HARM ANALYSIS OF CARIBBEAN PROTOCOL OF ACP-EU TREATY BY FWI

KEY TO MARKED TEXT

- **Red text bolded and underlined = dangerous or potentially harmful terminology or provisions in the treaty itself.** Any text preceded by three asterisks *** indicates one of the top 15 most harmful treaty provisions with far-reaching implications.

- Red text beginning with [**COMMENT:** This provision is problematic because…] is commentary by FWI and/or links demonstrating evidence of harm associated with the treaty provision at issue.

- Text highlighted in yellow = Not yet analyzed by FWI so it may or may not be harmful.

[COMMENT: Please note the terms "human rights" and "inclusive" are bolded and underlined with red text throughout the treaty text to emphasize how pervasive they are. Titles of problematic chapters and articles are similarly emphasized. Finally, the formatting and page numbering in this document differs from the original treaty text because adding FWI's extensive commentary directly in the text altered them.]

CARIBBEAN REGIONAL PROTOCOL

PART I

FRAMEWORK FOR COOPERATION

CHAPTER 1

NATURE AND SCOPE

ARTICLE 1

Genuine partnership

1. For the purposes of this Protocol, "Parties" means the relevant parties bound by this Protocol pursuant to Article 6 of the General Part of this Agreement.

2. Relations between the Parties shall be governed by the provisions of the General Part of this Agreement and this Protocol, which are complementary and mutually reinforcing, in accordance with Article 6 of the General Part of this Agreement.

3. The Parties agree that this Protocol shall be implemented, with complementary responsibilities at national, regional and international levels, based on the principles of mutual respect and accountability, equality and shared ownership, and by engaging all relevant stakeholders. They shall implement this Protocol in a manner that builds on and advances the deep political, economic and cultural ties among the Parties to this Agreement.

4. The Parties shall support regional integration and cooperation processes, intensify efforts in support of multilateralism and the rules-based global order, and develop and implement multi-

dimensional and coherent policies and measures in pursuit of all dimensions of sustainable development, taking into consideration their respective policy frameworks and relevant international agreements.

ARTICLE 2

Strategic priorities

1. The Parties reaffirm the broad and comprehensive nature of the Caribbean Regional Partnership and agree that the strategic priorities of this Protocol are, *inter alia*, to:

(a) strengthen their political partnership, which shall be underpinned by regular and effective dialogue and the promotion of common interests;

(b) deepen economic relations, promote transformation and diversification, and support **inclusive** and sustainable economic growth and development through trade, investment, private sector development and sustainable industrialisation;

(c) improve environmental sustainability and climate resilience, pursue the sustainable management of natural resources and strengthen disaster management;

(d) build **inclusive**, peaceful and secure societies, **with a special focus on advancing human rights, gender equality**, justice and governance, including financial governance, and citizen security;

[**COMMENT:** UN Women established its first-ever, dedicated LGBTIQ+ Rights Specialist post in June 2020. This UN office notes in its internal resource guide, published in May 2022 that "biological sex" and "person born as male or female" are terms that should be avoided or used with caution because "*A series of misconceptions underpin the notion of a binary biological sex and norms related to it, from which some gender identities depart. This must be challenged in efforts to conceptualize and communicate on 'gender equality' comprehensively*."
https://www.unwomen.org/sites/default/files/2023-07/lgbtiq-equality-and-rights-internal-resource-guide-en.pdf, page 89.]

(e) invest in human and social development, addressing poverty and growing inequalities, harnessing migration, leveraging the diaspora's knowledge, entrepreneurial skills and investment, and ensuring that nobody is left behind.

2. The Parties shall accord special attention to Haiti as the only least developed country in the Caribbean, with a view to addressing its structural weaknesses while supporting the consolidation of its institutions, improving governance and reducing poverty and social inequalities.

ARTICLE 3

Multilateralism and alliance-building

1. The Parties reaffirm their strong commitment to multilateralism. They shall enhance cooperation and, where k, establish common positions in the framework of the United Nations (UN) and other international and regional organisations and forums.

2. The Parties shall strengthen dialogue and consultations to build strategic alliances on global issues of common concern, including climate change, ocean governance, sustainable development, human and social development, **human rights** and issues related to peace and security, and conflict prevention and resolution. They shall cooperate to address the vulnerabilities of small island developing states (SIDS) within relevant global policy frameworks.

3. **The Parties undertake to sign, ratify or accede to, as appropriate, and implement key relevant and applicable international treaties and conventions**.

ARTICLE 4

Regional integration and cooperation

1. The Parties shall promote regional integration and cooperation in the Caribbean region as an important means of achieving peace and prosperity, building sustainable and resilient economies and societies, and increasing competitiveness in international markets. They shall support the establishment and strengthening of complementary domestic policies and capacity, thereby contributing to the fostering of regional stability, cohesion and prosperity in the Caribbean.

2. The Parties agree to advance the universal recognition of the Caribbean as a zone of peace. They shall also promote the sustainable development of the Caribbean Sea in light of its role as enabler of regional integration and cooperation in the region.

3. The Parties shall enhance cooperation with regional integration organisations and countries and territories that share the same values and are willing and able to promote common goals, and contribute to the economic, social and political development of the Caribbean region as a whole. They shall support, where appropriate, the development of regional approaches to issues of common concern, including with the wider Caribbean and Latin America.

CHAPTER 2

ACTORS AND PROCESSES

ARTICLE 5

Institutional provisions

1. The institutions established by this Protocol, the composition and functions of which are defined in the General Part of this Agreement, are as follows:

(a) the Caribbean-EU Council of Ministers;

(b) the Caribbean-EU Joint Committee;

(c) the Caribbean-EU Parliamentary Assembly.

2. The Parties may decide to meet at the level of Heads of State or Government to provide strategic political steering to, and oversight of, the Caribbean-EU partnership.

ARTICLE 6

Overseas Countries and Territories and outermost regions in the Caribbean region

1. The Parties shall strengthen the close and historic economic, cultural and people-based ties between Caribbean OACPS Members and the Overseas Countries and Territories (OCTs) associated with the EU and the outermost regions of the EU (ORs). The Parties shall facilitate the participation of the OCTs and the ORs in regional integration and cooperation processes, as well as regional organisations, where appropriate, especially in the areas of: trade, investment and economic cooperation; private sector development; energy; connectivity and digitalisation; human and social development; and climate change, environmental sustainability, sustainable management of natural resources and tourism.

2. The Parties agree that the OCTs in the Caribbean region shall be granted the role of observers in the joint institutions established by this Protocol.

ARTICLE 7

Consultation with stakeholders

The Parties shall establish and develop consultation and dialogue mechanisms with all relevant stakeholders, including local authorities, representatives of civil society and the private sector, to inform, advise and consult them, and to secure their input to political processes and for the implementation of this Protocol. Consultation and dialogue shall take place with a view to providing inputs to the meetings of the Caribbean-EU Council of Ministers.

ARTICLE 8

Implementation and monitoring

1. The Parties shall implement their commitments at the most appropriate level, in accordance with their respective policy frameworks. They shall develop and apply measures to maximise the impact of the implementation of this Protocol and reinforce the involvement of all interested stakeholders.

2. The Parties shall monitor and review this Protocol to ensure that implementation adheres fully to the principle of genuine partnership and accords with its strategic priorities. They may review it on a regular basis and, as mutually agreed, expand its scope, notably to new areas of engagement, in line with the procedure set out in Article 99 of the General Part of this Agreement.

PART II

KEY AREAS OF COOPERATION

TITLE I

INCLUSIVE SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT

ARTICLE 9

The Parties shall promote sustainable and **inclusive** economic growth and development through economic transformation and diversification, reinforced economic resilience, advanced regional integration and cooperation, strengthened economic and trade relations, and improved transition towards full employment and decent work for all. They shall cooperate to facilitate greater flows of trade and investment, by improving macroeconomic and financial stability and the business environment, to promote digital transformation, to advance private sector development and industrialisation, and to promote low-emission and climate-resilient economies, ensuring that all people benefit from unlocked business opportunities. They shall respect and protect **human rights** and core labour standards, including through social dialogue, promote environmental sustainability and foster shared prosperity. They agree to concentrate efforts on key and emerging economic sectors, with a multiplier effect on sustainable growth, value addition, job creation and poverty eradication.

CHAPTER 1

OVERALL ECONOMIC FRAMEWORK

[**COMMENT**: For an analysis on why the potential economic benefits of this agreement from trade, investment and related provisions are not expected to be significant, especially when compared to the burdens the Agreement imposes on ACP member states, see the COMMENT made at the start of Title IV of the general text of the treaty, entitled INCLUSIVE, SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT, followed by Articles 40-44.]

ARTICLE 10

Enablers of economic development

1. The Parties shall improve macro-economic and financial stability, strengthen public finance management and work towards public debt sustainability. They shall support Caribbean regional economic integration and cooperation to enable countries to benefit from deeper integration into regional and global value chains. They shall harmonise and simplify business regulations and processes, adopt sound competition policies, including transparency on public subsidies, and ensure effective and predictable tax systems, including at intra-regional level.

2. The Parties shall create an enabling legal environment, strengthen the efficiency of public administrations and judicial systems, improve the business climate through reform of regulatory requirements, enhance access to finance and ensure the protection of land and property rights and intellectual property rights.

3. The Parties shall promote policies that enhance the relevance, efficiency and effectiveness of labour markets and support labour mobility, including the intra-regional dimension thereof. They shall promote quality education and skills development, and shall develop appropriate technical and vocational education and training. They shall ensure that progress in human capital is adapted to the needs and opportunities of labour markets and is enhanced by private sector involvement.

4. The Parties shall support the development of key infrastructures such as energy, transport, water and sanitation and digital connectivity. They shall cooperate to exploit opportunities arising from technological advancement and the digital economy, including in the area of artificial intelligence.

5. The Parties shall cooperate to improve access to finance, especially for micro, small and medium-sized enterprises (MSMEs), including through regulated banking and non-banking services. They shall develop and strengthen digital financial services, including through enhanced cooperation on the implementation of agreed international standards and ensuring efficient and reliable markets, consumer protection and increased access to mobile-based financial services.

6. The Parties shall address all forms of pollution resulting from economic activities, including through a clear definition and attribution of responsibilities to industry and business operators throughout the supply chain on the basis of the extended producer responsibility and polluter pays principles. They shall support green growth initiatives, increased resource-use efficiency and the adoption of clean and environmentally sound technologies and industrial processes.

7. The Parties shall develop the circular economy by promoting the sustainable consumption and production of resources, including through strengthened scientific and technological capacity, standards, exchange of best practices and the rationalisation of inefficient fossil fuel subsidies.

8. The Parties shall promote the registration and protection of geographical indications and undertake action to support the increased use of technology and innovations to create greater value in regional and global value chains.

ARTICLE 11

Investment

1. The Parties undertake to bolster public and private investment, especially in added-value sectors with a high potential for sustainable job creation and high economic growth.

2. The Parties shall harmonise and streamline rules, procedures and requirements relating to investment. To that end, they shall prioritise the specific needs of MSMEs. They shall support the development of regional investment policies, strategies and tools.

