

Promoting a Just World

Ireland's EU Council Presidency

Trócaire Manifesto



trócaire
Working for a just world.



“It is about reflecting our values in the rest of the world and showing that the EU can provide leadership and support for the poorest regions of the world.”

Minister Lucinda Creighton, Joint Committee on European Union Affairs Debate, 22nd March 2012

Introduction

Ireland will assume the rotating Presidency of the EU Council in January 2013. As a member of the European Union Ireland has an increased ability to have an impact on the world stage, to influence policies that affect developing countries, address poverty and injustice and advance the human rights agenda. Ireland has played a key role within Europe as a champion of poverty-focused development and has built itself a solid reputation amongst its EU and developing country partners in this respect. By maintaining the Official Development Assistance (ODA) budget above 0.51% of GNI, Ireland has sent a strong signal to its EU and global counterparts that even in times of crisis the global poor will not be forgotten.

Trócaire was established in the same year as Ireland joined the European Union and our founding documents emphasise the importance of policies of the European Union in shaping – in positive and negative ways, the situation of the developing world. As we celebrate our 40th Anniversary in 2013, and as Ireland celebrates 40 years of EU membership, we call on Ireland to ensure that its Presidency champions a more just world, where people's dignity is ensured and rights are respected.

Ireland's Presidency comes at a time of considerable importance for global development and poverty eradication. The initial negotiations on the development of a new **global development framework beyond 2015** is a once in a decade opportunity to shape the successor framework to the Millennium Development Goals (MDGs) that have shaped the development project since they were agreed in 2000. Processes related to the EU's response to **food insecurity and climate change** similarly offer the opportunity to demonstrate leadership in the face of the most pressing international challenges to poverty and injustice. We call on Ireland to make driving EU action in these two areas a hallmark of Ireland's Presidency of the European Council in 2013. Trócaire calls upon the Irish Government to promote effective EU action by:

1. Ensuring the development of a strong and effective EU position on the future **global development framework** that places human rights, equity, including gender equality, and sustainable development at its heart.
2. Championing the Right to Food as the basis on which to build national and global responses to **climate change and hunger**.

Ireland should use all opportunities during its Presidency – including the Informal Development Ministerial to be held in January and the major event planned by the Department of Foreign Affairs for the 15th April, to make progress on these issues.

During the Presidency, Ireland will play a role in relation to the many other political processes that will progress through the European institutions. Ireland should ensure that these on-going processes take a principled approach to development and human rights. This applies both to policies and processes directly related to international development as well as to wider EU policies and processes that have important impacts on development and form part of the commitment by the EU to policy coherence for development. Trócaire calls upon Ireland to:

3. Ensure that a new robust and principled Action Plan of the **Humanitarian Consensus**, applicable to all Member States, is put in place in 2013.
4. Achieve the necessary consensus among member states, within **MFF negotiations**, to ensure the EU fulfils its ODA commitments and upholds important human rights principles.
5. Support European Commission proposals that would enable citizens in developing countries to hold governments and businesses to account regarding **revenue transparency**.
6. Take the lead to ensure the EU plays a positive role in the post-Busan Global Partnership for Development Cooperation, by promoting the need for an effective approach to an **enabling environment for civil society** in line with international human rights obligations.
7. Uphold and protect the **human rights of Palestinians** by promoting support for the introduction of an EU-wide trade ban on settlement produce from illegal Israeli settlements.



Post-2015 Development Framework

“As Presidency in the lead up to the Millennium Development Goals (MDG) Review Summit in September 2013 we will highlight areas to be considered as part of the post-2015 framework such as: human rights, equity/inclusiveness; climate change and sustainable development, economic growth and employment; agriculture and industrial development; governance, fragile states and vulnerability; and security-related issues”

Eamonn Gilmore, written answer to parliamentary question, July 2012¹

With the UN MDG review Summit taking place in September 2013, Ireland will play a key role in facilitating the development of an EU position on the future global development framework that will replace the current MDGs in 2015. This presents both an opportunity and a challenge in a much changed global political and economic environment. As evidenced by the political failure of global leaders to deliver a concrete outcome at the recent “Rio +20” UN Conference on Sustainable Development in June 2012, we are still far from achieving global political processes that place people first. The Irish Government should make this process a hallmark of its Presidency in order to ensure that issues of critical importance to those most affected by poverty and injustice, such as human rights, equity, and sustainable development are at the heart of the new development framework. With a well established international reputation as a country that places great importance upon its responsibility to contribute to global development and poverty eradication, even in the face of financial crisis, Ireland is well placed to play this critical role within the EU.

