

KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT- SECOND SESSION

**AFRICAN CARIBBEAN PACIFIC- EUROPEAN UNION
(ACP-EU) JOINT PARLIAMENTARY ASSEMBLY**

**REPORT OF THE 16TH SESSION OF ACP
PARLIAMENTARY ASSEMBLY
AND
17TH SESSION OF THE ACP-EU JOINT
PARLIAMENTARY ASSEMBLY (JPA) AND RELATED
MEETINGS**

CLARION CONGRESS HOTEL, PRAGUE, CZECH REPUBLIC.

31ST MARCH TO 9TH APRIL, 2009

CLERKS CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

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ABBREVIATIONS

ACP – Africa, Caribbean and Pacific

UNEP - United Nations Environmental Programme

EU – European Union

GATT– General Agreement on Tariffs and Trade

JPA – Joint Parliamentary Assembly

EPA – Economic Partnership Agreement

PAP - Pan African Parliament

WTO – World Trade Organization

CC – Climate Change

MDG – Millennium Development Goals

EDF – Economic Development Financing

UNFCCC – United Nations Framework Convention on Climate Change

CDM – Clean Development Mechanism

GHG – Green House Gases

ODA – Official Development Aid

LDC – Least Developed Countries

DRR – Disaster Risk Reduction

GCCA – Global Climate Change Alliance

IMF – International Monetary Fund

SME – Small and Medium Enterprises

UDHR – Universal Declaration of Human Rights

EC – European Commission

TFG – Transitional Federal Government

ICG – International Contact Group

AMISOM – African Union Mission in Somalia

IGAD – Inter-Governmental Agency on Development

EDF – European Development Fund

PREFACE

Mr. Speaker Sir,

The 17th Session of the ACP-EU Joint Parliamentary Assembly (JPA) and related meetings took place in Prague, from 31st March to 9th April, 2009 at the Clarion Congress Hotel.

The ACP-EU Session was a follow-up to the one held in PNG in November, 2008 where milestone resolutions on matters affecting the members States were adopted. Kenya, a Member of the forum was represented by the Hon. Prof. Margaret Kamar, MP and Hon. Musikari Kombo, MP. The delegation was accompanied by Mr. Emejen Nicholas as the Secretariat.

Mr. Speaker Sir,

Prior to the Sessions, the *Standing Committees* met on 1st and 2nd April, 2009 and the *Women's Forum* was held on 4th April, 2009; the *Joint Bureau* met on Sunday 5th April, 2009.

The ACP assembly issued a statement on the indictment of Sudan president Omar El Bashir. The Assembly supported the AU Stand on the ICC indictment and called for the suspension of the indictment in order to allow peace to take root in Sudan.

The JPA *Plenary Session* was opened by Dr. Mirek Topolanek, Prime Minister of the Czech Republic on Monday April 6, 2009 and was officially closed on Thursday April 9, 2009.

In summation, The JPA dealt with major issues related to the ACP-EU partnership and adopted the following reports:-

- (i) *The social and environmental impact of climate Change*, from the Committee on Social Affairs and the Environment, Co-rapporteured by Mr. Netty Baldeh (Gambia) and Mr. Joseph Borrell Fontelles.
- (ii) *Challenges to the democratic accommodation of Ethnic, Cultural and Religious Diversities in ACP- EU countries* from the Committee on Political Affairs, co-rapporteured by Ms. Ruth Magau (South Africa) and Mr. Fillip Kaczmareck . The Kenyan Members contributed immensely to the report particularly during debates in the Committee.

Besides the reports AND accompanying resolutions, the JPA adopted two resolutions on *urgent topics, viz;-*

- (i) *Role of the Cotonou Agreement in addressing the food and financial crisis in ACP countries.*
- (ii) *Establishing and promoting peace, security, stability and governance in Somalia.* The Kenyan delegation played a critical role in pushing for the inclusion, in the resolution, of the recognition and appreciation of the role of Kenya in the Somali peace process.

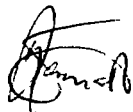
The JPA held discussions on the topic of *Global Governance and the Reform of International Organisations.*

Mr. Speaker Sir,

The delegation is grateful to the Speaker for allowing it to attend the Session, for facilitating travel and accommodation and providing logistical and technical support in liaison with the office of the Clerk. The delegation is also grateful to the Ministry of Foreign Affairs, Kenya Mission to the European Union in Brussels, for facilitation.

While discharging our responsibility it is important that the Ministries concerned with EPA's and EDF should discuss and keep members abreast with the negotiations and deliberations on the two subjects to enable members pursue similar arguments with the Government.

It is now my pleasant duty, on behalf of the delegation, to present and commend the report of the 16th ACP Session and 17th Session of the ACP-EU JPA to the House for consideration and adoption.



Hon. Prof. Margaret Kamar, M.P

MEMBER, ACP-EU JPA AND LEADER OF THE DELEGATION

THE 17TH SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY (JPA) AND RELATED MEETINGS

REPORT ON STANDING COMMITTEES

Standing Committee on Political Affairs

- 1.** The Committee meets at the ACP Level and the Joint ACP –EU Level. The ACP meeting of the Committee was held on 1st April, 2009 and the ACP – EU Joint Committee meeting was held on 4th April, 2009. The Committee deliberated and adopted its report on *the challenges to democratic accommodation of ethnic, cultural and ethnic diversities.*

Standing Committee on Economic Development, Finance and Trade

- 2.** The Committee deliberated and adopted its report on *The state of play of Economic Partnership Agreements (EPA's) and their possible impact on ACP countries.*

Standing Committee on Social Affairs and Environment

- 3.** The Committee sat on 2nd and 4th April, 2009 and deliberated on its report on *the Social and Environmental Impact of Climate Change in ACP countries.*

REPORT ON THE BUREAU

- 4.** Joint Bureau held its sittings on 5th April, 2009, where it deliberated on the agenda for the Session and authorised consideration of reports by Standing Committees:-

The Bureau also adopted its reports on *the 2008 fact finding mission to the Carribean* and the *Participation of Non State Actors*. The Bureau resolved to implement the recommendations of the report on the *Participation of Non State Actors* beginning September 2009.

During the meeting the Bureau decided to cancel the JPA mission to observe the European Parliament elections in June 2009 and undertook to continue the organization of the 4th regional meeting in Burkina Faso in October 2009.

REPORT ON PARLIAMENTARY ASSEMBLY

ACP Parliamentary Assembly (ACP - PA)

- 5.** The ACP group held 16th plenary Session (ACP PA) on 3rd April, 2009 where it deliberated on draft reports by the Standing Committees and the urgent motions for resolution. The Assembly also exchanged views on follow up by the European Commission on resolutions adopted by the 16th JPA in Papua New Guinea.

The ACP Assembly further exchanged views based on a working document *on global governance and the reform of international organisations*.

In addition to the reports and their motions for resolution by Committees the Assembly considered three urgent topics for resolution;

(i) Establishing and Promoting Peace, Security, Stability and Governance.

(ii) Role of the Cotonou Agreement in addressing the Food and Financial Crisis in ACP Countries.

(iii) Border conflict between Republic of Djibouti and Eritrea.

The Motion for Resolution on the border conflict between the Republics of Djibouti and Eritrea was suspended until September 2009 to allow the two countries to further dialogue in line with the decision reached at the East African political group meeting held on April 2009 in Prague and attended by the two parties in the dispute.

The Assembly issued a statement calling for the suspension of the ICC indictment of Sudan President, Omar El Bashir so as to allow peace to take root. The Assembly noted that the arrest of the sitting President might destabilise Sudan and the entire region.

The ACP Assembly also discussed the political situation in Zimbabwe, Equatorial Guinea, Fiji , Democratic Republic of Congo, and Cote d' Ivore.

Joint Parliamentary Assembly (JPA)

6. The JPA held its sittings between April 6th and 9th, 2009. The Session was officially opened on Monday 6th April, 2009 by Dr. Mireck Topaneck, the outgoing, Prime Minister of the Czech Republic. The Joint Assembly was also addressed by among others Mr. Jan Kohout, Deputy Minister of Foreign Affairs of the Czech Republic in charge of development, Mr. Wilkie Rasmussen, Co - President of the ACP – EU JPA, Mrs. Glennys Kinnock, Co- President of the ACP – EU JPA and Mr. William Haomae, Minister of Foreign Affairs and External Trade (Solomon Islands), President-in-Office of the ACP Council of Ministers.