3. The Parties shall encourage and facilitate investment in the Caribbean, including by strengthening business facilitation measures. They shall further support investment by enhancing transparency, information and investors' awareness of business opportunities and investment conditions and procedures. They shall facilitate the strengthening of technical analysis and skills on economic trends and risk management for investment.

4. The Parties shall make strategic use of public finance to strengthen investment mechanisms and instruments and to leverage additional public and private investment, including through blended finances, guarantees and other innovative financial instruments, while taking due account of debt sustainability

ARTICLE 12

Private sector development and industrialisation

1. The Parties shall support private sector development and sustainable industrialisation, and shall design policies to enhance entrepreneurship, diversification and productivity. They shall further support the competitiveness of enterprises, through, *inter alia,* strengthened compliance capacity to apply relevant international standards, enhanced innovation measures and improved access to innovative financing. They shall promote institutional capacity to contribute to trade and economic policy-making.

2. The Parties shall prioritise the development of women's and youth entrepreneurship, in particular by developing targeted business support and training, and access to affordable and reliable technology and finance.

3. The Parties shall support the growth and competitiveness of MSMEs, promote regional business development and facilitate business-to-business contacts between economic operators in the Caribbean and the EU.

4. The Parties shall pay special attention to the informal sector and to upgrading informal economic activities into formal ones, including through targeted business development support.

5. The Parties shall encourage and facilitate the establishment and strengthening of regional private sector trade and professional bodies through, *inter alia*, enhanced technical, research, policy advocacy and institutional capacity.

6. The Parties shall boost digitalisation and shall promote research, development and innovation initiatives in key economic sectors, including by bolstering linkages between industry, research and academic institutions, in order to improve the volume of high-value products, enhance competitiveness and develop new markets.

7. The Parties shall promote increased public-private partnerships as a means of mobilising domestic and foreign capital.

8. The Parties shall support increased resource-use efficiency and the adoption of cleaner and more environmentally sound technologies and industrial processes.

9. The Parties shall promote industrial development with a view to achieving sustainable economic growth. They shall adopt targeted policies designed to facilitate industrial growth and opportunities, notably through the creation of linkages and value-adding activities. They shall develop and implement sustainable national and regional industrial policies to enhance private sector competitiveness, particularly in medium- and high-tech manufacturing and exports. They shall encourage and facilitate the development of appropriate technologies to advance the diversification of their economies into the production of high-value industrial products.

10. The Parties shall encourage wider use of their respective currencies in international transactions.

ARTICLE 13

Trade cooperation

1. The Parties shall advance regional integration and cooperation processes in the Caribbean, including through strengthened trade facilitation and regulatory harmonisation to enable countries and economic operators to take advantage of trading with their neighbours and foster their integration into key regional and global value chains. They shall take concrete steps to support the development of the CARICOM Single Market and Economy (CSME) and the Organisation of Eastern Caribbean States (OECS) Economic Union.

2. The Parties shall support the implementation of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part (the "CARIFORUM-EU EPA"), to reinforce its effectiveness as a tool for promoting sustainable development and to ensure its commercial relevance. To that end, they shall cooperate to strengthen mechanisms, procedures and institutions to enhance national and regional productive and regulatory capacities. They shall also cooperate to institute appropriate support policies to facilitate greater trade flows, including through strengthened production and entrepreneurship, quality infrastructure, enhanced digital support frameworks, increased investment in value-adding sectors and the development of effective e-commerce.

3. The Parties shall foster trade within the wider Caribbean region, including the OCTs associated with the EU and other territories, as a means of promoting **inclusive** and sustainable development.

4. The Parties shall support the implementation of the WTO Trade Facilitation Agreement and facilitate trade through, *inter alia*, adopting support measures to reduce both trade costs and financial and regulatory burden of MSMEs.

5. The Parties shall pursue innovative special and differential treatment for new multilateral or bilateral trade agreements where applicable, for instance by ensuring that flexibilities in trade commitments reflect demonstrated implementation capacity needs.

CHAPTER 2

PRIORITISED ECONOMIC SECTORS

ARTICLE 14

Services

1. The Parties shall enhance the regulatory and productive capacity of key services subsectors through, *inter alia*, the development of sectoral policies, legislative frameworks and national and regional regulation capacity to enable service suppliers to seize market opportunities under the CARIFORUM-EU EPA, the CSME, the OECS and other intra-Caribbean regional arrangements. They shall pay particular attention to professional, convention, data-processing, recreational, cultural and creative industries, and to sporting, educational, financial, communication, audio- visual, transport, environmental and tourism services.

2. The Parties shall develop strategies and appropriate policies to improve access to trade finance and financial services. They shall also enhance capacity to collect, store, disseminate and analyse services trade data and statistics.

3. The Parties shall cooperate to promote and strengthen the role of services in trade competitiveness and deepen value chains through, *inter alia*, fostering innovation in services-related manufacturing and enhancing the role of services as inputs into the production of goods.

4. The Parties shall support the enhancement of the capacity of regional professional bodies to contribute to the negotiation and effective promotion of mutual recognition agreements.

ARTICLE 15

Blue economy

The Parties shall promote the development of sustainable and innovative blue economies. In doing so, they shall seek to balance economic growth and the creation of decent jobs with enhanced food and nutrition security, improved livelihoods, **social equity** and strengthened ocean ecosystems, while reducing environmental risks and negative ecological impacts. They shall support the application of precautionary and science-based approaches to the conservation and protection of marine ecosystems and biodiversity, and the sustainable use of natural resources. They shall promote domestic and foreign investment, and develop the necessary regulatory framework and infrastructure to promote blue economy activities. They

shall also promote bilateral and multilateral collaboration to support the development of sustainable and innovative blue economies.

1. The Parties shall enhance sustainable fisheries development by promoting sustainable fisheries value chains and building local capacities to process fisheries products and meet the regulatory requirements of international markets, taking into consideration the needs of artisanal fisheries and ensuring safe, healthy and decent working conditions for fishers and workers.

2. The Parties shall cooperate to develop sustainable aquaculture, including mariculture, through effective spatial planning, adherence to an ecosystem-based approach and an enhanced level playing field for investors, while ensuring that the concerns of local communities are addressed.

3. The Parties shall seize opportunities in marine biotechnology through, *inter alia*, supporting research, fostering collaboration among academics, economic operators and policy-makers, promoting technological transfer and reducing technical bottlenecks to facilitate access for investors, while avoiding risks to the marine environment.

ARTICLE 16

Agriculture

1. The Parties shall cooperate to increase and diversify sustainable agricultural production and productivity, with a view to enhancing food security and nutrition, improving livelihoods, creating decent jobs and expanding incomes by accessing regional and international markets. They shall strengthen climate-resilient farming practices, especially in smallholdings, promote the sustainable management and efficient use of natural resources and ecosystem services, and eliminate incentives that generate unsustainable production.

2. The Parties shall strengthen national and regional research, training, science and innovation in smart agriculture.

3. The Parties shall bolster investment in and develop the agri-food sector, and shall institute rules and regulations that are supportive of increased investment in the sector. They shall cooperate to improve opportunities for producers, processors and exporters to access markets and capture greater value in local, regional and global value chains, including by promoting greater use of technology and innovation, bolstering their capacity to comply with non-tariff barriers, in particular technical barriers to trade and sanitary and phytosanitary standards, and promoting fair-trade and organic schemes to create added value in agro-processing.

4. The Parties shall ensure equal land and inheritance rights for women, enhance their access to finance and markets, as well as to support services and agricultural advice. They shall also support youth entrepreneurship, including through the provision of targeted extension services, technology and financing.

ARTICLE 17

Extractive industries

1. The Parties shall promote fair and non-discriminatory access to the sustainable extraction of, and trade in, minerals and raw materials, fully respecting the sovereignty of countries over their natural resources and upholding the rights of affected communities. They shall promote the equitable sharing of resources and combat the illegal exploitation of mineral resources through national, regional and international legal means.

2. The Parties shall promote the transparency, accountability and responsible management of extractive industries, consistent with the Extractive Industry Transparency Initiative and other relevant regional and international commitments.

3. The Parties shall strengthen corporate social responsibility and responsible business conduct throughout the entire value chain, including through the development and implementation of relevant legislation, where appropriate, taking into account relevant international standards.

ARTICLE 18

Sustainable energy

1. The Parties shall cooperate to strengthen energy security, to secure access to sustainable energy for all, including for the most vulnerable consumers and key economic sectors, and to build the resilience of energy infrastructure in order to improve the accessibility, durability and affordability of clean energy.

2. The Parties shall facilitate open, transparent and functioning energy markets that drive **inclusive** and sustainable investment, especially in renewable energy generation and co-generation, transmission and distribution, and energy efficiency. They shall cooperate in enhancing entrepreneurship in the sector.

3. The Parties shall cooperate to increase public and private investment in renewable energy and energy efficiency, paying attention to the development and implementation of relevant national and regional energy initiatives and supportive quality infrastructure systems.

4. The Parties shall promote energy efficiency and energy savings at all stages of the energy chain, from generation to consumption.

5. The Parties shall cooperate to establish and reinforce effective energy interconnections and to promote the energy transition of the Caribbean region through the development and use of clean, diverse, cost-effective and sustainable energy technologies, including renewable and low-emission energy technologies, to promote the transfer of technology and to develop human and technical capacity and research and innovation.

ARTICLE 19

Connectivity

1. The Parties shall strengthen sustainable, comprehensive and rules-based intra-regional connectivity. They shall cooperate to improve transport links, information and communication technologies (ICT) and digital infrastructure in a resilient and sustainable manner. They shall pursue economic opportunities by, *inter alia*, strengthening the technical and human capacity of key actors.

2. The Parties shall cooperate towards the development of quality and sustainable transport and related infrastructure systems, thereby facilitating and improving the movement of people, including those with reduced mobility, and of goods. They shall aim to provide improved access to rural, urban, air, maritime, inland-waterway, rail and road-transport facilities, including through the development and promotion of intra-regional cooperation throughout the Caribbean region.

3. The Parties shall bolster investment in and improve the overall governance of the transport sector, including by eliminating capacity constraints and by developing and implementing efficient regulations enabling fair competition within and between transport modes.

4. The Parties shall increase access to open, affordable and secure ICT for all, including by supporting targeted investment. They shall develop the necessary legislative frameworks and regulatory institutions to license service providers, promote competitive behaviour, ensure the fair treatment of consumers and support data and consumer protection.

5. The Parties shall enhance access to open, affordable, secure and reliable broadband connectivity for all and develop digital infrastructure, including through improved undersea cables and other modern transmission technologies. They shall develop policy and regulatory frameworks to facilitate the effective licensing of service providers, promote competitive behaviour and fair treatment and protection of consumers, and ensure the confidentiality of communications and the rights of persons with regard to the processing of personal data.

6. The Parties shall promote the establishment of a regional digital economy to generate decent jobs and economic development, through the creation of a supportive regulatory framework to promote digital entrepreneurship, mobilise investment, and facilitate private sector boosting of digitalisation. They shall cooperate to eliminate unnecessary barriers, to develop e-trust and e-signature platforms supporting increased trade, to foster the emergence of new products, to promote the development and use of relevant international standards, open data and advance the protection of consumers and personal data.

