

The Future of EU-LAC relations: Priority issues

by the EU CELAC WORKING GROUP*

Introduction

The European Union (EU) has recognised its responsibility to promote the 2030 Agenda for Sustainable Development domestically, regionally and globally in a coherent way as well as addressing the domestic, regional and global impact of its actions on the economic, social and environmental dimensions of sustainable development.¹ In this sense, the EU has made the first steps to align its policies and frameworks with the 2030 Agenda principles and values through the New EU Consensus for Development or the establishment of the Multi-Stakeholder Platform on SDGs. In addition, the EU has also recognised the linkages between the 2030 Agenda and the Sendai Framework for Disaster Risk Reduction, the Paris Agreement on Climate Change or the New Urban Agenda among other international frameworks.

In this context, the EU-CELAC working group welcomes the EU initiative to review its partnership with Latin America and Caribbean (LAC) countries and calls the EU to align this partnership with the two key pillars for sustainable development: people and planet. As stated in the 2030 Agenda, the EU should leave no one behind and should respect, protect and promote human rights and fundamental freedom for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. This should be done in the respect of planetary boundaries, promoting green energy and protecting natural resources.

In order to do so, the EU finds a natural ally in Civil Society Organisations, which have been working in close collaboration with national and local stakeholders for a more sustainable and inclusive implementation of the 2030 Agenda. The full implementation of the 2030 Agenda can only be achieved through the mobilisation of resources, including ODA, in addition to the change of consumption and production models which will protect planet boundaries at the same time that will benefit those citizens facing more discrimination.

The future EU-LAC Relations: Our Priority Issues

While the LAC region presents a wide diversity in terms of human, economic and environmental development level as well as sub-regional and country specific opportunities and challenges, the following common issues should be the backbone of the future EU-LAC partnership:

1. Enabling environment vs. shrinking space for CSOs and HRDs

In recent years, there has been a significant decrease both in Europe and in Latin America in spaces devoted to the participation of civil society, both quantitatively and qualitatively. The mechanisms that should allow civil society organizations to feed political decisions often have no impact. Likewise, there has been an increase in laws and administrative orders with the aim of restricting and criminalizing the actions of civil society in the defense of human rights. Of particular concern is the criminalization, defamation and stigmatization campaigns, the attacks and killings of human rights

¹ A Sustainable European future: The EU response to the 2030 Agenda for Sustainable Development - Council Conclusion (20 June 2017).

defenders (HRDs), community leaders and trade unionists in many countries of Latin America and the Caribbean, especially in the context of large investment projects.²

Therefore, future EU-Latin America and Caribbean (LAC) relations should promote:

- **An enabling environment for Civil Society Organizations (CSO).** For this, it is necessary (i) that the EU continues to create effective and participatory communication spaces with European and Latin American civil society as well as interaction channels with national authorities to create an environment conducive and respectful for the defense of rights human rights and the protection of the environment; (ii) that their autonomy and financial independence be guaranteed by facilitating greater access to multi-year funds as well as active and autonomous participation in the design, implementation and evaluation of projects and public policies; (iii) that the existence and respect of balanced and fair legal and tax frameworks be ensured, and (iv) explicitly denounce the laws that criminalize CSOs, particularly those articles that violate the rights of association and assembly, including the right to collaborate with international associations and networks, rejecting with concrete measures all forms of abuse of freedom of association, expression and non-violent actions of CSOs.
- **Support and legitimization by the EU to HRDs and civil society in their efforts to defend human rights and the environment in order to counter stigmatization and criminalization.** The EU should (i) support the work of HRDs in their communications, declarations and public events, particularly in the context of macro-investment projects, as this is where there are the greatest number of threats and murders in Latin America and the Caribbean; (ii) react promptly to cases of intimidation and criminalization through diplomatic actions and policies; (iii) encourage the establishment of effective public policies to protect HRDs address the insecurity they suffer from a comprehensive, collective approach that goes beyond individual and specific security measures; (iv) demand concrete measures be taken against the impunity of the perpetrators.