The importance of process

In order to secure a development framework that effectively addresses poverty, as it is truly experienced by the poor and vulnerable, decision-makers must make every effort to consult with people directly affected by poverty and injustice. The lack of such consultation was a significant weakness of the current MDGs. Special effort must be made to reach the most marginalised who often face barriers in taking part in decision making, such as women who must overcome social, cultural, economic, and time issues to engage. Fortunately, a number of consultation processes are already underway, including UN-led country and thematic consultations, the European Commission public consultation, as well as a number of civil society initiatives that attempt to directly engage those living in poverty.² In championing this process, Ireland should proactively engage with civil society and ensure that the outputs from these consultations contribute to a well-informed debate among EU member-states, including the Informal Development Ministerial due to take place during its Presidency.

The negotiations of a set of ‘Sustainable Development Goals’ as an outcome of the Rio+20 UN Conference on Sustainable Development will cover a set of issues that overlap with the post-2015 process. In this sense, it is vitally important that the SDGs are complementary to the MDGs and support their attainment. The SDGs must be fully integrated into a global overarching post-2015 development framework, as it would be both inefficient and short-sighted to develop them in isolation.

Ireland was among one of a number of vocal advocates in relation to this at Rio+20.

Beyond Development

“Post-2015 is not about development – or at least, not if one uses the traditional concept of development as focusing on the social sectors and on international aid.... It is about people’s well-being, realizing their rights, ensuring equity and, increasing people’s resilience.”

Ms. Tanya Cox, Beyond 2015 seminar, May 2012³

The original MDG framework failed to focus on the root causes of poverty. As Trócaire pointed out in 2005,⁴ the Rights-Based Approach to development enshrined in the Millennium Declaration was to a large extent lost in the formulation of the Goals themselves. Instead, the MDG framework fostered a ‘charity’ approach to development, focused on the volume of financial aid, while sidelining structural reform. The predominant focus on the social sectors overlooked the need to take a more comprehensive approach to development, that is, to include other policy areas which impact significantly on the achievement of development objectives and on the lives of the poor.

Poverty and inequality are the results of specific power relations and policy decisions which are discriminatory, exclusionary and unjust. And it is this injustice that a global development framework must seek to address. Crucially, this depends upon ensuring the most marginalised, as a result of income, gender, HIV status, ethnicity, or age amongst others, are empowered to participate meaningfully in decision-making.

The aim of a future framework should be to create a just and sustainable world in which every human being can realise their rights. It must go beyond GDP as a means of assessing progress and focus on human rights, equality, particularly gender equality, justice and respect for planetary boundaries. It must seek to look beyond basic needs and look at how to create an enabling environment for citizens to demand and achieve their right to development.

Key elements for the post-2015 framework

Whilst the specific contents of a future framework should be based on the outcome of a deep and wide consultation process that engages, in particular, those most affected by poverty and injustice⁵, civil society consensus is forming on a number of key elements.⁶

A Human Rights Based Approach which puts human rights principles at the heart of the framework at all levels needs to be applied. Development is a right. A **one-world-approach including universal and common-but-differentiated responsibility** is needed to address the interconnections between extreme wealth and consumption and poverty and the food, energy and climate crises. It must **put the well-being of people** at the centre rather than the well-being of economies. This should include the participation of citizens as measure of success.

Inequality must be addressed within low, middle and high income countries in order to eradicate extreme poverty and to reduce relative poverty. Every country, regardless of its development status must prioritise this. Inequality must also be addressed at the global level between low, middle and high income countries. High income countries have to fulfil their obligations at the global level. The different needs and strengths of women and men must be accounted for to promote equality between the genders.

Climate change mitigation and adaptation is essential at a global level. Those countries producing high levels of carbon dioxide should be held responsible for significantly reducing their emissions and to contribute according to their pollution to adaptation measures. All countries have to make their **policies coherent for the development** of people living in poverty.

Finally, all countries must be **accountable** within the framework and respect the principle of transparency. This would overcome a weakness of the MDGs. In the new framework there should be both quantitative and qualitative goals and indicators also for high income countries. Locally-led monitoring is indispensable in reinforcing and complementing global systems. It provides a means both to empower people in the development process to articulate their priorities while taking greater decision-making control over their lives, as well as enabling them to hold duty-bearers, such as providers of basic services in local government and the private sector, more to account for delivery and performance.