ARTICLE 20

Tourism

1. The Parties shall cooperate to promote the balanced and sustainable development of tourism in order to foster **inclusive** economic development. They shall ensure the integration of environmental, cultural and social considerations, and the sustainable use and conservation of biodiversity and other natural resources in tourism policy planning and development.

2. The Parties shall bolster investment to promote and develop tourism products and services and thereby generate decent jobs, by forging innovative partnerships with key economic operators, investing in human capital development and marketing, and facilitating business-to-business contacts to boost competitiveness and improve service standards. In that regard, they agree to pay special attention to MSMEs.

3. The Parties shall strengthen linkages between the tourism sector and other relevant economic sectors, in particular agriculture, manufacturing, the blue economy and transport. They shall mobilise investment in sustainable energy, basic infrastructure and services, digital technologies, statistics and human development, in order to enhance the competitiveness and sustainability of the tourism industry.

4. The Parties shall take steps to generate the strongest socio-economic benefits from tourism. They shall enhance the preservation and promotion of cultural patrimony and of natural resources and promote all innovative forms of tourism, while respecting the integrity and interests of indigenous peoples, as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and of local communities and maximising the involvement of these stakeholders in the process of tourism development.

ARTICLE 21

Research, innovation and technology

1. The Parties shall cooperate on science, research, innovation and technological development, with a view to supporting economic diversification, promoting social and economic development, improving regional competitiveness and facilitating the emergence of an **inclusive digital economy. They shall develop the interconnection and interoperability of research networks, computing and scientific data infrastructure and services**, and shall promote such development in their regional context.

2. The Parties shall promote the development of research capacity, infrastructure and facilities, publications and scientific data. They shall promote and support innovative training and mobility schemes for academics and researchers. They shall enhance the capacity of higher education institutions to collaborate effectively in research and in scientific and technological innovation, including through access to academic exchange schemes. They shall facilitate collaboration among public administrations, academic institutions and enterprises. **They shall promote open data and innovation** in order to advance economic progress and to pursue mutually beneficial scientific excellence.

3. The Parties shall support the development of knowledge-based economies and **inclusive** digital societies. They shall promote the preservation and use of traditional knowledge, biodiversity and the sustainable management of other natural resources, and the transfer of technology and expertise.

4. The Parties shall cooperate on matters of common interest in the area of civil space activities, such as space research, global navigation satellite systems application and services, development of satellite augmentation systems and earth observation and earth science, particularly as regards the use of early warning **and surveillance mechanisms**.

ARTICLE 22

Culture and creative industries

1. The Parties shall promote culture and the creative industries as drivers of sustainable social and economic development and decent jobs. They shall adopt measures, *inter alia* in support of creative development and the digitalisation of artistic performances and productions. They shall exchange best practices in the promotion of cultural development and entrepreneurship.

2. The Parties shall promote sustainable development **through strengthened cultural exchanges, the promotion of co-productions, joint cultural and creative initiatives, and enhanced mobility of cultural and creative professionals and allied educational practitioners**. They shall support the circulation of works of art in full observance of established international conventions.

3. **The Parties shall support intercultural dialogue between youth, civil society organisations and individuals from the EU and the Caribbean region**.

ARTICLE 23

Manufacturing

1. The Parties shall cooperate to foster sustainable manufacturing with a view to deepening value addition, especially in the export of high-technology products, to facilitate increased diversification and to maximise its potential for backward linkages with key economic sectors such as agriculture, the blue economy and extractive industries and services.

2. The Parties shall develop policies to attract domestic and foreign direct investment in the manufacturing sector. They shall promote business facilitation to advance peer-to-peer collaboration, deepen commercial partnerships and develop industrial hubs, ecosystems and networks.

3. The Parties shall cooperate to develop measures to increase the competitiveness of the manufacturing sector by improving production capacity and addressing constraints such as skilled labour shortages, logistics and infrastructure deficits, and limited access to finance and market analysis. They shall support research and innovation, promote the development and application of key enabling technologies and strengthen linkages between industries and research and academic institutions.

4. The Parties shall support the enhancement of trade in manufactured goods through, *inter alia*, improved linkages to export markets, enhanced trade regulatory capacity, trade facilitation, and strengthened compliance capacity to **apply relevant international labour and environmental standards**.

[**COMMENT:** The last phrase is too vague; which standards are involved? The 2008 International Labour Organization (ILO) Declaration on Social Justice for a Fair Globalization has been corrupted with the LGBT agenda. See here: https://www.ilo.org/global/topics/equality-and-discrimination/publications/WCMS_846108/lang--en/index.htm. Since this is a binding treaty, signatories need to know what international labor standards will apply.]

ARTICLE 24

International business and financial services

The Parties shall work towards the development of a rules-based international business and financial services sector in the Caribbean through, inter alia, supporting targeted cooperation to strengthen the Caribbean regulatory frameworks to comply with internationally agreed standards, develop appropriate sectoral policies, improve skills development, and enhance the use of technologies and digitalisation. The Parties shall make best endeavours to ensure that internationally agreed standards for regulation and supervision in the international business and financial services sector are implemented and enforced in their territories.

TITLE II

ENVIRONMENTAL SUSTAINABILITY, CLIMATE CHANGE AND SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

ARTICLE 25

The Parties recognise the existential threat to affected countries and impact on livelihoods posed by the long-term nature of challenges related to climate and environmental sustainability. They shall take ambitious action to mitigate and adapt to climate change, protect and improve the quality of the environment, and pursue sustainable use and management of natural resources, so as to build resilience to climate change and reverse environmental degradation. They shall adopt concrete measures to address the loss of biodiversity, maintain and restore ecosystems, promote ocean governance, reverse deforestation, and prevent and respond to natural disasters and anthropogenic hazards, including through climate finance, the promotion of technology transfer and capacity building, as appropriate. They shall invest in green growth, promote circular economies and support the transition towards climate-resilient and low-emission development, ensuring that economic growth fully complements environmental sustainability. They shall cooperate at the level of the wider Caribbean region and pursue south-south and triangular cooperation.

ARTICLE 26

Climate action

1. The Parties shall develop comprehensive and **inclusive** domestic climate policies and programmes, implement concrete action to accelerate the full implementation of the UN Framework Convention on Climate Change and its Paris Agreement, and to sustain multilateral action on climate change.

2. The Parties shall promote the integration of climate change policies and measures for mitigation and adaptation into national and regional strategies and plans and policy dialogues. They shall cooperate to promote adaptation action, including averting, minimising and addressing the loss and damage associated with the adverse effects of climate change. They shall develop monitoring, reporting and verification, and evaluation systems to track progress on climate action.

3. The Parties shall cooperate to prepare, communicate and update progressively ambitious nationally determined contributions (NDCs), pursue the national and regional mitigation measures needed to achieve the objectives of such contributions and develop long-term strategies for low-carbon and climate-resilient development.

4. The Parties shall develop and implement national adaptation plans and national and regional strategies. They shall integrate adaptation measures across all key vulnerable sectors, including infrastructures, and shall develop an effective governance system to implement adaptation actions and facilitate the exchange of knowledge and good practices on climate change at national and regional levels.

5. The Parties shall act to reduce greenhouse gas emissions, including from aviation and shipping activities, in line with their international commitments and obligations, including under the Paris Agreement.

6. The Parties, considering the threats that climate change poses to peace and security and the well-being of people and communities, shall cooperate to strengthen adaptation and mitigation capacities and promote resilience-building measures to address their vulnerability.

7. The Parties shall promote the phasing-out of the production and consumption of hydrofluorocarbons under the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on 16 September 1987, by cooperating to support the ratification of the Kigali Amendment thereto and ensuring its swift implementation.

8. The Parties shall rationalise and phase out inefficient fossil fuel subsidies that encourage wasteful consumption, and minimise the possible adverse impacts in a manner that protects poor and vulnerable communities. They shall promote the switch to renewable and cleaner energy sources in line with actions under the NDCs.

9. The Parties shall cooperate to advance low-carbon economies and climate resilience by strengthening green growth in key and emerging economic sectors, including through the adoption of eco-innovation, the promotion of technology transfer, the development of standards and the exchange of best practices.

10. The Parties shall develop innovative financing tools and align financial flows with a pathway to low-carbon and climate-resilient development, with a focus on **inclusive** climate finance that seeks to protect the poorest and most vulnerable from the adverse effects of climate change. They shall promote economic policy instruments that support climate change action, such as carbon pricing, market-based instruments and carbon taxes, as appropriate.

11. The Parties shall promote strengthened coordination across all levels of government to implement ambitious climate and energy commitments. They shall encourage and empower local authorities and support initiatives such as the Global Covenant of Mayors for Climate and Energy, and the Accelerating Renewable Energy Transition in SIDS.

12. The Parties shall work together to strengthen their scientific and technical human and institutional capacity for climate action and environmental management and monitoring, including through the use of space technologies and information systems and for the provision of comprehensive climate services, in particular to vulnerable stakeholders.

ARTICLE 27

Biodiversity, ecosystems and natural resources

1. The Parties shall support the conservation, sustainable use and restoration of eco-systems, including with a view to improving the livelihoods of indigenous peoples, as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and local communities, while enhancing the delivery of ecosystem services and enabling the sustainable development of their countries. They shall protect, restore and enhance biodiversity and shall take measures to accelerate the implementation of the Convention on Biological Diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, done at Nagoya on 29 October 2010. They shall collaborate in multilateral negotiations on preserving natural resources, ecosystems and biodiversity. They recognise that the Caribbean Sea includes fragile ecosystems and unique biodiversity and shall therefore cooperate to support their protection. They shall take measures to avoid or reduce the impact of invasive alien species on local species and ecosystems on people's livelihoods.

2. The Parties shall promote sustainable integrated water management systems, preserve and protect water sources and ecosystems, collect and treat wastewater, address land degradation and the pollution of water and groundwater resources, and tackle uncertainty about water availability through collection and storage systems.

3. The Parties shall cooperate to sustainably manage and protect soils with a view to preserving their critical role in, *inter alia*, agriculture, housing and infrastructure, as well as in mitigating climate change and adapting to its impacts and in serving as natural reservoirs of rainwater.

4. The Parties shall protect wildlife and shall combat wildlife trafficking by supporting the adoption and enforcement of policies and laws to make it a serious crime. They shall strengthen anti-poaching measures and law enforcement monitoring, and promote international coordination, including in the context of the International Consortium to Combat Wildlife Crime (ICCWC), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington on 3 March 1973, and other relevant international frameworks. They shall take steps to raise public awareness, educate and influence consumers, destroy stockpiles of illegally trafficked wildlife and wildlife products, enhance the role of local communities and promote high-profile diplomacy and advocacy on the need to protect wildlife.