2. Ecological challenges - environmental

In much of Latin America, the growth of the economy, investments and exports is mostly linked to sectors that put pressure on natural resources (for example, mining, hydrocarbons, industrialized agriculture, etc.) and that do not take into account the environmental costs. Even worse, there is a constant pressure to reduce or cancel environmental standards to attract investment. The environmental costs of this type of growth are closely linked to social costs: many times, the local population living in the extraction zones, sees their quality of life recede and several of their rights violated (right to land, right to health, right to consultation, etc.).

In addition, in recent years it has been shown that climate change has disastrous effects in many parts of Latin America (e.g. roaring glaciers, floods, water problems, displacement of tropical diseases to colder areas, etc.). This motivates the need to evolve towards a truly greener future, towards another economic system that respects the ecological limits of the planet. With the 'business as usual' based

² In 2017, according to FrontLine Defenders, the number of murders of HRDs rose to 312 HRDs killed in 27 countries; almost half of them (49%) were indigenous, environmental, rural and or land defenders; 34% of them were Colombians and 80% were murdered in only four countries (Brazil, Colombia, Mexico and the Philippines). Global Witness data shows that killings of land and environmental defenders amounted to 200 in 24 countries in 2016, of which Brazil, Colombia, the Philippines, India, Nicaragua, Honduras and Guatemala were the deadliest. According to Global Witness, 60% of the HRD murders were in Latin America while mining and oil are the sectors linked to more murders and aggressions.

on the continuity of economic growth as the main objective, the planet's biocapacity will be exhausted in a relatively short time³.

For this reason, we recommend that the EU's relations with Latin America and the Caribbean be reoriented towards a truly sustainable future that gives much higher priority to collaboration on environmental and socio-environmental issues and that

- Promote true ecological changes contributing to the **'decarbonisation' of the economy**. Likewise, the **harmful effects of the expansion of biofuels** have been verified. Part of the hydroelectric projects should not be considered as 'clean' energy, because of the effects they have on emissions and ecosystems. The EU should reject dire investments (for example, hydrocarbon farms in the Amazon, etc.)
- **Contribute from advanced experiences and knowledge** in the field of a more ecological management in various sectors (for example, waste management and recycling, water purification, etc.). This should be done without this being necessarily linked to investments for European companies.
- **Contribute to the development of environmental policies**, concerning regulation and environmental control, counteracting the process of easing and ongoing deregulation.
- **Keep betting on ambitious agreements and commitments at the international level to address the ecological crisis**. In the case of the Paris Agreement, the political will of the EU to achieve the objective of limiting global warming well below 2 ° C is recognized, as well as contributing to the required financing for the adaptation and mitigation of developing countries. The EU will have to fulfill its commitments, and go further, among others, **ensuring the coherence of policies for development**⁴. For example, it will have to reject investments in extractive activities that go in the opposite direction to all adaptation and mitigation efforts of developing countries and the overall implementation of the 2030 Agenda.
- **Reduce their demand and consumption of basic products**, such as soybeans and palm oil, that drive deforestation and threaten the respect of human rights, including the rights of indigenous peoples, and promote measures that contribute to more sustainable production and exploitation of resources and respect for biodiversity, forest ecosystems and rights of populations.
- Put **'sustainable development' as the forefront in your trade relations with Latin America**: the chapters on sustainable development in the FTAs should be established as binding, so that the respect of international obligations on environmental, social and labor issues is guaranteed.
- **Evolve, on its own and in its relations with Latin America, towards an economy of enough**: our planet puts very clear limits and within these limits we have to build a new economy that marks a safe space for the all humanity⁵.

³ <http://www.wwf.ca/?25522/Tomorrow-Earth-goes-into-ecological-deficit-earlier-than-ever>

⁴ Policy Coherence for Development, art 208 of TFEU

⁵ **“Between the extremes of ecological overshoot and material poverty lays eco-sufficiency**, which is about using enough resources for achieving human flourishing without compromising ecosystem stability and the ability of future generations to meet their own needs.” <http://www.foeeurope.org/eco-sufficiency-focus-on-enough-301117>

3. Business and human rights

The business model promoted by transnational companies, including European ones, focus mostly on the extraction of natural resources such as oil, gas, gold, silver, iron, copper and tin among others. This model has a negative impact among rural communities, especially indigenous people whose situation is constantly deteriorating. As extractive activities are substantially increasing, the negative impacts on livelihoods, ecosystems and communities is being intensified.