What Ireland needs to do during its EU Council Presidency

Trócaire calls on Ireland to make the post-2015 framework a hallmark issue of its Presidency of the European Council, in particular to:

- Ensure that the outcomes consultations and research, especially civil society initiatives that directly engage poor women, men and children, contribute to deliberations on the post-2015 framework by EU member states, including during the Informal Development Ministerial due to take place in Dublin in late January 2013. Promote the inclusion of people who face particular barriers to engaging in such consultation.
- Ensure the EU position at the UN MDG Review Summit in September 2013, calls for the adoption of a Human Rights Based Approach to the future development framework, which means addressing citizen participation, accountability, non-discrimination and empowerment across all goal areas.
- Demonstrate leadership by championing the accountability of the framework – in particular quantitative and qualitative goals and indicators for high income countries as part of the one world approach.
- Champion the full integration of Sustainable Development Goals (SDGs) in a single overarching post-2015 framework. At a minimum, ensure EU policy coherence in relation to both processes.



Climate change and Hunger

'Climate change is now identified as a growing global challenge and perhaps its greatest impact will be an increase in the scale and intensity of hunger. Again it is those countries that today face the greatest challenge in feeding themselves that are likely to suffer most from the impact of climate change.'

Kevin Farrell, Irish Special Envoy for Hunger, 2010⁷

Context

In 2012 it is estimated that around a billion people experience chronic hunger while another billion are overweight.⁸ Hunger in a world of plenty is an unacceptable reality of the 21st century. Climate change, one of the greatest challenges facing humankind, is already having a significant impact on global hunger. Increasingly unpredictable rainfall patterns and greater incidence of weather shocks are resulting in reduced yields and incomes for small scale farmers in developing countries who depend on agriculture to feed their family and provide an income. At the same time, volatility on global markets as a result of, inter-alia, extreme weather in other parts of the world is having a significant impact on both rural and urban communities in developing countries to purchase food.

While the international community continually reaffirms commitment to remaining within a 2°C limit of further warming, current emission reduction pledges put average temperatures on track for a further rise of 3°C or more. Once temperatures rise above 3 degrees an additional 250-550million people may be at risk of hunger, over half of them in Africa and Western Asia.⁹ In some countries, yields from rain-fed agriculture could be reduced by up to 50% by 2020.

Having contributed least to the causes of climate change, food insecure people living in poverty in developing countries are being impacted first and most profoundly by the impacts of climate change and have the least capacity to cope. As the main small-scale producers of food in developing countries, women are disproportionately impacted due to their greater dependence on affected natural resources, while their capacities to respond are undermined by social, economic and political barriers that limit their access to resources and decision-making power.

A significant increase in both action and ambition to reign in climate change is urgently needed if global hunger is to be addressed. In addressing climate change and hunger a rights-based approach is key to ensuring both a focus on those whose right to food is currently being violated or at risk and that policy responses are developed with the participation of those who are impacted.

Response to date

The European Union has demonstrated leadership in the area of climate change both in its adoption of legally binding mitigation targets, and a package of policy measures for 2020, and in the role it has played to champion a global agreement at the UNFCCC. However to date action to address both climate change and the global food crisis have been inadequate.

Despite commitment to holding a further rise in global temperatures below 2°C the EU's current targets remain well below its fair share of a global effort to achieve this, and how the EU will contribute to an urgent scale-up of investment in low carbon, climate resilient development in developing countries to enable them to contribute their fair share remains unclear. Furthermore, policies aimed at scaling up the production and use of biofuels as part of efforts to increase the share of renewable sources in EU Member States' energy mix have been adopted and implemented despite questions raised about both the environmental integrity and social and human rights implications of the policies.

There is substantial evidence that the incentives created by such policies are resulting in increased food price volatility and the displacement food production for fuel crops and increased competition for land in many developing countries, where poor regulation is allowing poor and vulnerable people to be moved off of the land on which they depend for food and income without consultation or compensation. Peoples' right to live free of hunger implies they must also have a right to produce food, including support for accompanying rights such as natural resource rights. Measures for protecting poor peoples' access to natural resources need to be championed, including support for the implementation of the FAO Voluntary guidelines on Land, Fisheries and Forests and the African Land Policy Guidelines, agreed in 2012.

In response to the food crisis sparked by spiraling food prices in 2008 the EU responded by establishing the EU Food Facility to provide both short-term relief and support to investment in increasing small-scale production capacity in affected developing countries.

In 2010, the EU Foreign Affairs Council adopted a new EU Policy Framework to assist developing countries in addressing food security challenges, which recognised the Right to Food and the central role to be played by the UN Committee on Food Security, where representatives of affected groups and peoples participate in policy debate and proposals. The implementation plan for this Policy Framework is yet to be adopted. A rights based approach requires member states to concentrate on groups who are most vulnerable to suffering from hunger, to empower them in the policy implementation process and enable them to monitor and evaluate the actions of their government and to claim their rights. Agroecological systems based on a fusion of indigenous knowledge and forms of advanced science which deliver public rather than proprietary goods have the best potential to increase their food security and make their livelihoods more resilient in the face of the rising challenges associated with climate change.

