

ANNEX

Pacific CSO response to the Draft Pacific-EU Protocol

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The following responses are **reiterations** from the Pacific CSOs on various elements of the proposed partnership between the Pacific and EU under the Post Cotonou Agreement (PCN). The Pacific CSO's will continue to raise concerns as stated previously in the Pacific CSO Position paper in Feb 2019, and the Pacific CSO Recommended text and key comments on the Draft PCN text, March 2019.

Pacific-EU Protocol Pacific ACP Proposal (Version 170419)	Pacific CSO response to the Pacific-EU Protocol Proposal
PART I: This Part will detail the agreed objectives and principles of the Pacific-EU Protocol. The process to be followed at the regional level in the management and governance of the Protocol will also be elaborated upon in this Part, including the procedures for regular monitoring and evaluation. Title I: Principles and Objectives • Pacific regionalism and the Blue Pacific – vision, culture, identity; • Pacific Leaders vision for the Pacific including regional cooperation;	Pacific CSOs reiterations are: • The treaty needs to place importance on the protection and respect of Pacific resources, knowledge and ownership for building sustainable peace at all levels. Currently the EU details interventions that frame a model of governance and development that imposes upon Pacific values and undermines genuine Pacific regionalism. (Pacific CSOs, Feb 2019, 'Pacific CSO Position Paper on PCN') • The Pacific needs appropriate time to conduct the necessary assessment, consultations and consolidation of its development priorities. Pacific CSOs are strongly for development priorities that are determined inclusively with parliamentarians, local councils, media, academia, indigenous peoples and local communities, trade unions, civil society actors and the private sector. • The Pacific needs to consider the implications of the proposed end of the EDF in the broader context of our longstanding dependency on aid, which predisposes us to manipulation by outside interests. The new modality of development cooperation proposed by the EU, which is tied to a binding agreement that includes a raft of undertakings and processes to advance a continued agenda to serve the EU's interests in the region. The agreement that binds Pacific Island states, locking us into