Mrs. Glenys Kinnock made her last formal speech after serving over seven years as Co-President of the JPA for the European Parliament.

In the days following the official opening, the Joint Assembly deliberated on:-

- (i) Reports from the three Standing Committees;
- (ii) The current position in the WTO and EPA negotiations based on a presentation by Baroness Ashton, the EU Commissioner responsible for trade;

- (iii) Urgent motions for resolution;
- (iv) Report from the economic and social partners presented by the Social and Economic Committee of the European communities;
- (v) Statement by the Commission relating to the development policy and activities of the EU with regard to the ACP group. The statement was given by Commissioner Michel;
- (vi) Debate between Members and the Council on the Parliamentary Committees in the EPA institutional provisions;
- (vii) Action taken by the Commission on the resolutions adopted at the 16th Session of the ACP-EU Joint Parliamentary Assembly, held in Papua New Guinea relating to;-
 - Protection of civilians during peace keeping operations by the UN and regional organizations;
 - Aid effectiveness and defining official development assistance;
 - Social consequences of child and strategies to combat child labour;
- (viii) Debate between Members and the European Commission; and
- (ix) Country strategy papers for ACP countries - The Assembly accepted a draft framework for democratic scrutiny of the regional strategy papers and regional

inductive programs under the 10th EDF as a basis for the work.

The JPA adopted resolutions from the Standing Committees.

OTHER BUSINESS

- 7.** The participants were taken on group tours of a solar power station, Prague flood defence system and contaminated sites and the groups made presentations on the ecological damage, crisis management and sustainable energy depending on the tours.

The delegation had a meeting with the Members of the Economic Committee of the Parliament of the Czech Republic.

- 8.** The JPA set its time table as follows for its next sitting and related meetings:-

- (i) September 2009 - Meetings of the Bureau, Brussels, Belgium
- (ii) November 28 to 3rd December, 2009 - 18th JPA Session, Luanda, Angola

RESOLUTIONS

- 9.** The Joint Session deliberated and adopted the following resolutions:-

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-UE/100.460/09/fin.

RESOLUTION¹

on challenges to the democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Prague (Czech Republic) from 4 to 9 April 2009,
- having regard to article 17(1) of its Rules of Procedure,
- having regard to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970,
- having regard to the American Convention on Human Rights of 1978,
- having regard to the Charter of the United Nations signed on 26 June 1945, and the establishment of the International Court of Justice,
- having regard to the Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948,
- having regard to the African (Banjul) Charter on Human and People's Rights of 1985 and the establishment of the African Court on Human and Peoples' Rights of 2004,
- having regard to the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly on 18 December 1992,
- having regard to the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995,
- having regard to Chapter IV of the Declaration of the XII Non-Aligned Movement Summit held in Durban, in 1998,
- having regard to article 30 of the African Union Constitutive Act of 2000,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin²,
- having regard to the Universal Declaration on Cultural Diversity adopted by the General Conference of UNESCO on 2 November 2001,
- having regard to the 2001 World Conference against Racism and the 2002 World Summit on Sustainable Development,
- having regard to the 2003 Intangible Cultural Heritage Convention,
- having regard to the Protocol of the African Court of Justice of 2003,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 9 April 2009 in Prague (Czech Republic).

² OJ L 180, 19.7.2000, p. 22.

- having regard to the Resolution on racism, racial discrimination, xenophobia and related intolerance adopted by the ACP-EU Joint Parliamentary Assembly on 3 April 2003 in Brazzaville,
 - having regard to its Resolution on the International Criminal Court (ICC) adopted on 3 April 2003 in Brazzaville¹,
 - having regard to the Dakar Declaration on the Promotion of ACP cultures and cultural industries adopted on 20 June 2003 at the first meeting of ACP Ministers of Culture,
 - having regard to Resolution 1334 of the Council of Europe on positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe adopted on 24 June 2003,
 - having regard to the UNDP Human Development Report 2004 on 'Cultural liberty in today's diverse world',
 - having regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005,
 - having regard to the European Parliament Resolution of 8 June 2005 on 'Protection of minorities and anti-discrimination policies in an enlarged Europe'²,
 - having regard to the Cotonou Agreement signed in June 2000 in Cotonou³ and revised in Luxembourg⁴ in June 2005, in particular to article 33 'Institutional development and capacity building' which calls for 'full respect for diversity within and among societies',
 - having regard to the African Charter on Democracy, Elections and Governance adopted by the African Union in Addis Ababa on 30 January 2007,
 - having regard to the Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly on 13 September 2007,
 - having regard to the Conventions of the International Labour Organization,
 - having regard to the African Union's 2003 Maputo Summit decision to include the African Diaspora as its 6th Region,
 - having regard to the report by the Committee on Political Affairs (ACP-EU 100.460/09/fin.),
- A. whereas the world's nearly 200 countries are home to some 5000 ethnic groups and two thirds have at least one substantial ethnic or religious minority,
 - B. whereas, therefore, all democracies need to design policies that explicitly recognise cultural differences, while ensuring inclusion and furthering common bonds and a sense of solidarity, which are necessary for the functioning of democratic society,
 - C. whereas a legal framework recognising the equal rights of ethnic, religious and linguistic groups is essential for promoting democratic governance, designing multicultural policies and fostering human development,
 - D. whereas cultural diversity has been an established feature of most ACP and EU countries and has been growing in the last decades as a consequence of the forces of globalisation; whereas the accommodation of additional cultures, religions and languages poses a new challenge for many societies, notably in Europe and the ACP world,

¹ OJ C 231, 26. 9.2003, p.20.

² OJ C 124E, 25.5.2006, p. 405.

³ OJ L 317, 15.12.2000, p. 3.

⁴ OJ L 209, 11.8.2005, p. 27.

- E. whereas in a globalised world, respect for diversity becomes even more vital, both for states and the international community, in order to prevent social, ethnic and religious conflicts,

Political and legal aspects

1. Stresses the importance of respect for and adherence to regional and inter-regional legal instruments and structures and the important role of human rights courts, as well as of the International Criminal Court;
2. Acknowledges the key role of the Universal Declaration of Human Rights (UDHR) in the protection of the rights of all peoples and the elimination of discrimination of all kinds;
3. Calls on all EU and ACP member states to ratify and implement international and regional human rights conventions, including the specific legal instruments for the protection of minority rights, and to develop effective anti-discrimination legislation aligned with these international conventions; draws attention, in this context, to the plight of groups of persons in need, such as persons infected with HIV/AIDS, albinos, internally displaced persons, refugees and migrant workers;
4. Acknowledges the role of the International Labour Organization in the protection of the rights and the elimination of discrimination against all labourers and calls on the ACP and EU member states to uphold these rights,
5. Calls on all EU and ACP states to ratify as a matter of urgency International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples;
6. Believes that, where diversity has resulted in violent conflicts or threatens to do so, standing mediation mechanisms should be established which can tackle conflicts before escalation;
7. Calls on EU and ACP governments to involve civil society organisations, including those representing marginalised and minority groups, in the political dialogue, in accordance with article 8 of the Cotonou Agreement;
8. Believes that development cooperation between regional and local actors is particularly suited to exchanging best practices on the accommodation of diversity and to responding to specific needs of certain communities; therefore invites EU and ACP governments to support joint development initiatives at local and regional level and provide them with the necessary political space to flourish independently from governmental cooperation;
9. Believes that a multilateral peer review, similar to the African Peer Review Mechanism Process, could be undertaken to assess conditions in states and set down benchmarks for democratic accommodation of diversity;
10. Underlines the fact that democratic representation of minority groups, as well as their ability to participate in political, social and cultural debates, are a central necessity to ensure the implementation of good governance principles;
11. Stresses that it is not necessary for a citizen to be a member of a religious group in order to be granted full civil and social rights;

The cultural dimension

12. Acknowledges that there are different policies and constitutional solutions for accommodating cultural diversity; believes, however, that designing multicultural

policies requires, first and foremost, a legal framework recognising the equal rights of ethnic, religious and linguistic groups, and protecting citizens from any form of discrimination;