5. The Parties shall work towards establishing and updating the necessary regulatory frameworks and enforcement mechanisms to improve management of all waste and hazardous substances. They shall collaborate to prevent or minimise the generation of waste at source and to improve product reusability, recyclability and resource efficiency, including through efficient collection systems and effective recycling, in order to adapt production and consumption towards the achievement of a circular economy. They shall take measures to prevent or minimise hazardous substances in material cycles and to manage chemicals in products throughout their lifecycle. They shall cooperate to enhance the proper management of hazardous substances and nuclear contaminants, and to end the illicit transboundary movement of such substances and contaminants across the Caribbean Sea.

6. The Parties shall address all forms of pollution and shall raise awareness of the public health and environmental risks of air pollution and the multiple benefits of improved air quality, including through public outreach campaigns.

7. The Parties shall work to develop frameworks to protect fragile ecosystems and biodiversity, including by supporting measures to combat environmental crimes. They shall cooperate to research, conserve and sustainably use biodiversity, including by establishing knowledge hubs and research partnerships. They shall promote the use of internationally recognised environmental management systems as a means to minimise any negative impact on the environment. They shall strengthen the involvement of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and local communities in the conservation of ecosystems, prioritising the creation of jobs and other economic opportunities.

ARTICLE 28

Forests

1. The Parties shall promote the sustainable management and use of forestry resources. They shall cooperate to reverse deforestation, support reforestation, halt forest degradation and restore the ability of forests to provide ecosystem services.

2. The Parties shall promote sustainable value chains of forest products, prioritising job creation and the harnessing of economic opportunities in the conservation of ecosystems. They shall combat illegal logging and associated trade, and shall promote responsible mining operations.

3. The Parties shall support the implementation of sustainability mechanisms, such as the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, including by concluding and/or implementing voluntary partnership agreements. They shall strengthen coherence and positive interactions at country level between sustainability mechanisms and the Warsaw Framework for Reducing Emissions for Deforestation and Forest Degradation (REDD+).

4. The Parties shall strengthen the involvement of local authorities and communities in the sustainable management of forests. They shall raise public awareness on deforestation at all levels and encourage the production and consumption of resource- and energy-efficient products from sustainably managed forests.

ARTICLE 29

Ocean governance

1. The Parties shall strengthen ocean governance, in accordance with the UN Convention on the Law of the Sea (UNCLOS), to ensure safe, secure, clean and sustainably managed oceans, reduce the pressures on oceans and seas, and promote the sustainable development of the blue economy. They shall cooperate to strengthen national and regional capacities to manage ocean and coastal resources responsibly and accountably, develop measures for the sustainable use, management and conservation of marine biological diversity of areas within and beyond national jurisdiction, promote knowledge and research, and facilitate technology transfer on ocean governance. They shall take action related to oceans that contributes to climate change mitigation and adaptation.

2. The Parties shall cooperate to ensure the conservation and sustainable management and use of living marine resources at bilateral, regional and multilateral levels, and regional fisheries management organisations.

3. The Parties shall promote the sustainable development and management of fisheries resources through, *inter alia*, the adoption of necessary regulatory frameworks, enhanced management, compliance and enforcement capacities, improved access to finance, the promotion of best practices and the transfer of technology. They shall maintain or adopt initiatives to combat illegal, unreported and unregulated (IUU) fishing, including, where appropriate, the implementation of traceability systems and measures to exclude IUU products from trade flows. They shall promote and effectively implement monitoring, control and surveillance, and related enforcement measures to ensure compliance, in order to conserve fish stocks and prevent overfishing, in accordance with UNCLOS.

4. The Parties agree to take necessary steps to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to IUU fishing and refrain from introducing such new subsidies, recognising that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiations and any subsequent agreement that might arise.

5. The Parties shall cooperate to preserve and restore coastal and marine ecosystems and their biodiversity, and promote the valorisation of marine and coastal natural capital. They shall develop measures to prevent and mitigate the impact of ocean acidification on marine biodiversity ecosystems, including coral reefs, on the sustainability of fisheries and on the livelihood of coastal communities that depend on marine resources.

6. The Parties shall tackle marine pollution, including noise pollution, and reduce marine debris, especially plastics and micro-plastics. They shall target the root causes of marine litter, including through waste prevention and management policies and measures. They shall scale up ocean and coastal clean-up operations, paying particular attention to accumulation zones in ocean gyres.

7. The Parties shall support the regulation of the reduction of greenhouse gas emissions related to the maritime industry, and actively support the urgent implementation of the initial International Maritime Organization strategy on reduction of greenhouse gas emissions from ships.

8. The Parties shall develop area-based conservation measures and management tools to protect and restore coastal and marine areas and resources, including marine protected areas, in line with national and international law, and based on the best available scientific information and knowledge of local communities.

9. The Parties shall promote dialogue and cooperation on all aspects of ocean governance, including on matters related to sea-level rise and its possible effects and implications.

10. The Parties recognise the general concerns raised about the impact of seabed mining on the marine environment and its biodiversity. They shall use the best available science, apply the precautionary principle and an ecosystem approach, promote research and share best practices in fields of mutual interest relating to seabed mineral resources, in order to ensure sound environmental management of activities for the protection and preservation of the marine environment and its biodiversity.

ARTICLE 30

Resilience to natural disasters and comprehensive disaster management

1. The Parties shall cooperate to build the resilience of people, societies and infrastructure to natural disasters, and to increase monitoring, early warning and risk assessment capacities to improve prevention, mitigation, preparedness, response and recovery measures in line with the **Sendai Framework for Disaster Risk Reduction 2015-2030 (the "Sendai Framework"**).

[**COMMENT**: This Sendai Framework requires "implementation of inclusive policies and social safety-net mechanisms, including through community involvement, integrated with livelihood enhancement programmes, and access to … '*sexual and reproductive health*'" (p. 19) among other things. Again, the EU in their Matic Report defines "sexual and reproductive health" (SRH) to encompass abortion, special LGBT rights, and controversial comprehensive sexuality education among other things. So how will SRH be defined in this binding treaty?]

2. The Parties shall strengthen resilience by investing in disaster risk prevention and preparedness, integrating risk reduction efforts in recovery actions and promoting financial risk insurance and affordable risk transfer solutions. They shall promote the collection and use of disaster statistics and loss data, the comprehensive assessment of risk and the implementation of risk reduction plans at all levels.

3. The Parties shall adopt measures to strengthen the link between disaster risk reduction and climate change adaptation, and promote the exchange of information and best practices on the implementation and monitoring of the **Sendai Framework**. They shall prioritise climate and natural hazard resilience at the core of all reconstruction and recovery efforts, including by implementing a "building back better" approach.

[**COMMENT:** See previous comment]

4. The Parties shall cooperate to address the impact of natural disasters and anthropogenic hazards through the timely and efficient delivery of humanitarian assistance and relief.

5. The Parties shall strengthen **inclusive** risk governance at all levels. They shall also increase monitoring, early warning and risk assessment capacities, and improve domestic and regional prevention, mitigation, preparedness, response and recovery measures, including civil protection mechanisms to strengthen capacity for national and regional disaster risk reduction and climate innovation centres of excellence. They shall promote the involvement of affected communities, civil society and local authorities in devising and implementing policy responses, focusing on the most vulnerable and marginalised households and groups.

6. The Parties shall enhance environmental resilience through, *inter alia*, supporting the use of ICT and space technologies to accelerate disaster prevention, preparedness, and response and recovery processes. They shall foster opportunities to bolster research and disseminate best practices on disaster risk management.

HUMAN RIGHTS, GOVERNANCE, PEACE AND SECURITY

TITLE III

ARTICLE 31

The Parties shall foster dialogue and cooperation with the aim of strengthening security in all its dimensions and achieving peaceful and resilient societies. They shall promote and fully protect **human rights**, human dignity, fundamental freedoms and democratic principles, build accountable and transparent institutions, strengthen governance and justice systems and guarantee an adequate and appropriate enabling space to individuals and groups to express their aspirations and contribute to the shaping of policies. For that purpose, the Parties shall pay special attention to promoting the rights of the young, women and girls, indigenous peoples, as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), older persons and persons with disabilities. They shall intensify efforts to promote citizen security and prevent and combat organised crime, in particular in relation to illicit drugs, maritime security, cybersecurity, money laundering, border management, corruption, all forms of trafficking, and illicit trade in small arms and light weapons and their ammunition.

CHAPTER 1

HUMAN RIGHTS, JUSTICE AND GOVERNANCE

ARTICLE 32

Human rights

1. The Parties shall contribute to the **protection, promotion and fulfilment of human rights in compliance with international law. They shall promote and contribute to the universal ratification and implementation of international human rights instruments, implement those instruments which they subscribe to, and consider accession to those to which they are not yet**

party. They shall apply in full the non-discrimination principle as set out in Article 9 of the General Part of this Agreement placing a priority on adopting and implementing comprehensive equality and anti-discrimination laws.

[**COMMENT**: It is clear from the above provision that the European Union plans to use this treaty to pressure ACP member states to subscribe to and implement any human rights instruments to which they are not yet parties to and/or that they may not want to ratify. In addition, by requiring the nondiscrimination principle in Article 9 of this treaty to be applied "in full," the EU is likely counting on the fact that most ACP countries are likely unaware that UN committees have interpreted the "other status" wording in that article to include SOGI. The EU will push for that interpretation, even though there is no consensus among UN Member States for that interpretation.]

2. **The Parties shall cooperate to strengthen legal protection to ensure accountability for human rights violations and abuses and to foster access to justice, and provide appropriate and effective remedies for victims and survivors of such violations and abuses**.

[**COMMENT**: The European Union will make sure that the version of "human rights" it is pushing through this agreement is enforced in ACP member states.]

3. **The Parties shall advance efforts to attain gender equality and the full enjoyment of all human rights by women and girls and their empowerment**.

[**COMMENT:** What kind of "inequalities" are they concerned about? Will gender equality encompass transgender equality? Unless "gender" is defined in the treaty as male and female only, this provision can bring in the sexual orientation and gender identity (SOGI) agenda. Most of UN Women's top major donors are EU countries that are driving the SOGI agenda through UN Women under the "gender equality" umbrella. This is likely why UN Women established its first-ever, dedicated LGBTIQ+ Rights Specialist post in June 2020. This UN office notes in its internal resource guide published in May 2022 that "biological sex" and "person born as male or female are terms that should be avoided or used with caution" because "*A series of misconceptions underpin the notion of a binary biological sex and norms related to it, from which some gender identities depart. This must be challenged in efforts to conceptualize and communicate on 'gender equality' comprehensively*." https://www.unwomen.org/sites/default/files/2023-07/lgbtiq-equality-and-rights-internal-resource-guide-en.pdf, p. 89. (emphasis added).]

We already have discussed the problems with the term "gender equality" as used in other documents that the EU will rely on to give it meaning in this treaty and bring in SOGI. Moreover, the EU interprets the "full enjoyment of all human rights by women and girls" as including access to abortion and CSE.

4. The Parties shall promote and protect the rights of the child, fight against child labour and child abuse and combat all forms of child exploitation.

5. The Parties shall promote the rights of persons with disabilities and take stronger measures to ensure their full inclusion in society.

