



FWI Policy Brief

The Pending EU-ACP Agreement: 12 Serious Implications for the African Union and African 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. **Alarmingly, 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 Africa.** Further, the main decision-making body created by this new treaty has power to make binding decisions on 48 African countries and is deceptively designed to increase the EU’s power to impact the laws and policies of African countries.

12 Serious Implications for the African Union

Represents a Dangerous Power Grab by the EU

- 1. Mandates African 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. Creates a “Council of Ministers” (co-chaired by the EU), which has power to make binding legal decisions** that directly impact laws and policies of 48 African countries.

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

- 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 48 African 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 African 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 African countries to provide controversial [“comprehensive sexual and reproductive health information and education”](#) to African 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 AU Documents with SRHR, Abortion and CSE References to Treaty Obligations

8. **Makes 48 African governments accountable to the EU to implement selected African regional documents that advance the EU’s SRHR agenda** including the [Maputo Protocol](#), and the Maputo Plan of Action 2016-2030. Both of these documents were manipulated into being by the EU in partnership with UN agencies and IPPF to deceptively bring in abortion, [CSE](#) and [SRHR](#) to Africa.

Violates National Sovereignty

9. **There is no provision that allows 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 African Family

12. **Mandates SRH services and sexual education for children without any provision for parental consent.** This violates multiple binding treaty provisions requiring African 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.

(Documentation and support for these 12 points can be found at [EUtreaty.org](#).)

All of these provisions will ultimately have a devastating impact on the African family!

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

If African 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 Africa.

1. Article 36.2 of the EU-ACP Agreement requires African 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 African 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 African States in Article 65.5 to “protect [human rights defenders](#) acting at national, regional and continental level.”

Question 2: Will any of the references to “human rights” or the reference to [“human rights defenders”](#) be interpreted by the EU to obligate African 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 many African 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 African States will be required to implement? For example, does this obligate African 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 African 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 African countries to advance abortion, [sexual rights](#), LGBT rights and autonomous sexual rights for children.

Question 4: Will African 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 African countries be obligated to “support” the work for example, 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 requires ACP governments to provide access to “comprehensive sexual and reproductive health information and education [CSRHE]” taking into account the UN’s controversial [“International Technical Guidance on Sexuality Education”](#) (Article 40.6). 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 ACP countries that align with these highly controversial UN standards? How can African 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 African 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 African states may have entered into such as AU agreements, African regional economic commission agreements or arrangements, or existing agreements between ACP countries?

7. It appears the EU-ACP Agreement may not include any mechanism whereby African 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?