



FWI Policy Brief

The Pending EU-ACP Agreement: 12 Serious Implications for Pacific States

Executive Summary

The Problem: The [EU-ACP Agreement](#) is a 20-year, binding treaty between the European Union and 79 [ACP](#) countries including 48 African, 16 Caribbean, and 15 Pacific countries. It is a proposed extension of the Cotonou treaty previously governing EU-ACP economic and trade relations from 2000 to date.

Alarming, this revised Agreement includes new treaty obligations in the areas of “human rights,” “sexual” education and “sexual and reproductive health and rights” that deceptively advance the EU’s abortion and LGBT agenda for Pacific countries. Further, the main decision-making body created by this new treaty has power to make binding decisions and is deceptively designed to increase the EU’s power to manipulate national laws and policies in the Pacific.

12 Serious Implications for Pacific Countries

Represents a Dangerous Power Grab by the EU

1. **Mandates Pacific state parties to the EU-ACP Agreement to form joint policy and voting positions with the EU in “international fora.”** The EU openly admits its goal to have a monopoly of UN votes thru this treaty (79 ACP countries + 27 EU countries = 106 countries = a majority of UN Member States).
2. **Establishes a governing body called the Council of Ministers, which is co-chaired by the EU and has power to make decisions that are binding on Pacific nations.** Further, a vague provision in the treaty may also require that this Agreement’s provisions supersede all other existing agreements between Pacific states.

Deceptively Advances the EU’s SRHR/LGBT Agenda for the Pacific

3. **Creates a “Joint Parliamentary Assembly (JPA)”** that the European Parliament’s LGBTI coalition (LGBTI Intergroup) has identified as an ideal forum for pushing the EU’s LGBT agenda. Indeed, a resolution adopted by the European Parliament on the [“Work of the ACP-EU Joint Parliamentary Assembly”](#) calls for the new Agreement to “include an explicit clause regarding non-discrimination based on sexual orientation or gender identity.” Further, this resolution “reiterated concern over the adoption and discussion of legislation ... criminalising homosexuality in some ACP countries” and “to place this on the agenda for its debates.”
4. **References “human rights” over 100 times, which is especially alarming** in light of the aforementioned [EU Parliamentary resolution](#), which calls for “reinforcement of the principle of

non-negotiable human rights clauses and sanctions for failure to respect such clauses, inter alia with regard to discrimination based on ... sexual orientation or gender identity...”

5. **Binds Pacific countries to implement controversial “sexual and reproductive health and rights” (SRHR)**, a term the [EU Parliament recently defined](#) to encompass rights to “abortion,” “[comprehensive sexuality education](#)” for children including LGBT indoctrination and rights related to “sexual orientation and gender identity.”
6. **Requires Pacific parties to implement the controversial “outcomes” of the review conferences of ICPD** and Beijing, some of which mandate abortion, prostitution rights, LGBT rights and sexual rights for children.
7. **Mandates Pacific countries to provide controversial “comprehensive ... sexual and reproductive health ... information and sexual education programmes” to Pacific children** referencing the UN’s “[International Technical Guidance on Sexuality Education](#)” which claims children have a right to sex and should be taught about sexual pleasure, homophobia, transphobia and much more.

Elevates a Pacific Document with SRHR, Abortion and CSE References to Treaty Obligations

8. **Elevates a regional, nonbinding agreement the “Asian and Pacific Ministerial Declaration on Population and Development”** to a binding treaty obligation with the EU. Governments that joined in consensus on that regional agreement, never intended it to be a binding treaty and certainly not a treaty with the EU.

Violates National Sovereignty

9. **Makes no provisions for reservations or declarations on controversial elements** or statements of explanation in contravention of the Vienna Convention on the Law of Treaties.
10. **Allows for EU treaty funding to bypass governments** and to be allocated to EU-aligned NGOs and UN agencies.
11. **Makes billions of [EU foreign aid contingent on adherence to EU “values”](#) on SRHR and sexuality** as specified by the designated EU funding mechanism for the treaty, The Neighbourhood, Development and International Cooperation Instrument – Global Europe.

Violates Parental Rights and Weakens the Pacific Family

12. **Mandates SRH services and sexual education for children without any provision for parental consent.** This violates multiple binding treaty provisions requiring Pacific states to protect the rights of parents to guide the education, upbringing and moral values of their children. Parents are not even mentioned in this regard.

(See [EUtreaty.org](#) for documentation and support for these points.)

All of these provisions will ultimately have a devastating impact on Pacific families!

What States Can Do to Protect National Values & National Sovereignty: 7 Key Questions for Pacific States to Ask the EU

If Pacific States pose the following questions to the European Commission, the EU's answers (or their refusal to answer) will reveal the EU's cultural imperialistic, sexual, social, ideological and abortion agendas for the Pacific.