13. Stresses, in particular, that all ACP and EU states must respect freedom of religion, as enshrined in article 18 UDHR, articles 1 and 2 of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Minorities Declaration) and other international human rights treaties;
14. Underlines that cultural and religious practices themselves have to adhere to international human rights standards, including the rights of minorities, women's rights and the rights of children, as advocated, for example, in articles 5 and 16(2) UDHR and 4(2) of the Minorities Declaration, and that freedom of choice of the members of religious or cultural communities must be ensured;
15. Stresses that traditional, cultural or religious rights of a group cannot undermine internationally agreed human rights standards available to all persons;
16. Recalls that religious practice is a personal choice pertaining to the private sphere and believes that in diverse societies religious organisations and state institutions should remain clearly separate;
17. Calls on all ACP and EU countries to ensure that the right of all minority linguistic groups to use their mother tongues is respected, in accordance with article 2 UDHR; recalls the obligation of states, under article 4(3) of the Minorities Declaration, to take appropriate measures so that, wherever possible, persons belonging to minority groups have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue and to ensure that separation in educational systems along ethnic, religious or linguistic lines is avoided; stresses the necessity also to promote and to ensure learning of other languages;
18. Encourages ACP and EU countries to invest in their education systems, as education is a fundamental human right (article 26 UDHR) and provides one of the most effective tools for promoting tolerance and integration (article 4(4) Minorities Declaration); calls in this context on the European Commission to respect its commitment to allocate at least 20% of funds under the Development Cooperation Instrument's geographic programmes to health and education, and invites it to extend this commitment to the European Development Fund;
19. Calls on all ACP and EU governments to ensure that, in line with article 19 UDHR, all citizens have access to media so as to fully express their ethnic, religious or linguistic identity, including targeted support to minority language media and fair and balanced representation of all groups within society; diverse voices should be able to exercise these rights through adequate representation in the media and through access to the media as a benefit of living in a democratic state; underlines the importance of widespread access to nationwide media in order to secure a certain level of information;
20. Believes that where exclusion and prejudices pose a major problem, ACP-EU cooperation should support specific programmes in the media and education sectors to promote tolerance and understanding;
21. Calls on ACP and EU countries to adopt proactive policies to promote the fair representation of different ethnic, cultural and linguistic groups in public offices, electoral systems, administration, the police and security sector, by fighting any form of discrimination and developing targeted recruitment policies, including, where appropriate, affirmative action;

22. Invites the ACP and EU countries to consider re-designing their electoral systems so as to encourage fair representation of minority interests, while preventing ethnicity from becoming the main point of cleavage;
23. Calls on ACP and EU countries to promote appropriate Intellectual Property laws – as prescribed by recognised international bodies such as the World Intellectual Property Organization - in relation to the exchange and transfer of cultural property or cultural and natural heritage resources;

Social and economic issues

24. Calls on ACP and EU countries to recognise the importance of economic diversification and to implement policies to that end, given that socio-economic factors can generate or exacerbate ethnic and cultural tensions, as well as to promote regional integration in the interest of development;
25. Calls on the ACP and EU countries to promote the social inclusion of minorities and to adopt active policies to ensure equal access to employment, education and social services;
26. Calls on the EU member states to fulfil their commitments to assist the ACP countries in their task of achieving the Millennium Development Goals;
27. Recognises that factors such as globalisation, conflict over natural resources or climate change are likely to produce further migration flows and considers that migration within the ACP group and between ACP and EU countries should not only be viewed from an economic perspective but should also take account of political, social and cultural exchange; firmly believes that it is essential to respect fully the rights and dignity of all migrants;
28. Insists that revenues from natural resources of ACP and EU countries should be used to the benefit of the development of all sectors of society within those countries; calls on governments to ensure that all communities are consulted so that they may benefit from any commercial revenue and that environmental and cultural concerns are taken into account; recognises the need to create mechanisms in order to secure the distribution of these benefits;

International and regional cooperation and development policy

29. Calls on the EU and the ACP governments to analyse, when drawing up and reviewing country and regional strategy papers, problems relating to the inclusion and equality of ethnic, cultural, religious and emerging minorities, and to involve representatives of the groups concerned in the consultation process; stresses that specific programmes should be designed and funded which promote equal access to social services and political participation;
30. Calls on the EU member states and the Commission to ensure that the rights of minorities, including indigenous peoples and emerging minorities, are mainstreamed in all programmes and projects, specifically in the human rights, democracy and governance sector;
31. Recalls the EU's positive experience regarding the protection of minority rights and the peaceful solution of border conflicts;
32. Calls on ACP and EU countries to recognise the positive impact of the African Union Constitutive Act which stipulates that governments which come to power through

unconstitutional means shall not be allowed to participate in the activities of the African Union;

33. Believes that the African Peer Review Mechanism effectively enhances democratic institutions which foster diversity and responsible governance; urges ACP regional and subregional organisations to give greater consideration to minority issues in such frameworks;
34. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the Commission of the African Union, the Pan-African Parliament and national and regional parliaments, the European Commission, the UN and regional organisations, and the EU and African Union Presidencies.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.463/A/09/fin.

RESOLUTION¹

on Economic Partnership Agreements (EPAs) and their impact on ACP States

The ACP-EU Joint Parliamentary Assembly,

- meeting in Prague (Czech Republic) from 6 to 9 April 2009,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to Article 178 of the Treaty establishing the European Community,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement)²,
- having regard to the Decision³ of the Eleventh ordinary session of the African Union Assembly of Heads of State and Government, meeting in Sharm El-Sheik, Egypt, from 30 June to 1 July 2008, on the report on Economic Partnership Agreements,
- having regard to the Declaration of the Tenth ordinary session of the African Union Assembly of Heads of State and Government, meeting in Addis Ababa, from 31 January to 2 February 2008, on Economic Partnership Agreements,
- having regard to the ‘Accra Declaration’ adopted on 3 October 2008 at the 6th Summit of the ACP Heads of State and Government,⁴
- having regard to the Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee of 12 April 2005 on Policy Coherence for Development – Accelerating progress towards attaining the Millennium Development Goals⁵,
- having regard to the conclusions adopted by the General Affairs and External Relations Council (GAERC) in May 2005 in respect of the Millennium Development Goals⁶,
- having regard to Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences⁷,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 9 April in Prague (Czech Republic)

² OJ L 317, 15.12.2000, p. 3.

³ AU/Dec. 197(XI)

⁴ ACP/28/025/08

⁵ COM(2005) 134 final

⁶ 9266/05

⁷ OJ L 169, 30.6.2005, p. 1.

- having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements¹,
- having regard to the conclusions of the 2870th EU General Affairs and External Relations Council meeting of 26 and 27 May 2008 on the Economic Partnership Agreements,
- having regard to the resolution of the ACP-EU Council of Ministers adopted in Addis Ababa on 13 June 2008,
- having regard to the Communication of 27 June 2007 from the Commission to the European Parliament and the Council entitled 'From Cairo to Lisbon – The EU-Africa Strategic Partnership' (COM(2007)0357),
- having regard to the Communication of 23 October 2007 from the Commission to the European Parliament and the Council, on Economic Partnership Agreements (COM(2007)0635),
- having regard to the General Agreement on Tariffs and Trade (GATT), in particular Article XXIV thereof,
- having regard to the United Nations Millennium Declaration of 8 September 2000, which sets out the Millennium Development Goals as criteria collectively established by the international community for the elimination of poverty,
- having regard to the Declaration of the second Conference of African Ministers in Charge of Integration, adopted in Kigali, Rwanda, on 26 and 27 July 2007,
- having regard to the Declarations of the Fourth and Fifth African Union Conference of Ministers for Trade, meeting in Addis Ababa on 3 April 2008 and 2 March 2009, on Economic Partnership Agreements,
- having regard to the report presented by Ms Christiane Taubira, Member of the French National Assembly, on 16 June 2008 entitled: 'Les Accords de Partenariat Economique entre l'Union européenne et les pays ACP. Et si la Politique se mêlait enfin des affaires du monde?',
- having regard to the European Parliament resolution of 26 September 2002 on the European Parliament's recommendations to the Commission concerning the negotiation of Economic Partnership Agreements with the ACP countries and regions²,
- having regard to the European Parliament resolution of 23 March 2006 on the development impact of Economic Partnership Agreements (EPAs)³,
- having regard to the European Parliament resolution of 23 May 2007 on Economic Partnership Agreements⁴,
- having regard to the European Parliament resolution of 23 May 2007 on the EU's Aid for

¹ OJ L 348, 31.12.2007, p. 1-154

² OJ C 273E, 14.11.2003, p. 305.