6. **The Parties shall continue to develop and support human rights monitoring mechanisms, including their reporting obligations. They shall recognise and observe the independence of national human rights institutions, and foster a safe and enabling environment where human rights defenders can operate freely and have access to regional and international mechanisms, as appropriate. They shall promote the participation of national human rights institutions and human rights defenders in consultative structures and processes**.

[**COMMENT**: This provision can be used by sexual rights activists to push for an equal voice in many public institutions and processes. The EU is the main bloc at the UN pushing for protection of "human rights defenders," which they define to encompass people and groups agitating within conservative countries for special LGBT and abortion rights, many of whom are even funded directly by EU country embassies.]

They shall ensure the full and effective participation of indigenous peoples in all matters that concern them, as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). They shall ensure that consultative processes also take account of the role of traditional knowledge and the concerns of local communities.

7. **The Parties shall cooperate to raise awareness of human rights and democracy, including through education systems and the media**.

[**COMMENT:** See previous comment.]

ARTICLE 33

Rule of law and justice

1. The Parties shall cooperate to enhance effective and equitable access to justice by all and shall cooperate in the consolidation of the rule of law and in the strengthening of institutions at all levels in the areas of law enforcement and administration of justice. For that purpose, the Parties shall enhance access to legal services by persons in vulnerable situations.

2. The Parties shall cooperate to ensure the independence, accountability and impartiality of the judiciary. They shall pursue modernised and efficient court systems and procedures, including by sharing best practices, improve the capacity to deliver justice in an expeditious and fair manner, develop the use of legal alternative dispute resolution mechanisms, reduce backlogs and excessive pre-trial detention, provide adequate training, and improve access by legal practitioners and the public to legislation, case-law and other legal information.

3. The Parties shall oppose and condemn all forms of torture and other cruel, inhuman and degrading treatment or punishment. They shall prevent and address violations by security forces and enhance respect for the rule of law along the security and judiciary chains, including through ethics training. They shall strengthen the fight against impunity and the denial of victims' right to justice and redress, **with a particular emphasis on bringing perpetrators of human rights violations to justice**.

[**COMMENT:** There is no question that the EU will push ACP Member States that ratify the treaty to enforce the human rights provisions herein.]

4. The Parties shall cooperate to modernise penitentiary systems and maximise their rehabilitative role, including by improving respect for prisoners' rights, implementing rehabilitation and education programmes, increasing the rate of social reintegration of inmates, supporting the care for prisoners, working towards the eradication of overcrowding, improving prison management, administration and conditions in line with international best practices and standards, and providing alternatives to imprisonment for lesser crimes.

ARTICLE 34

Governance

1. **The Parties shall take concrete measures to build inclusive, accountable and transparent public institutions**. They shall strengthen the capacity for policy design and implementation, develop an accountable, efficient, transparent and professional civil service, strengthen the delivery of quality public services, improve legislative and governance mechanisms, and promote the impartiality and effectiveness of law enforcement bodies.

2. The Parties shall strengthen the capacities of parliaments and local, municipal, national and regional institutions to ensure and enhance respect for democratic principles and practices.

3. The Parties shall promote respect for freedom of expression and media independence and pluralism, and preserve and broaden an enabling space for civil society, with a view to improving democratic accountability.

4. The Parties shall accelerate wider use of e-governance and digital services infrastructure as a means to enhance access to, and the availability of, public services, thereby supporting the development of accountable and transparent public institutions.

5. The Parties shall develop and strengthen institutions, legislation and mechanisms to prevent and combat corruption, bribery, fraud and corporate crimes, including on the confiscation and return of recovered assets. They shall ensure that anti-corruption legislation is effectively enforced and that impartial investigations and prosecutions are conducted, and that effective, proportionate sanctions and penalties for corruption and corruption-related crimes are applied. They shall promote and implement relevant international standards and instruments, notably the UN Convention against Corruption, done at New York on 31 October 2003, acknowledging that corruption is a transnational issue which is linked to other forms of transnational and economic crime and which requires joint and multi-disciplinary efforts also at international level.

ARTICLE 35

Public finance and financial governance

1. The Parties shall promote sound public financial management, including strengthened and effective use of public revenues, sustainable public debt management, sustainable procurement systems and support for national oversight bodies. They shall promote greater accountability, transparency, fairness, legality and integrity in the management of public resources. They shall support measures to build effective, equitable and transparent public expenditure systems. They shall

cooperate to strengthen the mobilisation of domestic resources in Caribbean SIDS, in support of their sustainable development and enhanced economic resilience.

2. The Parties shall cooperate to strengthen public finances, through, *inter alia*, enhancing capacity to comply with international standards, developing policy frameworks and measures to increase the efficiency, effectiveness, transparency and fairness of tax systems, and collaborating in the framework of the UN and other relevant global public finance bodies.

3. The Parties shall take measures to combat illicit financial flows, tax fraud and tax evasion, and reduce opportunities for tax avoidance, including through bilateral and multilateral consultations. The Parties shall apply the principles of good governance in the tax area in, *inter alia*, enacting legislation, developing comprehensive policies, adopting concrete measures and strengthening relevant institutions and mechanisms.

CHAPTER 2

CRIME AND SECURITY

ARTICLE 36

Human and citizen security

1. The Parties shall pursue an integrated approach aimed at preventing and reducing risks of crime and promoting reconciliation, rehabilitation and reintegration initiatives.

2. The Parties shall prosecute, combat and seek to prevent all forms of violence, including sexual, gender-based and domestic violence. They shall aim at supporting, assisting and empowering victims and survivors and at adopting measures to counter marginalisation, victimisation and stigmatisation.

3. The Parties shall address gang violence through comprehensive risk-reduction, prevention and education measures, provision of adequate social services, community-based actions for breaking the cycle of violence, and generation of alternative livelihood opportunities for youth and vulnerable people. They shall address access to and the use of small arms and light weapons and their ammunition, with a view to preventing and reducing the negative effects of armed violence on society and people.

4. The Parties shall tackle the social and security problems created by the deportation of foreign criminals and individuals who have served their sentences, and shall strive to cooperate to facilitate their rehabilitation and reintegration into society, and to minimise the rate of recidivism. They shall ensure the timely exchange of relevant information on deportation through the appropriate channels, in accordance with applicable administrative or judicial cooperation agreements, and shall promote cooperation among law enforcement agencies, as set out in this Protocol.

ARTICLE 37

Organised crime

1. The Parties shall tackle all forms of organised crime, including through collaboration at national, regional and international levels, and by adopting legislative and other measures in compliance with the UN Convention against Transnational Organized Crime and its supplementing protocols. They shall cooperate to increase their ability to comply with international reporting requirements. The Parties shall fight migrant smuggling and trafficking in persons, illicit drugs, endangered wild animals and plants, hazardous substances and waste. The Parties shall also address environmental crimes including illegal logging and its associated trade. The Parties shall also cooperate to combat trafficking in small arms and light weapons and their ammunition and other conventional weapons and dual-use items. In doing so, they shall cooperate, *inter alia*, to strengthen the detection of illegal small arms and light weapons and their ammunition, trace their origin, support their destruction, enhance capacity to investigate and prosecute gun-related crimes effectively, and share best practices.

2. The Parties shall enhance the protection of victims of trafficking in persons, advance the investigation and prosecution of perpetrators, collaborate to prevent and identify cases of trafficking in persons and develop effective measures for reintegration of victims into their societies. The Parties shall ensure that all victims have access to their rights, taking into account the particular vulnerability of women and children. The Parties shall promote exchange of information, including criminal intelligence, and shall strengthen capacities to develop policies and implement actions to address trafficking in persons and migrant smuggling.

3. The Parties shall cooperate to prevent and combat the use of their financial institutions and designated non-financial businesses and professions to finance terrorism and launder the proceeds of criminal activities. They shall promote information exchange and cooperation, including on capacity building and other forms of technical assistance. They shall enforce measures to fight money laundering and terrorism financing, to disrupt illicit financial flows, thereby depriving criminals of profits, and to ensure the effective and full implementation of Financial Action Task Force recommendations. They shall support the establishment and strengthening of national asset recovery legislation and bodies, the confiscation of criminal assets, their return and mobilisation for public benefit purposes, and extending the criminal liability of the perpetrators and facilitators of crime.

4. The Parties shall strengthen cooperation to prevent and combat high-technology, cyber- and electronic crimes and the distribution of illegal content online. They shall strengthen capacity to address cybercrime by, *inter alia*, pooling and training human resources and fostering collaboration among policy-makers, economic operators and researchers. They shall exchange information on the education and training of cybercrime investigators, the investigation of cybercrime and digital forensic science. They acknowledge that the Budapest Convention on Cybercrime and other applicable international standards provide a basis for promoting international cooperation and contribute to the development of domestic policies on cybercrime.

5. The Parties shall take measures to enhance individuals' and communities' resilience to terrorism and violent extremism. They shall intensify efforts to exchange information and expertise on terrorist groups and their support networks, fully respecting the rule of law, **human rights** and the right to privacy. They shall cooperate to bring perpetrators of terrorism to justice and shall adopt measures to

facilitate the rehabilitation and reintegration into society of nationals of each Member State of the European Union and of each Caribbean State party, respectively, who have been radicalised.

ARTICLE 38

Illicit drugs

1. The Parties shall cooperate to mitigate the challenges, including as regards security and health, posed by the cultivation, production and consumption of illicit drugs and psychoactive substances, and the trafficking and transit of these substances through their territories. Such cooperation shall be on a bilateral, regional, multilateral or triangular level as appropriate.

2. The Parties shall cooperate to reduce the supply of and demand for drugs, on the basis of the principle of common and shared responsibility and on an integrated, balanced and evidence-based approach.

3. The Parties shall cooperate to improve judicial and law enforcement capacities, including their reporting capabilities. They shall identify, disrupt and dismantle transnational organised criminal groups through strengthened mechanisms for the exchange of information and drug-related criminal intelligence, while promoting joint investigations and operations, including with neighbouring countries.

4. The Parties shall address risk factors related to drug abuse affecting individuals, communities and societies. They shall strengthen the rule of law and build accountable, effective and **inclusive** institutions and public services to combat drug-related violence.

5. The Parties shall adopt measures to support alternative developmental activities to replace illegal drug cultivation and production in rural and urban areas, and to enhance the economic welfare of affected vulnerable populations, while simultaneously fostering social inclusion at community level and in the wider society.

6. The Parties shall intensify and accelerate efforts to reduce demand and shall take the necessary measures to address the health and social impacts of drugs. They shall take age- and gender-appropriate measures tailored to the specific needs of vulnerable groups through, *inter alia*, prevention, treatment, care, rehabilitation and social reintegration programmes.

7. The Parties shall address new and emerging threats related to the illegal production, use and abuse of synthetic substances including opioids and shall develop and enhance programmes and improve reporting mechanisms to address the illicit use of precursor chemicals.

ARTICLE 39

Law enforcement cooperation and integrated border management

1. The Parties shall foster dialogue and cooperation on law enforcement, and strategic judicial cooperation. They shall promote cooperation between law enforcement agencies to exchange information and criminal intelligence in a timely manner, encourage the sharing of best practices and develop capacities.