Ireland has placed hunger and human rights at the centre of its foreign policy and has committed to provide political leadership in this area. Initiatives such as the Hunger Task Force and Hunger Envoy have provided important direction to Ireland's engagement in efforts to tackle hunger at both political and programmatic levels and this is to be welcomed. Overwhelming evidence of the threat presented by climate change to the fight against hunger and the realisation of human rights, however, challenges the Irish Government to demonstrate leadership and integrity in tackling both the causes and consequence of climate change, and to press for ambitious, hunger-sensitive policy responses at the national and EU level.

Trócaire welcomes the priority placed by the Irish Presidency on climate change and hunger, including the initiative to host a high level event on the issue in April. The occasion of the Presidency presents the challenge and the opportunity for Ireland to advance critical areas of national policy and to promote progress on advancing the Right to Food at the EU level.

What Ireland needs to do during its EU Council Presidency

- **Integrity and leadership – getting our own house in order:** In the run up to the Presidency the Government should;
 - Fulfil its commitment to publish a Heads of Bill for a climate law and should seek to advance the adoption of an effective law as early as possible in 2013. This will be an important signal to EU Member States and institutions, as well as to Ireland's developing country partners, that Ireland is now ready to take its obligations to reduce emissions seriously. An effective law must include 5 year binding carbon budgets, a focus on domestic emissions, and the establishment of an independent expert body with the power to publish reports.
 - Fulfil the remainder of its commitment to provide €100 million in fast start finance for climate action in developing countries with new and additional resources, and commit to the development of a national plan for meeting Ireland's long-term obligations on international climate financing as recognised in the recently adopted Government framework for Sustainable Development, 'Our Sustainable Future'.
- **Champion further climate action at the EU level**
 - Advance consensus on closing the gap between the EU's political support for a 2°C limit to further warming of earth surface temperatures and its commitments and actions to reduce emissions.
 - Work proactively to achieve consensus in the EU on how the EU will contribute to the scale up new and additional public financing for climate action, in particular for adaptation. This should include agreement on innovative mechanisms to generate public finance such as a levy on shipping and aviation fuels and a Financial Transaction Tax. Other key issues include agreement on an effective accounting framework that will ensure climate finance increases alongside and not via existing commitments to increase ODA.
- **Promote sustainable, equitable and rights-based responses to the climate change-hunger challenge by:**
 - Ensuring strong Council Conclusions on the implementation plan for the EU's Food Security Policy Framework are adopted during the May Foreign Affairs Council. These should include the prioritisation of small scale food producers and support for agro-ecological approaches as the most appropriate way to achieve this; and reinforcing the role of the Committee on Food Security, in particular EU support to the implementation of the FAO Voluntary Guidelines on Land Tenure VGLT and adopting a rights based approach to the current initiatives on responsible agricultural investment and bio-fuels.
 - Ensure the Commission report under the RED on the sustainability impacts of bio-fuels is concluded and published in a timely manner in order to advance conclusions at the Energy Council. These conclusions should address PCD issues – including land alienation and the relationship between food price volatility and bio-fuels



Humanitarian Aid and Action

The number of people needing humanitarian assistance has risen from 51 million people to 62 million people during 2011 alone, and this number is expected to continue to rise due to the impacts of climate change, geopolitical instability and other factors.¹⁰ Humanitarian assistance is required in increasingly complex and volatile environments, such as Pakistan, Somalia, Sudan and South Sudan. In such environments NGOs are able to circumnavigate these difficult contexts and provide life-saving assistance to people most at risk by adhering to the humanitarian principles of humanity, impartiality, neutrality and independence. These principles, that legitimise and underpin the day-to-day operations of humanitarian organisations such as Trócaire, lay the foundations for the trust and acceptance from host communities and other relevant actors that are necessary for the organisation to operate.

These principles have come under threat in recent years as a result of a trend towards the politicisation and militarization of humanitarian aid by donor governments. By blurring the boundaries between humanitarian objectives and military or political agendas this trend challenges independent humanitarian assistance, and ultimately the right to independent humanitarian assistance for the people affected by crises.