³ OJ C 292E, 1.12.2006, p. 121.

⁴ OJ C 102E, 24.4.2008, p. 301.

Trade¹,

- having regard to the European Parliament resolution of 12 December 2007 on Economic Partnership Agreements²,
 - having regard to its resolution of 19 February 2004 on Economic Partnership Agreements (EPAs): problems and prospects³,
 - having regard to its resolution of 23 November 2006 on the review of negotiations on Economic Partnership Agreements (EPAs)⁴,
 - having regard to its Kigali Declaration for development-friendly Economic Partnership Agreements (EPAs), adopted on 20 November 2007⁵,
 - having regard to the report by the Committee on Economic Development, Finance and Trade (ACP-EU 100.463/09/fin.),
- A. whereas Article 36(1) of the Cotonou Agreement contains the agreement of the European Union and the ACP States to conclude 'WTO compatible trading arrangements, removing progressively barriers to trade between them and enhancing cooperation in all areas relevant to trade',
- B. whereas, however, Article 37(3) of that Agreement lays down that a 'preparatory period shall also be used for capacity-building in the public and private sectors of ACP countries',
- C. whereas negotiations between the European Union and the ACP Group of States on issues of general interest started in 2002 and were followed by separate negotiations between the EU and six EPA regions (Caribbean, West Africa, Central Africa, Eastern and Southern Africa, SADC minus, Pacific),
- D. whereas the 15 Member States of the Caribbean Forum of African, Caribbean and Pacific States (CARIFORUM) initialled an Economic Partnership Agreement with the EU and its Member States on 16 December 2007,
- E. whereas 18 African countries, of which 8 are Least Developed Countries (LDCs), initialled 'stepping stone' Economic Partnership Agreements in November and December 2007, while 29 other African ACP countries, of which three are non-LDCs, did not initial any EPAs, and whereas South Africa had already signed up to the Trade, Development and Cooperation Agreement (TDCA), a WTO compatible trade regime with the European Union,
- F. whereas Papua New Guinea and Fiji, two non-LDC ACP countries, initialled an interim Economic Partnership Agreement on 23 November 2007, while the remaining Pacific ACP countries (six LDCs and seven non-LDCs) did not initial an EPA,
- G. whereas in 2008 only the agreement between the CARIFORUM States and the EU and the interim agreements between the EU and Côte d'Ivoire and the EU and Cameroon were

¹ OJ C 102E, 24.4.2008, p. 291.

² Texts adopted, P6_TA(2007)0614.

³ OJ C 120, 30.4.2004, pp. 16-22.

⁴ OJ C 330, 30.12.2006, pp. 36-40.

⁵ OJ C 58, 1.3.2008, pp. 44-46.

signed,

- H. whereas the EU has applied, as from 1 January 2008, the import arrangement to products originating in the ACP States which initialled EPAs or stepping stone EPAs, as provided for in these agreements¹,
- I. whereas the African and the Pacific regions are continuing negotiations with the European Union with a view to the conclusion of full EPAs, and whereas half the ACP States have not yet initialled or signed such agreements,
- J. whereas the ACP countries have voiced concerns over the 'contentious clauses' contained in the initial EPAs and have requested that these be addressed before signing,
- K. whereas all parties have repeatedly maintained that the EPAs must be instruments of development in order to promote sustainable development, regional integration, and reduction of poverty in the ACP States,
- L. whereas the adjustment costs resulting from EPAs will have a significant impact on the development of ACP countries, which, whilst difficult to predict precisely, will have a direct impact through the loss of customs duties and an indirect impact through the costs incurred by adaptation and social support in the areas of employment, skills enhancement, production, export diversification and reform of public financial management,
- M. whereas 21 ACP countries, some of which have not yet signed an EPA, have allocated specific amounts for the accompanying measures to the EPAs in their National Indicative Programmes (NIPs) for the 10th European Development Fund (EDF),
- N. whereas the development impact of EPAs on ACP States might, in some instances temporarily, result in:
 - the reduction of net customs revenues and its effect on the budgets of the ACP States,
 - regional integration problems among the ACP regional blocs due to the initialling of interim agreements, which may hinder the necessary creation of a framework for integrated economic development that can contribute to economic growth in the ACP States,
 - the improvement of the supply to ACP countries' economies, and provision to customers, of imported EU products,
 - growing exports to the EU from ACP countries through, *inter-alia*, improved Rules of Origin, which would contribute to economic growth, more employment and increased state revenue, which could be used to fund social measures,
 - regional integration in the ACP regions, which has the capacity to improve the framework for economic development and would therefore contribute to economic growth,

¹ Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements (OJ L 348, 31.12.2007, p. 1.)

- the successful use of financing for Aid for Trade in connection with the EPAs,
 - the implementation of reform and response measures in the ACP countries, in particular as regards public finance management, collection of customs duties and the establishment of a new tax revenue system,
- O. whereas the trade inside and between ACP regions and between ACP countries and other developing countries (South-South trade cooperation) can have important positive effects on the development of ACP countries,
- P. whereas one stated aim of the Cotonou Agreement is to make EPAs instruments for promoting sustainable development, eradicating poverty, gradually integrating the economies of the ACP regions into the world economy and enhancing regional integration,
- Q. whereas the President of the European Commission, José Manuel Barroso, stated at the EU-Africa summit, held in Lisbon in December 2007, that there would be an ‘opportunity to revise the provisions of the Economic Partnership Agreements signed by the two parties over the past few months’,
- R. whereas the inhabitants of the ACP countries are the most affected by the global financial and food crisis and it is more vital than ever that every effort be made to achieve the MDGs,
1. Urges the EU Member States to respect their commitments to increase Official Development Aid (ODA) to help meet demands for trade-related capacity building, which will enable accompanying measures to be established in the form of regional Aid for Trade packages for the implementation of the EPAs with a view to their positive impact on development; stresses the fact that signing an EPA is not imposed as a precondition for receiving Aid for Trade funds;
 2. Insists that EPAs are an instrument for development which should reflect both the national and regional interests and the needs of the ACP countries, in order to reduce poverty, achieve the MDGs and ensure respect for fundamental human rights such as the right to food and the right to access basic public services; urges the Council, the Commission and the governments of the EU Member States and ACP countries to do their utmost to re-establish an atmosphere of trust, mutual respect and security insofar as this has been damaged in the course of negotiations;
 3.
 - a) Reminds the EU institutions and governments that neither the conclusion nor the renunciation of an EPA should lead to a situation where an ACP country may find itself in a less favourable position than it was under the trade provisions of the Cotonou Agreement;
 - b) Urges the European Union to provide sufficient and predictable resources, in addition to those under the European Development Fund, to cover the cost of adjustments, bolster supply-side capacity and strengthen infrastructure, regulatory capacity, competitiveness and national and regional inter-connectivity;
 - c) Urges the European Union also not to tie the release of funds under the 10th EDF or Aid for Trade to the signing of a full EPA;
 4. Stresses that WTO compatibility as defined by Article XXIV of GATT pertains only to

trade in goods and requires 'a substantial part of the trade' to be liberalised 'within a reasonable length of time', and urges the Council and Commission to accept any goods-only WTO compatible proposals from ACP countries;

