

Response to the Joint Communication “European Union, Latin America and the Caribbean: joining forces for a common future” by EU-LAC CS WG¹

The European Union (EU) is currently re-shaping its strategic partnership with Latin America and the Caribbean (LAC) region through the launch in April 2019 of the [Communication European Union, Latin America and the Caribbean: joining forces for a common future](#). The EU-LAC Civil Society Working Group welcomes the fact that this policy document is based on principles of shared values and a common future and that it recognises the strategic partnership between both regions. Importantly, the Communication acknowledges the need to “modernise the bi-regional partnership” and it establishes the strategic political direction between the different regions.

However, the proposed partnership model places a strong emphasis on trade relations and economic growth instead of proposing a coherent and balanced sustainable development approach in line with the social, environmental and economic pillars of the Sustainable Development Goals (SDGs). Despite the recognition of civil society organisations (CSOs) as strategic partners, the economic approach of the Communication makes economic actors key partners, such as the European Investment Bank and international financial institutions. In this way, the EU is repeating the classic vertical North-South relationship instead of focusing on diversifying the partnership and ensuring open space for CSOs.

The Latin America and Caribbean regions are experiencing major challenges in the fight against inequality, respect for human rights, and respect for environmental boundaries. Violence against women and girls, and in particular femicide, is reaching historic levels and some of the most valuable resources and ecosystems on the planet are being destroyed due to ambitions for economic growth and impunity for the actions of multinationals, governments and local authorities. This violates individual and collective rights, especially those of vulnerable populations such as indigenous and Afro-descendent people and rural communities, and goes against international frameworks such as the Paris Agreement on Climate Change and the SDGs.

In this written response, the EU-LAC Civil Society Working Group is proposing that the implementation² of the Communication must focus on achieving progress in the SDGs through coherent action, because only in this way can there be a truly renewed partnership between the regions. This partnership must be based on the true participation of civil society from both regions in the definition, implementation and evaluation of all participatory mechanisms related to this Communication. Without these elements, the Communication will lack the legitimacy needed to ensure that no-one is left behind and that the protection of the planet is respected.

¹ The EU-LAC Working Group is a joint platform composed by CONCORD, EU-LAT Network and Oidhaco network, some of its member organisations such as 11.11.11., CNCD-11.11.11, Oxfam, Solidar, WSM, Coordinadora ONGD-España, as well as other CSOs with long-standing work in Latin American and Caribbean countries such as Pax Christi International and Heinrich Böll-Stiftung.

² For recommendations on the implementation, please consult the EU-LAC working group contribution made for the 2018 public stakeholder consultation for this Communication: https://eulatnetwork.org/wp-content/uploads/2018/10/EU-CELAC-WG_PriorityIssues_EN_FIN.pdf.

1. Partnering for prosperity

Cooperation between the EU and Latin America and the Caribbean must enable inclusive, fair and sustainable economic development within our social and environmental boundaries and with full respect for human rights, including the individual and collective rights of indigenous and Afro-descendent communities and the protection of rural communities. As economic and investment relations will be important in the implementation of the new partnership, the EU must assure its trade and commerce policy with Latin American and Caribbean countries complies with its foreign policy goals for sustainable development and human rights.

The EU-LAC Civil Society Working Group wishes to emphasise that the Communication does not fully incorporate actions for climate change in a coherent way. To give one example, negotiating new air transport agreements and promoting more connections and better prices for passengers contradicts the EU engagement to lower emissions. The EU priority for more trade means more intensification of natural resource extraction in Latin America and the Caribbean for export purposes which could exacerbate environmental and social conflicts and the degradation of natural resources and ecosystems, putting entire communities at risk. The EU should instead support the promotion of alternative decarbonised economies and oppose investments and trade in sectors that are harmful for Latin American and Caribbean communities.

