state actors and NGO/civil society groups in shaping African state sovereignties for the achievement of sustainable development. In so doing it provides critical discussion of neo-colonialism and how non-state actors may at times enhance – and at other times diminish - African countries' empirical sovereignty in relation to 'development' co-operation with the EU.

2. Business and the private sector: whither African sovereignty for sustainable development?

It is imperative for contemporary studies of Africa-EU relations to interrogate the role of business sector associations and multinational corporations (MNCs) in relation to African countries' sovereign space for sustainable economic growth. This section explores examples of a variety of such interventions within the ACP-EU relationship, particularly in relation to the promotion of PSD strategies, the development of public-private financing mechanisms and attempts to both influence and oppose European policy.

2.1 Blended aid finance mechanisms

Business interests have increasingly worked in tandem with the EU to provide and support development finance. In particular, the European Commission (2016) has increasingly advocated the need for 'aid blending' – namely to marry public aid monies with private investment from major European corporations into perceived investment opportunities in

Africa. This will apparently mobilise sufficient capital for job creation and economic expansion, thereby leading in turn to poverty reduction through trickle-down growth. In one notable articulation of this PSD rationale, the European Commission confidently asserts that:

The development landscape is expanding ... the private sector is increasingly a key partner in fostering more sustainable models of development. Combining public and private resources to leverage more investments is allowing to step up engagement, also in challenging environments. A realignment of global resources and investments is needed to achieve sustainable development (cited in Langan 2017: 180).

In such narratives private sector actors are welcomed as a 'missing link' within development policies, and as vital partners for national (and supranational) institutions, including the both the Commission and the EIB. The EU's preference for aid blending rests on the ways in which public and private finance combine to attract additional financing. "It is estimated that since 2007, EUR 2 Billion worth of EU grants have leveraged approximately EUR 20 billions of loans by European finance institutions and regional development banks' (EC&HRUFASP 2016:111). Trust funds are a key blending mechanism developed within the current EDF which introduced 2 types: The Emergency and Post Emergency Trust Fund (designed to address crises), and the Thematic Trust Funds (aimed at addressing global challenges). Examples include the EU-Africa Infrastructure Trust fund (2007) The Caribbean Investment Facility (2012) The Investment Facility for the Pacific (2012) and the Africa Investment Facility (2015) (EC&HRUFASP 2016:111).

Nevertheless, there is considerable evidence that the EU's emphasis on public-private partnerships is not necessarily a progressive step forward for genuine sustainable development in Africa. Experience – both north and south of the Sahara- indicates that the behaviour of European corporate actors, and that of the EU's own institutions, often transgresses ostensible norms relating to poverty reduction and equitable growth. Perhaps most infamously, the European Investment Bank (EIB) was heavily censured by the European Parliament for its financial involvement with Glencore Plc. and (therein) mining operations within conflict-affected states including the Democratic Republic of the Congo (DRC) (Counter Balance 2011). The EIB in this instance was criticized for leveraging funds to Glencore's portfolio investments, despite concerns about environmental hazards, workers' rights and the siphoning of profits via tax havens (depriving the host nation of otherwise lucrative taxation revenues) (*ibid*). Importantly, a coalition of NGOs – including Eurodad, Oxfam and ActionAid – maintain that the European Commission has not yet learnt the lessons of episodes such as that of the EIB-Glencore affair (Eurodad 2014). They state that the EU continues to favour aid blending in the interests of European corporations, rather than channel funds to small and medium sized entrepreneurs (SMEs) within African countries who might genuinely provide the engine of growth. In stark language these NGOs claim that it is 'questionable whether EU companies should be supported through development policy given the need for additional development resources and the risk of increasing aid tied to the delivery of European goods and services' (*ibid*).