1. Article 36.2 of the EU-ACP Agreement requires Pacific states to implement “sexual and reproductive health and rights” (SRHR). The EU in a June 22 resolution titled [“On the situation of sexual and reproductive health and rights in the EU”](#) defined SRHR to encompass, sexuality education, sexual orientation and gender identity (SOGI).

Question 1: Does the EU consider the SRHR reference in Article 36.2 of the Agreement to encompass LGBT rights or rights related to abortion or comprehensive sexuality education for Pacific children? If not, how can this be clarified in the treaty?

2. The term “human rights” appears over 100 times in the EU-ACP Agreement including a reference obligating Pacific states in Article 38.5 to allow [“human rights defenders”](#) to “operate freely”

Question 2: Will any of the references to “human rights” or the reference to “human rights defenders” be interpreted by the EU to obligate Pacific States to advance LGBT rights of any kind or to protect the work of LGBT or abortion rights campaigners or “defenders” to advance LGBT rights currently outlawed in a number of Pacific states?

3. The EU-ACP Agreement requires ACP countries to implement the [outcome documents of review conferences of ICPD](#) and Beijing (see Article 36.2).

Question 3: Can the EU provide a list of the review outcome documents Pacific states will be required to implement? For example, does this obligate Pacific states to implement the outcome document of the [human rights review of ICPD](#), which has 5 references to “transgender,” 8 references to “sexual orientation and gender identity,” 65 references to “abortion,” 12 references to “sex work,” and 14 references to “comprehensive sexuality education?” Can the EU add a footnote to the Agreement specifying the full list of outcome documents Pacific states must implement?

4. The Agreement obligates ACP governments to “cooperate with the [UN’s human rights bodies and mechanisms](#)” and to “fully support the work of the UN Human Rights Council” (HRC) (Article 80.3). Yet these UN human rights mechanisms include UN experts, rapporteurs and treaty body committees that [intentionally misinterpret international human rights law](#) and have issued multiple documents mandating Pacific countries to advance abortion, [sexual rights](#), LGBT rights and autonomous sexual rights for children.

Question 4: Will Pacific countries under Article 80.3 be required to “cooperate” with all these UN bodies and mechanisms mandating changes in laws to advance LGBT and abortion rights, sexual rights and sexuality education for children? For example, will Pacific countries be obligated to “support” the work of the [UN Independent Expert on Sexual Orientation and Gender Identity – SOGI](#) that has called on nations to legalize homosexuality and same-sex marriage and to provide “comprehensive sexuality education” to children to mainstream acceptance of homosexuality and transgenderism?

5. The Agreement **mandates Pacific countries to provide controversial “comprehensive ... sexual and reproductive health ... information and sexual education programmes” to Pacific children** taking into consideration” UNESCO’s controversial [“International Technical Guidance on Sexuality Education](#) (Article 48.7). Yet this UN-published sex education “Guidance” includes teachings on homophobia, transphobia, sexual pleasure and more. In fact, CSRHE is the new euphemism for controversial [Comprehensive Sexuality Education](#) (CSE).

Question 5: Does the EU intend to fund and implement sexuality education programs in Pacific countries that align with these highly controversial UN standards? How can Pacific states ensure that this provision will not be used to promote CSE that teaches about LGBT issues or that includes explicit materials and concepts that run counter to Pacific states’ culture and values? Also, how will the rights of parents to guide the sex education of their children as per the Universal Declaration of Human Rights and international human rights instruments be protected and respected in this binding Agreement?

6. Article 97 states, “No treaty, convention, agreement or arrangement of any kind between one or more Member States of the European Union and one or more OACPS Members shall impede the implementation of this Agreement.”

Question 6: Is Article 97 or any other article of the Agreement to be understood to be a supremacy clause, meaning that the EU-ACP Agreement is to trump other agreements Pacific states may have entered into such as Pacific regional agreements or arrangements, or existing agreements between ACP countries?

7. It appears the EU-ACP Agreement may not include any mechanism whereby Pacific states can make reservations or declarations exempting their countries from controversial provisions or provisions that conflict with their national laws. Yet this binding, 20-year EU-ACP Agreement contains too many vague (possibly deliberately so) and undefined terms.

Question 7: Is the EU willing to add a national sovereignty clause stating that the EU-ACP Agreement must be implemented with full respect for the national sovereignty and religious and cultural values of ACP countries? Or is the EU willing to add a provision stating that nothing in the Agreement can be construed to obligate ACP countries to advance LGBT or abortion rights, or sexuality education or sexual rights for children?