For this reason, in its future relations with LAC, the EU should:

- **Protect small communities who face more discrimination by** (i) tackling the consequences of extractives activities in Latin America high on the agenda, especially the concerns of the affected communities and vulnerable groups such as indigenous people; (ii) implementing the UN declaration on indigenous people as well as ILO Indigenous and Tribal Peoples Convention, No. 169 as basis for all actions and policies and to support free, prior and informed consent consultations with indigenous communities and (iii) opposing dispute settlements mechanisms that don't respect the rights of communities and their participation nor that allow corporations to sue governments in private courts when governments do try to uphold social and environmental laws;
- **Promote a business model guided by a Human Rights Based Approach by** (i) funding objective and independent research, including by public universities, with truthful information on the real impacts of the extractive industry; (ii) taking a constructive approach in the negotiations of a UN "legally binding instrument on transnational corporations and other companies in relation to human rights" (the UN binding treaty on business and human rights), for a strong legally binding instrument requiring transnational companies to undertake due diligence and ensuring an equal access to justice for victims of human rights abuses; (iii) carrying out sustainability impact assessments and evaluations with regard to EU trade agreement with active and effective participation of the communities and have strong follow-up of the sustainable development clauses with Latin American governments and (iv) improving implementation of policy initiatives at the EU and international level regarding business and human rights, amongst others through their harmonisation, especially concerning mandatory human rights due diligence regulations.

4. Fighting inequalities

Latin America and the Caribbean continues to be one of the most unequal regions in the world and the latest economic growth has not reduced the gaps between the poor and the rich in most countries. The sectors most affected by this situation are small farmers, workers and women, victims of national and international economic policies that negatively impact their income, social protection systems and access to basic public services.

At the same time, fiscal policies promoted by and for the economic and political elites are a central element of growing inequality. These policies affect the consumption, not income, thus favoring the profits and assets. Sustained in privileges and tax exemptions for powerful economic sectors, it establishes a dangerous "race to the bottom" in the collection of taxes by the Latin American and Caribbean states as well as aggressive tax evasion by national and transnational economic operators. This policy seriously harms the financial stability of the states and their capacities to meet the social needs of the most disadvantaged sectors of society, sometimes impoverishing even the middle classes that are an important actor of development.

The 2030 Agenda, signed by the EU and all the countries of Latin America and the Caribbean, includes a specific commitment on the fight against inequality (SDG 10). In this framework, the EU-CELAC group considers that relations between the EU and Latin America and the Caribbean should be:

- **Prioritize the fight against the causes of inequalities** and the prompt policies that create decent and sustainable jobs, that allow access to social protection and justice. This is especially relevant for those in most vulnerable communities such as people with disabilities.
- Promote tax and fiscal policies that are truly geared towards **achieving fiscal justice to combat inequality and social exclusion.**
- Include development cooperation policies also with middle-income countries or countries that are graduating. As the New EU Consensus for Development recognises, if the EU is serious about ensuring prosperity for all through the universal and comprehensive 2030 Agenda and its Sustainable Development Goals, then **the way development policy is designed, implemented and measured cannot be determined only by gross domestic product and other income-focused indicators, but also those who measure social and ecological development.**

5. Decent work and social protection for all

According to the ILO, about 47% of workers and their families do not have access to the universal right that is social protection or any other notable protection in this continent because they work in the informal sector. Latin America and the Caribbean suffer from a lack of effective universal social protection systems, despite the recent entry of several of these countries into the list of "Middle Income Countries". The latter sees their inequalities endure and the riches, distributed in a scarce and inequitable way. However, investing in social protection and in a social and solidarity economy promotes social cohesion and sustainable and inclusive development. The SDGs recognize this contribution as irrefutable and make the establishment of social protection systems an essential tool in the fight against poverty (objective 1.3) and inequality, since it protects the population, both in urban and rural areas, against all the social risks they encounter throughout their life cycle.