The European Consensus on Humanitarian Aid, and its associated workplan, adopted by all EU Member States in 2007, sets out a common vision for humanitarian aid. It clearly distinguishes between civil and military action in humanitarian crises, affirms the primacy of humanitarian principles and International Humanitarian Law, and confirms that humanitarian aid is not a crisis management tool. While the Consensus is a strong guiding framework, unfortunately the degree to which individual Member States are upholding these agreements is inconsistent. Bodies such as the EU Council Committee on Humanitarian Aid and Food Aid (COHAF) and wider donor forums such as the Good Humanitarian Donorship (GHD) could play a more prominent role in cases of Member State failure to meet their obligations or where donor governments' crisis responses contravene the spirit and intent of the Humanitarian Consensus.

The Irish Presidency of the European Council in 2013 provides an opportunity for the Irish government to facilitate the EU to reaffirm the importance of principled humanitarian aid and to re-commit to agreements made within the Humanitarian Consensus. Following the results of a mid-term review of the Action Plan of the Humanitarian Consensus, Ireland should act to ensure that a new robust and principled Action Plan, applicable to all Member States, is put in place in 2013.

What Ireland needs to do during its EU Council Presidency

- **Lead by example.** A review of Ireland's Humanitarian Strategy should be conducted with the aim to develop a more holistic and robust strategy that fully reflects agreements made within the Humanitarian Consensus and ensures whole-of-government policy coherence in line with commitments made within the Humanitarian Consensus.
- **Facilitate the review of the Action Plan.** Building upon the conclusions from the mid-term review, Ireland should facilitate a review of the action plan that addresses the need for more regular monitoring to support implementation by Member States, peer best practice sharing and learning, Member States' capacity assessments, and the possibility of joint action within the Action Plan of the Humanitarian Consensus.
- **Devise a timely new Action Plan.** Ireland should ensure that a new robust Action Plan is ready to be put in place during Ireland's Presidency. The new Action Plan should enable Member States to fully implement commitments made within the Humanitarian Consensus, whilst being an effective monitoring tool. It could be extended to include considerations for Member States on how to proceed in different multi-donor scenarios. We recommend that the new Action Plan should be a Communication rather than a Staff Working Paper, to be followed by Council Conclusions and the EU External Action Service becoming a signatory to the EU Consensus on Humanitarian Aid. Special efforts should be made to ensure the safeguarding of women during humanitarian crises, particularly in relation to gender-based violence.

Multiannual Financial Framework



“The economic crisis is in fact another reason to meet the targets, not another excuse to miss them.”

José Manuel Barroso, European Commission President, October 2009¹¹

By maintaining the Official Development Assistance (ODA) budget above 0.51% of GNI, Ireland has sent a strong signal to its EU and global counterparts that even in times of crisis the global poor will not be forgotten. Ireland is one of only 9 other countries to have met the EU ODA interim target 0.56% and by maintaining its commitment to contribute 0.7% of GNI to ODA by 2015, Ireland is regarded as a leader on development by other EU countries. This commitment is in keeping with the strong support of Irish citizens- 85 percent of people rated overseas aid as “important” or “very important” in a 2012 opinion poll.¹²

During the Presidency, Ireland has a unique opportunity to demonstrate further leadership in this area, as the EU finalises negotiations under the Multiannual Financial Framework (MFF). As the largest provider of development aid in the world, the EU has an important responsibility towards developing countries, and this responsibility is reflected in practice in the MFF, which translates the political priorities of the EU into financial terms for developing countries during the period 2014-2020.

The Lisbon Treaty states that the EU’s development policy provides the principal framework governing EU cooperation with all developing countries. Any financial framework should therefore ensure that the EU budget on External Actions and Development is consistent with the values and objectives of the Lisbon Treaty, including putting a Rights Based Approach at its core, the promotion of social justice and protection, and the fight against social exclusion and discrimination. It should also provide sufficient financial resources to strengthen the EU commitment to promote women’s and girls’ rights and gender equality in all areas of its internal and external policies.

With just over a year remaining before the current MFF expires, a political agreement still needs to be achieved. If, as is hoped, agreement on overall budget figures is reached during the Cypriot Presidency, Ireland will be tasked with finalising the accompanying implementation modalities during its Presidency.

As a country with a long and proud tradition of supporting the world’s poorest in the fight against poverty, Ireland is well placed to play a pivotal role in achieving the necessary consensus among member states to ensure the EU fulfills its ODA commitments and ensure associated implementation modalities enshrine important human rights principles.

