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KENYA NATIONAL ASSEMBLY
NINTH PARLIAMENT – FIFTH SESSION (2006)

REPORT

**OF THE SIXTH ACP ASSEMBLY AND THE
TWELFTH ACP-EU JOINT PARLIAMENTARY ASSEMBLY**

NOVEMBER 15 TO 23 2006, BRIDGETOWN, BARBADOS

CLERKS CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER 2006

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The Twelfth ACP-EU JPA was held in Bridgetown, Barbados from 15th to 23rd November 2006. The Kenya Delegation was comprised as follows:

- 1) The Hon. John J. Kamotho, EGH, MP - Leader of Delegation;
- 2) The Hon. Samuel Poghio, MP;
- 3) Mrs. Serah Kioko – Clerk Assistant/Secretary of Delegation; and
- 4) Mrs. Immaculate Wambua- Embassy of the Republic of Kenya, Brussels.

1.0 MEETINGS PRECEEDING THE TWELFTH SESSION OF THE JPA

The following meetings of the ACP Group whose aim was to prepare for the JPA sessions preceded the Twelfth Session of the JPA:

- Meeting of the ACP Members of the Committee on Political Affairs;
- Meeting of the ACP Members of the Committee on Economic Development, Finance and Trade;
- Meeting of the ACP Members of the Committee on Social Affairs and the Environment;
- ACP Parliamentary Assembly Working Group on the Economic Partnership Agreements (EPAS);
- ACP Parliamentary Assembly Working Group on Conflict Resolution;
- ACP Parliamentary Assembly Bureau;
- 6th Session of the ACP Parliamentary Assembly.

The meetings were meant to enable ACP Members of the Bureau and Standing Committees to discuss issues of common interest to the ACP Group as well as hold consultations and exchange views on the agenda of the 12th JPA Assembly, Joint Bureau and Joint Standing Committees.

1.1 Meeting of the Bureau of the JPA

The Joint Bureau of the JPA met on Sunday, 19th November 2006 for *inter-alia*, the following business;

- Approval of the draft agenda and work programme for the 12th Session of the JPA
- Confirmation of the two issues to be the subject of urgent Motions; *The Review of EPA Negotiations* and *The Situation in East Africa*
- Confirmation of Reports and Motions for Resolutions from the Standing Committees

1.1.0 Reports of Fact-Finding Missions

The Bureau received, discussed and adopted Reports of the following Missions;

- Report on the Fact-Finding Mission to Ethiopia that took place from 4th -8th October 2006 presented by Mrs Glenys KINNOCK, Co-President and Mr. Joseph J. KAMOTHO (Kenya), Vice President
- Report of the Election Observer Mission to the Legislative and Presidential Elections in the Democratic Republic of the Congo held on 30th July 2006, and the 2nd Round of Presidential Elections held on 29th October 2006. The Report was drawn by Mr. Schroder, and Mr. AKPOVI
- Oral Report on Fact-Finding mission on Migration to Malta and Spain (Canary Islands). Mr. AKPOVI (Benin) and Ms. Marie-Arlette CARLOTTI presented the Oral Report. The final Report will be considered by the Bureau at its next meeting.

2.0 THE 12TH SESSION OF THE ACP-EU JPA

The formal opening of the 12th session of the ACP-EU Joint Parliamentary Assembly took place on Monday 20th November 2006 and was officially opened by Rt. Hon. Owen S. Arthur, Prime Minister and Minister for Finance of Barbados.

Key speakers included; Dame Billie A. Miller, Senior Minister and Minister of Foreign Affairs and Foreign Trade of Barbados; Ms Glenys Kinnock, Co-President of the ACP-EU Joint Parliamentary Assembly; and Mr. Rene'

Radembino-Coniquet, Co-President of the ACP-EU Joint Parliamentary Assembly.

The session also heard statements from Mr. Louis Michel, Member of the European Commission for Development and Humanitarian Aid; Mr. Gerald Dantin, President of the ACP-EU Follow-Up Committee and Member of the European Economic and Social Committee; Hon. Noel Alynch, Minister of Tourism and International Transport of Barbados; Mr. Peter Mendelson, European Commissioner for Trade; Mr. Pascal Lamy WTO Director-General; and H.E Edwin Carrington, Secretary-General of CARICON / CARIFORUM.

The Session was co-chaired by the ACP Co-President, Mr. Rene' RADEMBINO-CONIQUET (Gabon) and the EU Co-President Mrs. Glenys KINNOCK.

2.1 DISCUSSIONS OF THE SESSION

The issues discussed during the 12th Session of the ACP-EU Joint Parliamentary Assembly were as follows;

2.1.0 Urgent Topic No. 1: *Situation in East Africa*

The ACP- EU JPA debated the situation in East Africa as regards Sudan, Ethiopia, Eritrea, Somalia and Northern Uganda. At this stage no compromise resolution could be tabled as differences remained between the ACP and the EU, in particular on the paragraphs relating to Ethiopia. Members from the EU felt that the situation in Ethiopia was "unsatisfactory". They underlined that lawyers, human rights activists and opposition members of parliament had been brought before courts and that national reconciliation was needed. They emphasized that there was need to press the regime to release all political prisoners adding that human rights be protected and respected (*attached is the draft compromise Resolution which could not be adopted – Marked No. 1*).

2.1.1 *Debate on the situation in the Democratic Republic of Congo (Without Resolution)*

The JPA debated the situation in the DRC and welcomed the organization and the running of the first presidential and legislative elections held in the

country for over 40 years. Despite the calm in the country since the publication of the results of the second round of the presidential elections and the re-election of Joseph Kabila, the situation in the country remained volatile. The outgoing Vice-President Jean-Pierre Bemba, who gained 42% of the votes, continues to claim that the elections were fraudulent.

Decision: The Assembly requested the Co-Presidents to write to both President KABILA and Mr. Jean-Pierre BEMBA asking them to respect the results of the elections.

2.1.2 Committee on Economic Development, Finance and Trade - *Report on the Impact of Tourism on the ACP Countries' Development*

The JPA examined the report of the Committee on Economic Development, Finance and Trade presented by Mr. L. Boyce SEBETELA (Botswana) and Mr. Hans-Peter Mayer on the Impact of Tourism on the ACP Countries' Development.

Tourism as a factor for development, the sustainable management of tourism and the promotion of inter-regional and internal tourism were all key topics raised in the debate.

The Assembly noted that tourism represented a crucial contribution to the GDP of ACP countries and had the potential to combat poverty, improve human rights and public health. Barbados was given as an example where the success of the industry has helped the country to realize a per capita GDP of US \$ 9,000 and to rank as 31st on the Human Development Index of the United Nations, the highest ranking for any developing country.

It was however noted that tourism was not a panacea for all development challenges and in particular the importance to manage tourism in order to protect the environment was stressed. Awareness should also be raised on the dangers of sex tourism and legal risks that those taking part in it may run into while pursuing their actions. Potential criminal activities must be identified and reported to the authorities.

Members called for the impact of tourism and the principles of sustainable tourism and good Governance to be systematically and coherently taken into account in the drawing-up of the EU's and ACP Member States development policy.

Following the debate, the report was adopted with amendments and a Resolution passed on the subject (*copy of the Resolution attached – Marked No. 2*)

2.1.3 Committee on Political Affairs - Report on Small Arms and Light Weapons and Sustainable Development

The JPA examined the report on Small Arms and Light Weapons in the context of sustainable development drawn by the Committee of Political Affairs and presented by Mr. William DUGUID (Barbados) and Mrs. Ana GOMES, Co-Rapporteurs.

The scourge of small arms and light weapons in developing countries was described as “*true weapons of mass destruction*”. The control of small arms and light weapons went beyond a simple commercial issue and should be regarded in the broader context of sustainable development. It was pointed out that over 640 million small arms and light weapons could be found in developing countries and more than half a million deaths resulted from these weapons. It was observed that the only function of small arms and light weapons was to kill and maim people.

The international community was urged to expeditiously start negotiations on an International Arms Trade Treaty within the UN in order to establish a legally binding instrument to decrease the supply of Small Arms and Light Weapons (SALW) by all producer countries and to regulate arms transfer world wide as defined by the discussions on global principles.

Following the debate the JPA adopted the report after making amendments. A Resolution was also passed regarding the topic (*copy of the Resolution is attached – Marked No.3*)

2.1.4 Urgent Topic No 2: The Review of EPAs Negotiations (EPAs)

The house debated the review of the Economic Partnership Agreements. It however seemed that a compromise could not be reached in as far as the ongoing negotiations were concerned.

The EU side felt that the so called “Singapore issues” were inescapable in as far as EPAs negotiations were concerned. They noted that without basic

rules on Investments, Competition and Public Procurement, economies could simply not prosper.

The EU maintained that, at the stage and progress that the EPAs negotiations have reached it was important to maintain the pressure in order to reach a deal otherwise there was a risk of missing a key opportunity. The ACP's countries had to come up with the specifics since there was a risk of missing deadlines.

The ACP countries on the other side felt that it was necessary to have a clear development side to the EPA negotiations. The primary aim they noted should be to build market capacity before market access. There was fear on the ACP side that this may not be done. The ACP countries were emphatic that they should not be forced to include the so called "Singapore issues" within the EPA negotiations.

Members questioned what would happen if the 1st January 2008 deadline was not achieved. It was impossible to talk about specifics since there was no agreement on fundamental principles. The WTO Doha talks had failed to reach their deadline so why should the current waiver not be extended. If EPAs are applied as they are they would be detrimental to ACP countries. They insisted that they would rather have no agreement at all than a bad one. After the debate a Resolution was passed (*copy attached – Marked No. 4*)

2.1.5 Committee on Environment and Social Affairs - Report on Water in Developing Countries

The Assembly examined the report on Water in Developing Countries drawn by the Committee on Environment and Social Affairs and presented by Mr. Achille TAPSOBA (Burkina Faso) and Eija-Riitta KORHOLA, Co-Rapporteurs.

Members stressed the essential nature of water as a fundamental resource for development and expressed concern over the high number of deaths caused by unsafe water. It was noted that 1.8 billion children in developing countries die each year from diarrhea related illnesses. The poorest people were the worst affected.

Access to clean water was noted to be a fundamental human right which should be a political priority. Access to clean water was one of the greatest

challenges facing the planet today. Poor water sanitation led to high mortality rates and high exposure to disease. Privatization of water facilities was not the answer as multinationals would have the tendency to increase prices. The key to accessing clean water for increased numbers was sound water management policies. Sub-Saharan Africa and many ACP countries faced the challenges of lower average rainfall, however, they benefited from great rivers and the water table. Access to water was often restricted due to conflicts. The Millennium Development Goals on water should be a priority to the International Community.

Members noted that universal non discriminatory access to water is a right, hence development and anti-poverty policies and strategies should take account of people's vital water needs particularly those of the most disadvantaged groups and the need to ensure that water resources are managed equitably and sustainably in the interests of the society as a whole.