Recommendations to the EU and its Member States:

- Implement the UN Guiding Principles on Business and Human Rights (UNGPs) through the long-awaited EU action plan and support the building and implementation of action plans in Latin American and Caribbean countries with the participation of CSOs. Alongside this, participate in a constructive way in the negotiations for a UN binding treaty on business and human rights.
- Reduce through legislation and policies the demand for and consumption of certain products, such as soybeans and palm oil, as they lead to deforestation, aggravation of climate change and the violation of the rights of indigenous people. The sustainable management of natural resources must include policies for territorial management and the possibility to designate 'exclusion zones' free from mining and other extractive activities.
- Prevent the violation of human rights and respect environmental boundaries in the economic activities of EU companies and, in particular, ensure respect for the rights of indigenous peoples and rural communities in all development, trade and investment policies and practices.
- Include binding clauses on human rights and sustainable development which take into account human, environmental and labour rights in chapters on trade and sustainable development in Free Trade Agreements (FTAs) and evaluate compliance with CSOs and communities.
- Promote the adoption of standards by Latin American and Caribbean countries which create and protect decent work, guaranteeing decent wages and a high level of social protection as effective mechanisms to combat exclusion, poverty and inequality, and which guarantee freedom of association, the right to collective bargaining and the right to demonstrate as established in the ILO conventions.

2. Partnering for democracy

In order to foster a true and strong democracy, the EU should adopt a stronger position with regards to the protection of civil society space, the promotion of gender equality, the fight against corruption and respect for the rule of law. While the EU recognises human rights and environmental defenders, journalists and trade unionists as key components of civil society, it does not mention the criminalisation and persecution that civil society faces, caused by impunity among other factors. The context is particularly challenging for defenders of the rights of women and girls, considering that violence against women, and particularly femicide, continues to be one of the most worrying phenomena in the Latin American and Caribbean region.

The EU-LAC Civil Society Working Group would like to emphasise that supporting prevention and protection measures in the context of increasing space for civil society should be a central issue in the relationship between the EU and Latin America and the Caribbean. Restrictions on freedom of expression and association, combined with impunity for different actors, contributes to increasing levels of corruption as well as the weakening of the rule of law, which is the cornerstone of a fair and democratic society. The EU-LAC partnership should be guided by the principle of leaving no one behind and of transparency, ensuring the economic, legal and political independence of key actors, including CSOs, local authorities and the media.

Recommendations to the EU and its Member States:

- Establish mechanisms that guarantee the active and meaningful participation of civil society in the human rights dialogues between the EU and Latin American and Caribbean countries as well as in the decision-making process, implementation and monitoring of the different actions undertaken as part of the social, economic and environmental partnership between the EU and Latin America and the Caribbean.
- Promote the adoption of regional frameworks by Latin American and Caribbean countries to better protect the participation of civil society and guarantee freedom of expression and association. Specifically, promote the ratification of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (also known as the 'Escazú Agreement').
- React rapidly to cases of intimidation and criminalisation against human rights and environmental defenders through diplomatic and political actions and take concrete measures against impunity for the perpetrators of these crimes.
- Include measures in all bilateral and multilateral trade agreements to prevent abuses and violations against human rights and environmental defenders, and implement mechanisms to monitor and investigate such abuses and provide accountability. These mechanisms should also address the negative impact of corruption, leading to the creation of concrete prevention measures.
- Promote the revision of existing femicide legislation in Latin American and Caribbean countries to bring it in line with standards proposed by the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (MESECVI) through the Model Inter-American Law to Prevent, Punish and Eradicate the Violent Death of Women and Girls. Call for guarantees to access to justice for victims of all forms of gender-based violence, including refugee and migrant women.

3. Partnering for resilience

Inequality is one of the main challenges that the Latin American and Caribbean region has to overcome in order to achieve sustainable development. Inequality must be understood as a multidimensional concept that goes beyond income and includes a human rights perspective. Regarding the fight against inequality, the Communication mainly focuses on tax cooperation. Tax cooperation is indeed necessary; however, the EU should acknowledge the significant flaws in their domestic policies and their impact on developing countries. This section should also acknowledge the need to find new indicators to measure development that go beyond GDP per capita. Inequality is one of the key elements to assess the real development of a society.

The EU-LAC Civil Society Working Group would like to emphasise that climate change is a major challenge for the region, in terms of environmental inequality. Many parts of Latin America and the Caribbean are being confronted with disastrous effects such as floods, tropical storms, hurricanes or shrinking glaciers. We therefore need to find real alternatives so that we can evolve into truly decarbonised economies, to respect the limits of our planet. It is essential to promote local economies and respect traditional knowledge and management systems within territories for the promotion of an alternative decarbonised economy within our planet's boundaries.