• Political dialogue and genuine partnership; • International cooperation and multilateralism; • Samoa Pathway; Paris Agreement; Agenda 2030 - SDGs; AAAA; Title II: Implementation Modalities • Regional institutional arrangements; • Roles of actors – RAO, CROP agencies, Multilateral Banks/Agencies, Non-State Actors; • [Partnership with OCTs – if the PACP region agrees to refer to non-independent States in the regional protocol]	a relationship with the EU, must not stifle and prohibit us from following an independent development path. • The SAMOA Pathway offers a collectively agreed framework that needs to be prioritized for implementation. It was endorsed by SIDS leaders in 2014, in the lead up to Rio + 20 and aimed at meeting the challenges faced by SIDS in their pursuit of sustainable development. • The implementation of commitments made under the different SDG goals, and especially under Goal 13 on Climate Action and Goal 14 on Oceans, needs prioritization in the Pacific-EU Protocol • Priorities for the Pacific Region agreed to by the meeting of PACP Leaders in Nauru in 2018 need to be reflected in the Pacific-EU Protocol • The PCA and Pacific-EU Protocol places emphasis on Overseas Countries and Territories for the EU. Any commitment to adopt effective integration policies for those residing legally in OCTs, must not hamper efforts for self-determination as expressed by Kanaky (New Caledonia) and Maohi Nui, French Polynesia for instance. All efforts by the EU must be made to expedite the realisation of the independence of the remaining territories in the Pacific. • The Pacific-EU Protocol must ensure that EU countries support the quest for self-determination of its former colonies. The quest for self-determination of West Papua is a key area that needs the urgent attention of the EU especially as it was a former colony of the Dutch Government, a member of the EU. • The Pacific-EU Protocol should emphasize specific commitments to emissions reduction for the EU and adherence to Paris Agreement commitments - this is to address the root causes of climate induced relocation/ displacement/migration. • The ACP institutional set-up was designed to serve the interests of the EU in the post-colonial era. Pacific Island states need the space and time to design and review their own development goals and options, in this frenzied new era of geo-political and economic rivalry, with different partnership models. • The Pacific-EU Protocol must account for the unique challenge of the PACP region and the urgency of the unfinished business of decolonization, which is totally averse to a people-centered, stable and peaceful Pacific region. • The Pacific-EU Protocol must promote a broader development conversation that takes a consultative, open and transparent approach to deciding Pacific-specific development goals and priorities that are not externally conceptualized or influenced, foreign led or donor-driven.
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	Strategically looking at the growing geopolitical and economic interests in the Pacific region by the economic North, across sectors and particularly in relation to access and use of the region's natural resources. • The establishment of a wider consultation mechanism to consider the Post Cotonou Agreement at national and regional levels is imperative given the wide-ranging and long-term implications of the agreement. At the very least, the Pacific ACP states need to demand that more time be given to allow for due process.
PART II: STRATEGIC PRIORITY AREAS FOR ENGAGEMENT Title I: Environmental Sustainability, Climate Change and Oceans Chapeau¹ <i>Chapter 1: Climate change</i> • Climate action; • Adaptation and mitigation; • Reduce greenhouse gas emissions; • Renewable Energy Investments; • Pacific Resilience Facility (adopting a multi-sectoral approach); <i>Chapter 2: Environment and sustainable management of natural resources</i> • Biodiversity; • Protection of Environment and Nature; <i>Chapter 3: Disaster resilience</i> • Disaster Preparedness and Prevention; • Early warning systems; • Disaster Relief and Recovery;	Pacific CSOs reiterations are: To further protect the natural environment and the livelihoods of those who depend on it, PACPs should also seek to embed in the Post Cotonou agreement recognition and compliance with : • the principle in environmental law of <i>Polluter Pays</i>, which makes the party responsible for producing pollution responsible for paying for the damage to the natural environment. This is especially important given the tragic histories in our region of social and environmental devastation caused both by destructive extractive industries (phosphate, copper and nickel mining), nuclear and missile testing under colonialism; and ongoing and new mining projects involving multinational companies operating extraterritorially in PACP states. • It is all the more urgent with the enormously risky experimental seabed mining due to commence in the Pacific Ocean. The EU has not only openly declared its interest in deep sea mining in its Negotiating Directives for the PCA, it has been supporting the facilitation of DSM since 2011 through the SPC-EU EDF 10 Deep Sea Minerals Project. • The principle embedded in the UN Declaration on the Rights of Indigenous People which was widely supported by EU states when it was adopted by the UNGASS in on 13 September, 2007, of <i>Free, Prior and Independent Consent (FPIC)</i>. • Development cooperation must consider climate change induced displacement and other humanitarian emergencies in the Pacific. Specifically, there is a need to use the Grand Bargain Agreements of the World Humanitarian Summit as a reference point that informs development cooperation during humanitarian crisis; with a focus on the localization agenda.