Members called on the ACP countries to introduce Agricultural Policies and strategies that promote irrigation methods which bring major water savings and to make control over water a priority with a view to achieving sustainable food security.

Water Facility and the 10th European Development Fund

The report called on the commission to proceed and assess and also evaluate the ACP-EU water facility and the projects that it has funded in order to determine whether a specific funding for further initiatives to this field are to be set aside within the framework of the 10th EDF.

After the debate, the report was adopted with amendments and a Resolution passed (*copy of the Resolution attached – Marked No. 5*)

3.0 WORKSHOPS

In line with the rules of procedure, three workshops were organized and the subjects were of interest to the host country. The subjects of the workshops were;

- Environmental Sustainability (with reference to carbon emissions, sea level rise, coastal erosion, coral reef enlargement and storms)

- The future of Rum/the Rum Industry in the Regional Economic Partnership Agreements
- The cost Providing Treatment fro HIV/AIDS infected persons.

4.0 DATE AND VENUE OF NEXT JPA SESSION

- The Joint Bureau of the ACP-EU JPA scheduled to meet on 20th and 21st March 2007 in Brussels. JPA Standing Committees and the ACP assembly will also meet in March in Brussels.
- The 13th session of the ACP-EU Joint Parliamentary Assembly will take place in Wiesbaden, Germany from 25th – 28th June 2007. This will be preceded by preparatory meetings of the ACP Parliamentary Assembly, Bureau of the JPA and Standing Committees between 20th and 24th June 2007.



Hon. John J. Kamotho, EGH, MP
Leader of Delegation

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

21.11.2006

ACP-UE 3960/06/Comp.

COMPROMISE MOTION FOR A RESOLUTION

by Michael Gahler, Filip Kaczmarek, Mario Mauro, and Horst Schnellhardt on behalf of the EPP-ED group

by Marie-Arlette Carlotti and Glenys Kinnock on behalf of the PSE Group

by Johan Van Hecke and Lydie Polfer on behalf of the ALDE Group

by Michal Tomasz Kaminski, Roberts Zile and Liam Aylward on behalf of the UEN group

by Atim Deng Garang (Sudan)

on the situation in the East African Region of the ACP Group

replacing resolution APP/3948, APP/3949, APP/3950, APP/3952, APP/3953

The ACP-EU Joint Parliamentary Assembly,

- meeting in Bridgetown (Barbados) from 20 to 23 November 2006;
 - having regard to relevant UN Security Council Resolutions and Reports;
 - having regard to the Darfur Peace Agreement signed in Abuja, Nigeria, May 2006;
 - having regard to the African Union (AU) decision of April 2004 to establish the African Mission in Sudan (AMIS)
 - having regard to the Ethiopian Inquiry Commission's report into the violence following the Ethiopian elections in May 2005;
 - having regard to the European Union Council conclusions of 15 September 2006 on Somalia;
 - having regard to Article 17, paragraph 2, of its Rules of Procedure,
- A. Whereas each of the individual conflicts in East African countries constitutes a threat to the peace, stability and development of the region as a whole;

Sudan

- B. Whereas it is reported that hundreds of thousands have died and over 2 million people have been internally displaced in the Darfur conflict;
- C. Whereas AMIS¹ reported on 18 November 2006 that the Government of Sudan has continued to carry out attacks on its civilian population despite its agreement, 'in principle', to a hybrid UN-AU peacekeeping force for Darfur;

¹ AMIS statement quoted by various press sources including the BBC

- D. Whereas the mandate of the current AMIS mission in Darfur expires on 31 December 2006; whereas the remit of the current AMIS mandate is to protect civilians in "immediate danger, where possible";
- E. Whereas Jan Pronk, the UN's special envoy to Darfur, was expelled from Sudan on 22 October 2006 by the Sudanese Government, which believed that he had exceeded his mandate;
- F. Whereas the Darfur Peace Agreement (DPA) remains the basis for stability, peace and reconciliation in Darfur;
- G. Whereas the UN "Responsibility to Protect" provides that where "national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity," the U.N. Security Council can call into effect a Chapter VII military force;
- H. Whereas the Government of Sudan has rejected any such claims and therefore refuses Chapter VII measures;
- I. Whereas President Obasanjo of Nigeria described the situation in Darfur as 'near genocide' on 10 October;
- J. Whereas the UN Panel of Experts on Sudan has "credible information that the Government of Sudan continues to support the Janjaweed through the provision of weapons and vehicles" with the UN human rights office describing attacks by the Janjaweed as having been "conducted with the knowledge and material support of Government authorities", an assessment that is disputed by the Government of Sudan;
- K. Whereas despite the signing of Darfur Peace Agreement on 5 May 2006 between the Sudanese Government and the Sudan Liberation Movement, the largest of the three rebel groups, the situation in Darfur remains worrying and the violence has not stopped;

Ethiopia

- L. Whereas whilst recognising with satisfaction that the Ethiopian Government has accepted for the first time observation by international observers during the recent parliamentary elections, urges that the post-election period be managed in conformity with democratic principles;
- M. Whereas the determination of the Ethiopian Government to embrace democracy is appreciated, but whereas political dialogue requires peaceful negotiation with the opposition, freedom of speech, freedom of the press and respect for the principles of justice and fairness, which represents for the Ethiopian people the only possible way to progress towards freedom, peace and good governance;
- N. Whereas opposition party leaders, journalists, human rights and civil society activists and others who were taken into custody after the June and November 2005 violence are on trial on charges including "outrage against the Constitution", "inciting, organising or leading armed rebellion against the Government", and "attempted genocide";
- O. Whereas the House of Peoples' Representatives of Ethiopia established an Independent Inquiry Commission at the end of November 2005 with a mandate to investigate the June

and November 2005 violent incidents;)

- P. Whereas genuine political dialogue between the ruling party and the opposition would help to restore mutual trust ;

Eritrea

- Q. Whereas on 18 September 2001, 11 former senior government officials and 10 journalists were arrested and have not yet been brought to judicial trial;
- R. Whereas in the absence of reliable information, there is serious concern as to the well-being of the detainees given that the Eritrean Government has not made public their whereabouts;

Somalia

- S. Whereas Somalia has not had an effective national government for over 15 years and the Union of Islamic Courts (UIC) has started creating radical Islamic courts with a view to taking charge in the areas it controls whereas, however, tension persists due to clan loyalties)
- T. Whereas the Arab League, with the acknowledgement of the UN and the AU, initiated a dialogue in Khartoum on 22 June 2006 between the Transitional Federal Government (TFG) and the UIC, in which the Transitional Federal Government recognised the 'reality' of the UIC which in return recognised the 'legality' of the government whereas the two parties thereby agreed not to fight each other but to continue to engage in dialogue for peace and reconciliation;
- U. Whereas on 9 October, UN Secretary-General Kofi Annan called on the Union of Islamic Courts and the Transitional Federal Government to respect their commitments from peace talks, and on the neighbouring countries to respect the UN Security Council arms embargo and "not to take any action that could exacerbate tensions", whereas the Government of Djibouti has offered to mediate further talks between the TFG, the UIC and the governments of Ethiopia and Uganda;
- V. Whereas Somalia has not had an effective national government for over 15 years;
- W. Whereas the Arab League, with the acknowledgement of the UN and the AU, initiated a dialogue in Khartoum on 22 June 2006 between the Transitional Federal Government (TFG) and the UIC, in which the TFG recognised the reality of the UIC which in turn recognised the legality of the government; whereas the two parties thereby agree not to fight each other but to continue to engage in dialogue for peace and reconciliation;
- X. Whereas on 9 October 2006 UN Secretary General Kofi Annan called on the UIC and the TFG to respect their commitment to the peace talks, and on the neighbouring countries to respect the UNSC arms embargo and "not to take any action that could exacerbate tensions"; whereas the government of Djibouti has offered to mediate further talks between the TFC and the UIC;
- Y. Whereas the AU and IGAD have announced that they would be prepared to deploy a regional support mission to Somalia;

Z. Whereas around one 1,800,000 Somalis are in need of aid because of the poor rains in the region;

AA. Whereas around 35,000 Somalis have arrived in Dadaab refugee camp on the Kenyan border;

Northern Uganda

AB. Whereas the Government of Uganda and the Lord's Resistance Army (LRA) signed a Cessation of Hostilities Agreement on 26 August in Juba, Sudan, which included a commitment by the LRA to assemble all its rebels at two points in southern Sudan, and are currently conducting talks aimed at a comprehensive peace agreement;

AC. Whereas five LRA rebel leaders have been indicted by the International Criminal Court for alleged war crimes;

AD. Whereas the Cessation of Hostilities monitoring team has reported violations of the Cessation of Hostilities Agreement by both parties;

AE. Whereas a special project by Uganda's Amnesty Commission is being designed to receive and resettle LRA rebels as soon as a peace agreement is signed;

Sudan

1. Condemns the attack carried out on November 18 by the Government of Sudan on civilian villages; stresses that these actions are completely at odds with the progress made in agreeing, in principle, a UN-AU hybrid peacekeeping force for Darfur;
2. Condemns the continuing violations of the ceasefire by all parties, and in particular the violence directed at the civilian population, including the rolling of bombs from the back of planes onto villages; and the targeting of humanitarian assistance;
3. Calls on all parties to the conflict to put an immediate end to military action in Darfur, and to abide by the ceasefire agreement and to respect and implement their commitments under the DPA and calls on the non-signatories to the DPA to sign;
4. Underlines that the mandate for the current AMIS mission will expire on 31 December 2006, increasing the urgency for the UN-AU force to be finalised; stresses that a full peacekeeping mandate must be strengthened to enable the hybrid mission to adequately protect civilians in Darfur;
5. Calls on the international community to provide assistance to ensure that the UN-AU hybrid mission has effective air assets, ground mobility, training, engineering and logistics and mobile communications capacity to operate;
6. Welcomes the call by Kofi Annan that for the hybrid UN-AU force 'the troops should be sourced from Africa as far as possible and the command and control structure would be provided by the UN', urges the Government of Sudan to accept 17 000 UN/AU troops for the peacekeeping force in Darfur;
7. Welcomes the reestablishment of diplomatic relations between Chad and Sudan which constitutes an important step in favour of peace and security between the two countries;

8. Deplores the alleged continuing support of the Government of Sudan to the Janjaweed and to Chadian rebels, as well as rebels in the Central African Republic, amounting to a clear and flagrant breach of the Darfur Peace Agreement;
9. Expresses serious concern at the spread of the Darfur conflict to Chad and the Central African Republic;
10. Calls on the Sudanese Government to grant unhindered access to Darfur at all times to the UN Emergency Relief Coordinator, and expresses alarm at his appraisal of the situation in West Darfur as having 'gone from bad to really catastrophic in terms of access to civilians and lack of protection of civilians';
11. Calls upon all parties to ensure the full, safe and unhindered access of relief personnel to all those in need in Darfur, as well as the delivery of humanitarian assistance, in particular to the internally displaced persons (IDPs);
12. Calls on China, Russia and the Arab League to play a positive role at the UN in efforts to ensure that there can be a deployment of a UN-AU peacekeeping force and to use their role in the region to facilitate the deployment of that mission and prevent any bloodshed;
13. Calls on the EU to call for the urgent enforcement of the no-fly zone over Darfur established by UNSC Resolution 1591; urges the international community to liaise with Chad to discuss enforcing the no fly-zone from eastern Chad;
14. Calls on the international community to apply sanctions on those that violate the ceasefire or attack civilians, peacekeepers or humanitarian operations, and to take all necessary action to help end impunity by enforcing the Security Council sanction regime;
15. Calls on the Sudanese government and the international community to fully cooperate with the International Criminal Court in order to end impunity;