5. Urges the ACP countries and the European Commission to make best use of the funding available for Aid for Trade in order to support the reform process in areas essential for economic development; to improve infrastructure where it is necessary to benefit more effectively from the opportunities offered by the EPAs; to compensate for the net loss of customs revenue and encourage tax reform so that public investments in social sectors are not reduced; to invest in the production chain in order to diversify export production; and to produce more, and more added value, export goods;
6. Reiterates its view that EPAs must be funded not by the EDF but by additional aid for trade, to which the EU committed itself in 2005, namely EUR 2 billion annually, starting in 2010, 50% of which would go to ACP countries; opposes any kind of conditionality linked to EPAs in the matter of granting European aid, and calls on the Commission to guarantee that access to funds under the 10th EDF is kept separate from the outcome and pace of the negotiations;
7. Stresses that the increases in ODA promised by the Member States should, as a priority, be used to redouble efforts to attain the Millennium Development Goals in those ACP countries which are hardest hit by the consequences of the global financial and food crisis, which has threatened, and continues seriously to threaten, the success achieved towards attaining those goals;
8. Also underlines that all agreements must respect the asymmetry in favour of the ACP countries regarding both the range of products targeted and the transition periods, and that the EPAs must provide firm guarantees of protection for those sectors which the ACP countries identify as sensitive;
9. Notes with alarm that the EC is concluding a deal on bananas with most favoured nation suppliers in Latin America that will threaten the viability of the ACP banana industry and in particular the sustained economic and social development of small vulnerable economies; calls on the European Commission to ensure that measures are taken to safeguard the livelihoods of small banana farmers, who are the most vulnerable;
10. Stresses that support measures linked to the EPAs should take into account the importance, for the development of the ACP countries, of regional integration and economic relations with other developing countries;
- 11 a) Urges the Commission to allow the ACP countries to renegotiate contentious clauses before signing the comprehensive regional agreements, to give ACP negotiators sufficient time to evaluate the agreements, to make suggestions before they are adopted and to offer them advice on any matters the ACP negotiators deem appropriate; stresses in particular the importance of reflecting the concerns of the partner countries and their parliaments, local authorities and civil society in the framework of the negotiations on full EPAs, which should not be concluded under pressure or in haste;
- b. Calls on the European Commission to hold full consultations with the ACP Group, in accordance with Article 12 of the Cotonou Agreement, before entering into any commitment liable to adversely affect the economic integration of the ACP regions

or ACP-EU trade relations;

12. Stresses that EPA agreements should incorporate a clause providing for revision five years after their signature, with the formal involvement of national parliaments, the European Parliament and non-state actors, as well as stronger monitoring and evaluation provisions, making it possible to determine the impact of the EPA on country and regional development and poverty reduction objectives – not merely EPA compliance levels – and provide for a redress mechanism to allow for the amendment or repeal of any aspect of the EPA that undermines a process of regional integration or damages chances of reducing poverty or achieving the MDGs;
13. a) Urges the ACP governments to implement necessary reforms in order to pursue their efforts towards good governance, in particular in the field of public administration, such as in public financial management, the collection of customs duties, the tax revenue system and the fight against corruption and mismanagement;
- b) Calls for the active participation of all stakeholders, and in particular governments and parliamentarians, in the negotiation process, and for the increased involvement of civil society with a view to reaching a regional consensus prior to the signing of a full EPA;
14. Stresses that there is a need to increase transparency in the negotiations and their outcomes in order to allow for public scrutiny by policy makers, parliamentarians and civil society representatives;
15. Urges the institutions and governments of the EU Member States to do their utmost to re-establish an atmosphere of confidence and trust in so far as it has been damaged in the course of negotiations;
16. Stresses that the implementation of the EPAs should be monitored by a parliamentary body, which has to be provided for in the EPA texts, and that this parliamentary body should, in each case, evolve from the ACP-EU Joint Parliamentary Assembly (JPA) and its bodies and remain closely connected to, or part of, the JPA in order to take due account of the impact of the EPAs on the economies of the ACP countries, as established in the Cotonou Partnership Agreement;
17. Stresses in particular the crucial role of national parliaments and non-state actors in the monitoring and control of EPAs and calls for their systematic involvement in the on-going negotiation procedures; this requires a clear agenda for further negotiations, to be agreed by ACP countries and the EU and based on a participatory approach;
18. Recommends that the European Parliament wait for the opinions of the ACP parliaments on the outcomes of the EPA negotiations wherever possible and that it take these into account before issuing its assent;
19. a. Considers that the EDF Regional Strategy Papers and Regional Indicative Programmes should contain important, systematic and well considered support for EPA implementation, taking into account the necessary reform process that would make the EPA a success;
- b. Insists that documentation on full EPAs must take into account any projected loss of revenue revealed by impact studies at the level of each region and each ACP country, and that provision be made for their renegotiation, where necessary;

- c. Requests that the ACP regions organise workshops on EDF Regional Strategy Papers and regional indicative programmes as swiftly as possible, in order to assess their impact on the implementation of EPAs;
 - d. Calls on the European Union and the ACP States to ensure that EPAs are responsive to the current global crisis, in order to reduce the impact on the ACP States of the slowdown in the world economy;
20. Emphasises that the signing of interim agreements by ACP States must not hinder the possibility of ACP regions concluding with the EU full EPAs that take into account the development dimension and steps to integrate the regional economies, and which strengthen cooperation between the ACP States and the EU Member States;
 21. Stresses again the need to identify sensitive goods that should not form the subject of trade liberalisation;
 22. Highlights the need to restore trust between the ACP countries and the EU countries, which was shaken during the EPA negotiations, in the spirit of the partnership that binds them;
 23. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the EU Council Presidency, the African Union, the Pan-African Parliament, national and regional parliaments and the ACP regional organisations.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.568/09/fin.

RESOLUTION¹

on the role of the Cotonou Partnership Agreement in addressing the food and financial crisis in ACP countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Prague (Czech Republic) from 6 to 9 April 2009,
- having regard to Article 17(2) of its Rules of Procedure,
- having regard to the objectives of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, and revised in 2005²,
- having regard to the G20 declaration on the financial crisis of 15 November 2008³, and to the G20 Leaders' Statement at the London Summit of 2 April 2009,
- having regard to its Port Moresby Declaration on the global food and financial crises, adopted on 28 November 2008⁴,
- having regard to the United Nations Millennium Development Goals (MDGs), and the commitment to halving the proportion of people suffering from hunger and living on less than one US dollar a day,
- having regard to the Communication from the Commission of 9 April 2008 entitled 'The EU – a global partner for development – Speeding up progress towards the Millennium Development Goals' (COM(2008)0177),
- having regard to the Commission communication adopted on 8 April 2009 on supporting developing countries in coping with the crisis,
- having regard to the Monterrey Consensus adopted at the UN International Conference on Financing for Development of 21 and 22 March 2002, and to the Doha Declaration on Financing for Development of 2 December 2008 adopted at the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus⁵,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 9 April 2009 in Prague (Czech Republic)

² OJ L 317, 15.12.2000, p. 3. Agreement as amended most recently by Decision No 1/2006 of the ACP-EC Council of Ministers (OJ L 247, 9.9.2006, p. 22)

³ 'Declaration of the Summit on Financial Markets and the World Economy', adopted in Washington on 15 November 2008

⁴ ACP-EU/100.393/08 (28.11.2008)

⁵ 'Doha Declaration on Financing for Development: outcome document of the Follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus' (doc. A/CONF.212/L.1/Rev.1*)

- having regard to the Paris Declaration¹ and the Accra Agenda for Action²,
 - having regard to the recently released IMF report entitled 'The implications of the Global Financial Crisis for Low-Income Countries',
 - having regard to the conclusions of the 2007 Millennium Ecosystem Assessment Report³,
 - having regard to the conclusions of the World Food Summit of 1996⁴ and its objective of reducing by half the number of people on Earth suffering from hunger by 2015,
 - having regard to the report from the UN Special Rapporteur on the Right to Food, submitted to the UN General Assembly on 25 October 2007⁵,
 - having regard to Regulation (EC) No 1337/2008 of the European Parliament and of the Council of 16 December 2008 establishing a facility for rapid response to soaring food prices in developing countries⁶,
 - having regard to its previous resolutions on food security issues in ACP countries and the role of ACP-EU cooperation,
- A. whereas the Millennium Development Goals, in particular the eradication of extreme poverty and hunger, as well as the development targets and principles agreed in the United Nations' Conferences, provide a clear vision and must underpin ACP-EC cooperation within the Cotonou Partnership Agreement,
 - B. whereas, as a result of the financial crisis, some donor countries have reduced their financial contribution to Official Development Assistance (ODA) to developing countries, which already have fragile economies,
 - C. whereas the objective of promoting the integration of the ACP countries into the global economy, provided for in the Lomé and Cotonou Agreements, has yet to be attained and their share of the imports to the EU has continued to decrease,
 - D. whereas the ACP countries are dependent on exports of commodities that constitute over 50% of their foreign currency revenue, and the financial crisis is resulting in decreasing exports from, and remittance flows into, many developing countries, reduced access to credit and reduced foreign direct investment, and the plummeting of commodity prices,
 - E. whereas new World Bank estimates for 2009 suggest that lower economic growth will trap 46 million more people on less than USD 1.25 a day than was expected prior to the crisis, thereby adding to the 130 to 155 million people pushed into poverty in 2008 because of soaring food and fuel prices; whereas each 1 percent drop in growth could trap another 20 million people in poverty,