¹ Environment Sustainability; Climate Vulnerability; Resilience; Oceans Policies

<i>Chapter 4: Ocean and Seas</i> • Blue Economy; • Ocean governance; • Ocean pollution/litter; • Deep sea mining; • Illegal, Unreported and Unregulated (IUU) Fishing;	• The issue of Loss and damage (L&D) was as key ask by Pacific Island states in Paris Agreement Negotiations and they were very successful in securing the inclusion of L&D as a key pillar of the Paris Agreement. PACP states must ensure that L&D is also part of the final Post Cotonou text on Climate Change and features in both the Foundational Agreement and the Regional Protocol. L&D is a Pacific reality, and the EU must ensure that as a developed country party to the PCA, it provides financial support to Pacific Island countries already experiencing loss and damage. Currently L&D is missing from the ACP negotiation text and this is UNACCEPTABLE for Pacific Island peoples. PACP governments are first and foremost responsible for the protection of all its citizens. L&D as a result of climate change must be incorporated into the agreement. It is already a matter of urgency for PACPs, and it will become all the more urgent within the next 10 years. • The Pacific-EU Protocol must commit to Climate Change actions in a time bound manner (10 years) in line with Pacific priorities, and to lead the global community to move to limit global temperature below 1.5C. • The Pacific-EU Protocol must be clear that Climate Change is a matter of survival for Pacific peoples, and that support (finance, capacity building and technology transfer) provided under the PCA over the next 20 years must be in line with this Pacific reality. The Pacific-EU Protocol must situate it's proposed climate change actions within the context of the IPCC's 10-year 1.5C warming mark. The vulnerabilities of Pacific ecosystems and economies to climate impacts is clearly indicated in the IPCC 1.5C report. • For example at 1.5C, world sea levels will rise by 48cm by 2100, there will be a 100% risk increase of flooding, increased risks of water and food security, 70% of the world's coral reefs will be lost by 2100 etc. Even if we were to achieve a reduction in the 1.5C mark, some of the damage will be permanent. • The Pacific must make it very clear to the EU, that adaptation and resilience building is our priority. The prioritization of mitigation activities in the Pacific through the NDCs framing (nationally determined contributions) is mitigation centric, and does not take into account support for adaptation and resilience building. The Pacific region's total emissions are less than 1%. Even if the region were to go Green, our contributions to reducing global emissions will be insignificant. It is EU member states that must reduce their emissions • In addition, the NDC's focus on large-scale investments will hardly benefit the most vulnerable in society (women, elderly, children, people with disability, etc.). Adaptation and resilience building will become critical within the next 10 years (as per the IPCC 1.5C report). The Pacific needs the EU to
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	focus on supporting adaptation and resilience building, and at both the national and the community level as this is the level where the impact of Climate Change is felt the most. • Accessing predictable and adequate climate finance is a key ask of Pacific Island states. The Pacific-EU Protocol must be firm on climate finance for adaptation be in the form of grants. Mitigation finance must come in the form of concessional loans. Non-concessional financing to fund climate actions in the Pacific is unacceptable and immoral. The Pacific must also keep a look out for 'innovative' funding such as 'insurance' and other market based instruments (as well as private sector financing) that might be pushed forward by the EU as this could be a strategy to sidestep their obligations as stipulated in the 1992 Convention as well as the Paris Agreement. • The Pacific-EU Protocol must be determined in the context of the Pacific. • The Pacific-EU Protocol must have inclusive language. Vulnerable groups like women, children, the elderly, and people with disability, gives significance to Pacific claims. They are and must be the centre of our response to Climate Change. The Pacific must push for more inclusive language to be used in the text of the agreement. • The Pacific region is diverse; our sovereign states are capable of making and implementing decisions on matters of national interest. The current mode of delivering aid to the Pacific region through regional institutions has unfortunately reaped very little benefits to our respective countries and most importantly the communities. The benefits of the post Cotonou agreement be realised by our national governments as well as local communities • As outlined in its raw materials strategy, the EU is open about its interests in accessing raw materials in the ACP region. It wants access to the Pacific Ocean and its resources to advance claimed 'blue' and 'green' investments that are, in reality, driven by the commercial interests of European corporations, which aim to plunder the oceans. The Pacific, with the largest Ocean on earth, is indeed now at the center of a rush for Ocean resources, particularly deep-sea mineral and genetic resources. These are highly contentious issues, strongly resisted by people across the Pacific. The need for sustained investments over the long term for transitional support programmes in conflict prone areas such as the Melanesian sub-region. • The EU's interests in Pacific fisheries is also openly declared, and may involve an agenda of interfering in regional fisheries management arrangements, including through the WTO, where they want countries of the three ACP regions to adopt a common position, which should not be agreed to. PACPs should protect their policy space, and their right to choose who they coordinate or align with in international meetings or negotiations.
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Title II: Inclusive and Sustainable Development Chapeau² <i>Chapter 1: Investment and Private Sector</i> • Investment Promotion • Access to Finance • Business Development	Pacific CSOs reiterations are: Initial notes indicate that the Chapeau will include reference to “safeguarding the region’s resources; Economic growth; Rural and Maritime Development; Food Security”. This is a welcome start, however it should be strengthened with the specific reference to the ACP’s right to development, right to regulate and the protection of policy space, thus allowing PACP states to determine their specific expression of development. It is worth also noting the considerable emphasis in the EU's proposed Chapeau, regarding the exchange of information and dialogue on economic reform and national policies. Whilst dialogue is welcomed it is important to ensure that language in the Chapeau sets the tone for the chapter, which is to ensure the sustainable development of ACP Members rather than ensuring the EU has greater understanding and ability through a binding instrument to influence macroeconomic policy amongst PACP countries, under the pretext of reform. Proposed texts from both the EU and ACP appear to rely too heavily on the ability of commitments like those proposed on Investment to attract foreign capital. It is important to not take as an inherent article of faith that commitments relating to investment in binding agreements result in inflows of investment. Rather, evidence suggests it is mixed at best but especially questionable for small island economies.³ The ACP draft text recognition of supporting “the establishment of a stable. Predictable and secure investment climate” appears to draw on problematic language from free trade agreements. A stable and predictable environment is a phrase that foreign investors commonly use to describe ‘fair and equitable treatment’ in FTAs, which they believe means the government should not change how it regulates their activities during the term of their investment. The use of such language sets the Post-Cotonou negotiations to commit the mistakes of free trade agreements and subordinate national policy objectives and development goals (MSMEs, industrialization, etc.) to foreign investors’ rights.