Ethiopia

16. Calls on the Ethiopian Government to immediately and unconditionally release all political prisoners, journalists, trade union activists, human rights defenders, as well as ordinary citizens, and to fulfil its obligations with respect to human rights, democratic principles and the rule of law;
17. Urges the Ethiopian government to allow all workers freedom of association, to guarantee press freedom as well as equal constitutional rights and working conditions for all Members of Parliament; expresses concern that public workers, including teachers, are currently denied trade union rights, in direct contravention of ILO Conventions;
18. Calls on the Ethiopian authorities to publish without delay the original version of the final report of the Commission of Inquiry in its entirety;
19. Calls on the Ethiopian Government to disclose the total number of persons detained throughout the country, to allow visits by the International Committee of the Red Cross, and to allow all detainees access to their families, legal counsel and any medical care that their health situation may require;
20. Strongly criticises the decision of the European Commission to invite Prime Minister

Meles to participate in its Development Days in Brussels to speak on democracy and good governance;

21. Calls on Ethiopia to accept the demarcation and delimitation of the border as set out by the UN Boundary Commission;
22. Calls on Government of Ethiopia for a speedy, fair and transparent trial of the detainees;
23. Encourages the House of Peoples' Representatives of Ethiopia to provide facilities for all Parliamentary Groups so as to enable them to discharge their responsibilities;
24. Commends the House of Peoples' Representatives for revising its rules of procedure to enable all members of Parliament to participate fully in all its activities;
25. Acknowledges the efforts made and the progress registered in terms of socio-economic development that would contribute to the efforts to attain the MDGs in Ethiopia;
26. Welcomes the commitment and the decision of the Government of Ethiopia to ensure good governance and continue with the democratisation process;
27. Welcomes Ethiopia's Plan for Accelerated and Sustained Development to End Poverty (PASDEP) for the benefit of the Ethiopian people at large;
28. Encourages the ongoing political dialogue between the ruling and opposition parties with a view to strengthening multi-party parliamentary democracy in Ethiopia;
29. Urges Eritrea and Ethiopia to implement the decision of the UN Boundary Commission in a manner that would ensure lasting peace between the two countries;

Eritrea

30. Calls on the Eritrean government to release all political prisoners, to bring prisoners with specific charges against them to a speedy and fair trial, and to disclose the place of detention of all those who are detained in secret prisons;
31. Expresses concern over the expulsion of five UN security staff accused of espionage from the disputed town of Badme by the Eritrean Government and calls on Eritrea to cooperate fully with the UN;

Somalia

32. Expresses concern that Sheikh Hassan Dahir Aweys, chief of the Supreme Islamic Council of Somalia (SICS) has declared jihad on Ethiopian troops in the country and those supporting them; calls on both Ethiopia and Eritrea to withdraw troops from Somalia and refrain from using the country as a proxy battle ground;
33. Calls on the Transitional Federal Government (TFG) and the Union of Islamic Courts (UIC) to continue their dialogue and to enter into substantive negotiations on security and power-sharing;
34. Calls on all Somali parties and all states in the region to support the current TFG-UIC dialogue, to respect international humanitarian law so as to allow relief agencies access to

the populations in need and ensure the protection of humanitarian workers and to support the Security Council arms embargo on Somalia imposed by the UN in 1992;

35. Supports the initiatives taken by the African Union, the Arab League and the International Authority on Development (IGAD), as well as their central role in the efforts aimed at sustaining the peace and reconciliation process in Somalia;
36. Calls on the International Somalia Contact Group, consisting of the African Union, the United Nations, the European Union, Sweden, Norway, Italy, Tanzania and others, to focus their efforts on issues of governance and institution-building, humanitarian assistance to displaced persons and populations in need, and on improving regional stability and security;
37. Calls on the United Nations, the European Union and the League of Arab States together with the rest of the international community to provide the Somali Transitional Federal Institutions with all necessary support to ensure their proper functioning in the country;
38. Calls on the TFG and the UIC to continue their dialogue and to enter into substantive negotiations on security and power-sharing, and on the possibility of deploying a peace support mission to be carried out by IGAD under the auspices of the AU;
39. Calls on all Somali parties and all states in the region to support the current TFG – UIC dialogue and to respect international humanitarian law so as to allow relief agencies access to the populations in need, and ensure the protection of humanitarian workers;
40. Appeals to all parties concerned to refrain from any action to escalate current tensions and to pursue and support the path of the dialogue;
41. Supports the initiatives taken by the AU, the Arab League and the IGAD, as well as their central role in the efforts aimed at sustaining the peace and reconciliation process in Somalia;
42. Calls on the international Somali Contact Group consisting of the AU, UN, EU, Sweden, Norway, Italy, Tanzania and others, to focus their efforts on issues of peace, security, stability, governance and institution building, humanitarian assistance to displaced persons and populations in need, and on improving regional stability and security;
43. Calls on the EU in coordination with the AU and working closely with IGAD and the Arab League to provide requisite political, financial and logistic support to facilitate the peace process;

Northern Uganda

44. Calls on the parties to the conflict to demonstrate a genuine and continuous commitment to the peace process, to abide by the Cessation of Hostilities Agreement and to stop hostile and inflammatory propaganda;
45. Insists that those responsible for war crimes must be recognised and dealt with in order for real reconciliation to take place; Calls on neighbouring countries to step up efforts to assist the ICC in apprehending and bringing to justice those indicted on charges of war crimes;

46. Calls on the Government of Uganda with the assistance of the International community to expeditiously implement the Northern Uganda Recovery and Rehabilitation Programme intended to resettle the IDPs;
47. Calls on the Government of Uganda, with the assistance of the international community, to take measures for better protection against sexual abuse and exploitation in camps and to provide physical protection and security to IDPs;
48. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the Commission, the European and ACP Parliaments, the African Union, IGAD, the Governments of the Horn of Africa countries and the UN Secretary General.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

23.11.2006

ACP-EU 3871/06/fin.

RESOLUTION¹

on the impact of tourism on the development of ACP countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Bridgetown (Barbados) from 20 to 23 November 2006,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to Article 24 of the ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000,
- having regard to the Fiji Declaration, adopted on 20 October 2004 at the seventh regional seminar of the ACP/EU economic and social interest groups under the aegis of the ACP-EU Joint Parliamentary Assembly,
- having regard to the resolution on tourism and development in the context of the management and control of the European Development Fund (EDF), adopted by the ACP-EU Joint Parliamentary Assembly in March 2001 in Libreville (Gabon) ²,
- having regard to the resolution on tourism and development adopted by the ACP-EU Joint Assembly on 14 October 1999 in Nassau (Bahamas)³,
- having regard to the Global Code of Ethics for Tourism adopted by the General Assembly of the World Tourism Organisation in Santiago (Chile) on 1 October 1999 and endorsed by a resolution of the UN General Assembly adopted on 21 December 2001⁴,
- having regard to the resolution on the cultural dimension in development cooperation, including matters relating to heritage and tourism adopted by the ACP-EU Joint Assembly in Strasbourg on 1 April 1999⁵,
- having regard to the resolution of the Development Council held in Brussels on 30 November 1998 on sustainable tourism in developing countries,
- having regard to the European Parliament resolution on tourism and development adopted on 8 September 2005,
- having regard to the report by the Committee on Economic Development, Finance and Trade (ACP-EU 3871/06/fin.),

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 23 November 2006 in Bridgetown (Barbados).

² OJ C 265, 20.9.2001, p. 39.

³ OJ C 59, 1.3.2000, p. 41.

⁴ A/RES/56/212

⁵ OJ C 271, 24.9.1999, p. 73.



Tourism as a factor in economic development and international trade

- A. whereas tourism undeniably constitutes a driving force behind growth in developing countries at all levels; whereas its role in international trade tends to increase in spite of recent natural disasters that have affected tourism flows to several regions of the world,
- B. whereas an organised tourism programme, or an individual trip, increasingly encompasses multiple tourism destinations in more than one country, thereby contributing to increased regional cooperation and the strengthening of ties between countries,
- C. whereas tourism is one of the fundamental aspects of any coherent development policy to be implemented in developing countries; whereas its links to other economic sectors, particularly agriculture and fisheries, food and beverage production and processing, other manufacturing industries, handicraft production, transport, and financial services, should be encouraged,
- D. whereas tourism activities may require infrastructure projects in the areas of transport, energy, new communication technologies, housing, sanitation, health and hygiene in developing countries,
- E. whereas it is fundamental that such projects should benefit both local communities and the tourist industry,
- F. whereas the tourism industry has often failed to establish strong links within national economies; whereas tourism infrastructure is mostly foreign-owned and investment is driven by substantial financial and tax incentives granted by individual countries in competition with one another,
- G. whereas tourism accounts for more than twice as much in financial transfers from rich to poor countries than governments give in aid; whereas, of the 50 Least Developed Countries, 46 now have tourism as the largest foreign exchange earner,
- H. whereas, in 41 of the 50 poorest countries in the world, tourism constitutes over 5% of GDP or 10% of exports,
- I. whereas the 2001 New Partnership for Africa's Development (NEPAD) base document specifically refers to the importance of African tourism and draws up a Tourism Action Plan, endorsed by the African Union (AU) in 2004, which includes the recognition of the role of ecotourism and cultural tourism for Africa,
- J. whereas local investment in the hospitality sector should be encouraged, either by policies allowing the creation of local private and cooperative forms of enterprises that could produce goods and services previously imported, or through joint ventures between local and international enterprises,
- K. having regard to the current negotiations on Economic Partnership Agreements (EPAs), which will, as from 1 January 2008, replace the unilateral preferential trade regime for commercial relations between the ACP countries and the EU,

Tourism as a factor in environmental protection and the conservation of heritage and culture