In addition, in its 2012 communication "Social Protection in European Union Development Cooperation", the EU committed itself to support the creation of social protection systems within the framework of development cooperation policies. The 2030 Agenda for sustainable development also commits the EU to contribute to the guarantee of social protection for all by 2030. Therefore, we recommend to the EU that in its relations with Latin America and the Caribbean they:

- Make a significant contribution to the ILO's "**Social Protection Floors for All**", an international instrument that works towards the development of these systems throughout the world.
- Include social protection in political dialogues held with Latin American countries so that the latter offer equal and universal access to social protection to people and communities throughout life. Specifically, the EU should contribute more strongly to its experience and lobbying with States and regional organizations (CELAC, MERCOSUR, CAN, etc.) through technical cooperation with the countries of the Latin American and Caribbean region to contribute to a reinforcement of institutional capacities, of civil society (citizen participation) and of management (governance).
- Ensuring good governance of these social protection systems is essential to have civil society actors inclusive in the development, management, control and evaluation of these systems. In this way, by giving voice to the different sectors of the population, they make sure to

develop efficient policies according to the needs of urban and rural citizens, recognizing their significant contribution to these systems.

- **Promote the development of decent work for all:** States must generate and protect sources of decent work, provide services and carry out public works geared to the general welfare, among other actions to promote the formalization of the labor market. Decent work must be an inclusive tool to ensure the development of sustainable societies. We call on the governments of the two EU and CELAC regions to show a real commitment to progress and the adoption of standards who create and protect decent work and who guarantee decent wages and a high level of social protection, as effective mechanisms to combat exclusion, poverty and inequalities. Governments have to guarantee freedom of association, the right to collective bargaining and the right to demonstrate as instruments to strengthen democracy, as indicated in the ILO conventions.

6. Violence against women and girls

Violence against women and girls (VAW), and particularly femicide, continues to be one of the most concerning phenomena and one of the main reasons for death and disease among women in Latin America and Europe.

Therefore, the EU-CELAC Summits in Santiago de Chile in 2013 and in Brussels in 2015, integrated Chapter 7 to their Action Plans, which is dedicated to guarantee gender equality including the eradication of all forms of violence affecting women.

Despite these efforts and the adoption of the Istanbul Convention in 2014, establishing a normative framework equivalent to the Belém do Pará Convention; the initiatives of the EEAS in the framework of the Action Plans neither form part of the coherent package of actions based on these normative standards nor the recommendations given by their respective Follow-Up Mechanisms, namely GREVIO and MESECVI.

Considering this and the premise that those recommendations are highly prevailing in regards to the fight against VAW in Europe and in Latin America, we recommend the following to the EU:

- **Renew the given commitment and express the political will of the fight counter VAW** by converting Chapter 7 into a collaborative space allocated to the facilitation of the implementation of the already pronounced recommendations from GREVIO and MESECVI. By uniting state experts of both regions with representatives from GREVIO, MESECVI and Civil Society Organisations, the EU could adopt an innovative and leading paper on the combat against VAW.
- **Support, through political dialogue, cooperation programs and other instruments the following priorities within Chapter 7:**
 - Collection of data and official statistics based on determined indicators and the interregional comparison of the data in order to determine the reasons and circumstances of femicide and VAW.
 - Creation of an adequate and harmonised judicial framework in order to eradicate femicide and VAW in the private and public spheres, and guarantee the access to justice for victims of all forms of gender-based violence.

- Formation and specialization of police, prosecutors and judges in order to ensure an adequate treatment of victims and perpetrators with a special focus on the necessities of the victim and their children.
- Guarantee the protection of refugee and migrant women including the recognition of gender-based violence as a form of persecution.

**** The EU-CELAC working group is a joint platform of members of CONCORD, the EU-LAT Network and the HRDN as well as other CSOs with a long-standing work in Latin America and the Caribbean countries (Pax Christi International and Heinrich-Böll-Stiftung).***

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