Recommendations to the EU and its Member States:

- Assess the impact of trade and investment agreements on socio-economic and environmental inequality and prioritise the fight against the causes of inequalities from a multidimensional perspective.
- Fight against tax avoidance and evasion, including the elimination of tax havens and fiscal advantages in the EU or 'fiscal planning' through which EU enterprises avoid paying taxes in the places where their real economic activity takes place. In this sense, the EU should establish a tax/GDP goal in which the 'tax' component is mainly achieved through direct taxation such as income, corporate, wealth and capital taxes.
- Support the new international proposal to measure development and countries' progress using a set of indicators that include social, environmental, political and economic elements.
- Build a climate alliance with the Latin American and Caribbean region to push for more ambitious international, regional and national climate change policies, with specific goals and commitments for adaptation and mitigation. At the same time, the EU must reject investments in extractive activities that go against adaptation and mitigation efforts in the region.
- Optimise expertise, experience and knowledge by contributing to more coherent ecological management in various sectors (i.e. waste management and recycling, water purification, etc.), without this necessarily being linked to investments by European companies.

4. Partnering for effective global governance

The strengthening of multilateral processes is key to maintaining peace and security in the global order. Especially in these times of geopolitical challenges and budget cuts in multilateral institutions, it is essential that EU and Latin American countries – both important players at the multilateral level – can work together to strengthen these institutions. Both the EU and Latin American countries took a leadership role in the shaping of the 2030 Development Agenda. Resources and actions to meet the SDGs must be accelerated, especially for the most marginalised people, ensuring that ‘no one is left behind’.

The EU-LAC Civil Society Working Group would like to emphasise that EU cooperation with Latin American and Caribbean countries on security and the fight against organised crime and terrorism must fully respect human rights. This cooperation ought not to go against the EU’s role as a key stakeholder for peace-building in the Latin American and Caribbean region, as demonstrated by its crucial political and financial support to the Colombian peace agreement. Regarding global governance, the partnership should strengthen the civilian presence of Latin American and Caribbean States in all of their territories, especially in those areas where illegal and legal armed actors operate and exercise territorial control and where local populations are more vulnerable to human rights violations.

Recommendations to the EU and its Member States:

- Ensure that EU security and military cooperation does not lead Latin American and Caribbean governments to respond solely with military presence in the regions where organised crime or other legal and illegal actors operate and where populations are most vulnerable to human rights violations.
- Ensure that EU security and military cooperation with Latin American and Caribbean countries does not promote the involvement of the military in civic matters beyond its constitutional mandate. On the contrary, this cooperation should ensure that national and local governments respect and guarantee human rights through the presence of institutions that ensure justice, education, social development, decent work and human security.
- Monitor actions between the EU and Latin America and the Caribbean against terrorism and organised crime to guarantee that they are not used to criminalise human rights defenders or to legitimise political and social repression, shrinking civic space and leading to violations of the rights to social protest and mobilisation.
- Promote UN spaces for the „sustaining peace“ agenda to be aligned with UNSCR 1325 and the principles and commitments associated with the Women, Peace and Security Agenda. The Women, Peace and Security Agenda is a powerful tool for moving from exclusionary to democratic decision-making, from gender inequality to gender justice, and from conflict and violence to sustaining peace.
- Increase national, regional and international budgets for conflict prevention and peacebuilding (SDG 16) and for the achievement of all of the SDGs by 2030, in line with commitments taken up in the 2016 EU Communication ‘Next steps for a sustainable European future’.
- Support the political and economic viability of the UN human rights system and mechanisms, including support for UN bodies present in different Latin American and Caribbean countries that monitor the human rights situation.

5. Moving from vision to action

Civil society is a crucial actor for the success of the partnership between the EU and Latin America and the Caribbean. It offers different perspectives to governments, EU institutions and the private sector. If truly horizontal cooperation is to be achieved, civil society interaction with governments, EU institutions and other stakeholders is absolutely necessary. In this sense, the reference to the participation of civil society in the Communication is deeply welcome. However, the single mention of the EU-LAC Foundation is not enough, as this does not represent EU and Latin American and Caribbean CSOs. Latin America, the Caribbean region and the EU have a wide range of organisations and networks working on several issues related to the partnership between both continents.

The Communication should lead to the establishment of clear, transparent and fair mechanisms allowing the participation of civil society from both continents in the formulation, monitoring and evaluation of the policies and instruments promoted by the partnership. The partnership should also provide adequate support for a fruitful interaction between CSOs and official stakeholders in the partnership. Furthermore, the Communication does not include a monitoring and evaluation mechanism, which is essential for the accountability of the EU, Latin American and Caribbean countries, towards the realisation of the 2030 Agenda.