- L. whereas sustainable tourism can develop only if it respects natural and cultural conditions and the traditions of the local communities where it evolves,
- M. whereas tourism must not be seen as an enemy of the environment but rather as its ally, since tourism's profitability is conditional on preserving the environment and heritage,
- N. whereas special attention needs to be paid by the authorities to environmentally friendly forms of tourism such as ecotourism, rural tourism and 'solidarity tourism',
- O. whereas tourism is sustained by the conservation and improvement of local heritage – be it natural or cultural, tangible or intangible – and of historic buildings,
- P. whereas the safety of tourists and tourist facilities and sites requires special attention on the part of the authorities,
- Q. whereas sensitive areas should be opened to tourism investment only after evaluation of their capacity to withstand the impact of tourism-related activities,
- R. whereas it is legitimate for governments, after consulting representative tourist sector organisations, to lay down strict rules for visitors to very popular sites,
- S. whereas the concept of limiting tourist numbers in small island states, mountain areas and coastal areas affected by overwhelming numbers of tourists needs to be integrated and accepted by the national authorities concerned,
- T. whereas unplanned and uncoordinated tourism development may put pressure on scarce water and energy supplies, add to the stress on wildlife and marine resources in protected areas and threaten ecologically fragile areas,
- U. whereas it may be necessary for the EU to assist governments in framing, monitoring and implementing legislation controlling access to, and use of, ecologically fragile areas,
- V. whereas it is necessary to reconcile energy practices with transport policies, with a view to protecting the environment and complying with the targets of the Kyoto Protocol aimed at sustainable development,

Tourism as a factor in public health and education, including the social impact of sex tourism

- W. whereas a country's public health standards are an element of its attractiveness,
- X. whereas tour operators should provide tourists with information on risks of disease and injury linked to a given destination or tourism activity and on the norms and values of host societies,
- Y. whereas tourism necessarily impacts on public health standards on account of hygiene requirements, healthcare measures, vaccination campaigns and the dissemination of information on disease prevention,
- Z. whereas an appropriate fiscal policy directed towards the tourism sector can provide governments with revenue to provide improved health facilities that benefit both local residents and tourists,

- AA. whereas traveller behaviour may exacerbate tourist health problems and put undue pressure on local health services,
- AB. whereas HIV/AIDS, tuberculosis and malaria are now global scourges,
- AC. whereas the risk both to tourists and local people from the spread of highly contagious diseases such as diarrhoeic infections, respiratory infections, fevers of unknown cause and hepatitis cannot be ignored or downgraded in developing countries' health policies,
- AD. whereas nationals should receive appropriate education and training to participate in tourism activities at all levels,
- AE. whereas tourism impacts on education, providing local communities with access to language learning and new information and communication technologies, thereby enabling them to promote their cultural heritage on the basis of respect for customs and traditions while at the same time requiring greater awareness of, and adaptation to, the evolution of society and modern habits,
- AF. whereas it is nonetheless essential for public authorities to ensure the preservation of local traditions that respect human rights, especially the rights of women and children,
- AG. whereas tourism in some countries is associated with violations of human rights such as child labour, prostitution and sexual exploitation,
- AH. whereas sex tourism must be dealt with by means of a permanent and concerted campaign on the part of European and local authorities, in coordination with non-governmental organisations,
- AI. whereas only coordinated measures, the spread of information and the introduction of penalties on the basis of respect for international law can be genuinely effective,
- AJ. whereas widespread publicity regarding the penalties for sex tourism should have a deterrent effect, crimes related to sex tourism must be prosecuted, and it must be possible to bring prosecutions both in the country of origin and in the country where they are committed,
- AK. whereas policies and measures implemented by tour operators, travel agencies and airlines, such as distributing brochures or screening videos on journeys to sensitive destinations, have a positive impact,
- AL. whereas Member States of the World Health Organisation (WHO) have been called upon to take measures to protect the poorest and most vulnerable groups from 'transplant tourism' and the sale of tissues and organs,

Tourism as a factor in poverty reduction

- AM. whereas the World Tourism Organisation's programme 'Sustainable Tourism for Eliminating Poverty' contributes to the Millennium Development Goal of poverty reduction, by seeking to develop and support tourism projects in least developed and other developing countries, support micro-entrepreneurial initiatives in tourism, create job opportunities, facilitate market access and develop local capacities to favour those people living on less than one dollar a day,
- AN. whereas tourism is not the answer to all problems, but should be part of a broader pro-poor

national growth policy,

- AO. whereas in some countries tourism has emerged accidentally, sometimes as the only economic development option when the traditional agro-export sector has failed to retain its position in the global market place,
- AP. whereas tourism is a major employment generator; whereas all job creation measures must comply with International Labour Organisation (ILO) standards,
- AQ. whereas forms of tourism seeking to guarantee fair payment for local workers and entrepreneurs merit particular attention from the authorities, especially in the case of 'fair tourism',
- AR. whereas tourism is labour intensive, has high female employment ratios and is not necessarily import intensive; whereas it has low barriers to entry, encompassing all types and dimensions of enterprises, and it provides opportunities for downstream economic links in the local economy, thereby allowing poor people to gain opportunities for unskilled and semi-skilled employment,
- AS. whereas governments could create incentives for companies to invest and operate in ways favouring the poor, by adapting their licensing, concessioning, supply-chain and marketing policies,

Tourism as a factor in economic development and international trade

1. Calls for the impact of tourism and the principles of sustainable tourism and good governance to be systematically and coherently taken into account in the drafting of EU and ACP development policy;
2. Considers that, to be sustainable, tourism must improve the lives of local people, protect their environment and health, and support the local economy through the purchase of food, processed goods, handicraft, services and other resources locally; calls on the governments of developing countries to ensure the full involvement of local communities in tourist activities and to ensure the fair sharing of the economic, social and cultural benefits generated;
3. Recommends that the Commission focus on sustainable tourism in its cooperation and development policy and in the context of its development guidelines and its efforts to consolidate entrepreneurial structures, specifically within its relationship with the ACP countries; regrets that the current Strategy for Africa does not include any reference to tourism; asks, therefore, in order to allow for effective development of the recommendation, that the personnel in the Tourism Unit of the European Commission's DG Enterprise and in the services dealing with tourism in the AU and ACP Secretariats should be reinforced, and their expertise be used in subjects directly or indirectly concerning tourism;
4. Calls on ACP governments to examine policies designed to guarantee 'planning gain' benefits for the local communities where tourism projects take place;
5. Insists on the need to reinvest the profits of tourism in local development; calls on tour operators to review their 'all-inclusive' packages which prevent spin-off benefits to the local communities, and encourages these operators as far as possible to source materials and staff locally, including managerial staff;
6. Encourages governments to promote the creation and development of public-private

partnerships and to facilitate the setting-up of private and cooperative enterprises in the tourism sector;

7. Calls for an increase, where appropriate, in the proportion of sustainable tourism-oriented projects financed under the European Development Fund (EDF);
8. Proposes that the issue of sustainable tourism and its economic impact be included in the current negotiations on the EPAs, and that the interests of developing countries in relation to the European market be given positive consideration when tourism-related issues are raised by them in the General Agreement on Trade and Services (GATS);
9. Notes that in many developing countries the tourism sector is fundamentally a private-sector activity, and that the Community must therefore find ways to ensure that interested parties and other social partners are fully involved in all discussions regarding development policy affecting the tourism sector;
10. Demands that the governments of the countries concerned and EU tour operators enforce human rights standards, workers' rights in accordance with ILO core labour standards, the protection of the European tourism-consumer and the recommendations concerning tour operators;
11. Calls on the governments of developing countries to introduce transparent and properly regulated procedures for access to national markets in accordance with the recommendations of the UN World Tourism Organisation, as a necessary condition for all foreign investment;

Tourism as a factor in environmental protection and conservation of heritage and culture

12. Calls for the establishment of sustainable tourism policies and regulations to protect and conserve natural resources, the cultural heritage and traditional land tenure systems;
13. Encourages the optimisation of existing technical and scientific resources with a view to preventing the degradation or destruction of architectural heritage and environmental deterioration;
14. Calls for EU support to the tourism sector also to incorporate the environmental dimension, particularly with regard to waste management and coastal zone development;
15. Calls for all European investments in tourism in developing countries to be subject to the same rules applicable to EU funding for investment within the EU, such that any investment which is manifestly detrimental to the environment, human rights, ILO core labour standards, the way of life of indigenous communities or the historical and cultural heritage of the recipient country must not be supported;
16. Calls on the EU to provide technical support to countries which, under the impact of mass tourism, are obliged to take measures to preserve their tourist sites; calls also for an exchange of best practices in this field;
17. Stresses the urgent need for the Community to aid countries hit by natural disasters that affect their tourist industry; calls for special attention to be paid to the situation of small island states;
18. Encourages local authorities which are confronted with an over-rapid tourist boom to take measures to limit numbers where necessary;

19. Calls, in the interests of accessible, protected and secure tourism, for initiatives to tackle crime directed against tourism, including specialist training for police services;
20. Calls on the Commission, in its activities in support of sustainable development, to recognise the right of a country or a region to define its own priorities democratically when financing regional cooperation projects;
21. Calls on the governments of the Member States, and the Commission, with the support of tour operators and experienced organisations, to act to promote ethical standards in tourism by introducing a certified European Fair Trade Tourism label;
22. Calls on the EU to assist governments in framing, monitoring and implementing legislation controlling access to, and use of, ecologically fragile areas on land or sea;

Tourism as a factor in public health and education, including the social impact of sex tourism

23. Considers that income from sustainable tourism may contribute to improving the standard of living of the population in developing countries and to public health, as well as to housing, communications, energy and technology infrastructures;
24. Considers that appropriate fiscal policy directed towards the tourism sector can provide governments with revenue to offer improved health facilities and other infrastructure that benefit both local residents and tourists;
25. Underlines that tourism has an impact on public health standards and local health services; recognises, therefore, the need to mobilise research at European level to combat malaria, tuberculosis, sexually transmitted diseases (including HIV/AIDS) and neglected diseases;
26. Calls once more on the Commission to ensure financial support for the vaccination of children, targeted at urgent needs regarding vaccines combining antigens against the following diseases: diphtheria, tetanus, whooping cough, hepatitis B and Haemophilus Influenzae type B meningitis;
27. Calls on tour operators and travel agencies to inform their clients of the risks of disease and injury they may face when choosing a destination or tourism activity and of the norms and values of host societies;
28. Calls on the EU to support the creation in ACP countries of schools teaching professional skills in tourism, languages and new information and communication technologies, aiming to train personnel for regional and local tourism activities in developing countries or groups of developing countries with the same needs;
29. Calls on the Union and the Member States to make their experience and know-how available to developing countries with tourist potential with a view to offering on-site training of personnel; calls on the Commission to support projects in developing countries requesting such know-how;
30. Calls on the governments of the countries concerned to circulate among themselves an annual list of visa refusals on the grounds of male and female sex tourism offences, crimes against humanity or terrorism;

31. Calls, with a view to combating child sex tourism:

- on the Commission and Council to give greater priority to the fight against child sex tourism, including restoring the budget line 'Combating child sex tourism in third countries' in order to ensure that resources are dedicated to this;
- on the Commission to recognise the link between child pornography and sex tourism and ensure that this is raised in political dialogue with third countries;
- on the Commission and the Member States to ensure that children's needs and rights are given priority in development aid, in particular the rehabilitation and reintegration needs of children affected by sex tourism;