² Safeguarding the region's resources; Economic growth; Rural and Maritime Development; Food Security

3 Joachim Paul, *Societal Benefits and Costs of International Investment Agreements*, OECD Working Papers on International Investment, 2018/1, OECD Publishing, Paris.

	Any reading on Investment needs to take into account the EU's mandate for these negotiations. In the EU mandate it states the aim to: “create an enabling legal environment, paying particular attention to the protection of land and property rights, intellectual property and sustainable investment; the reduction of red tape through lowering costs for certifications, licenses and access to finance, sound competition policies including transparency as regards public subsidies, and the adoption of investment-friendly tax systems;” (p. 68) The EU is aiming to secure in this the protection of land and property rights for foreign players. This represents an attempt by the EU to secure what it has been demanding in other fora: protection of foreign investors, privatization, and intellectual property rights etc. This is fundamentally contrary to Pacific interests (e.g. privatizing land ownership when the Pacific have strong customary land tenure systems) and represents a reshaping of economic policy in the EU's favor for PACP states. This section is especially dangerous when read in light of the EU's other mandated goals that include “access” to natural resources (p.63). Combined with the ongoing push to ensure privatization and property rights, this is giving European investors access to Pacific Resources and the rights to protect their “undistorted” access to extractive sectors, including seabed minerals, fisheries etc. • Pacific Civil Society Organisations reiterate their key demands that any future EU-ACP trade and investment framework should: ▪ protect PACP producers, as well as domestic and regional markets; ▪ respect the principles of non-reciprocity and special and differential rights particularly for LDC's, SIDS and developing countries; ▪ exclude pressure for trade and investment liberalisation; ▪ support the policy space of PACP countries to formulate and pursue their own development strategies to transform their primary commodity economies and adopt strategies for development based on the needs and priorities of the peoples therein, ▪ PACP must be able to choose their own allies and formulate their own positions in the international fora, including at the WTO. • Under its “Basis for cooperation” the EU states that one of the concrete measures that PACP states will take under a Post-Cotonou agreement is “ensure sustainable access and management of natural
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<i>Chapter 2: Economic Growth, Diversification and Industrialisation</i> • Micro, Small and Medium Enterprises • Value Chains • Infrastructure and Connectivity ○ Information and Communications Technology ○ Maritime Transport, including inter-island network ○ Air Transport • Priority Sectors ○ Fisheries ○ Agriculture and Agribusiness ○ Forestry ○ Manufacturing and Commerce ○ Sustainable Tourism ○ Cultural and Creative Industries ○ Renewable Energy ○ Sustainable Mining <i>Chapter 3: Science, Technology, Innovation & Research</i> • Digital Economy • E-Commerce <i>Chapter 4: Trade Cooperation</i> • Trading Arrangements • Trade Facilitation • Trade in Services • Labour Mobility & Remittances • Support for Economic Partnership Agreement (EPA)	resources”. This is further expanded in the EU’s section on “Blue growth” which states that PACP will take concrete measures to “ensure fair, responsible and undistorted access to extractive sectors, including seabed mining, for all economic players”. Whilst this language may sound benign, the motivation is to ensure that EU investors have access to customary land and natural resources in the region - including seabed minerals which remain highly contentious issue amongst Pacific people. This is unprecedented conditions, and should be rejected by PACP. • As free trade agreements, the discredited Economic Partnership Agreements (EPA’s) have no place in any future Post Cotonou relationship with Europe: ○ Thus, further planned or intended negotiations aimed at broadening or deepening the EPAs by the European must cease. ○ The EPAs that have been so far adopted must not be implemented. We express solidarity with the countries that have so far refused to sign any form of EPAs. • PACP leaders have “identified that ensuring the long-term sustainability and viability of the region’s fisheries resources is a priority”. Any reference by the EU to a fisheries agreement and their access or management should be treated with great caution regarding Post-Cotonou negotiations. ○ PACP Members need to incorporate language on technical and financial assistance. Also an insertion that cooperation in the fisheries sector should not impinge on the rights of sovereign member states as per the UNCLOS over their EEZ. A member should not be mandated to cooperate but where there is agreement to mutually cooperate in the fisheries sector. Further no Post-Cotonou outcome should override the RFMO or national management of fisheries in the PACP area, this also applies to the sharing of data, stock assessments, compliance and enforcement; ○ PACP leaders have “identified that ensuring the long term sustainability and viability of the region’s fisheries resources is a priority”. While the EU’s interests in ensuring access to Pacific fisheries is openly declared, this may involve an agenda to interfere with regional fisheries arrangements, including through the WTO, where they want countries of the three regions to jointly adopt common positions. Negotiators should insist on the principles of mutual respect for countries to determine their partners at their multilateral level. Any reference by the EU to extending its fisheries agreement should be treated with great caution under Post-Cotonou Negotiations.
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	• Negotiations regarding the digital economy and E-Commerce must occur within the ongoing context of WTO discussions. The lack of mandate to negotiate on E-Commerce in the WTO means that PACP members will need to be vigilant in ensuring that any commitments in a Post-Cotonou agreement don't become a backdoor entry point for WTO negotiations. Given the increasing importance of these sectors it is important for PACP states to retain the full policy space to regulate these industries and ensure that data and privacy is maintained whilst also tailoring the investments to the domestic needs of communities. • PACP countries and EU must seek among the many existing viable alternative options most suited to the development goals of PACP countries. PACP Governments must concentrate on delivering on their long-standing obligation to their peoples of a vision and agenda for the inclusive, equitable and gender-sensitive transformation of their economies, driven by their own self-determined national and regional imperatives, built primarily on their human and natural (including marine) resources, and in a manner that best equips their societies to meet the challenges of our times. • As outlined in its raw materials strategy, the EU is open about its interests in accessing raw materials in the ACP region. It wants access to the Pacific Ocean and its resources to advance claimed 'blue' and 'green' investments that are, in reality, driven by the commercial interests of European corporations, which aim to plunder the oceans. The Pacific, with the largest Ocean on earth, is indeed now at the center of a rush for Ocean resources, particularly deep-sea mineral and genetic resources. These are highly contentious issues, strongly resisted by people across the Pacific. The need for sustained investments over the long term for transitional support programmes in conflict prone areas such as the Melanesian sub-region. • The EU's interests in Pacific fisheries is also openly declared, and may involve an agenda of interfering in regional fisheries management arrangements, including through the WTO, where they want countries of the three ACP regions to adopt a common position, which should not be agreed to. PACPs should protect their policy space, and their right to choose who they coordinate or align with in international meetings or negotiations. • The PCA needs to facilitate fair visa regimes between the Pacific and EU.
Title III: Security, human rights and governance	Pacific CSOs reiterations are:

Chapeau⁴ <i>Chapter 1: Security</i> • Cyber security and cybercrimes; • Non-traditional and transboundary security threats; • Terrorism; • Climate induced insecurity; • Ocean and maritime security; <i>Chapter 2: Human rights and governance</i> • Human rights; • Democracy and Elections observer missions;	• The lack of details and content in ACP's negotiation mandate is worrying in that it has not articulated what may be core objectives for such a partnership agreement to Pacific communities and peoples. In the absence of these details, it is unclear how Pacific mandates for peace, security and people centered development are articulated in the Framework for Pacific Regionalism, Boe Declaration and successive Forum Leaders' mandates can be successfully encapsulated in the agreement. • EU- Pacific Partnership of the EU Negotiating Directives outlines more specifically the EU's Pacific-specific intent from the Basis for (their) Cooperation to what is expected of parties concerning security, human rights and good governance. These provide a number of entry points for addressing longstanding issues of concern particularly to Pacific civil society organizations around; a) Effective and independent national human rights institutions and the need for a regional human rights mechanism that contributes to regional peace and stability; b) The unfinished business of decolonization which is totally averse to a people centred, stable and peaceful Pacific region. c) The need for sustained investments over the long term for transitional support programmes in conflict prone areas such as the Melanesian sub region. d) The importance of promotion and respect of Pacific resources, knowledge and ownership for building sustainable peace at all levels, as the EU details interventions that frame a model of governance that impose upon Pacific values and undermine genuine Pacific regionalism. • <i>Development Aid as a tool for setting up refugee/asylum processing in the Pacific.</i> The PCA must ensure that development aid is not used as a carrot to lure Pacific countries into opening processing centres such as those set up in Nauru and Manus Island by the Australian Government. • Provide supporting services to deportees. Ensure that supportive mechanisms are in place for the return of irregular migrants to their country of origin.
Title IV: Human and social development Chapeau⁵ <i>Chapter 1: Education</i>	Pacific CSOs reiterations are: • In support of Human and Social Development, PACP states are encouraged to seek a commitment in the agreement to creating economically and socially equitable societies – the problem of growing