2.2. Private Sector Development and the UN Global Compact

In the timeframe of the UN Sustainable Development Goals (SDGs) and the European Commission's championing of Goal 8 on PSD and equitable economic growth, it becomes immediately apparent that corporate actors have played a major role in shaping 'development' interventions in Africa. Most notably, major corporate actors, including Unilever, grouped together within the UN Global Compact and voiced their relative dissatisfaction with the human needs focus of the preceding Millennium Development Goals (MDGs) (Langan 2017: 179-180). The business community – via UN organs – expressed the need for a more hard-headed approach to development focused upon the stimulation of the private sector and upon trickle-down free market growth. Subsequently, the contemporary SDGs – in contrast to the MDGs – now explicitly reinforce the role of the private sector within development. This is further evidenced in for example Unilever's Sustainable Living Plan which proposes a conceptualization of sustainability based on a virtuous circle of growth that revolves around Unilever's brands, people and operations which generate profitable volume growth, cost efficiencies and innovation with marketing investment. This business orientated approach to sustainability is reinforced and legitimized through the partnerships with NGOs, such as Unilever's relation with Oxfam which sits on its Sustainable Sourcing Advisory Board.

Mawdsley (2015) convincingly argues here that the post-2015 SDG agenda has cemented the ideational and institutional focus on PSD, paving the way for increased reliance on so-called 'public-private partnerships' for sustainable development. For Price and Nunn (2016), this amounts to legitimization processes for the expansion of the world market. This private sector focus within the UN SDGs has had a marked impact upon the language and policy outlook of the European Commission with regard to its interventions in Africa. EU officials have enthusiastically welcomed the PSD discourse emanating from the UN and have emphasized that EU action for sustainable development will likewise prioritise the business community as part of public-private initiatives.

2.3 Leveraging Policy Influence

While the partnership between the private sector and policymakers is often celebrated and encouraged, there have been concerns raised about the uncomfortable alliances between official governance institutions (such as the European Commission) and corporate actors is mirrored at the level of the EU member states themselves. Attention has been focused on the manner in which individual corporate actors can work in tandem within official state bodies in order to influence European policy, often with dubious consequences for empirical sovereignty within African countries.

In the case of the UK, for instance, there has been much concern about the relationship between the Department for International Development (DFID) and the Anglo-Irish corporation, Tullow Oil. In the case of Tullow investments in Ghana's oil discoveries, for instance, there are claims from local campaigners that DFID funding towards the Ghana Oil and Gas for Inclusive Growth (GOGIG) programme helped to pressurise the Ghanaian Parliament into passing the controversial Oil Exploration and Production (E&P) bill (Lungu 2016a). Specifically, there were concerns that DFID monies had filtered down to co-opted think tanks who in turn lobbied local politicians to support the legislation, despite the fact that it would enable the Energy Minister to overturn the results of competitive tendering. Moreover, the E&P bill, now passed by the Ghanaian legislature, was condemned for failing to secure sufficient oil proceeds from Tullow Oil and other foreign investors (Lungu 2016b).

2.4 Opposing EU Policy

It is important to note though that there are progressive instances of private sector actors and business associations doing more to support African state sovereignties for genuine sustainable development, rather than perpetuating neo-colonial economic extraction as with the case above. Notably, business associations north and south of the Sahara have raised local objections to the European Commission's pursuit of premature trade liberalisation via FTAs. In West Africa, for instance, the National Association of Nigerian Traders (NANTS) has played a leading role in mobilising Nigerian politicians in resistance to the imposition of an Economic Partnership Agreement (European Parliament 2014: 20). In turn, through Nigeria's hardening position on the EPAs, the European Commission has been frustrated in its realisation of a region-wide EPA with the Economic Community of West African States (ECOWAS). NANTS, through their media campaigns and convincing critique of the impact of tariff dismantling for nascent industry and agro-processing within Nigeria and West Africa, has thereby helped to stall implementation of detrimental trade deals. In similar fashion, North African business leaders have raised alarms about the potential implications of the EU's pursuit of Deep and Comprehensive Free Trade Agreements (DCFTAs) with nations such as Tunisia and Morocco (ATTAC/CADTM Morocco 2015). For instance, a European Commission (2015) engagement with Tunisian stakeholders, including businesspeople, indicated a number of core concerns about the impact of premature liberalisation, as well as export barriers into the EU common market. In Morocco, meanwhile, the General Confederation of Morocco Enterprises (GCME) successfully lobbied its government to enact studies of the likely implications of the proposed DCFTA for core economic sectors. Through such actions, business representatives north and south of the Sahara have signalled their deep concerns with EU trade agendas, stimulating wider public and political awareness of the potential dangers of liberalisation both at home and in the political corridors of the EU (ATTAC/CADTM Morocco 2015: 9).