32. Encourages tour operators, travel agents and airlines who have already done so to continue to act against sex tourism by raising their clients' awareness and informing them of potential legal risks, and calls on those who have not taken such steps to begin to do so; calls on all operators to cooperate with the authorities in identifying potential criminal activity;

33. Calls on all states to ensure the ethics of transplantation by adopting measures to eliminate 'transplant tourism';

Tourism as a factor in poverty reduction

34. Calls for the above-mentioned Global Code of Ethics for Tourism to be incorporated into national law by all countries;

35. Calls for the promotion of locally-controlled sustainable tourism initiatives aimed at poverty alleviation, the conservation of biodiversity and the promotion of human rights;

36. Calls on the EU and its Member States to provide financial support to the UN World Tourism Organisation initiative ST-EP (Sustainable Tourism-Eliminating Poverty) and other initiatives that work towards alleviating poverty in developing countries;

37. Recommends a new pro-poor vision in national policies and in tourism policies that is aimed at the empowerment of local populations and their organised economic activities;

38. Calls on the governments of the Member States to ensure that the rules applicable to EU companies are fully implemented in cases of relocation to, or execution of contracts in, developing countries, giving special consideration to the rights of the workers affected and to a sustainable supply chain, using mainly national inputs;

39. Recognises the role of tourism in offering an alternative source of income for traditional farmers in small states who have lost their competitiveness in the global market due to new trade agreements;

40. Stresses the fact that tourism is a major employment generator; stresses, therefore, that all job creation measures must comply with ILO standards;

41. Recognises tourism is labour intensive, has high female employment ratios, is not necessarily import intensive, has low barriers to entry, encompasses all types and dimensions of enterprises and provides opportunities for downstream economic links in the local economy, and thereby allows poor people to gain opportunities for unskilled and semi-skilled employment;

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42. Considers that governments could create incentives for companies to invest and operate in ways that favour the poor, by adapting their licensing, concessioning, supply-chain and marketing policies;
43. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Secretary-General of the United Nations, and the African Union.

3

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 3892/06/fin.

RESOLUTION¹ on Small Arms and Light Weapons and Sustainable Development

The ACP-EU Joint Parliamentary Assembly,

- meeting in Bridgetown (Barbados) from 20 to 23 November 2006,
- having regard to Rule 17(1) of its Rules of Procedure,
- having regard to the Cotonou Agreement, particularly Article 12,
- having regard to the Millennium Summit and Declaration and the Millennium Development Goals and its resolution calling for concerted action to end illicit trafficking in small arms and light weapons,
- having regard to the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects (henceforth referred to as the UNPoA) as adopted in July 2001,
- having regard to the first United Nations Biennial Meetings of States to Consider the Implementation of the UNPoA held, respectively, in July 2003, July 2005 and July 2006,
- having regard to the adoption by the United Nations General Assembly in December 2005 of the International Instrument to Enable States to Identify and Trace, in Timely and Reliable Manner, Illicit Small Arms and Light Weapons²,
- having regard to the entry into force on 6 July 2005 of the 2001 Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition³,
- having regard to UN Security Council Resolution 1325 (2000), which addresses the impact of war on women, and women's contributions to conflict resolution and sustainable peace,
- having regard to the conclusions of the G8 Summit in Gleneagles (United Kingdom) of June 2005, in particular concerning the doubling of aid by 2010 - an extra USD 50 billion

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 23 November 2006 in Bridgetown (Barbados).

² A/60/463 (L.55) decision, 8 December 2005.

³ The Protocol known as the 'UN Firearms Protocol' was adopted in May 2001 by General Assembly Resolution 55/255.

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worldwide and US D25 billion for Africa - and the conclusions of the G8 Summit held in St Petersburg (Russia) on 16 and 17 July 2006,

- having regard to the Rome Statute establishing the ICC,
- having regard to the EU Strategy for Africa adopted on 12 October 2005,
- having regard to the European Consensus on Development signed on 20 December 2005,
- having regard to the European Parliament's resolutions of 15 March 2001¹, 15 November 2001², 19 June 2003³ and 26 May 2005⁴ on combating the proliferation and misuse of small arms and light weapons (SALW), and of 17 November 2005⁵ on the Council's Sixth Annual Report according to Operative Provision 8 of the EU Code of Conduct on Arms Exports, and of 6 April 2006⁶ on aid effectiveness and corruption in developing countries,
- having regard to the 26 June 1997 EU Programme for Preventing and Combating Illicit Trafficking in Conventional Arms⁷, to the Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons⁸, to the Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering⁹, and to the EU Strategy to combat illicit accumulation and trafficking of SALW and their ammunition as adopted by the European Council on 15-16 December 2005¹⁰,
- having regard to the conclusions adopted by the Council at its meeting of 3 October 2005 expressing EU support for an International Arms Trade Treaty in the framework of the United Nations that would establish binding common standards on the global trade in conventional arms¹¹,
- having regard to the European Security Strategy, approved by the European Council in Brussels on 12 December 2003,
- having regard to the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of SALW adopted by the OAU ministerial meeting on 30 November and 1 December 2000 in Bamako, Mali,
- having regard to the 'African Common Position to the Review Conference on Progress made in the Implementation of the UNPoA' adopted at the African Union's Second Continental Conference of African Governmental Experts and Regional Economic Communities on the Illicit Trade in Small Arms and Light Weapons at Windhoek

¹ OJ C 343, 5.12.2001, p. 311

² OJ C 140 E, 13.6.2002, p. 587

³ OJ C 69 E, 19.3.2004, p. 136

⁴ P6_TA(2005)0204

⁵ P6_TA(2005)0436

⁶ P6_TA(2006)0141

⁷ Adopted by the Council on 26 June 1997

⁸ OJ L 191, 19.7.2002, p. 1

⁹ OJ L 156, 25.6.2003, p. 79

¹⁰ Council of the European Union, 5319/06, 13 January 2006

¹¹ Council of the European Union 2678th Council meeting, Luxembourg, 3 October 2005

(Namibia) on 14-16 December 2005, and to the Decision Ex.CL/DE.255 (viii) of the African Union of January 2006 adopted at Khartoum (Sudan),

- having regard to the Southern African Development Community Protocol on Firearms, Ammunition and Related Materials of 2001 that entered into force in July 2005,
- having regard to the Africa governmental conference on the implementation of the UNPoA: Needs and Partnerships held in Pretoria in March 2002,
- having regard to the Nairobi Declaration and Coordinated Plan of Action of 2000 (including its three Ministerial Review Conferences of 2002, 2004 and 2005) and the Nairobi Protocol of 2004 for the Prevention, Control, and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa that entered into force on 5 May 2006,
- having regard to the ECOWAS moratorium on the importation, exportation and manufacture of SALW in West Africa of 1998 and its subsequent extensions,
- having regard to the 1998 Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA),
- having regard to its resolution on the role of regional integration in the promotion of peace and security adopted in Vienna on 22 June 2006¹,
- having regard to the General Assembly Resolution A/RES/60/68 on 'Addressing the negative humanitarian and development impact of the illicit manufacture, transfer and circulation of SALW and their excessive accumulation',
- having regard to the global 'One million faces petition' supported by more than 1 million people and 250 NGOs across the world demanding a binding international Arms Trade Treaty (ATT),
- having regard to the report of the Committee on Political Affairs,
 - A. welcoming the growing international support for a legally binding International Arms Trade Treaty to ban arms transfers which risk undermining human rights or international humanitarian law, or which threaten the stability of countries or regions or that are likely to contribute to the outbreak or escalation of armed conflict, for which more than 50 countries have officially announced their support,
 - B. welcoming a set of Global Principles on Arms Transfers, developed by NGOs and legal experts, which set out States' obligations in respect of international transfers of arms and ammunition,
 - C. recalling that under the revised Cotonou Agreement serious cases of corruption can lead to consultations in accordance with Art. 96 and 97 of the Partnership Agreement and that, in special cases, these consultations can give rise to special measures,

¹ OJ ...

- D. determined to reduce the human suffering caused by the illicit trade in SALW in all its aspects, and bearing in mind the need to include national measures to regulate SALW in post-conflict and peace-building efforts, and recalling that there is no security or sustainable development without peace,
- E. whereas it is estimated that half a million people are killed each year by small arms,
- F. welcoming the circulation on 24 July 2006 of the draft UN resolution entitled 'Effective control over the import, export and transfer of conventional arms' calling for the establishment of a Group of Governmental Experts 'commencing no later than 2008, to examine the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms',
- G. having regard to the UN Conference to Review Progress Made in the Implementation of the UNPoA, which took place between 26 June and 7 July 2006 (henceforth referred to as the Small Arms Review Conference) and to the need to make a full success of that Conference's follow-up, although it failed to agree any steps and measures to further strengthen the Programme of Action,
- H. noting that the above Draft Resolution, to be tabled at the First Committee of the UN General Assembly in October 2006, needs to include States' obligations to promote and protect human rights, without which an ensuing ATT would not prevent the supply of weapons to the most serious abusers,
- I. reaffirming its concern about the ongoing illicit spread of SALW, which are the true weapons of mass destruction of the developing world, cause unnecessary human suffering, exacerbate armed conflict and instability, facilitate terrorism, undermine sustainable development and the rule of law, and contribute to grave violations of human rights and international humanitarian law,
- J. welcoming the Draft Resolution of 24 July 2006 submitted to the First Committee of the General Assembly of the United Nations by Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the UK requesting the establishment of an expert group responsible for the drafting of a report about a legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, and urging that committee to strengthen the mandate of the expert group by adding explicit references to human rights law, tightening the timeline and replacing the ambiguous language about examining 'feasibility' by clear support for a binding ATT,
- K. recalling that G8 countries account for around 85% of the global weapons trade and that according to a report presented to the US Congress on 29 August 2005, agreements on conventional arms transfers to developing nations accounted for 62.7 % of the value of all international arms transfer agreements between 1997 and 2004 and, in 2004, arms deliveries to developing nations constituted 64.6 % by value of all such arms deliveries worldwide,

- L. recalling that collectively G8 countries spend some € 63 billion each year on development and that the EU and the European countries themselves contribute more than half of the total ODA,
- M. affirming that the export of SALW by developed countries, as well as between developing countries, can fuel conflicts and thus work at cross-purposes to the development and technical assistance policies of those same countries,
- N. encouraged by the support expressed by the Heads of State and Government at the 2005 World Summit for the implementation of the UPoA and their recognition of the negative effect of the illicit trade in small arms and light weapons on development, peace, security and human rights,
- O. whereas due attention should be given to the link between the licit and illicit manufacture, transfer and circulation of SALW and corruption practices in both developing and developed countries,
- P. affirming its determination to strengthen the UNPoA, and to further persuade governments to agree upon binding provisions to control SALW (including brokering and transfers) through international, regional and national legislation,
- Q. convinced that the time is ripe for the international and regional communities to tackle the proliferation and misuse of SALW through binding international standards that are based upon a full respect for international law, including human rights and international humanitarian law,
- R. concerned about the exclusion of ammunition and explosives from the International Instrument to Enable States to Identify and Trace, in Timely and Reliable Manner, Illicit SALW, as well as the non-legally binding nature of the instrument,
- S. regretting further the slow progress of the UN broad-based consultations on combating illicit brokering of SALW as well as the absence of a commitment to negotiate a legally binding international instrument on arms brokering,
- T. underlining that the UNPoA requires States to assess applications for export authorisations according to strict national regulations and procedures that cover all SALW and are consistent with the existing responsibilities of States and the relevant international law, taking into account in particular the risk of diversion of these weapons into the illegal trade,
- U. welcoming and supporting the ongoing campaigning efforts by civil-society organisations, especially the ones focused on advocacy in favour of an ATT,
- V. affirming that the reduction of the availability and supply of, and demand for, SALW is critical to the wellbeing of all States and their citizens and can be achieved through actions/initiatives at the national, regional, continental and international levels in that respect in general, but in particular through:

- a reduction in production of SALW,
 - political commitment and action to address the root causes of conflict in a comprehensive manner,
 - preventing, combating and eradicating the illicit manufacture, possession and stockpiling of, trade in and misuse of small arms and light weapons,
 - placing emphasis on public awareness and education,
 - engaging in effective collection and destruction mechanisms for both surplus and illicit arms,
 - effective disarmament, demobilisation and reintegration measures that promote human security and sustainable development in peace agreements,
 - providing for rehabilitation and reintegration assistance to demobilised soldiers, ex-combatants and in particular child soldiers as referred to in the conclusions of the African Union concerning Post-Conflict Reconstruction and Development (PCRD), taking into account their special needs, particularly in relation to their reunification with their family, their reintegration into civil society and their appropriate rehabilitation,
 - ensuring that children are protected from direct contact with SALW in conflict areas,
 - acknowledging the impact – including gender-based violence – of the presence of SALW on women and girls in particular;
 - promoting implementation of the provisions contained in UNSC Resolution 1325 (2000),
 - recognising the need for SALW programmes to continue beyond post-conflict and transitional stages, through mainstreaming of small arms reduction and management in all national and local action plans and strategies related to national security, development, health, poverty reduction, crime prevention and post-conflict reconstruction, conducted in consultation and collaboration with all members of the community and stakeholders, including NGOs, making use of locally-appropriate development incentives,
- W. welcoming the EU's 'Strategy to combat illicit accumulation and trafficking of SALW and their ammunition' and affirming the need for a coherent overarching concept behind EU SALW action abroad which takes long-term sustainable development into account, as well as the need for international cooperation between governments within international organisations and for compliance with their obligations in international law,
- X. calling on EU Member States to prioritise SALW control and eradication strategies including projects aiming at the disarmament, demobilisation, repatriation, rehabilitation and reintegration (DDRRR) of ex-combatants in full partnership with

local communities and the survivors of armed violence as well as to ensure sufficient funding under the 10th EDF for such programmes,

- Y. whereas a clear, efficient and harmonised common arms export control policy pursued by the EU Member States, anchored in a legally binding Code of Conduct on Arms Exports, would be a decisive contribution by the EU to sustainable development in ACP States,
- Z. reiterating that the prevention, combating and eradication of the illicit trade in SALW in all its aspects are key elements in any effort to support conflict prevention and resolution and sustainable post-conflict reconstruction and promote lasting peace and security as well as crime prevention and thereby help create conditions for sustainable human and socio-economic development,
- AA. considering further the special needs of survivors of armed violence, including their health, economic and rehabilitation needs, as well as the distinctive needs of women, men, girls, boys, the elderly and refugees,
- AB. reiterating grave concern regarding the devastating impact of SALW on children, many of whom are victims of armed conflict or are forced to become child soldiers or are involved in organised armed violence, and in this regard, taking into account the special sessions of the UN General Assembly on children, as well as Security Council Resolutions 1379, 1460, 1539 and 1612, which contribute to a comprehensive framework for addressing the protection of children in armed conflict,
- AC. recalling that the costs of military expenditure and debts are, according to the UNDP Human Development Report of 2003, two of the most important obstacles to the attainment of the Millennium Development Goals and that export credit agencies play a major role in increasing military expenditure as well as debts of developing countries,
1. Calls on States to agree on a global set of principles on arms transfers, which at the minimum should ensure that:
- all transfers be authorised by means of a specific permit or licence,
 - existing obligations under relevant international law should be respected,
 - arms embargoes imposed by the UNSC should be respected and enforced and
 - issuance of permits or licences is to be denied when there is a risk that exported arms might be used in the commission of serious violations of human rights or international humanitarian law, including the risk that such arms might be diverted to unauthorised users such as terrorists, mercenaries and guerrillas and might affect regional and/or internal security and stability;
2. Urges the international community to expeditiously start negotiations on an International Arms Trade Treaty within the UN, in order to establish a legally binding instrument to decrease the production of SALW by all producer countries and to

regulate arms transfers worldwide as defined by the discussions on global principles referred to in the previous paragraph;

3. Stresses that existing obligations under international law with respect to arms transfers, specifically covering human rights and humanitarian law criteria, should be codified;
4. Calls on all signatories to the UN Firearms Protocol to ratify the protocol and incorporate it into national legislation without any further delay;
5. Urges States Parties to the UNPoA, the Firearms Protocol and other similar international and regional instruments and initiatives to develop technical assistance programmes in order to assist any third State or regional organisations wishing to develop legislative controls to regulate the arms trade;
6. Urges States Parties to the UNPoA and other applicable international instruments to agree on a single reporting mechanism for utilisation in subsequent Review Conferences or Processes, which should be developed and coordinated by the UN Department for Disarmament Affairs (UNDDA) through consultations with State Parties;

At regional level

7. Calls for the establishment or designation, as appropriate, of a point of contact within sub-regional and regional organisations to act as liaison on matters relating to the implementation of the UNPoA;
8. Encourages negotiations with the aim of concluding legally binding instruments aimed at preventing, combating and eradicating the illicit trade in SALW in all its aspects, and calls on States to ratify and fully implement them;

At national level

9. Urges States to make violations of arms embargoes (including financial or logistical support) a criminal offence under national law;
10. Urges States to improve the functioning, transparency and democratic accountability of armed forces, as well as law enforcement agencies and criminal justice systems, in order to contribute to a secure environment where citizens no longer feel the need to possess firearms;
11. Recommends that national laws should be implemented and actively enforced to regulate private military and security services operating overseas, and where such laws do not exist that they be developed and applied in order to improve regulation and accountability in this growing security sector;
12. Urges all States to incorporate into national legislation the Code of Conduct for Law Enforcement Officials¹ and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials¹;

¹ Code of Conduct for Law Enforcement Officials, adopted by General Assembly Resolution 34/169 of 17 December 1979

13. Strongly recommends that governments prohibit the civilian possession and use of all automatic and semi-automatic rifles and machine guns;
14. Urges States to develop national legislation for screening and licensing of SALW and automatic and semi-automatic machine guns and to prevent gun acquisition by people who have a record of violence, especially family violence, or have a criminal record for trafficking in arms or violating arms control regulations;
15. Stresses the need to ensure the sustainability of national initiatives by, inter alia, developing needs and resource assessments; promoting relevant partnerships for implementation with civil society; and accepting primary responsibility of States in the implementation of action;
16. Calls upon all actors to strengthen the existing National Focal Points/national coordinating agencies and their links with international and bilateral donors;
17. Considers (as recommended by the Bamako and UNPoA frameworks) as priorities:
 - the establishment and development of operative national focal points, national action plans and/or national coordinating agencies where they do not already exist;
 - the need for strengthening of regulations for arms management, including the need to strengthen and harmonise legislation to that effect; the need to engage in training and capacity building programmes for law enforcement agencies on all aspects of the issue but particularly on border controls, stockpile management and recordkeeping;
 - the improvement, where needed, of operational capacity for enforcement including stockpile management, monitoring, destruction, recordkeeping and border controls;
 - the enhancement of information exchange and cooperation mechanisms to prevent, combat and eradicate illicit SALW trade;
18. Urges all States which have not yet done so to engage in the implementation of the UNPoA;
19. Urges all States to regulate stockpile management and secure stockpiles against theft or disappearance;
20. Urges all States, especially ACP and EU States, to exchange information on arms brokering;
21. Urges all States to adopt, as soon as possible, the necessary legislative and other measures to establish as criminal offences under national law the illicit manufacturing of, trafficking in, and illegal possession and use of SALW, ammunition and other related materials;

¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

22. Urges all States to reaffirm their commitment to protect children from the impact of proliferation and misuse of SALW as well as from being exploited as child soldiers in times of war;
23. Urges all States to uphold their responsibilities under UNSC Resolution 1325 (2000) by putting an end to impunity and by prosecuting those responsible for genocide, crimes against humanity and war crimes, including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible, from amnesty provisions;
24. Urges all States to take into account gender issues, as well as the specific needs of women when addressing the illicit trade in SALW in all its aspects in order to effectively implement the Programme of Action and UNSC Resolution 1325 (2000) on Women, Peace and Security;

Final considerations and priority actions

25. Affirms its determination to implement and extend the UNPoA, whose integrity should be maintained and which should not be subject to negotiation;
26. Recommends that despite the disappointing outcome of the Review Conference a yearly report on progress made by the UN on the implementation of the UNPoA should be published;
27. Recommends, after the UN Review Conference on the UNPoA, whilst recognising that this process will occur outside the parameters of the UNPoA and in parallel to it, the development of general principles for arms transfers to be taken forward by interested States in 2006 and/or become a parallel and complementary process within the UN system leading to the creation of an international instrument;
28. Welcomes the approval, on 26 October 2006, by the International Disarmament Committee of the General Assembly of the United Nations of a resolution aiming at a comprehensive, legally binding instrument establishing international standards in the trade on conventional arms and asks ACP-EU States to support this resolution in the General Assembly;
29. Deeply regrets that the UN Review Conference of July 2006 was unable to reach a common position and particularly could not agree on the principles of a future ATT and did not set up a follow-up mechanism;
30. Requests that multilateral and regional financial institutions take measures, where appropriate, to establish SALW programmes in the framework of reconstruction and rehabilitation efforts in post-conflict areas and in efforts to consolidate governance issues, to strengthen legislation and to improve the operational capacity of law enforcement agencies regarding SALW;
31. Calls also on these financial institutions to promote socioeconomic development programmes that include raising public awareness of the problems and consequences of the illicit trade in SALW in all its aspects;