⁴ Boe Declaration; Denarau Declaration on Human Rights & Good Governance

⁵ Youth and gender; Decent jobs; Cultural heritage

• Access to education and funding; • Skills development – Technical and Vocational Education and Training (TVET); • Science, Technology, Engineering and Mathematics (STEM); • Literacy and Digital Skills; <i>Chapter 2: Health</i> • Access to Health services; • Population Growth; • Non-Communicable Diseases (NCDs); • Health Systems; <i>Chapter 3: Water, sanitation and housing</i> • Water; • Sanitation; • Housing;	inequality in our region has been formally raised by the Secretary General of PIFS, Dame Meg Taylor. To ensure the most equitable sharing of ‘the fruits of growth’ referred to in the EU’s Negotiating Directives, PACPs must seek a specific commitment in the agreement to decent work, living wages and safe working conditions across global supply chains. • Neoliberal Economic Policies Severely Undermine Human and Social Development We support the ACP position that the Post Cotonou agreement be aligned to Agenda 2030 and the SDGs as the overarching development framework, and that it prioritize reduction of poverty, addressing inequalities, and progress towards the SDGs. We point out, however, that human and social development cannot be achieved by economic growth alone. Economic growth does not ‘trickle down’; it must be accompanied by redistribution for the benefits of growth to be shared. The dominant economic model of neoliberalism, which is not questioned in the ACP Negotiating Briefs, favors business and higher income earners. It has enabled obscene concentrations of wealth in the hands of a very few, both within countries, and globally, while impoverishing the mass of ordinary people. Addressing the resulting crises of poverty and extreme economic inequality, which was first exposed in Oxfam’s report to the World Economic Forum in 2014, demands a radical shift away from the neoliberal economic model, and an explicit commitment to this should be made in the Pacific-EU Protocol. Such a shift is imperative if PACP states genuinely wish to meet the SDGs and achieve human and social development. Redistribution requires, inter alia, returning to a more equitable, progressive income tax system, so that higher income earners pay a fairer share of tax. • Protecting the Right to Regulate in the National Interest and Human and Social Development PACPs must insist on embedding in the foundational agreement and the Pacific-EU Protocol, recognition of their right to regulate in the national interest, which is founded in the right to development (adopted by the UNGASS Declaration in 1986) and also in Art 1 of the ICESCR, under the right of self-determination of all peoples, which explicitly includes the right ‘to freely pursue their economic, social and cultural development’. This will ensure that PACPs can make law and policy to support human and social development without infringing the proposed binding agreement that may tie them to following neoliberal economic reforms that undermine national interests, or prevent them from adopting trade policies to address the NCDs (or any other) epidemic.
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	The right to regulate in the national interest also means preserving the right to use taxation to support the provision of social services; regulating to ensure workers are paid living wages and enjoy fair working conditions across all economic and production sectors and especially in industries linked with global supply chains; prioritizing universal access to publicly-funded and high quality education and health services at all levels, including universal access to good quality drugs at affordable prices; ensuring universal access to safe, climate-proof and affordable housing, safe water and sanitation; and instituting or strengthening non-contributing social protection systems for those working in the informal sector, who are not covered by contributing systems like provident funds. Gender Equality • We support the ACP's commitment to give voice to women, promote their active participation in policy dialogue and development cooperation programs that safeguard their interests – e.g. viz natural disaster risk management, SRHR, equal access to education, domestic violence, social, economic and political opportunities. We recommend that the institution of Temporary Special Measures (TSMs) be specifically included as a commitment in the Pacific-EU Protocol to ensure women's representation in national parliaments and local government councils. • We would also like to see strong commitments towards achieving gender equality and realizing women's substantive rights, and cooperating to eliminate all forms of sexual and gender based discrimination and violence. • We strongly advise that language that refers to 'gender equality' or 'gender equitable' policies be used in the PCN, as in, 'Ensure that all policies are gender equitable as a key contribution to the achievement of the SDGs'. • We urge the ACP-EU to strongly affirm promotion, protection and fulfilment of all human rights, and to commit to full and effective implementation of CEDAW, the Beijing Programme of Action, ICPD Programme of Action and all S&RH&Rs for all persons, in all their diversities. Persons with Disabilities • We would like to see PACP states commit to ratify and fully implement the Convention on the Rights of Persons with Disabilities (CRPD) with adequate resources, ensuring that the pre-conditions to the full inclusion and participation of all persons with disabilities must be at the centre of all developments. Disability is a cross-cutting issue, and services, policies and programmes that is disability specific or for the general population should be inclusive and accessible.