3. Civil Society Organisations and other NGO engagement in the EU-Africa Partnership

The public and political concerns about the programmes of trade liberalization between Africa and EU have been particularly evident in the EU-ACP relationship since the signing of the Cotonou Partnership Agreement in 2000, and the EPA negotiations that it spawned. In particular, civil society groups have argued that the pursuit of free trade through the EPA process will undermine the sustainable development of the EU's partners across the Global South. As such the opposition mounted to the EU's trade liberalization agenda by certain sections of the private sector has been matched by that by trade unions and other civil society actors and organisations.

In South Africa, for example, debate has been ongoing in relation its free trade negotiations with the EU. The Congress of South African Trade Unions (COSATU) has been a longstanding critic of EU- South Africa free trade relations, both under the Trade and Development Cooperation Agreement (TDCA) signed in 1999 and the EPA between the EU and the South Africa Development Cooperation (SADC) (Hurt 2016). COSATU argued that tariff reductions would result in job losses, particularly in the textile sector, and that the costs of adjusting to trade liberalisation would be disproportionately born by South Africa rather than the EU. COSATU viewed free trade agreements as opportunities for the EU to open up

markets in Africa for the benefit of European capital, incorporating those areas of trade that proved difficult to deal with at a Global level through WTO agreements (known as the Singapore issues). They argued that EPAs would undermine regional integration and sustainable development, supporting the position of those states that refused to sign or ratify the agreements and interim agreements (iEPAs). A particular critique made by COSATU was that the negotiations included a relatively narrow range of actors with a lack of engagement with trade unions and civil society organisations (*ibid*).

In West Africa, meanwhile, these core debates were replicated by other civil society organizations (CSOs) in reaction to the EU-West Africa proposals for trade liberalization. A network of West African global justice NGOs, local NGOs and trade unions emerged and coalesced around the West Africa EPA negotiations (Teivainen and Trommer 2017). This regional civil society network, called Plateforme des Acteurs de la Societe Civile Ouest Africaine sure L'Accor do Cotonou (the Platform) included fifteen development, anti-poverty and global social justice organisations, social movements and trade unions from eleven countries. It emerged in the late 1990s as a grouping of actors concerned with EU-Africa development and trade cooperation and opposed to the liberalisation of West African economies, both in relation to its trade relations with the European Union and wider global economy. The Platform sought to highlight societal concerns with trade policies based on free trade, and to develop alternative development frameworks, which included a preference for greater regional cooperation and civil society engagement.

Attempts by The Platform to gain a voice in the EU-West Africa negotiations were initially met with resistance by ECOWAS officials, who felt that they were challenging their role as they had been mandated to negotiate free trade deals. Teivainen and Trommer (2017: 25-26) outline three core tactics employed by The Platform in order to gain a position in the ECOWAS negotiating team. First, it questioned the conceptualisation of trade as a neutral realm, arguing instead that is a contested developmental issue that needed civil society inclusion. Second, it provided legal and economic expertise to balance the negotiating capacity between the two sides. Third, it worked on building the solidarity between West African civil society and trade officials. Over time, West African public officials accepted the inclusion of The Platform, as it added technical capacity and were able to wield influence towards EU public officials. The Platform gained a position on the ECOWAS negotiating team, with its representatives having access to policy making process and being able to speak at ECOWAS meetings. Teivainen and Trommer (2017: 25) argue that as such their access amounted to a 'rare level of political inclusion in international trade negotiations'. In this way, this disparate network of civil society actors was able to shape state sovereignty in order to achieve a particular conceptualization of sustainable development.