32. Encourages, where appropriate, regional support for national disarmament, demobilisation and reintegration programmes, particularly in post-conflict situations, with specific reference to the introduction, adherence to, implementation or strengthening of relevant laws, regulations and administrative procedures;
33. Calls on regions to promote effective stockpile management and security, in particular physical security measures;
34. Encourages regions to develop, where appropriate and on a voluntary basis, measures to enhance transparency to prevent, combat and eradicate the illicit trade in SALW in all its aspects;
35. Urges all EU and ACP States and the appropriate international and regional organisations in a position to do so to seriously consider rendering assistance, including technical and financial assistance, to support the implementation of the measures contained in the UNPoA;
36. Urges all States and international and regional organisations, both at governmental and at parliamentary level, to cooperate and develop and strengthen partnerships to share resources and information on the illicit trade in SALW in all its aspects;
37. In order to facilitate the implementation of the UNPoA, urges all EU and ACP States and international and regional organisations to seriously consider assisting interested States, upon request, in building capacities in areas including the development of appropriate legislation and regulations, law enforcement, tracing and marking, stockpile management and security, destruction of SALW and the collection and exchange of information, thereby emphasising the responsibility of all Member States to ensure the sustainability of national initiatives in the implementation of all the UNPoA undertakings;
38. Calls on all States to establish a public database which contains information, provided on a voluntary basis by Member States and international, regional and other relevant organisations on the needs of affected countries, lessons learned regarding the implementation of the UNPoA and other information that could improve coordination and match resources with needs;
39. Recalls the OECD Development Assistance Committee's guidelines and other steps taken by development partners to allow the use of Official Development Assistance (ODA) in the implementation of the UNPoA; encourages all States, agencies and institutions to take full advantage of this development; calls for a further review of such guidelines to enhance the use of ODA to support the implementation of the UNPoA and to combat the negative effects of the proliferation and illicit use of SALW;
40. Calls on the UN Secretariat to show leadership and coordinate the implementation of UNPoA action;
41. Calls on the ACP-EU Council to commit to strengthening EU-ACP cooperation on the implementation of the UNPoA and to hold regional Needs and Partnership Conferences every two years to review implementation in each region, similar to the African Needs and Partnerships Conference of 2002;

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42. Calls for issues relating to SALW to be mainstreamed into relevant EU and ACP processes and documents, particularly in all peace and security policies and actions of their respective regional and national bodies, as needed for security sector reform (SSR) and the disarmament, demobilisation and reintegration process (DDR);
43. Calls for the prioritisation of Parliamentary actions and work on good governance as elements essential to any strategy for tackling SALW and regional conflicts;
44. Requests the EU and ACP Member States, Commission delegations and EU and AU Presidencies-in-office to defend the principles and recommendations stated in this resolution;
45. Calls urgently, in this context, on the Commission and the Council to end their court case on the issue of competence relating to light weapons programmes and to seek - if they cannot solve the issue between themselves - the binding mediation of the European Parliament;
46. Calls on the Member States to implement their commitments given in the Council's 2003 Common Position on arms brokering; furthermore, calls for the biennial review of the Strategy to be published and include a list of those Member States that have not implemented their commitments in this area;
47. Calls for the 1998 EU Code of Conduct on Arms Exports to be made legally binding; calls on the EU to inform ACP partners about the annual reports on the Code of Conduct and progress made in implementing it;
48. Specifically calls on the Council and the Commission to allow appropriate resources for SALW action to be mobilised through the Regulations establishing the Instrument for Pre-accession Assistance, the European Neighbourhood and Partnership Instrument and the Development Cooperation Instrument;
49. Calls on the EU Member States to investigate the highly problematic impact of credits granted by their export credit agencies on peace, security and development in third countries and asks all Member States to disclose detailed information on credits for arms exports, which, according to some estimates, currently account for about 20 % of total export credits granted and in some Member States even 50 % or more, and asks Member States in particular to commit themselves to refraining from granting credits for arms exports in the future;
50. Instructs its Co-Presidents to forward this resolution to the Council, the Commission, the parliaments of the Member States, the Secretary General of the United Nations, the Parliamentary Forum on SALW, the Assembly of the Inter-Parliamentary Union, the US Congress and the Pan-African Parliament.

14

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

23.11.2006

ACP-EU 3958/06/fin.

RESOLUTION¹

on the review of negotiations on Economic Partnership Agreements (EPAs)

The ACP-EU Joint Parliamentary Assembly,

- meeting at Bridgetown (Barbados) from 20 to 23 November 2006,
 - having regard to Article 17(2) of its Rules of Procedure,
 - having regard to its resolution of 21 March 2002 adopted in Cape Town (South Africa)²,
 - having regard to Article 37(1) of the Cotonou Agreement, which states that the EPA negotiations shall take place 'during the preparatory period which shall end by 31 December 2007 at the latest',
 - having regard to the Declaration by the Trade Ministers of the Member States of the African Union adopted in Nairobi (Kenya) on 14 April 2006,
 - having regard to the resolution of the European Parliament of 23 March 2006 on the development impact of EPAs³,
 - having regard to the General Agreement on Tariffs and Trade (GATT), in particular Article XXIV thereof,
 - having regard to the decisions, resolutions and declarations adopted by the ACP Council of Ministers at its 83rd session, held in Port Moresby from 28 to 31 May 2006, in particular Decision No 2 on Economic Partnership Agreements,
- A. whereas carrying out critical evaluation of EPA negotiations is necessary,
- B. noting that in most regions the negotiations on EPAs have reached virtual deadlock in view of disagreements on what is understood by the 'development dimension', which should be central to discussions on EPAs,
- C. whereas firm and specific undertakings have so far not been provided by the European side on the financing of the development dimension,
- D. whereas the Cotonou Agreement addresses the question of support for economic development and regional cooperation in the ACP countries, in particular in Articles 21, 22, 25, 29, 30, 33 and 35,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 23 November 2006 in Bridgetown (Barbados)

² ACP-EU/3397/02/fin.

³ P6_TA(2006)0113 (2005/2162(INI))

- E. having regard to the concerns that are apparent among states, and in civil society and the private sector, in the light of the conclusions of impact assessments conducted at national and regional level,
- F. whereas the main objective of EPAs should be to contribute to the sustainable social and economic development of ACP countries, through the promotion of greater value addition to goods and services produced in ACP countries for national, regional and international markets,
- G. whereas the agricultural sector is the engine of development for most ACP countries because it makes a significant contribution to national GDP and is the main source of employment and income for many people,
- H. whereas EPAs should ensure that benefits of increased trade and economic growth contribute to poverty reduction in order to fulfil Cotonou commitments,
- I. whereas the level of education and training of the population is a fundamental factor for competitiveness and in some ACP regions is being undermined by the growing HIV/AIDS crisis,
- J. whereas the establishment of a genuine regional market, within a customs union, represents an essential basis for the success of the implementation of EPAs,
- K. whereas the increase in intra-regional trade intended by the EPAs is hindered by weak intra-regional infrastructures and a wide range of non-tariff barriers to trade,
- L. acknowledging the right for the European Union to have high phytosanitary and other health standards and therefore calling for increased assistance to ACP countries to comply with such regulation in order to be able to export their products to the European Union,
- M. whereas the reciprocal freedom of trade between the developed countries of the European Union and the ACP developing countries constitutes a serious risk until the ACP countries become competitive,
- N. whereas the EPA configurations are not a reflection of existing regional economic integration arrangements,
- O. whereas the ACP must resolve questions of overlapping membership of regional groups and establish long-term frameworks for regional harmonisation for any EPA to be successful and workable,
- P. whereas the waiver accorded by the WTO in Doha in 2001 to allow for preferential trade relations between the EU and ACP countries was meant to last three years longer (until 2007) than the Doha Round negotiations (to be concluded in 2004) launched at the same time,
- Q. whereas the pressing problem of availability and timely disbursement of financial resources remains a serious stumbling block,

- R. whereas the parallel conduct of the EPA negotiations and the WTO cycle of negotiations has been interrupted by the suspension of the Doha Round, giving rise to valid concerns about the commitments that should be made under the EPA negotiations,
- S. understanding ACP reluctance to negotiate, bilaterally or otherwise, on issues which have been jettisoned at a multilateral level,
- T. recognising that a positive outcome to negotiations could help redefine what a multilateral development round should consist of; recognising further that EPAs should be complementary to an agreement on Doha and not an alternative,
- U. having regard to the setting-up of EPA adjustment mechanisms to address the loss of government revenue resulting from EPA-induced trade liberalisation and structural adjustment and to provide support for economic development and regional cooperation in the ACP countries,
- V. whereas Article 2 of the Cotonou Agreement provides for differential treatment, taking into account the different levels of development of ACP countries,
- W. whereas the EPAs should facilitate the reduction of existing inequalities between men and women in the economic and social sectors,
- X. noting that, as far as the European side is concerned, the implications of the EPAs have not yet been clearly determined at this stage of negotiations,
- Y. whereas the EPAs will in any case increase the financial needs of the ACP countries to carry out enhanced regional integration policies and economic reform,
- Z. whereas parliamentarians, as representatives of the people and their institutions, should be kept informed throughout the negotiations,
- AA. whereas in Port Moresby the ACP Council called for the 'full and comprehensive' review required under Article 37(4) of the Cotonou Agreement to 'be all inclusive and consultative with all stakeholders including non-state actors and parliamentarians' and whereas, in view of there being little evidence of this occurring, it welcomes a second JPA resolution on EPAs,
- AB. whereas EU common agricultural policy reform and subsidies for products of export interest to the ACP have a significant bearing on ACP agricultural exports to European markets,
 1. Understands that the EPA negotiations stem from the need to make ACP-EU trade relations compatible with WTO rules but calls on the Commission to be vigilant that the issue of compatibility does not take precedence over the overall aim of sustainable development; calls for the pacing, timing and extent of liberalisation schedules to be in line with ACP regional harmonisation schedules to minimise harmful shocks;
 2. Calls on the Commission not only to focus on compatibility with WTO rules but also, in cooperation with developing countries, to aim to improve the rules of the WTO so that they work better for development;

3. Recalls that, under the Cotonou Agreement, EPAs should be aimed essentially at economic growth and poverty reduction in countries, most of which are classified as LDCs;
4. Calls for priority to be accorded in the negotiations to supporting the structural transformation of ACP economies, thereby supporting 'sustainable economic and social development'; considers that EPAs should be devised and negotiated as development agreements rather than trade agreements;
5. Recognises that, whether it be liberalisation of services or of competition and government procurement, robust regulatory frameworks are needed before any liberalisation takes place and calls on the Commission to support and monitor independent regulators as part of any change to current provisions;
6. Calls for negotiators to work together to develop a strategy to increase ACP agricultural competitiveness that goes beyond market access and addresses real development issues for ACP agriculture such as scaling up SPS quality programmes across the ACP;
7. Calls for a strengthening of competitive production capacities in ACP countries before the removal of customs duties;
8. Calls on the Commission and the ACP regions to design EPAs around the principles of asymmetry in favour of ACP regions, support for ACP regional integration and implementation of a sound and predictable framework for promoting trade and investment in ACP regions;
9. Expresses its concern over the current EU proposals for free trade with ACP countries under the Cotonou EPAs leading to the liberalisation of trade, including trade in agricultural products, and considers that this policy might cause problems to ACP countries' development, relating in particular to food security and development of local industries;
10. Calls for the EPAs to be based on the principle of building and consolidating regional markets first, before markets are opened to the EU;
11. Calls on the EU to develop more effective instruments of support to production adjustment in ACP countries, thereby encouraging the diversification of production and promoting greater value addition;
12. Reiterates its call on the European side to provide support as regards the financing of tax and economic adjustment costs and investments linked to the lifting of supply constraints;
13. Welcomes recent pledges of additional Aid for Trade resources specifically focused on EPA support and calls for the arrangements and timescale for disbursement of the funds pledged to be fully explained by both the Commission and Member States as part of a response to ACP requests for additional funds for EPAs;
14. Calls on the Commission to look at ways of reducing the bureaucratic burden of EDF requirements and for the ACP side to bring forward detailed, costed proposals of how and for what any additional EPA funds would be needed;
15. Calls for further money, additional to existing European Development Fund commitments, to be made available if necessary;