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	• It is critical that PACP states take appropriate measures to ensure access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. PACP states are to ensure access to quality services for the fulfilment and enjoyment of rights for all persons with disabilities on an equal basis with others. • Economic, Social and Cultural Rights and Human and Social Development ESC rights under the ICESCR include firstly the right of all peoples to self-determination, specifically to ‘freely determine their political status’ (Art. 1); the right to an adequate standard of living including adequate food, clothing and housing, and to ‘the continuous improvement of living conditions’ (Art 11); the rights to education, to the highest standard of health, to safe and affordable housing, water and sanitation; the right to work, to just and favorable conditions of work, including fair wages and safe and healthy working conditions; the right to form and join trade unions that function freely, and to strike in pursuit of improved wages and conditions (Art 8). ESC rights are fundamental to human and social development, especially in developing countries. • The Pacific-EU Partnership must ensure indigenous knowledge systems are included in development policies and strategies, centering indigenous peoples who have particular rights as resource owners and whose Free Prior Informed Consent is necessary in development policies. • The ACP Negotiating Briefs on Cross Cutting Issues include a detailed elaboration on improving access to basic health systems in ACP countries. While the language of rights is not used, and there is no explicit mention of the high cost of patented medicines protected by the pharmaceutical industry, WHO is cited as reporting that out of pocket payments account for one third of total health care spending in most low income countries, and it is noted that this alone pushes families into poverty. Well-resourced and managed public health systems are critical for human and social development. • Both Education and Health encounter the trade regimes. Ensuring adequate government funds to fulfil these aims is compromised by the impacts of agreements like PACER-Plus and other FTAs such as the Economic Partnership Agreement that undermine the revenue raising abilities (tariffs) of PACP governments. “Better prevention and control” of NCDs runs into the constraints of FTAs and the WTO itself.
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	• Parties shall promote safe schools and make policy to support well-functioning public education systems, with adequate resources, for planning, managing, and ensuring the effectiveness of education and training provision including through online and other non-conventional means, and they shall cooperate to establish and strengthen quality assurance systems and the mutual recognition of qualifications. • Parties must strengthen national health systems and especially publicly funded health services with sustainable health financing mechanisms and resources, operational infrastructures, skilled health workforce, including its recruitment and retention, and appropriate technologies, such as digital tools in support of mobile health development. • The Parties must promote universal health coverage, free, universal access to comprehensive and quality health care services and access to safe, effective, quality and affordable essential medicines and vaccines. • Parties shall cooperate to prevent and address communicable diseases and other major trans-boundary health threats, such as anti-microbial resistance, and to reduce the burden of non-communicable diseases through better prevention and control, early detection through diagnostic screening and treatment. They shall support research and development of vaccines and medicines. • Parties shall support universal free and non-discriminatory access to sexual and reproductive health commodities and healthcare services, including for family planning, information and education, and the integration of sexual and reproductive health into national strategies and programmes. • Access to Sufficient, Affordable, Safe and Nutritious foods To improve domestic food supply and ensure food security, we urge PACP states to commit to improving technical and financial support for, and returns to, food farmers; to commit to using the mechanisms of price control to ensure that basic and healthy food items are affordable; and to ensure that PACPs retain policy space to impose taxes on unhealthy foods, whether imported or domestically produced. • Parties recognize that achieving food security and improved nutrition constitutes a major global challenge in the fight against poverty and growing inequality and therefore they agree to address