Other proposed trade liberalization agreements have, however, not been met with such organized and widespread opposition. For example, while there has been mobilization against the EU-Morocco Deep and Comprehensive Free Trade Agreement (DCFTA) this is described by ATTAC/CADTM Morocco (2015: 9) as 'paltry' in relation to the scale of change the deal proposes. The alliance have sought to publicise the threat posed to the Moroccan economy and people through trade liberalization with the EU, arguing there are a number of key issues in relation to this agreement. They argue that there is a need for greater democracy, transparency and public debate surrounding trade negotiations and highlight the

threat to Moroccan sovereignty from what they regard is the EU's colonialist agenda based on the economic imbalance between the 'partners'. The alliance raises a similar range of concerns to that of CSOs in other parts of Africa in relation to the economic impact of trade liberalization with the EU, arguing that this will worsen inequalities between regions and classes commodification and dismantling of public services.

While these examples of anti-free trade campaigns from North, West and South Africa have drawn on the activism of civil society organisations and trade unions at a regional level, their concerns had an obvious internationalist dimension, particularly in relation to the implications for European labour and their competitive position of inter-regional and global trade liberalization agendas. However, there have been difficulties in building coalitions of opposition between labour movements in both the EU and Africa. For example, COSATU sought to build transnational labour solidarity with organised labour in Europe, through cooperation with both The European Trade Union Council (ETUC) and the International Confederation of Free Trade Unions (ICFTU). The positions of these organisations, however differed to that taken by COSATU, as the ETUC and ITUC did not challenge the underlying ethos of free trade nor question the impact on partners. Instead these organisations focused on 'reformist' positions, for example with proposals to lengthen the transition periods and to include a social clause to balance the impact of free trade (Hurt 2016: 547-548). However, recently within the EU there has been growing social organization and trade union activism against trade liberalization, for example the Trade Justice Movement which is a UK based coalition of nearly seventy civil society organisations. Such organisations however have been most active in countering the EU's trade negotiations with both the USA, in relation to the Transatlantic Trade and Investment Partnership (TTIP), and Canada, in relation to the EU-Canada Comprehensive Economic Trade Agreement (CETA), rather than those with Africa. While such campaigns tend to have a global perspective in pursuing trade rules that have a poverty reduction and sustainable development focus, they have been particularly successful in garnering public support and mobilization in relation to the issue of domestic public sector marketisation in the global North as an integral part of the trade liberalization agenda.

The public and political concern, both in Africa and the EU, about free trade and its consequences for labour and the environment have driven the inclusion of a sustainable development chapter into the EU trade agreements, which create institutionalised mechanisms for civil society participation. For example, in relation to the EU-SADC EPA there the SADC-EU Outreach South Africa Initiative and the SADC-EU EPA High Level Civil Society Forum have been created as vehicles for civil society engagement. The inclusion of these mechanisms into the EPA negotiations across the EU's ACP partners is designed to address core issues such as labour rights, environmental principles and economic development. This ongoing commitment to the inclusion of civil society actors in the EU-ACP relationship has been matched by a similar approach in the broader Africa-EU Partnership. This includes a commitment to 'facilitate and promote a broad-based and wide-ranging people-centred partnership by ensuring the effective participation of civil society and the private sector and by delivering direct benefits for African and European citizens' (The Africa-EU Partnership ND). The Joint Africa- EU Strategy (JAES) which underpins the partnership contains a firm commitment to the creation of a permanent platform for information, participation and mobilisation of a broad spectrum of civil society actors in the EU, Africa and beyond.

As part of this commitment in the JAES, The Africa–EU Civil Society Forum brings together representatives of African and European Civil Social Organisations. The Forum prioritises Sustainable Development and has outlined a range of core concerns, which include: i. the decent work agenda and the inclusion of core labour standards into trade agreements; ii. the involvement of civil society in the implementation and monitoring of the EU external investment plan (EIP), iii. public private partnerships that support national development priorities; and iv. the use of ODA to support poverty reduction and not to let it become a subsidy for businesses (Africa-EU Civil Society Forum 2017: 1-5). The explicit commitment within the JAES to the inclusion of civil society actors into the Africa-EU Relationship has been problematized in a variety of ways. The Africa – EU Civil Society Forum itself has highlighted how, despite the formal recognition of the valuable role that civil society actors can play in the Africa-EU partnership, the space for such organisations has shrunk and they occupy a relatively weak position in the strategic framework. This prompted the Forum to call on EU and African institutions and leaders to deliver a series of reforms: i. increased support for the involvement of CSOs; ii. the improvement of the flow of information and entry points for such organisations; iii. increased financial support and the delivery of the political commitments to create a truly enabling environment for civil society participation; and iv. to ensure the inclusion of a full range of society as part of a multi-stakeholder policy process (*ibid*).