2. The Parties shall support regional security cooperation by strengthening integrated border management, information and intelligence sharing, and data gathering and analysis, while respecting relevant legal frameworks on the protection of personal data. They shall promote the peaceful resolution of border disputes and controversies in line with international law. They shall support confidence-building measures and specific development strategies, where appropriate, to increase trust and reduce possible border tensions.

ARTICLE 40

Maritime and aviation safety and security

1. The Parties shall develop cooperation on maritime and aviation matters, with a view to improving safety and security, and shall enhance, *inter alia*, the targeting and management of high-risk cargo, in accordance with international law and relevant UN resolutions.

2. The Parties shall enhance maritime security, in accordance with UNCLOS, by responding to threats to ships and critical maritime installations and assets, improving monitoring and enforcing relevant laws and regulations. They shall take action against piracy, armed robbery and all forms of organised crime at sea, including through the use of space technologies.

TITLE IV

HUMAN DEVELOPMENT, SOCIAL COHESION AND MOBILITY

ARTICLE 41

The Parties are determined to eradicate poverty in all its forms by 2030, **effectively tackle inequality, achieve gender equality and empower women and youth to ensure that everyone has the necessary means to enjoy a life in dignity**.

[**COMMENT:** UN Women established its first-ever, dedicated LGBTIQ+ Rights Specialist post in June 2020. This UN Office notes in its internal resource guide, published in May 2022, that "biological sex" and "person born as male or female" are terms that "*should be avoided or used with caution*" because: "*A series of misconceptions underpin the notion of a binary biological sex and norms related to it, from which some gender identities depart. This must be challenged in efforts to conceptualize and communicate on 'gender equality' comprehensively.*" https://www.unwomen.org/sites/default/files/2023-07/lgbtiq-equality-and-rights-internal-resource-guide-en.pdf, p. 89 (emphasis added).]

They are also determined to promote social cohesion, and create the conditions for the effective participation of people in democratic life and their active contribution to sustainable economic growth. They shall pay special attention to persons in vulnerable situations, including women, children, elderly, indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples

(UNDRIP) and local communities and persons with disabilities. They shall take concrete measures to promote social protection as a fundamental investment for poverty eradication and fighting inequality, and as an important means to create a self-strengthening cycle towards **inclusive** and sustainable economic development, by reinvesting economic gains more broadly into society and people and increasing social resilience.

The Parties shall adopt a comprehensive and balanced approach to migration. They shall address migration in a spirit of solidarity, partnership and shared responsibility, and in accordance with their respective competences. The Parties shall harness the benefits of migration, promote the integration of migrants, leverage the diaspora's knowledge, entrepreneurial skills and investment and maximise the use of remittances as a source of funding for **inclusive** and sustainable development. They shall also pursue an open dialogue on mobility between the European Union and the Caribbean and they shall cooperate to reduce the negative impact of loss of skills on the development of countries.

CHAPTER 1

SOCIAL SERVICES

ARTICLE 42

Education

1. The Parties shall consolidate and promote **inclusive**, affordable and equitable access to, and enhance the quality of, education at all levels, including through strengthened and **inclusive** national education systems and improved infrastructure and equipment, with particular attention to persons with disabilities. **They shall support the advancement of gender equality**, to develop an enabling environment in which boys and girls have equal educational opportunities and comparable educational attainment.

[**COMMENT:** See previous comment.]

3. The Parties shall support the expanded delivery and application of science, technology, engineering and mathematics and arts at all levels of the education system.

4. The Parties shall promote the use of accessible and affordable innovative technologies for educational purposes and the development of digital skills and literacy for all.

5. The Parties shall cooperate to reinforce enrolment and quality in tertiary education, technical and vocational training, and non-formal, work-based and lifelong learning, with a view to increasing the number of highly educated people and skilled workers.

6. The Parties shall cooperate to strengthen academic development, promote the mutual recognition of qualifications and facilitate the mobility of students, staff and academics between the Caribbean and the European Union.

7. The Parties shall cooperate to promote academic research, development and innovation, through, *inter alia*, enhancing collaboration among key institutions and advancing the use of scientific research and analysis in pursuit of mutually beneficial academic excellence.

ARTICLE 43

Health

1. The Parties shall promote universal and affordable health coverage and **equitable access to health services**, including through strengthened national health systems, the development of sustainable quality infrastructure and **access to safe and affordable essential medicines**, vaccines and diagnostics.

2. The Parties shall cooperate to address the growing incidence and burden of non-communicable diseases, taking steps towards prevention and control, including through the promotion of healthy diets and lifestyles, **the use of digital tools and health education**.

3. The Parties shall strengthen national and regional capacities to detect and respond rapidly and effectively to outbreaks of communicable diseases **and other health emergencies** of national and international concern, **following a "one health" approach that encompasses human health, animal health, plants and ecosystems**.

[**COMMENT:** There is much more to "One Health" than what it might seem. It is an oddly suspicious approach to health with a focus on humans, animals and plants. It appears to be a convoluted and deceptive way to get governments to agree in advance to institute WHO-recommended measures that would be triggered by pandemics or diseases transferred from animals to humans. The WHO working with the EU has tried to get governments to sign on willingly and openly to give emergency powers to the WHO in case of pandemic-like events. However, it looks like this new, multifaceted "One Health" approach to health was slipped into this complicated treaty to minimize its extensive reach and with a goal of overhauling and transforming health systems in ACP countries. No country should sign on to a "One Health" approach without fully understanding all of the implications and obligations attached to "One Health."]

4. The Parties shall cooperate to address public health emergencies through, *inter alia*, the use of early warning systems for the swift exchange of information, the development of coherent and multi-sectoral plans to enhance the capacity of health systems, the provision of essential and affordable medicines, vaccines and health equipment, including diagnostics, and the delivery of humanitarian assistance and relief. They shall strengthen international cooperation to mitigate the impact of global public health emergencies.

5. The Parties shall promote research and the sharing of knowledge, experiences and best practices in the health sector.

ARTICLE 44

Housing, water and sanitation

1. The Parties shall support universal access to decent, safe and affordable housing, with particular emphasis on vulnerable and marginalised people, including indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and local communities, in order to generate a positive impact on people's health, advance communities' socio-economic development and address the inequalities between urban and rural households. They shall promote climate-smart housing and infrastructure, through, *inter alia*, the design and enforcement of building codes.

2. The Parties shall enhance access to safe, affordable and sustainable water supply, including through the development of sustainable and integrated water resources management, solid waste management and the promotion of water recycling measures.

3. The Parties shall promote adequate, equitable and affordable access to sanitation and hygiene services for all, paying special attention to the needs of women and girls and those in vulnerable situations.

4. The Parties shall promote universal and improved access to affordable electricity and increase efficient and sustainable energy usage for all.

ARTICLE 45

Sustainable urbanisation and rural development

1. The Parties shall promote an enabling environment for sustainable rural and urban development. They shall foster sustainable land-use planning, paying particular attention to transparent and regulated land acquisitions and property rights, sustainable urban mobility and smart and safe cities.

2. The Parties shall promote a balanced development of rural economies and communities, with a particular focus on employment and income generation. They shall accelerate rural diversification by adding value to local production and shall harness natural and cultural resources.

3. The Parties shall promote **inclusive**, balanced and integrated urban and rural policies, and multi-level governmental coordination, by actively engaging local authorities and communities and by forging stronger links between rural and urban areas.

ARTICLE 46

Food security and improved nutrition

1. The Parties shall cooperate to ensure that all have access to sufficient, affordable, safe and nutritious food, with a view to ending all forms of malnutrition and averting food crises. For that purpose, they shall pay special attention to the most vulnerable countries, including those affected by disasters and persons in vulnerable situations.

2. The Parties, acknowledging the negative impact of reduced agricultural output, high reliance on imported food items and overexploitation of fish stock on food security and nutrition, shall support the sustainable development of local agriculture, fisheries and food production.

3. The Parties shall cooperate to address the impact of food crises and ensure timely action to make food available locally by developing policy interventions and infrastructure, including investing in climate-resilient transport and storage systems. In that context, they shall address the needs of the most vulnerable populations.

CHAPTER 2 SOCIAL COHESION

ARTICLE 47

Equality, social protection and decent work

1. The Parties shall promote equality by adopting policies in support of progressively attaining and sustaining income growth of the poorest members of the population at a rate higher than the national average.

2. **The Parties shall promote equitable and sound fiscal, economic and social policies oriented to more inclusive societies, with improved income distribution to reduce inequality and inequity**.

3. The Parties shall work towards the extension of social protection coverage, especially for persons in vulnerable situations, with the aim of progressively reaching universality, through social safety nets, basic income security and adequate and shock-responsive social protection systems. They shall promote research and sharing of knowledge, experiences and best practices on social protection.

4. The Parties shall promote the creation of **inclusive** and well-functioning labour markets and employment policies directed towards achieving international standards for decent work for all, and fair wages that provide for a decent standard of living, including enhancing health and safety conditions for workers. They shall combat all forms of exploitation, including sexual and work exploitation, in both formal and informal sectors.

5. The Parties shall address issues related to the informal economy, including innovative access to financial services, credit and micro-finance, and strengthened social protection measures, with a view to facilitating a smooth transition to the formal economy.

6. The Parties shall take concrete measures to promote the rights of persons with disabilities with a view to advancing the effective implementation of relevant international agreements, **promoting their full inclusion in society without discrimination of any kind and their equal access to social services** and labour markets.

7. The Parties shall promote social cohesion through, *inter alia,* protecting and enhancing tangible and intangible cultural heritage **and the diversity of cultural expressions**.

ARTICLE 48

Gender equality and empowerment of women and girls

1. **The Parties shall strengthen policies, programmes and mechanisms aimed at promoting gender equality**

[**COMMENT:** Will gender equality encompass transgender equality? Unless "gender" is defined in this treaty as male and female only, this provision can bring in the sexual orientation and gender identity (SOGI) agenda. Most of UN Women's top major donors are EU countries that are driving the SOGI agenda through UN Women under the "gender equality" umbrella. This is likely why UN Women established its first-ever, dedicated LGBTIQ+ Rights Specialist post in June 2020. This UN Office notes in its internal resource guide, published in May 2022, that "biological sex" and "person born as male or female" are terms that "should be avoided or used with caution" because: "*A series of misconceptions underpin the notion of a binary biological sex and norms related to it, from which some gender identities depart. This must be challenged in efforts to conceptualize and communicate on 'gender equality' comprehensively*." (See https://www.unwomen.org/sites/default/files/2023-07/lgbtiq-equality-and-rights-internal-resource-guide-en.pdf, p. 89) (emphasis added).]

and ensuring and improving equal opportunities for participation in all sectors of political, economic, social and cultural life. **They shall ensure that the gender perspective is systematically mainstreamed across all policies, including through the creation and consolidation of legal frameworks**.

2. The Parties shall ensure women's and girls' physical and psychological integrity by adopting legislative and policy measures to end child, early and forced marriages, and **by eliminating all forms of sexual and gender-based violence**, particularly domestic violence against women and men, trafficking in persons, all forms of sexual and work exploitation, **and all forms of harassment in the public and private spheres. They shall facilitate access to justice and shall promote prevention and awareness-raising campaigns to advance behavioural change, in order to secure gender equality and women's and girls' empowerment**.

