



Economic Partnership Agreements: Undermining Human Rights in Africa

Policy Briefing Paper # 3
June 2007

The European Union is currently negotiating **Economic Partnership Agreements** (EPAs), with 77 States in Africa, the Caribbean and Pacific (ACP). For the past three decades, ACP countries have had preferential access to European markets through the Lomé and Cotonou agreements. EPAs will dramatically change this relationship.

EPAs will be essentially Free Trade Agreements (FTAs), creating free trade between the EU and ACP countries, with no duties or quotas on substantially all trade between the regions.

Thus, **in order to continue enjoying duty-free access to Europe's markets, Africa has been told to open its own markets in return.** According to the schedule for negotiations, EPAs are supposed to take effect on 1 January 2008.

Human Rights Obligations and Trade

When countries sign a free trade agreement, such as an EPA, they commit themselves to a set of rules in all of their dealings together. At the same time, those countries also have binding obligations through their human rights commitments¹.

In Africa, most states have human rights provisions in their constitutions, all of the States involved in EPA negotiations have ratified the African Charter of Human and Peoples' Rights, and most are parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights². Both international covenants obligations also apply to the EU member states and the European Commission as a whole³.

As such, all parties to the EPA negotiations are obligated to respect, protect and fulfil human rights. These obligations cannot be set aside in the negotiation, conclusion or implementation of an international agreement, even in the area of trade.

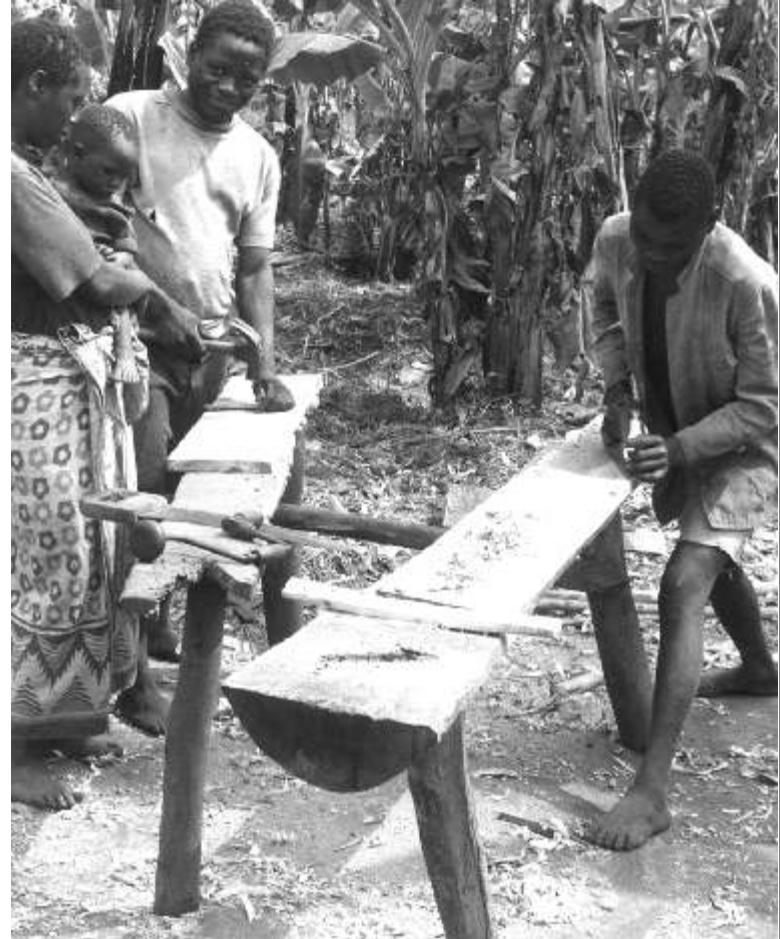
The question on the minds of everyone involved in the EPA negotiations must therefore be **whether EPAs will promote or hinder the realization of human rights.**

¹States are bound to human rights conventions which they have ratified and also those human rights which are part of customary international law which applies to all States.

² 36 Sub Saharan African countries are parties to the ICCPR, and 33 are party to the ICESCR.

³Through the ICESCR, EU member states are also obliged to respect human rights outside their national territory. Thus, they cannot, through any arrangement, violate the human rights of those in another country.





EPAs and Human Rights Violations

Like other bilateral trade agreements and the WTO agreements, EPAs are part of a broad agenda to promote trade liberalization. EPAs would entail further liberalization of Africa's economies.

While trade liberalization in some cases has led to economic growth, it has also negatively impacted the ability of people to access basic human rights such as food, work, health, and self-determination.

The Impact Assessment Studies on EPAs largely agree: reciprocal trade agreements with Europe will lead to de-industrialization, revenue/fiscal losses, job losses, social dislocation, disruption of regional integration processes and far reaching adjustment costs in Africa.⁴

The projected gains of the EPAs are outweighed by the losses.

Right to Food

The right to food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.

Violations of the right to food include discrimination in access to food, failure to regulate activities of third parties, and failure to take into account the right to food when entering into agreements with other States.