What Ireland needs to do during its EU Council Presidency

- **Continue to demonstrate leadership at home:** By making visible progress towards the 0.7% ODA target in advance of the Presidency by increasing its overseas aid allocation of GNI in budget 2012 and by establishing measures to ensure predictable delivery of aid and to maximise transparency and accountability on the achievement of aid spending commitments.
- **Pursue progress towards the EU commitment to 0.7%:** During the special European Summit called for November 2012, Ireland should champion agreement on the Commission’s proposed increase in development aid from 5.6% to 6.8% of the total EU budget (excluding the European Development Fund) as a step towards meeting the EU collective target of 0.7% of GNI for ODA and by encouraging the European Council to map out how the EU as a whole will meet the 0.7% target by 2015, taking into account the individual responsibilities of Member States
- **Ensure support for civil society participation in EU external relations:** By ensuring the EU includes references to the conclusions of the Structured Dialogue in all regulations, including with regard to the diversification of funding modalities (toolbox) and the promotion of an enabling environment for CSOs as independent development actors; by committing to a 15% earmarking of funds for civil society in all geographic programmes; and ensuring that there is an institutionalised consultation with CSOs as a criterion for assessing national development plans in the programming process.
- **Promoting greater adherence to Policy Coherence for Development:** By ensuring the principle and specific mention of PCD, with reference to the Lisbon Treaty, in all external action instrument regulations, as well in all EU internal policies that may have an impact on developing countries.



Mobilising Domestic Resources to Tackle Poverty

Tax revenues form a major part of many developing country budgets. Africa as a whole collects ten times in revenue what it does in official development assistance, yet developing countries also lose significant revenues due to tax evasion through the exploitation of tax havens and weaknesses in transparency in developed and developing countries. It is estimated that tax havens cost developing countries one-third of their revenues annually – four times the value of inward official aid.¹³ It is estimated that additional illicit capital flows out of developing countries total US\$858.5 billion per year – roughly seven times the total value of inward official aid.

Taxes collected from the activity of the extractive industry in particular could potentially be far greater than other inflows, including FDI or aid. In 2008, exports of oil, gas and minerals from Africa were worth roughly 9 times the value of international aid to Africa. Yet, due to practices such as transfer mispricing and the use of secretive tax havens, countries can lose out of these resources through tax evasion.¹⁴ South Africa's finance minister Pravin Gordhan described this aggressive tax avoidance as a "cancer eating into the fiscal base of many countries."¹⁵

The mechanism of country-by-country reporting has the potential to help expose the loss of taxes across companies and industries.

On the 25th of October 2011, the European Commission took an important step towards addressing the problems of tax avoidance and corruption by proposing that European Union listed and large EU based extractive and timber companies should publicly disclose their tax and revenue payments to governments worldwide. The proposed legislation is compatible with similar legislation passed by the United States in 2010,¹⁶ and it adds important new areas by covering large unlisted companies, as well as listed companies, and timber companies.

The effect of these proposals, in the form of revisions to the existing EU Transparency and Accounting Directives, would be to provide citizens of resource-rich but poor countries in Africa and other developing regions – as well as investors and civil society more broadly – with accurate and timely information about the flow of revenues to governments from the oil, gas, mining and timber industries. This transparency of information would enable citizens in developing countries to hold governments and businesses to account, thereby ensuring that natural resources generate benefits for the whole population. During the Presidency, Ireland should ensure these proposals are passed in their strongest form, contributing in the long term to reducing the aid-dependency of developing countries by enabling a more just domestic resource mobilisation agenda.

If this legislation is concluded prior to the Irish Presidency, it is then critical that Ireland helps to broaden the mandate of the directives beyond the extractive industry in order to cover all sectors.

What Ireland needs to do during its EU Council Presidency

- Support and strengthen the European Commission proposals to achieve the full effect of the enacted EU legislation by:
- Ensuring that reporting is on a country-by-country and project-by-project basis, covers all listed and large unlisted companies without exemption and covers a wider range of financial information than revenue data. At a minimum, export and transportation activities should be included and the reporting of payments to state security forces should be an explicit requirement.
- Ensuring that reported data is required to be audited, included in companies' annual financial statements and also filed electronically in tagged standard formats and collated by, or on behalf, of the European Commission.



Protecting Civil Society Space

A vibrant, strong and free civil society is essential for sustainable development. Civil society organisations (CSOs) are imperative in bringing the concerns and priorities of people living in poverty to policy makers, in order to influence policies and improve the conditions for the poor and marginalised. An effective and independent civil society challenges injustice and discrimination and holds government to account for their actions and inactions. The important role CSOs play in sustainable development and the need to ensure that they are afforded the best possible working conditions by promoting an enabling environment for civil society, have been widely acknowledged, most recently by the outcome document of the Fourth High-level Forum in Busan (HLF-4) in late 2011. Furthermore, the positive obligation on States under the right to freedom of association, to take positive measures to establish and maintain an enabling environment was recently reaffirmed by Maina Kiai, the UN Special Rapporteur on the right to freedom of peaceful assembly and association¹⁷

At EU level, the European Commission recently held a consultation in preparation for a Commission Communication to be adopted in the Autumn of 2012, seeking the views of CSOs and other stakeholders on the future policy of the EU with regard to support to CSOs in partner countries in the field of development cooperation. Traditionally the EU has seen CSOs mainly as service deliverers, but they now recognise the need for a more coherent EU strategy for engagement with local CSOs at country level, a strategy that has the EU promoting an enabling environment for civil society in partner countries as one of its core components.