[**COMMENT:** See previous comment.]

3. The Parties shall **support the effective implementation of all relevant international agreements, including the Convention on the Elimination of All Forms of Discrimination against Women**, done at New York on 18 December 1979, and encouraging the ratification of its Optional Protocol.

[**COMMENT:** Does fully and effectively implementing CEDAW require implementing the CEDAW Committee's recommendations, which claim to be clarifications pointing to binding requirements under the CEDAW treaty? Between 1995 and 2010 alone, the CEDAW Committee, which is the UN Committee that monitors compliance with the UN Convention on the Elimination of All Forms of

Discrimination Against Women (CEDAW), pressured at least 83 nations to legalize, remove penalties for, or increase access to abortion.[1] Yet the CEDAW treaty says nothing about abortion.

Research also shows that the UN CEDAW Committee has pressured: (i) seven countries to legalize prostitution: the Republic of Korea (2007), Kenya (2007), the Netherlands (2007), Fiji (2002), Hungary (2002), Uganda (2002), and Saint Kitts and Nevis (2002);[2] and (ii) six countries to decriminalize homosexuality and protect "sexual orientation:" Brazil (2007), Honduras (2007), the Republic of Korea (2007), Sweden (2001), Kyrgystan (1999), and México (1998).[3] Moreover the CEDAW Committee also has:

- Told the Czech Republic that it was concerned about that country's "over-protective measures for pregnancy and motherhood."[4]
- Told Belarus it was "concerned by the continuing prevalence of sex-role stereotypes and by the reintroduction of such symbols as a Mothers' Day and a Mothers' Award, which it sees as encouraging women's traditional roles."[5]
- Criticized Slovenia because "less than 30 percent of children under three years of age ... were in formal daycare."[6]

The EU helps fund the work of the UN Committees like the CEDAW Committee and is generally very aligned with its recommendations.]

4. The Parties shall ensure that the rights of women and girls are respected and promoted. They shall strengthen their **social rights, in particular in the areas of health and education, including access to family planning services**.

[**COMMENT:** "Access to family planning services" are UN code words for access to abortion services.]

They shall reinforce women's economic rights, including by facilitating their access to economic opportunities, financial services, enabling technology, employment and the control and use of land and other productive assets. They shall support women entrepreneurs, reduce the gender pay gap, **and remove other discriminatory regulations and practices**.

[**COMMENT:** Who decides how discrimination is defined? A number of UN treaty body committees have identified any restrictions on abortion as discriminatory regulations.]

5. The Parties shall strengthen the participation and voice of women and girls in political life, including through enhanced access to electoral, policy and governance processes and positions, and in community-building efforts.

[1] Jacobson, T. (2010, June 4). *CEDAW Committee Rulings Pressuring 83 Party Nations to Legalize Abortion 1995 – 2010.* http://c-fam.org/wp-content/uploads/20101022_CEDAWAbortionRulings95-2010.pdf

[2] Concluding observations of CEDAW: China. 05/02/99. A/54/38, paras. 251-336.

[3] Concluding observations of CEDAW: Mexico. 14/05/98. A/53/38, paras. 354-427.

[4] Concluding observations of CEDAW: Czech Republic. 14/05/98. A/53/38, paras. 167-207.

[5] Concluding observations of CEDAW: Belarus. 04/02/2000. A/55/38, paras. 334-378.

[6] Concluding observations of CEDAW: Slovenia. 31/01/97. A/52/38/Rev.1, paras. 81-122.

6. The Parties shall empower women's and girls' organisations and strengthen national and regional institutions' capacity to address issues relating to violence against women and girls, including prevention and **protection from all forms of sexual and gender-based violence**.

[**COMMENT:** Everyone should oppose physical threats or acts that harm anyone regardless of their sexual orientation or gender identity. However, this is a treaty with the EU. And UN agencies, whose agendas are driven largely by EU countries, have broadened the definition to include acts that are not violent, including the "lack of adherence to *socially constructed* norms around masculinities and femininities" and the improper use of "gender norms." For example, **"gender-based violence" has been defined to encompass denial of abortion and merely criticizing sexual and gender identities or behaviors, as follows:"**

- In General Comment 35 on gender-based violence, the CEDAW Committee declared the ***"criminalization of abortion"*** to be a form of *"**gender-based violence** that, depending on the circumstances, may amount to torture or cruel, inhuman or degrading treatment."*

- USAID's Bureau of Global Health's online learning module, *Gender and Sexual and Reproductive Health 101*, provides this definition: *"**Gender Based Violence (GBV)** is an umbrella term for any harmful threat or act directed toward an individual or group based on actual or perceived biological sex, **gender identity and/or expression, sexual orientation**, and/or lack of adherence to socially constructed norms around masculinities and femininities." The problem with this broad definition is the use of the wrong pronoun for an individual who is transgender can be considered gender based violence.*

- UNESCO's 2018 *Revised International Technical Guidance on Sexuality Education,* (co-published by UNFPA, UNICEF, UNAIDS, and UN Women) defines *"gender-based violence"* as *"violence based on sexual orientation and gender identity/expression, also referred to as homophobic and transphobic violence,* [which] *is a form of school related gender-based violence."*

- The UN Women website contains frequently asked questions on types of violence against women and girls. It states: "The term [gender-based violence] is also sometimes used to describe targeted violence against LGBTQI+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms." This has the same problem as the USAID definition in that it can be used to cover non-violent acts, such as merely using the wrong pronoun.

They shall develop harassment investigation and accountability mechanisms, provide victims with care and support, and promote conditions of safety and security for women and girls.

[**COMMENT:** The term "harassment" is being increasingly misconstrued. For example, referring to a person using the pronoun associated with a person's natural sex, and failing to call a "he" a "she" or a "she" a "he" if that is a person's preference has been deemed harassment. So the question must be asked, will that definition be encompassed here?]

7. The Parties **shall commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences. They shall further stress the need for universal access to quality and affordable comprehensive sexual and reproductive health information and education, taking into consideration the UNESCO**

international technical guidance on sexuality education, as well as the need for the delivery of sexual and reproductive health-care services. They shall pursue the effective implementation of the Montevideo Consensus on Population and Development, as appropriate.

[**COMMENT:** Like a very similar provision in the African Protocol, the above provision in this Caribbean Protocol is so bad that we have broken it up into seven separate subparts for analysis as indicated by the numbering of those subparts in the above provision of the treaty that is repeated below:

(1) The Parties shall commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development (2) and the outcomes of their review conferences. (3) They shall further stress the need for universal access (4) to quality and affordable comprehensive sexual and reproductive health information and education (5) taking into consideration the UNESCO international technical guidance on sexuality education, (6) as well as the need for the delivery of sexual and reproductive health-care services. **(7) They shall pursue the effective implementation of the Montevideo Consensus on Population and Development, as appropriate**.

FWI Analysis:

(1) The Parties shall commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development

[**COMMENT:** The government of Namibia listed this provision as one of the reasons they are not signing the ACP-EU Agreement because it refers to non-binding documents that are being elevated in this treaty to binding obligations with the EU. The two documents referred to above (Beijing and ICPD) have a provision which the EU is obsessed with and tries to get into almost every UN resolution possible, and this is likely why they want to elevate Beijing and ICPD to binding treaty obligations. Specifically, the two documents share a provision on "control of sexuality." See Beijing Platform for Action wherein it states, *"The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence."* (Article 3-2m). This provision, which also appears in ICPD, pushes abortion rights as sexual and reproductive health. Further, the term "sexuality" used in it has now taken on an entirely new and expanded meaning; according to the World Health Organization (WHO) website, this is the current definition for "*sexuality*" used by the UN and the EU:

> "…a central aspect of being human throughout life encompasses sex, **gender identities** and roles, **sexual orientation, eroticism, pleasure**, intimacy and reproduction. Sexuality is experienced and expressed in thoughts, **fantasies, desires**, beliefs, attitudes, values, behaviours, practices, roles and relationships."

Thus, according to the UN and the EU's understanding, the *"right"* to *"control"* one's *"sexuality"* now encompasses a right to abortion, homosexuality, transgenderism, sexual pleasure, eroticism, and more.

Moreover, in 2019, the European Parliament passed a resolution on fundamental rights in the European Union reiterating that "women and girls must have control over their bodies and sexualities." Granting young girls of any age the "fundamental right" of exercising "control over their bodies and sexualities" opens the door to a plethora of possible harmful sexual "rights," including everything from unfettered

access to contraceptives to abortion, to complete autonomy regarding sexual and sexuality medical decisions without parental knowledge or consent.

Finally, the funding mechanism for the ACP-EU treaty further illustrates the EU's obsession with "control of sexuality," sexuality in general, and CSE as the EU's ACP-EU treaty funding mechanism, called the Neighbourhood, Development and International Cooperation Instrument (NDICI also known as Global Europe), requires that the "Instrument shall be implemented in full accordance with the Union's":

> "commitment to the promotion, protection and fulfilment of all human rights"
>
> "and to the full and effective implementation of the Beijing Platform for Action and the Programme of Action of the ICPD"
>
> "and the outcomes of their review conferences"
>
> "committed to sexual and reproductive health and rights in this context"
>
> "the Instrument shall support the Union commitment to the promotion, protection and fulfilment of the right of every individual to have full control over, and decide freely and responsibly on matters related to their sexuality and sexual and reproductive health."
>
> "It shall also support the need for universal access to quality and affordable comprehensive sexual and reproductive health information, education, including comprehensive sexuality education, and health-care services."

In other words, all funding from NDICI must be used towards the ends listed above, which makes this treaty even more dangerous!]

*****(2) and the outcomes of their review conferences**.

[**COMMENT:** This seemingly simple provision may be the most deceptive and dangerous provision in the entire EU Treaty and the reason why is complicated. Originally the term "*outcomes of their review conferences*" (referring to the ICPD and Beijing conferences) encompassed only the traditional ICPD and Beijing +5, and the +10 review conferences negotiated by all UN Member States. However, after the adoption of this seemingly innocuous language in a UN resolution shortly before the +20 ICPD reviews, UNFPA held multiple +20 thematic regional review conferences for ICPD that it could more easily manipulate than general UN negotiations to advance the European Union's and UNFPA's LGBT and abortion rights agenda. For example, UNFPA conducted an operational +20 review titled "ICPD Beyond 2014," which contains more than 500 highly controversial references, including 391 references to "sexual," 25 references to "sexual orientation," six references to "*prostitution*," four references to "*transgender*," 18 references to "*comprehensive sexuality education*," 44 references to "*sexual and reproductive rights*," and 173 references to "*abortion*." UNFPA, jointly with International Planned Parenthood Federation, also conducted a radical +20 ICPD youth review in Indonesia called the Bali Global Youth Review that calls on governments to legalize abortion, CSE, and special LGBT rights, supposedly on behalf of the world's youth. Further, multiple ICPD regional reviews also call for the legalization of prostitution and abortion, comprehensive sexuality education, sexual rights as part of sexual and reproductive health rights, and much more. Similarly, the multiple, radical, Beijing +25

Generation Equality Forum review outcome documents are also considered to be outcome review documents for Beijing. For additional information, see https://familywatch.org/wp-content/uploads/sites/5/2022/09/ICPD-REVIEW-OUTCOME-DOCUMENTS-AND-FOLLOW-UPS_9-20-22.pdf.]