Such demands for the increased space and role for civil society actors, however, raises broader issues of representation and legitimacy, and the extent to which organisations should be permitted to exert influence over governance practices and agreements. For example, in relation to the West Africa- EU EPA negotiations, public officials raised questions about the role played by The Platform and questioned the legitimacy of their knowledge and position. Criticisms were levelled against The Platform that instead of representing regional civil society they were promoting their own sectional interests (Teivainen and Trommer 2017: 25-26). The Platform contended this position, drawing on human and civil rights discourses to legitimate their position not as representatives but as participants. More broadly, another core concern can be the risk of CSO cooptation into neo-liberal paradigms that both legitimize and lock-in inequality. Through participatory frameworks NGOs and CSOs therefore can play a regressive rather than progressive role in Africa- EU relations. The risks of co-optation are particularly dangerous for NGOs focused on environmental, human and labour rights.

Specifically, through CSO participation in trade liberalization negotiations these bodies could become (or could be seen to become) legitimising forces for the neo-liberal orientation of the EU's trade agreements. Kothari and Cooke (2001) referred to this as the tyranny of participatory development, which can lead to the unjust and illegitimate exercise of power. This exercise of power is not only through the practice of participatory development but also through its discourse. They argue that the emergence of participatory approaches, in opposition to the imposition of 'top-down' approaches, were aimed at co-opting those most affected by development decisions into decision-making procedures. Those most marginalized people therefore are provided with decision-making authority over their own lives. However, through their integration into neo-liberal development policy and practice (seen here as trade liberalization), the core agenda is ideologically legitimized. Kothari (2015) argues that this co-optation of 'alternative' approaches to mainstream neo-liberal agendas, in turn results in the ongoing professionalization and technicalisation of the 'development

industry'. The conscription of critical voices and contesting discourses into neo-liberal frameworks and practices thus limits the effectiveness of their opposition.

In relation to the EU-ACP relationship, the potential critique of participatory development models has been recognised by Orbie et al (2016). The authors argue that civil society actors are aware of the risks of co-optation and are able to successfully navigate them. However, they also concede that there are power asymmetries between non-profit and business actors risk reinforcing existing power relations. At times, however, there can be a coincidence of preferences between the private sector and NGO/CSOs. In relation to EU-West Africa liberalization, the opposition of The Platform to the proposed EPA coincided with organized West African business and private sector, and both shared a focus on mobilising Nigerian politicians to resist the imposition of Free Trade Agreements and ultimately stalled their implementation. However, the underlying rationales differed, on the basis that for The Platform, their concern was that West Africa economic policy choices had not benefitted West African populations but rather represented vested interests, while business and private sector actors sought to protect themselves from competition from the EU.

Conclusion

As this chapter has shown there has both been an increasing focus on the inclusion of non-state actors into the frameworks that govern Africa-EU relations and a need to develop the analytical and conceptual tools that help to understand those processes. In exploring these attention needs to be placed both on the role of private sector actors and CSOs, and the manner which these play an important role in not only shaping EU policies towards Africa, but also the possibilities for the exercise of empirical sovereignty within African polities themselves. Major corporate actors have played a major role in shaping preferences at the national, regional and inter-regional level, pursuing positions that have at times converged with civil society activists and organisations. It is evident therefore that non-state actors can either play a progressive or regressive role in terms of equalising relations between ACP developing countries and the EU member states, particularly in terms of the co-optation of CSOs into neoliberal paradigms that lock in inequality. This prompts us to look beyond traditional Westphalian approaches, with their rigid focus on nation states and supranational institutions, to analyses that focus on the ways in which private non-state actors may both support or close down avenues for progressive African agency vis-a-vis the EU metropole.

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