¹ 'Paris Declaration on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability', adopted on 2 March 2005 at the Paris High Level Forum: 'Joint Progress toward Enhanced Aid Effectiveness'

² Adopted at the 3rd High Level Forum on Aid Effectiveness, Accra (Ghana), 2-4 September 2008

³ See <http://www.millenniumassessment.org/en/index.aspx>

⁴ Rome (Italy), 13-17 November 1996

⁵ UN General Assembly, 62nd session, doc. A/62/289 of 22.8.2007

⁶ OJ L 354 of 31.12.2008, p. 62

- F. whereas, according to a recent Executive Report by Global Financial Integrity (GFI), debt service repayments from developing countries reached USD 540 billion in 2006 and these countries lost close to USD 1 trillion in illicit financial outflows; whereas borrowing costs are up sharply for developing countries and currencies have weakened significantly; whereas economic and financial integration has never been greater and foreign bank claims on developing countries have almost tripled to USD 3.1 trillion in the last five years; whereas, according to some estimates, global financial flows to developing countries will tumble from USD 1 trillion in 2007 to USD 165 billion this year,
- G. whereas, despite the proven importance of the agricultural sector to ACP countries, neither national governments nor EU development cooperation policies award adequate priority to this key sector, putting hundreds of millions of people in danger of extreme poverty, hunger and malnutrition,
- H. whereas a serious obstacle to increasing agricultural output in developing countries, which is fundamental to reduce food insecurity, is the fact that small farmers, especially women, often lack access to land, loans or microcredit for investment in seeds, fertilisers and irrigation mechanisms and the necessary range of crop protection tools,
- I. whereas the abolition of agricultural subsidies in ACP countries and export oriented subsidies in developed countries have contributed to a decrease in yields and in agricultural production, resulting in an increase in imports of food products,
- J. whereas the agricultural sector is hit by increasingly frequent natural disasters, and whereas at the same time the resources allocated for food aid before and after such disasters are decreasing,

G20 and the London Summit

1. Endorses the outcome and commitments of the London G20 Meeting of 2 April 2009, in particular references to: restoring growth and jobs; strengthening financial supervision and regulation; strengthening global financial institutions; resisting protectionism; promoting global trade and investment; ensuring a fair and sustainable recovery for all; and delivering on aid commitments;
2. Welcomes, therefore, the agreed USD 1.1 trillion and trusts that close to one quarter of that sum will be devoted to developing countries; calls on G20 countries to deliver that amount to them through the speedy disbursement of truly new and additional funds;
3. Calls on the G20, EU and ACP countries to do their utmost to prevent the spreading global crisis from becoming a severe human crisis, and highlights the importance of social protection and investment in food security to address the immediate needs of the poor;
4. Calls for the disbursement of the USD 50 billion dedicated to low-income countries to be made in form of direct grants rather than loans, in order to support social protection, boost trade and safeguard development in low income countries;
5. Supports the G20's intention for resources to be used effectively and flexibly to support growth; welcomes the progress made by the IMF with its new Flexible Credit Line, moving away from its past prescriptive and rigid lending and conditionality framework, as

illustrated in its recent report on 'The implications of the global financial crisis for low-income countries' in which it states that *'in formulating spending policies, priority should be given to protecting or expanding social programmes or bringing forward approved investments, and, in general, to preserving the momentum toward achieving the MDGs'*;

6. Fully supports the G20's determination to reform international financial institutions, but considers it impossible to wait until 2011 to give greater voice and representation to developing countries at the level of international finance, especially in the light of the IMF's new responsibilities, and in this regard asks for improved transparency and accountability and for a new approach to development policy; these governance reforms need to be agreed at the next World Bank and IMF committee meetings on 25 and 26 April 2009;
7. Calls on the EU and ACP States to take action to eradicate tax evasion and illicit capital flight from developing countries, which cost these countries an estimated EUR 800 billion per year, in other words over eight times what they receive in aid;
8. Regrets that the G20's promises on Aid for Trade and ODA were insufficient; stresses that, although the communiqué lists financial measures to increase resources for the developing world through the World Bank and IMF, there was no specific commitment to ensuring that Aid for Trade represents additional funding;
9. Believes that the challenge of climate change must be addressed through structural reforms and calls for a systematic climate change risk assessment in all aspects of policy planning and decisions, including trade, agriculture, food security, etc; requests that the result of this assessment be used for formulating clear guidelines for a sustainable development cooperation policy;

Financial crisis

10. Calls on the EU Member States to honour their commitments as regards ODA – i.e. 0.56% of Gross National Income by 2010 and 0.7% by 2015 – and not to use the financial crisis to justify aid cutbacks;
11. Considers that the situation requires initiatives and mechanisms to solve the current debt problems of developing countries, and calls on the EU Member States not to include in their ODA figures resources provided for debt relief;
12. Considers that greater efforts are required for mobilizing more domestic and international resources for sustainable development, which implies providing universal access to basic economic and social infrastructure and inclusive social services, as well as capacity-building;
13. Recalls that sustainable and fair incomes and wealth distribution require a modern and effective fiscal system; calls for ACP-EU cooperation to promote fiscal reform that allows for increasing tax revenues through more efficient tax collection, a broader tax base and a more effective fight against tax evasion;
14. Calls on the international community, and in particular on the EU Member States, to give a more central role to employment and labour market issues in international development

policy, in order to reduce the effects of the global economic slowdown on developing countries' growth, trade and foreign direct investment flows, by helping to strengthen further their trading capacity and improve their infrastructure, and by facilitating remittances;

15. Underlines that free and fair trade, market principles promoting investment, entrepreneurship and innovation, and effectively regulated financial markets are fundamental for economic growth, employment and poverty reduction;
16. Believes that non-discriminatory and equitable international trade can be a strong engine for development and sustained economic growth, but affirms that it should be guided by transparent rules agreed by all; reminds the ACP and EU Member States of the necessity of establishing coherence between trade policies and development goals, including in the process of EPA negotiations;
17. Underlines the need to avoid over-regulation that would hamper economic growth, and stresses the need for increased dialogue between the state and the business community to find innovative ways to set clear rules, enforce respect for property rights and create financial infrastructure promoting micro business and SMEs;
18. Calls on the ACP and the EU, in the light of the impact of the current financial crisis on ACP countries, to commit themselves to open, transparent and inclusive EPA negotiations;
19. Calls on all stakeholders to work together to secure a successful, sustainable and timely conclusion of the Doha Development Round;

Food crisis

20. Calls on the European Commission and the EU Member States to improve policy coherence for development in the fields of agriculture and trade;
21. Reiterates the principle of the right to food; reminds EU and ACP leaders that they have pledged to halve the number of people who suffer from hunger by 2015, and urges the Commission, the EU Council and the ACP countries to adopt – and properly finance – whatever measures are needed in order to honour that commitment;
22. Calls on ACP and EU governments to respond to the urgent needs of the most vulnerable – particularly women and children – by enhancing sustainable nutrition interventions and safety nets and expanding social protection systems;
23. Calls on ACP governments to involve farmers and pastoralists, many of whom are women, in the elaboration of their agriculture and land-use policies, and to ensure their access to land, credit and new technologies that will increase production;
24. Calls, in framework of the ongoing review of the Cotonou Partnership Agreement, for the revision of Article 54 to accommodate the objectives of Millennium Development Goal 1, which aims to cut the proportion of people suffering from hunger by half by 2015;