Namibia also referred to this problem with the review outcome language in their declaration on why they are not signing this treaty. Specifically, they were concerned that this treaty language can also be understood to apply to and incorporate future reviews of ICPD and Beijing that have not even been conducted yet.

Further, an EU advocacy manual funded by the Netherlands government and published by their puppet youth organization, Choice for Youth & Sexuality, reveals the strategy behind "and the outcomes of their review conferences" phrase in this treaty protocol. The EU advocacy manual, under the heading "Outcomes of the review conferences," states:

> "*Both the International Conference for Population and Development (ICPD) Programme of Action and the Beijing Platform for Action have had regional review conferences where progress on implementing these agreements at the regional level was discussed.* ***Importantly, the outcome documents of these review conferences are usually more progressive than those that come out of New York and Geneva, and have even included references to human rights, sexual rights, LGBTI rights, safe abortion, and other 'sensitive' SRHR issues. Including a reference to the outcomes of these review conferences (or any other more progressive process) means that member states accept these outcomes, and therefore also the progressive language within them.*** *For this reason it is often difficult to keep these references in an outcome document*."
> Choice for Youth & Sexuality, 2017 "The Advocate's Guide to UN Language" https://www.youthdoit.org/assets/Uploads/UN-Language-Tool-2017.pdf (Note that this bears the logo of the Right Here Right Now organization, which is also a project of the Netherlands government with the same agenda.)

The above paragraph shows that any references to outcome documents for the review conferences of ICPD and Beijing are intended to encompass the controversial regional and thematic reviews that were not negotiated by all UN Member States, and which openly promote CSE, abortion, and the LGBT agenda. Certainly, this would indicate that such phrases should always be avoided in agreements, and more especially so in a binding 20-year treaty like the ACP-EU agreement.

(3) They shall further stress the need for ***universal access

[**COMMENT:** The term "universal access" means governments must ensure access without barriers such as parental consent. And since access is universal, per the next subpart below, this mandates sexuality education for *all* children. Accordingly, this provision is a violation of the rights of parents as enshrined in the Universal Declaration of Human Rights, which recognizes the "prior right" of parents to guide the education of their children. However, as discussed elsewhere, those countries who sign the ACP-EU treaty agree that it will override inconsistent clauses in any other treaty because of its supremacy clause in Article 97.]

(4) to quality and affordable ***comprehensive sexual and reproductive health information and education,

[**COMMENT:** As stated above, the EU's funding mechanism for this treaty is the Neighbourhood, Development and International Cooperation Instrument (NDICI also known as Global Europe), which makes it clear that the EU interprets the phrase "**comprehensive sexual and reproductive health information and education**" to encompass "comprehensive sexuality education," which is the EU's number one tool to change the sexual and abortion norms in conservative countries.]

(5) taking into consideration the UNESCO international technical guidance on sexuality education,

[**COMMENT:** Referring to the UN's "International Technical Guidance on Sexuality Education" (ITGSE) as guidance for "*comprehensive sexual and reproductive health information and education*" for children in the Pacific is highly problematic. The highly controversial ITGSE, promoted by the UN and EU countries as the "*international standards*" for sexuality education worldwide, claims that children have a right to sex and should be taught about "*sexual pleasure*," "*respect for diverse practices related to sexuality*," "*homophobia*," "*transphobia*," "*sexual orientation*," "*gender identity*," "*masturbation*" and more. *See https://www.unfpa.org/publications/international-technical-guidance-sexuality-education#:~:text=The%20International%20technical%20guidance%20on,the%20global%20Sustainable%20Development%20Goals*.

It should be also noted that UN agencies have begun to rename "comprehensive sexuality education" programs as "*sexual and reproductive health*" education programs to make them sound less controversial, yet without removing the controversial content. Thus, they use the reference to "comprehensive sexual and reproductive health information and education" instead of "comprehensive sexuality education" (CSE) to lessen resistance. However, linking sexual education and information to the ITGSE in this binding treaty opens the door for the EU and their UN and CSE partners to implement their harmful comprehensive sexualization programs, also known as CSE. See more on this at www.stopcse.org.]

(6) as well as the need for the delivery of sexual and reproductive health-care services.

[**COMMENT:** The EU always links sexual and reproductive health services to CSE because CSE is the marketing tool to sexualize children so they will be dependent on sexual and reproductive health services such as condoms, hormonal contraceptives, abortion, and/or transgender hormones or other medical or surgical interventions for children. In fact the UNESCO International Technical Guidance on Sexuality Education referenced above in this treaty actually states: "*There is a need to generate evidence to demonstrate… the demand creation, potential of CSE and the provision of youth, friendly, SRHR services and commodities*." See above for the link to this guidance.]

(7) They shall pursue the effective implementation of the Montevideo Consensus on Population and Development, as appropriate,

[**COMMENT:** It is not surprising that the EU selected the Montevideo Consensus, the most radical regional Caribbean document in existence, to elevate to treaty status with the EU in this ACP-EU treaty. Contrary to its name, it is not a consensus document, as a number of Caribbean countries strongly challenged its many controversial provisions mandating CSE from early childhood, sexual and sexuality rights, and services for children without parental consent, and broad LGBT rights as follows:

"Ensure the effective implementation from early childhood of comprehensive sexuality education"

recognize “informed decisions of adolescents and young people regarding their sexuality, from a participatory, intercultural, gender-sensitive, and human rights perspective”

Implement “sexual health and reproductive health programmes for adolescents and young people, including youth-friendly sexual health and reproductive health services”

“enable adolescents and young people to exercise their sexual rights and reproductive rights” including a “pleasurable and healthy sex life”

“and to take free, informed and responsible decisions regarding their sexual and reproductive life and the exercise of their sexual orientation;”

“enable persons to exercise their sexual rights, which embrace the right to a safe and full sex life, as well as the right to take … decisions on their sexuality, sexual orientation and gender identity”

“guarantee the right to information and the means necessary for their sexual health and reproductive health;”

“eradicate discrimination based on sexual orientation and gender identity in the exercise of sexual rights and the manifestations thereof”

Urges States to consider “amending their laws, regulations, strategies and public policies relating to … termination of pregnancy in order to … reduce the number of abortions;”

Further, similar to the Maputo Protocol required for African Member States in the Africa Protocol of this treaty, the Montevideo Consensus has not been ratified by all Caribbean States and a number of them made reservations to its controversial provisions. So, through this treaty, the EU would effectively make Caribbean States accountable to the EU for its implementation, free of reservations, by elevating it to binding status. Ironically, the EU likely inspired the creation of the Montevideo Consensus document in the first place.]

ARTICLE 49

Youth

1. The Parties shall develop targeted policies to promote **youth empowerment and facilitate their engagement in political, social, civic and economic life**.

2. The Parties shall support youth entrepreneurship and promote the creation of sustainable jobs in all sectors with decent working conditions for young people, including by supporting them in acquiring labour market-relevant skills through education, technical and vocational training and enhanced access to technologies, and by supporting employment services to connect young people to employment opportunities and access to financial services and partnerships for start-ups.

3. The Parties shall establish governance structures to promote responsible youth citizenship, **increase the influence of young people in decision-making processes and foster their active participation in political life** and in community-building efforts. They shall promote increased

participation of youth in environmental action, in particular climate change monitoring and adaptation programmes.

4. The Parties shall undertake measures to **improve access for youth to justice** and strengthen child protection systems. They shall take all appropriate measures to protect children from all forms of physical or **mental violence**, injury, abuse, neglect or negligent treatment, maltreatment and exploitation, including sexual abuse.

[**COMMENT:** The EU and their partners define "mental violence" in the context of youth as not using an unnatural pronoun for a youth who identifies as transgender and not "affirming" them as something other than their biological sex. "Improving access for youth to justice" could be taking them to court to emancipate them from their parents and helping them receive harmful transgender hormones and surgeries which has actually been done in the US.]

5. The Parties shall promote **social and justice programmes** for the prevention of juvenile delinquency and for the **integration of youth into economic and social life**. They shall support institutions, such as schools, social and faith-based organisations and youth groups, that contribute to building resilience **in at-risk youth and vulnerable communities**.

ARTICLE 50

Sports

The Parties shall promote sport and physical education as a driver for sustainable development, health and well-being, **social inclusion, non-discrimination and human rights advancement. They shall collaborate to harness the economic, cultural and social power** of sports by, *inter alia*, developing adequate facilities, promoting participation in sport and other physical activities, and exchanging best practices. They shall promote the mobility of sports people and associated professionals as a means to strengthen intercultural dialogue and cooperation.

CHAPTER 3

MIGRATION, MOBILITY AND DEVELOPMENT

ARTICLE 51

Migration, mobility and development

1. The Parties acknowledge the contribution of legally residing migrants and their diaspora to the economic, social, political and cultural life of their host countries. They shall support their integration by promoting, *inter alia*, entrepreneurship, business support and skills development in accordance with their respective competences. They reaffirm their commitment to respect the **human rights** of all migrants and forcibly displaced persons, including refugees and asylum seekers, in full respect of international law, with a special emphasis on people in vulnerable situations, particularly women and children.

2. The Parties shall pursue an open dialogue to promote mobility and short-term stays in order to enhance exchange in areas such as tourism and business, as well as to foster mutual understanding and promote shared values. That exchange shall also take into account the specific situation of the OCTs associated with the EU and the outermost regions of the EU, in recognition of their physical proximity and economic and cultural ties and other areas of cooperation.

3. The Parties shall consider the development of schemes for circular migration, and shall implement and improve, as appropriate, the legal frameworks for facilitating the re-entry procedures of nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively. They shall consider aspects of reintegration of nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively, in the countries of origin to ensure that their gained experience or qualifications can benefit the local labour market and community.

4. The Parties shall cooperate to reduce the negative impact of loss of skills on the development of countries. They shall further adopt a coherent approach to advance the training of select professionals in the Caribbean, which includes expanding training schemes and promoting the enrolment of EU citizens.

5. The Parties, recognising the importance of remittances as a source for **inclusive** and sustainable development if properly managed, shall aim to reduce the transaction costs of remittances to less than 3 % and eliminate remittances corridors with costs higher than 5 % by 2030, promote financial inclusion via innovative financial instruments and new technologies, and improve regulatory frameworks for enhanced involvement of non-traditional economic actors. The Parties shall enhance the contribution of diaspora to the sustainable development of their countries of origin, by promoting and facilitating diaspora investment, and business creation as a means to boost local development and entrepreneurship in countries of origin as well as to transfer knowledge, experience and technology.

6. The Parties shall develop measures to harness the benefits of south-south migration and mitigate any negative impact on the basis of the principles of solidarity, shared prosperity and responsibility.

7. The Parties shall promote the exchange of best practices of Caribbean-EU and intra-regional mobility schemes, including free movement of persons in regional integration processes.