Despite this recognition of the essential role of civil society, the overall trend for civil society organisations around the world is worrisome. As outlined in Trócaire's recent policy report 'Democracy in Action', today, many CSOs - including local development partners of Trócaire, Irish Aid and the EU, are increasingly faced with the challenge of working in a deteriorating environment as many governments move to limit operational and political space for civil society, through measures ranging from restrictions on certain types of activities and funding to intimidation, excessive use of force, arbitrary detention, enforced disappearances and unlawful killings¹⁸. This severely hampers the ability of CSOs to serve as a catalyst for democratic change and effective governance and threatens to reverse hard-won gains towards democracy, equality and respect for fundamental rights, impacting negatively on the situation of the most vulnerable people in developing countries.

In order to support this essential role for civil society, it is imperative EU policies of engagement with CSOs is centered around ensuring an enabling environment for civil society based on the effective respect, promotion and protection of human rights. An EU Commission Communication, expected in late 2012, which highlights the need for EU strategic engagement with CSOs to promote an enabling environment for civil society is a step in the right direction. A priority should be translating this element of the Communication into action. During its last Presidency in 2004, Ireland showed leadership in this area by bringing the issue of Human Rights Defenders centre stage and the subsequent formulation of a set of EU Guidelines for the protection of Human Rights Defenders (HRDs). The EU Guidelines for HRDs was another important step, but issues around systematic implementation at country-level and the lack of inter-institutional cooperation on issues related to HRDs, and the specific needs of and dangers faced by women HRDs, remain a concern. Trócaire calls on Ireland to build on its leadership in this area from the 2004 Presidency to ensure the promotion and protection of an enabling environment for civil society during the upcoming Presidency.

What Ireland needs to do during its EU Council Presidency

- Ensure that the principles set out in the EC Communication on Europe's engagement with Civil Society in external relations, are adopted on an operational level and implemented by EU missions on the ground.
- Ensure that recommendations for enhanced action are made to, and implemented by, those EU missions that have not taken significant steps in implementing the EU Guidelines on HRDs.
- Push for a shared alert system based on focal points, as suggested by the European Parliament, which would help ensure better coherence in EU response on urgent crises for HRDs.
- Take the lead to ensure the EU plays a positive role in the post-Busan Global Partnership for Development Cooperation, by promoting the need for an effective approach to an enabling environment for civil society in line with international human rights obligations.

Taking action on trade with illegal Israeli settlements



Israeli settlements are the source of widespread violations of human rights and are undermining development of Palestinian communities. Settlement expansion increased in 2011 at the fastest rate seen in 5 years, during which time demolitions of houses doubled and violence from settlers increased by 50%.

Settlements constitute a transfer of population into occupied territory, and are thus illegal under international humanitarian law. Furthermore, the settlements infringe on the right to self-determination, equality, property, an adequate standard of living, and freedom of movement. Israel has established over 200 settlements in the West Bank, and there are now 501,856 Israeli settlers living in the West Bank (including East Jerusalem).¹⁹

Israel has created in the Occupied Palestinian Territories a regime of separation and discrimination, with two separate systems of law in the same territory. One system, for the settlers, de facto annexes the settlements to Israel and grants settlers the rights of citizens of a democratic state. The other is a system of military law that systematically deprives Palestinian of their rights. These separate systems reinforce a regime in which rights depend on the national identity of the individual.

Ireland and the EU regularly issue statements deploring settlement expansion. The EU Foreign Affairs Council in May 2012 recognised the urgency of the situation on the ground and condemned “developments on the ground which threaten to make a two-state solution impossible”. They reiterated that “settlements remain illegal under international law”.²⁰

Regrettably, EU statements and the frequent raising of concerns in meetings with Israeli leaders have done nothing to stop the growth of the settlements on the ground. As long as Israel does not feel an increased cost to its settlement policies, it is unlikely to respond to European appeals. In order to have any influence, European countries must move from words to action. They must apply measures that will give effect to its rhetoric.