25. Calls on ACP and EU governments to ensure jointly that sufficient aid and public spending is channelled towards achieving food security, as stated in the Maputo Declaration of the ACP Heads of State and Government of June 2004¹;
26. Calls on wealthy nations, including EU Member States, as well as the new US Administration, to reduce agricultural subsidies and eliminate agricultural export subsidies, as most rich countries promised to do at the outset of the Doha Development Round, although since then there has not been much progress;
27. Strongly condemns the activities of speculators on global commodities, agricultural raw materials and energy markets, which contribute to exacerbating the volatility of food prices and to deepening the global food crisis; stresses that it is not acceptable that the hunger for some means profits for others, and calls for adequate regulation and effective oversight at national and international level to prevent the violation of the right to food, through speculation; calls on EU and ACP countries and companies to fully implement the Extractive Industries Transparency Initiative;
28. Notes with alarm that the EC is concluding a deal on bananas with MFN² suppliers in Latin America that will threaten the viability of the ACP banana industry and in particular the sustained economic and social development of small vulnerable economies; calls on the European Commission to ensure that measures are taken to safeguard the livelihoods of small banana farmers, who are the most vulnerable;
29. Calls on the EU institutions to speedily implement the recently-agreed USD 1 billion Food Facility proposal without corresponding cuts in bilateral aid budgets, and to push food production back up the international agenda in line with Article 23(d) of the Cotonou Partnership Agreement;
30. Calls upon the EU and ACP countries to design mechanisms and policies to cushion the effects of commodity price volatility and to encourage diversification of local and supporting industries of the ACP countries' economies wherever possible; recognizes that the transfer of technology and business skills can have a positive impact on development; calls on ACP and EU countries to develop efforts aimed at maximizing linkages with domestic production activities, enhancing technology transfer and creating training opportunities for the local labour force;
31. Stresses the urgent need for the EU and the ACP to draw up comprehensive and effective strategies for addressing emergency situations arising from natural disasters in the agricultural sector;

32. Instructs its Co-Presidents to forward this resolution to the ACP-EC Council, the Commission, and the governments and secretariat of the G20 Group.

¹ 4th Summit of ACP Heads of State and Government, Maputo (Mozambique), 23-24 June 2004: Maputo declaration: 'Together shaping our future' (doc. ACP/28/010/04 [Final]), Maputo, 24 June 2004

² Most Favoured Nation

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.569/09/fin.

RESOLUTION¹

on Establishing and promoting peace, security, stability and governance in Somalia

The ACP-EU Joint Parliamentary Assembly,

- meeting in Prague (Czech Republic) from 6 to 9 April 2009,
- having regard to Article 17(2) of its Rules of Procedure,
- having regard to the UN Convention for the suppression of unlawful acts against the safety of maritime navigation, of 10 March 1988,
- having regard to the Declaration on Somalia by the EU Council Presidency on behalf of the European Union, of 3 February 2009,
- having regard to UN Security Council Resolutions 1814 (2008), 1816 (2008) and 1844 (2008) on Somalia,
- having regard to the statements made by the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union, Javier Solana, on 23 February and 4 April 2009, and by Louis Michel, Member of the European Commission, on 26 February 2008,
- having regard to the Decisions and Declaration adopted by the Executive Council of the African Union on 30 January 2009 in Addis Ababa (Ethiopia),
- having regard to the Communiqué issued by the African Union Summit of Heads of State and Government on 4 February 2009 in Addis Ababa (Ethiopia),
- having regard to the Declaration adopted at the 13th Extraordinary Session of the Intergovernmental Authority on Development (IGAD) Assembly of Heads of State and Government, held on 29 October 2008 in Nairobi (Kenya),
- having regard to the Communiqué of the 32nd Extraordinary Session of the IGAD Council of Ministers of 27 January 2009 in Addis Ababa (Ethiopia),
- having regard to the report by the ACP Committee of Ambassadors on the future of the ACP Group, adopted by the ACP Council of Ministers at its 86th session, held from 10 to 14 December 2007 in Brussels (Belgium),

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 9 April 2009 in Prague (Czech Republic)

- having regard to the ACP Secretariat’s project to develop indicators to measure and monitor regional integration processes in the six ACP regions,
 - having regard to the European Parliament resolutions of 19 June 2008 and 20 November 2008 on the situation in Somalia and to its previous resolutions on Somalia¹,
 - having regard to Resolution of the African Parliamentary Union on the situation in Somalia, adopted on 30 November 2008,
 - having regard to the African Union’s Declaration of 10 December 2008 and its communiqué of 22 December 2008,
 - having regard to the signing of the documents on Modalities for the Implementation of the Cessation of Armed Confrontation and a Joint Declaration on Common Political Aims by the Transitional Federal Government (TFG) and the Alliance for the Reliberation of Somalia (ARS) on 26 October 2008,
 - having regard to the Conclusions of the 14th meeting of the International Contact Group (ICG) on Somalia, held under the chairmanship of the UN Special Representative for Somalia, Ahmedou Ould-Abdallah, on 26–27 February 2009,
- A. affirming the importance of respecting Somalia’s territorial integrity, sovereignty, political independence and unity,
 - B. whereas Somalia has been a failing state for the last 17 years and the situation has deteriorated into one of the world's worst humanitarian and security crises,
 - C. whereas the TFG and the ARS signed a power-sharing deal in Djibouti on 9 June 2008; whereas the initial aim of the Djibouti peace process was to initiate a broad-based national reconciliation and create a strong and inclusive political alliance capable of securing the peace, reconciling the country and re-establishing central state authority,
 - D. whereas the peace process has been further complicated by splits within the ARS and TFG as well as by the advance of radical militias such as Al-Shabab, which are not yet party to the peace process and now control parts of Somalia, including Baidoa, the former seat of the parliament,
 - E. whereas widespread human rights abuses and violations of international humanitarian law by all parties in the conflict in Somalia, specifically torture and other ill-treatment, rape, extrajudicial executions, arbitrary detention and attacks on civilians, journalists and human rights defenders and civilian infrastructure continue to occur in Somalia,
 - F. whereas the number of grave human rights violations against children in Somalia, from acts of murder and rape to the recruitment of child soldiers and the denial of humanitarian access to those in need, have all increased in the past year,

¹ OJ ...

- G. whereas, since February 2007, some 340 000 Somalis have fled fighting in Mogadishu, while 2.6 million Somalis – about 35 per cent of the population – are in need of humanitarian assistance, and while there are 1.3 million displaced people; whereas many refugees were robbed, raped or beaten by freelance militias as they fled Somalia,
- H. expressing its appreciation that Kenya is hosting 250 000 refugees at the Daadab refugee camps; whereas hundreds of Somalis have drowned trying to cross the Gulf of Aden to Yemen, and many have been abandoned at sea by traffickers,
- I. whereas Ethiopia withdrew its troops from Somalia as part of a UN-backed peace deal between the fragile transitional government and the moderate wing of the main opposition; whereas the withdrawal of Ethiopian troops – though stoking fears of a volatile power vacuum – and the election of a new president open a window of opportunity for intra-Somali reconciliation; whereas the African Union Mission to Somalia (AMISOM), which has since March 2007 been essentially confined to Mogadishu, will now find itself alone on the ground,
- J. whereas acts of violence against civilians and humanitarian workers, in violation of international humanitarian law, as well as attacks on AMISOM personnel and positions and all acts and threats of violence perpetrated by those elements seeking to undermine the political process, hinder the operations of AMISOM and undermine regional peace and stability,
- K. whereas an estimated 10 000 refugees – with that number expected to reach 25 000 over the next few weeks – have arrived at the border town of Dolo Ado, in the Somali Region of Ethiopia since the beginning of the year; whereas they are mostly women and children fleeing following the withdrawal of Ethiopian troops,
- L. whereas there has been a significant increase in the number of successful pirate attacks in the last three years (10 in 2006, 35 in 2007, 43 in 2008 and 9 so far in 2009), and in the subsequent hostage-taking and seizure of vessels,
- M. whereas piracy on the high seas represents a growing threat to human life and safety and to the supply of humanitarian aid, particularly in the seas off Somalia and the other countries of the Horn of Africa; whereas these acts of piracy and armed robbery are due to the continuing conflict and political instability in Somalia,
- N. whereas the scale of illegal fishery in Somali waters also contributes to acts of piracy, and is destroying a food resource essential to Somalis and to the income of local fishermen,
- O. whereas, according to a report by the United Nations Environment Programme (UNEP), a vast number of illegal shipments of toxic waste, the contents of which are leaking, have been deposited along the coast of Somalia, in total disregard for the health of the local populace and conservation of the environment,