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	their structural causes, including conflicts, crises, land dispossession, natural resource degradation and climate change] Population Growth and the Demographic Dividend We support the ACP Negotiating position of preserving the acquis of the Cotonou Agreement and creating a framework for consultative processes with representatives of youth on ACP-EU Development Cooperation programs (at regional, national and community levels) and promoting policy dialogue and consultations on Migration, Climate Change, Health Challenges, Education, Entrepreneurship and Political Dialogue (ACP Negotiating Briefs- Cross Cutting Issues). We also seek commitments to increased investment in publicly funded education/training and health services to ensure the outcome of a highly productive young workforce. Having PACP countries promoting “secure access to land, water and other resources” is problematic in the regional context. This language can be interpreted as ensuring individual property rights under systems like Torrens Title which undermines customary control of land in the Pacific – a land governance system that has long been targeted by foreign aid donors and developed partners including the EU. Food security as must include the ability for communities to be able to retain control to feed themselves on traditional lands. Parties shall promote resilient livelihoods, including subsistence livelihoods based on equitable customary, land owning systems,] improve access to land, water, other resources and markets in rural farming communities, promote inclusive and sustainable growth in agricultural production and productivity, and ensure fair returns to producers and income to workers in efficient value chains. Parties shall aim at providing access for all to affordable, safe, sufficient, and nutritious food, increasing the capacity for diversified food production, developing food security and nutrition policies, as well as social protection mechanisms for food security and improved nutrition that enhance the wellbeing and resilience of the most vulnerable, particularly in countries facing recurrent crises.
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	• Parties shall strengthen coordinated, accelerated and cross-sectoral efforts to end hunger, address all forms of under-nutrition and malnutrition and ensure that famine is avoided in all circumstances. • Protecting Semi-Subsistence Livelihoods, Communal Land Ownership and Resource Bases Safeguarding semi-subsistence livelihoods and the communal land ownership systems on which they are based, and protecting natural resource bases are fundamentally important to human and social development in PACPs. Subsistence or semi subsistence livelihoods support a majority of our region’s people. The EU- Pacific Partnership Agreement under Title ii: Inclusive and sustainable economic development seeks to dismantle bottle necks requiring parties to enable legal environment that may seek to once again challenge the communal land ownership in the Pacific. Safeguarding and supporting these systems will ensure national food security as well as provide protection against impoverishment through dispossession, resource depletion and environmental despoliation. • Parties shall aim at ensuring universal and equitable access to sanitation services, including waste management and hygiene promotion for all, paying special attention to the needs of women and girls and those in vulnerable situations • The Parties acknowledge that adequate, safe and affordable housing has a transformative impact on vulnerable and marginalized communities and significant impacts on the health of people and the socio-economic development of their communities. The Parties shall work towards ensuring universal access to adequate, safe, climate proof and affordable housing for all through the development of public housing] policies, urban and rural planning and building codes, and to upgrading informal housing settlements. • Parties shall promote universal access to affordable, reliable, sustainable and renewable energy for all, and well-established energy systems that support, inter alia, water, sanitation services and housing sectors.
PART III: MEANS OF IMPLEMENTATION AND INSTITUTIONAL ARRANGEMENTS <i>Chapter 1: Means of Implementation</i>	

• Financial allocations for the identified priority actions; <i>Chapter 2: Institutional Structure</i> • Reporting, monitoring and evaluation; • Reviews;	
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