EU Policy and Israeli settlement trade

While the EU condemns the illegality of settlements, it continues to support the economic viability of settlements by trading with them. In 2010, the European Court of Justice ruled that goods from the settlements should not receive the tax privileges granted under the EU-Israel association agreement for Israeli goods. However, given the gravity of the situation on the ground and the illegality of settlements, the EU should refuse to trade with the settlements in the first instance. Introducing an EU-wide ban on settlement trade is a strong concrete action that the EU can take which would have important economic, political and legal impact.

James Crawford, professor of international law at Cambridge University, has argued that it is lawful for the EU to block the import of produce from settlements. Furthermore, the EU would not be in breach of its World Trade Organisation obligations since, “as a matter of international law, the West Bank and Gaza cannot be considered to be Israel’s territory”²¹.

Ireland is actively considering taking a position in the EU supporting a trade ban on settlement goods. The Tánaiste and Minister of Foreign Affairs & Trade, Eamon Gilmore, told Dáil Éireann on 22 May 2012 that, if “matters continued to worsen” in the Occupied Palestinian Territories, Ireland may propose “the exclusion from the EU of settlement products”. He expanded saying “we do not support bans or boycotts on Israel, and this is not in question, but the products of illegal settlements constitute a separate and specific matter”.²²

What Ireland needs to do during its EU Council Presidency

Trócaire believes that in the interest of protecting the rights of Palestinian directly affected by settlement activities, and of ensuring the viable possibility of a peaceful two-state solution, the Irish Government should pursue the issue of settlement trade during its Presidency. Specifically, Ireland should

- Demonstrate leadership at home by implementing an individual member state ban of importing settlement produce into Ireland
- Pursue support for the introduction of an EU-wide trade ban on settlement produce from illegal Israeli settlements

Notes

- ¹ Written answer on EU Presidency of Minister for Foreign Affairs and Trade, Eamonn Gilmore, Tuesday, 10 July 2012
Department of Foreign Affairs and Trade: <http://www.kildarestreet.com/wrans/?id=2012-07-10.802.0&s=climate+change+section%3Awrans#g804.0.r>
- ² Trócaire and partners are conducting participatory consultations with communities in 6 countries (India, Pakistan, Malawi, Sierra Leone, Haiti and Nicaragua) on their priorities for a future development framework. The findings of this research will be available in December 2012 and will form the basis of Trócaire and partners' positions on what should replace the MDGs.
- ³ Concluding remarks at Beyond 2015 European Seminar, May 25th 2012, Brussels
- ⁴ Trócaire (2005), *More than a Numbers Game?*
- ⁵ Trócaire is conducting research with communities and partners in six countries (Haiti, India, Malawi, Nicaragua, Pakistan and Sierra Leone) to be completed in December 2012 on people's priorities for the post-2015 agenda.
- ⁶ Beyond 2015 Europe, Submission to EC CS Consultation on Post-2015 Development framework (draft August 2012)
- ⁷ Hunger Envoy Report: report to the Government of Ireland (2010) page 13
- ⁸ Report submitted by the UN Special Rapporteur on the Right to Food to the Human Rights Council 19th Session, 26 December 2011, p5
- ⁹ Stern et al (2006) Stern Review of the Economics of Climate Change, HM Treasury
- ¹⁰ (UN OCHA, New York, 19 July 2012) The number of people needing humanitarian aid around the world has risen from 51 million to 62 million – an increase of more than 20 per cent – during the first half of 2012.
- ¹¹ Opening Address, European Development Days, Stockholm, 22nd Oct 2009.
- ¹² Dóchas commissioned Poll "Public Responses on Ireland Investing in Overseas Aid" August 2012
- ¹³ Action Aid (2012), ActionAid Submission to the International Development Committee Inquiry on Tax and Development, published February 2012, p. 3.
- ¹⁴ Killian, S., (2011) 'Driving the Getaway Car? Ireland, Tax and Development'
- ¹⁵ Cited in Houlder, V. 'Tax officials on trail of wealth hidden offshore', *Financial Times*, 30 May 2009
<http://on.ft.com/yVA2Nj>
- ¹⁶ Section 1504 of the Dodd Frank Wall Street Reform and Consumer Protection Act
- ¹⁷ UN Special Rapporteur on the right to freedom of peaceful assembly and association, 2012 annual report, art. 63.
Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf
- ¹⁸ Trócaire, *Democracy in Action*, Policy Report (2012)
- ¹⁹ According to Trócaire's Israeli partner organisation, B'Tselem. www.btselem.org
- ²⁰ EU Foreign Affairs Council Conclusions, 14th May 2012
- ²¹ <http://www.tuc.org.uk/tucfiles/342/LegalOpinionIsraeliSettlements.pdf>
- ²² <http://debates.oireachtas.ie/dail/2012/05/22/00004.asp>

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