- P. whereas, according to the same report, the waste dumped at sea partly originated from the European Union, and that waste is irreversibly damaging human health and the environment in the region, in flagrant violation of human rights,
- Q. whereas, as a result of piracy, the World Food Programme (WFP) had to suspend delivery of food aid to Somalia, worsening an already precarious humanitarian situation,
- R. whereas on 8 December 2008, the EU launched its maritime operation EU NAVFOR Somalia (or Operation Atalanta), aimed at protecting maritime convoys of the WFP and other merchant ships sailing through the waters off Somalia,
- S. whereas the fight against piracy cannot be won by military means alone, but depends mainly on success in promoting peace, development and state-building in Somalia;

Recent political developments

1. Strongly supports the progress made since December 2008, specifically the creation of an enlarged and more inclusive Parliament, the extension of the transitional period, the election of Sheikh Sharif Sheikh Ahmed as President and the appointment of a prime minister and cabinet; acknowledges and supports this new process as a Somali-owned and -led peace and reconciliation process;
2. Particularly welcomes the relocation of the Government and Parliamentarians to Mogadishu and their commitment to continuing the Djibouti peace process; underlines the urgent need to provide tangible and coordinated support to address the agreed linked priorities of political, security, recovery, human rights and institution-building issues; sees this as an important step towards a functioning administration within Somalia;
3. Welcomes the truce reached in February 2009; calls upon all political actors and relevant stakeholders in Somalia to join the peace process and to refrain from new acts of violence;
4. Calls for the participation of civil society organisations, and in particular women's organisations, in the national dialogue and in the process of national reconciliation;
5. Underlines the urgent need to restore law and order, including respect for internationally-recognised human rights and international humanitarian law, throughout the country; notes that President Ahmed has agreed to the introduction of sharia law, stresses that sharia should be codified in order to prevent its misinterpretation in violation of human rights and stresses also that any legislative changes should respect human rights and, in particular, women's rights;

6. Calls for the new leadership to create and implement a plan that aims at establishing viable institutions without delay and within the timeframe provided for by the extension of the Transitional Federal Charter to August 2011;

Djibouti Agreement and the responsibility of the international community

7. Expresses its gratitude to the Republic of Djibouti for acting as an intermediary and mediator throughout the peace process in Somalia, and for working for stability and peace in order to restore calm in the region;
8. Pays tribute to the role played by Kenya in hosting and mediating the Somalia Reconciliation Conference under the auspices of IGAD, that led to the formation of the TFG; shares the AU's appreciation of the sacrifice made by Ethiopia and its commitment to the search for a lasting solution for the conflict in Somalia;
9. Calls on the international community to strengthen the UN arms embargo and to monitor airports and sea ports to ensure that illegal arms imports are not entering the country, in order to improve the overall security situation;
10. Calls on all sides in the conflict to stop attacks targeting civilians, cease all use of death threats, rape, unlawful arrest, kidnapping, intimidation and robbing of civilians, and to abide fully by the provisions of Common Article 3 of the Geneva Conventions; calls on the European Commission and Council to support the efforts to guarantee appropriate penalties for persons guilty of such offences;
11. Calls on the UN Security Council to strengthen the monitoring and reporting on human rights conditions, provide assistance and advice to the transitional federal institutions and support human rights defenders throughout Somalia;
12. Calls on the International Contact Group (ICG) on Somalia, the AU and donor states contributing to the TFG, including the EU, Norway and the United States, to support mechanisms to investigate violations of international human rights and humanitarian law committed in Somalia since 1991;
13. Welcomes the commitment made by the TFG to introduce effective and accountable governance based on the outline proposals presented at the ICG meeting in New York in December 2008; also welcomes the fact that the Somali transitional institutions have invited all Somali stakeholders from inside and outside Somalia to join the reconciliation process;
14. Welcomes the ICG's decision to provide regular updates relating to six-month action plans developed in partnership with the TFG; strongly supports the ICG's call to promote quick recovery initiatives, such as job creation, delivery of social services and livelihood activities, which would have an immediate impact on the well-being of Somalis, the security environment and future stability of Somalia, through additional resources, and to protect the political and financial investment already made by the international community;
15. Calls on the Council and the Commission to continue their support for institution-building in Somalia; urges the reinforcement of the African Union

Mission in Somalia (AMISOM) and the deployment of the UN stabilisation force in a timely manner as soon as political and security conditions allow;

Role of AMISOM

16. Requests the UN Secretary-General to create without any further delay a special fund to support AMISOM until such time as the UN deploys a peacekeeping mission;
17. Urges that, especially after the withdrawal of Ethiopian troops, AMISOM and any succeeding UN peacekeeping mission be given a mandate to protect civilians – including women, children and internally displaced persons – with a strong human rights component, with the capacity to monitor, investigate and report human rights violations;
18. Pays tribute to the African States, and particularly Uganda and Burundi, for the action they have taken, and condemns the recent attacks in which several Ugandan and Burundian soldiers from AMISOM, as well as many civilians, have been killed and injured; encourages the continued commitment of AMISOM and its troops, performing under extremely difficult conditions, and calls on all Somali parties to support those working to bring peace and stability to their country;

Humanitarian aspects and Human Rights

19. Urges the new government swiftly to take all requisite and appropriate measures to prevent a worsening of the current humanitarian crisis, and to bring security and peace by ending the fighting that has led to population displacement, civilian and material losses, malnutrition and disease;
20. Condemns the ever more frequent attacks on humanitarian workers over the last few months, which have gravely constrained aid operations and have worsened the humanitarian situation in Somalia; urges the new leadership to take all necessary steps to ensure humanitarian access and assistance to affected populations in that country, and to take effective measures to ensure the safety of local and international humanitarian workers;
21. Calls on the UN Humanitarian Coordinator for Somalia to negotiate humanitarian access separately from the Djibouti peace process, geographic area by geographic area, speed up food supplies and alleviate the dire humanitarian situation; calls on all governments concerned to grant full access for humanitarian aid to Somali refugees in the region, and calls on the international community to strengthen its support;
22. Calls on the new government to address the issue of justice as a matter of priority, in order to put an end to the culture of impunity, as the Somali people in general, and women in particular, are victims of human rights violations, including killings, rape and torture;

23. Calls on the EU to provide all necessary support in order to create a lasting democratic government in Somalia and to further aid the current leadership of Somalia to assert its control over the country and establish the rule of law in a manner compatible with its international human rights obligations;

Piracy

24. Strongly condemns any act of piracy or armed robbery, especially off the coast of Somalia;
25. Welcomes the deployment of EU ships under operation Atalanta to combat piracy, which has sharply reduced the number of attacks this year; calls for effective coordination with other naval formations in the region, and especially those of the USA, Russia and China; and requests that the Atalanta operations be extended to the western Indian Ocean, where the pirates are re-establishing themselves;
26. Calls on the Transitional Federal Parliament and the new TFG, in collaboration with the UN and the African Union, to treat piracy and armed robbery committed from the Somali coast against vessels carrying humanitarian aid as criminal acts, the perpetrators of which must be brought to justice under existing international law;
27. Welcomes the establishment of the UN Contact Group on Piracy off the Coast of Somalia on 14 January 2009;
28. Strongly recommends the EU to support the new Government of Somalia and all other parties concerned so as to improve basic infrastructures for fisheries activities, marine resource conservation and waste management, in order to encourage employment that will reduce the recruitment of youth in piracy and militia activities;

Illegal fishery, toxic waste and trafficking

29. Strongly condemns illegal fishery in Somali waters, and calls on the EU to address that illegal fishery by implementing rapidly the new rules adopted in 2009 concerning traceability, controls and penalties;
30. Calls on the United Nations and the European Commission to fully investigate toxic waste dumping along the Somali coast, to establish responsibilities at all levels, to support the efforts to bring to justice those responsible for this environmental crime and to ensure that environmental contamination is comprehensively dealt with;
31. Calls on UNEP to continue its investigation and provide an in-depth accurate assessment of the extent of the problem, as this is vital to Somalia's future;
32. Condemns all acts of human trafficking taking place off the coast of Somalia;

33. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council and the European Commission, the parliaments of the EU and ACP States, the President and the Parliament of Somalia, the Presidency and Commission of the African Union, the Pan-African Parliament and the UN Secretary-General.