EPAs would require significant liberalization of Africa's agricultural sector. The UN High Commissioner for Human Rights⁵ has identified possible negative impacts of agricultural trade liberalization to the right to food:

- ➔ A move towards consolidation of farms, which displaces and marginalizes farm labourers who are often left without government safety nets;
- ➔ Imports leading to the displacement of local products, which affects the availability, accessibility and sustainability of food supplies;
- ➔ Negative trade balances for net-food-importing countries that are single commodity exporters; and
- ➔ Greater price fluctuations, negatively impacting the availability and accessibility of food.

Right to Work

The right to work includes the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Due to disparity in negotiating power at the WTO, the richest countries continue to freely give certain of their farmers heavy production and export subsidies - almost US\$ 1 billion per day.

UN Special Rapporteur on the Right to Food, Jean Ziegler, points out the severe impact to small farmers under this system, in which "subsidized European fruit and vegetables can be found in a market stall in Dakar; Senegal, at lower prices than local produce."⁶

⁴See Africa Trade Policy Centre, U.N. Economic Commission for Africa, Economic and Welfare Impacts of the EU-Africa Economic Partnership Agreements, March 2005; COMESA, Revenue Impacts of the Economic Partnership Agreement Between the European Union and Eastern and Southern Africa.

⁵See U.N. Economic and Social Council, Globalization and its impact on the full enjoyment of human rights, 15 Jan. 2002, 0.

⁶E/CN.4/2006/44, 16 March 2006, at para. 40.

Over 60% of sub-Saharan Africans live off of agriculture, and the import of heavily subsidized European agriculture goods has already diminished their ability to earn a living. A free trade agreement with the EU will not seriously address Europe's subsidies, and thus will result in an even greater influx of cheap imports to Africa, competing in the local and regional markets with Africa's smallholder farmers.

Africa's industry workers will also be required to compete with Europe's established and supported industries. Africa's workers have experienced economic liberalization in the past. Kenya alone lost 80,000 jobs in the leather tanning industry and suffered the collapse of its textile industry and cotton farming.⁷

Right to Health

The right to health requires the establishment of a system of health protection which provides **equality of opportunity for people to enjoy the highest attainable standard of health**. One major danger in liberalizing health services (and other essential services such as water delivery and sanitation) is that the most vulnerable and marginalized are not served because they are not a profitable market.

Secondly, with the loss of import tariffs on European goods, African governments will lose a significant amount of revenue.

⁷Econews Africa & Traidcraft Exchange, EPAs: Through the lens of Kenya, September 2005.

Less government revenue will lead to even fewer social support programs and even less support for healthcare. In addition, there is the risk that governments will turn to value-added tax, placing the burden of paying for the losses disproportionately on poor households.

Finally, each negotiating region will negotiate separately on intellectual property rights. There is a risk that EPAs could include provisions that would effectively prevent generic manufacturers from placing their cheaper versions of drugs on the African market.

Right to Self-Determination

The right to self-determination is one of the most fundamental rights of any people. It includes **the right to freely determine their political status and pursue their economic, social and cultural development**. Under no situation may a people be deprived of their means of subsistence.

Under these rights, African governments are obliged to keep the interests and futures of their vulnerable communities in mind when negotiating any trade agreement with the EU.

Signing an EPA risks locking Africa into a relationship in which African governments will no longer have the political and economic tools to freely determine the course of Africa's development and future.



Women's Rights

Women in Africa produce nearly 80% of the food and are involved in every step of the transformation process. They are also in the primary caretakers of their families. Given the primary role that women hold in African agriculture, EPAs' impact will likely be felt quite disproportionately by women.

In the past, economic liberalization has led to increased difficulty of women in getting credit or access to land.⁸

EPAs threaten to exacerbate these trends, at the same time putting burden on women as decreased government revenue will likely lead to the reduction of provision of social services.

Recommendations

EPAs will not only undermine agriculture, but also affect the rights to food, water, and work. Not only will EPAs affect fiscal revenues, but also basic social services such as health and education essential to the realization of human rights.

⁸IATP&IGTN, A Row to Hoe: A Study on the gendered Impact of Trade Liberalisation on our Food System, on Agricultural Markets and on Women's Human Rights, 2006.

To ensure the respect, protection and fulfilment of human rights, you can:

- Ask the Ministry of Trade for a detailed update on the negotiations and the current position of the executive in the negotiations.
- Verify that impact assessment studies have been carried out in your country. If so, analyze them in light of the obligations contained in your constitutional laws and ratified human rights instruments.
- Push for your government's obligations to respect, protect and fulfill human rights to take precedence over trade.
- Develop alliances with other Ministries and demand that the Ministry of Trade take the impact on human rights into account in the negotiations of any trade deal.
- Demand that human rights be the basis and overall objective of any trade agreement.
- Request that the EU put forward viable pro-development alternatives to EPAs.



For more information on EPAs:
<http://www.www.stophinkresist.org>
<http://www.www.epa2007.org>
<http://www.www.stopepa.org>

For more information on Human Rights and Trade:
<http://www.ohchr.org/english/issues/globalization/trade/index.htm> work of the UN High Commissioner for Human Rights on globalization
<http://www.ohchr.org/english/issues/food/index.htm> UN's Special Rapporteur on the right to food
<http://www.fao.org/righttofood> - UN FAO Right to Food portal

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