16. Calls on the EU to support the proper sequencing of the development of ACP policies in trade-related areas in ACP countries, with the subsequent conclusion of inter-regional agreements in trade-related areas, so as to ensure coherence;
17. Calls on the EU not to exert undue pressure and to take steps to ensure that, in the event of negotiations not being completed by 1 January 2008, existing ACP exports to the EU are not disrupted until a final settlement is reached;
18. Urges the Commission and the ACP to use the EPA review as an opportunity to discuss openly the obstacles to completing negotiations and bring forward detailed proposals to overcome them;
19. Recalls that the Cotonou Agreement provides that in the event that a country or region does not wish to sign up to an EPA/FTA it should not find itself worse off in terms of market access; calls on the Commission to examine all alternative possibilities, which include improved rules of origin, including non-reciprocal arrangements, in accordance with Article 37(6) of the Cotonou Agreement;
20. Calls on the EU to refrain from proposals which could disrupt ACP regional processes;
21. Calls therefore for a real public debate in the ACP and EU countries, including civil society and governmental and parliamentary institutions; calls also for the establishment of appropriate information and consultation mechanisms;
22. Recognises that Parliamentary oversight with regard to scrutiny of, and participation in, EPA implementation will contribute to the stated aims of good governance and transparency and that the Joint Parliamentary Assembly is the appropriate body to formally, comprehensively and officially review the impact and implementation of EPAs, and calls for the establishment of a monitoring group within the JPA;
23. Calls on the Commission to respect the position of those regions which do not want to include the 'Singapore Issues' in the EPA negotiations and recalls that bilateral negotiations on trade in services should respect the right of each country freely to regulate public services;
24. Calls for the EU to undertake not to include in EPAs provisions on intellectual property rights forming an additional barrier to access to essential medicines and to provide ACP countries with support enabling them effectively to implement the 2001 Doha Declaration, i.e. effective use of TRIPS flexibilities;
25. Stresses the importance of public services for development and democracy and consequently asks the Commission to act with caution when considering liberalisation of services and in fields such as water, health, education, transport and energy;
26. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council and to the European Commission.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

23.11.2006

ACP-EU 3916/06/fin.

RESOLUTION¹ on water in developing countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Bridgetown (Barbados) from 20 to 23 November 2006,
- having regard to Articles 177, 178, 179, 180, 181 and 181a of the Treaty establishing the European Community,
- having regard to the ACP-EU Partnership Agreement, signed at Cotonou (Benin) on 23 June 2000, and in particular Article 32 thereof, which recognises the need to improve the use of the natural resources of ACP states,
- having regard to the outcome of the 4th World Water Forum held in Mexico from 16 to 22 March 2006,
- having regard to Agenda 21 approved at the United Nations (UN) Conference on Environment and Development in Rio de Janeiro in 1992, and in particular paragraph 18 thereof,
- having regard to the Millennium Declaration and the Millennium Development Goals (MDGs) and the final report (2005) of the UN Millennium Project Task Force on Water and Sanitation, entitled 'Health, dignity, and development: what will it take?',
- having regard to the political declaration adopted at the World Summit on Sustainable Development held in Johannesburg from 26 August to 4 September 2002, which identified priority action in five key areas with a view to achieving the UN Millennium Development Goals: water and sanitation, energy, health, agriculture and biodiversity,
- having regard to the World Summit for Social Development held in Copenhagen (1995) and its declaration on water supply and sanitation in connection with fighting poverty,
- having regard to the Bonn International Freshwater Conference (2001),
- having regard to the UN Conference on Water held in Mar del Plata and its action plan for the assessment and use of water resources (1977),

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 23 November 2006 in Bridgetown (Barbados)

APP/3916/06/fin.



- having regard to the Global Consultation in New Delhi (1990) relating to safe water and proper means of waste disposal,
 - having regard to the Framework Document adopted at the 37th Organisation of African Unity (OAU) Summit, which states that the ninth of the ten objectives of the New Partnership for Africa's Development (NEPAD) is 'building and improving infrastructure, including information and communication technology (ICT), energy, transport, water and sanitation',
 - having regard to the European Parliament resolution of 4 September 2003 on water management in developing countries and priorities for EU development cooperation (P5_TA(2003)0377),
 - having regard to the EU Water Initiative (EUWI) launched at the World Summit on Sustainable Development in Johannesburg (WSSD) in 2002,
 - having regard to the ACP-EU Water Facility launched in 2004,
 - having regard to the report on financing of water presented at the 3rd World Water Forum in Kyoto in March 2003,
 - having regard to the UN World Water Development Report entitled 'Water, a shared responsibility', presented on 9 March 2006,
 - having regard to the report by the Committee on Social Affairs and the Environment (ACP-EU 3916/06/fin.),
- A. whereas 1.1 billion people do not have proper access to drinking water and 2.6 billion are without adequate sanitation (WHO/UNICEF Joint Monitoring Programme (JMP) 2004)¹,
- B. whereas, owing to population growth, by 2015, 1.1 billion people will need to be provided with drinking water and 2.6 billion with sanitation facilities, including 400 and 410 million respectively in Africa; whereas drinking water requirements will continue to grow steadily, given that the world's population should stand at more than 9 billion people by 2050,
- C. whereas water's importance to socioeconomic development is now well established, given that it is an important factor in productive activities and plays a leading role in farming, fishing, health, industry, energy, the protection of ecosystems and biodiversity and all forms of consumption for human wellbeing,
- D. whereas access to drinking water is recognised as a fundamental human right, as endorsed by international conventions on social, economic and cultural rights, and whereas water, which is essential for life and human wellbeing, cannot be considered as merely a commodity, but must also be seen as a social good,

¹ <http://www.wssinfo.org>

- E. whereas water and sanitation are key cross-cutting issues for the MDGs and whereas it is essential to approach them in an appropriate manner if the MDGs are to be met,
- F. whereas no strategy for combating poverty can ignore people's vital need for water and the need for equitable and sustainable management of this essential resource, in the interests of society as a whole,
- G. whereas promoting sustainable, environmentally friendly water treatment provides a guarantee of clean water and an opportunity for fertilisation of agricultural land for food production; whereas the MDGs identify water as a crucial environmental factor,
- H. whereas inadequate access to drinking water and sanitation is the cause of a large number of diseases; whereas infections linked to a lack of hygiene, and public health risks in general, are widespread in Africa and are essentially due to the contamination of water sources, improper water use or unhygienic behaviour,
- I. whereas world water resources are inequitably distributed, with 60% of freshwater supplies being located in nine countries (Brazil, the Russian Federation, Canada, Indonesia, China, Colombia, the United States, Peru and India), and whereas the countries where there is a shortage of freshwater are primarily islands, small countries and arid countries (including Israel, Libya, Mauritania, Cape Verde, Djibouti and Kuwait),
- J. whereas three out of every four countries - which are often politically, culturally and economically different from each other - are located on the same international rivers, and whereas, in the absence of agreements on reasonable and equitable use, water, the source of life, becomes a potential source of tension and disputes that can degenerate into conflict,
- K. whereas in African and Asian countries the availability of water is subject to numerous seasonal fluctuations and periodic cycles of drought and flooding, and whereas some coastal and island states are faced with the problem of saltwater infiltration of groundwater,
- L. whereas drought is often caused by incorrect land use, over-grazing, deforestation and the implementation of major irrigation projects that are unsustainable,
- M. whereas current trends as regards, among other things, demographics, urbanisation, climate change, the environment and economic structures are a major challenge in water management terms for developing countries, particularly those in the Sahel region,
- N. whereas intensive production farming consumes about 70% of freshwater for irrigation purposes, with 40% losses, and whereas improving field irrigation techniques should result in major water savings and an increase in agricultural production that will offset the failure of rain-fed production to cover all food requirements,
- O. whereas current water-for-food requirements will need to be increased by 50% over the next 10 years in order to achieve the Millennium Development Goal of halving the number of malnourished people,

- P. whereas in many rural parts of Africa the local population has no access to wells, a water supply network, a drinking water source or a rainwater cistern,
- Q. whereas the development and promotion of appropriate sanitation technologies, the implementation of strategies mobilising endogenous financial resources and the involvement of communities will enable the use of sustainable sanitation methods to be stepped up at local level over the coming decade,
- R. whereas a lack of the necessary financial resources to cover the renewal of infrastructure and the maintenance and management of existing facilities unavoidably results in the deterioration of water services and the exclusion of poor population groups, particularly in periurban areas, owing to the high cost of the services,
- S. whereas rational water management requires the involvement of local populations - particularly women, who play an important role in water management - at national, local and regional levels, as well as appropriate charging so as to ensure universal access to the water required to cover essential needs while ensuring efficient water use by enhancing user responsibility,
- T. whereas governments in developing countries are unable to set water rates at a level that reflects supply costs,
- U. whereas a lack of the necessary technical, financial and human resources lies at the root of poor water resource and water service management,
- V. whereas policies involving the privatisation of water resource management and the liberalisation of public services have accelerated the growth of the external indebtedness of southern countries, whose available resources are being earmarked for debt repayment rather than sustainable development and access to drinking water, education, health, housing and energy,
- W. whereas private sector participation in water supply and sanitation remains low in developing countries,
- X. whereas private participation in water services remains controversial due to the fact that universal, non-discriminatory use of water should be seen as a right; whereas, however, private sector participation can in some cases make a financial and management contribution to water services and contribute new technology and skills,
- Y. whereas in most developing countries there is a genuine desire to take due account of water, hygiene and sanitation issues in development policies and strategies (decentralisation, combating poverty, integrated water resource management etc.) and water and sanitation financing initiatives (EU, NEPAD, African Development Bank (ADB), African Ministerial Council on Water (AMCOW) etc.),
- Z. whereas with a view to meeting the MDGs, initiatives are being taken at European level, including the EUWI, which seeks to promote improved access to drinking water and

sanitation for disadvantaged population groups in the ACP countries by actively addressing the funding deficit issue,

- AA. whereas the EU and its Member States provide some EUR 1.4 billion per year for water and sanitation in developing countries, making the EU the largest aid provider in the world in this sector, and whereas this funding must be used to strengthen the public sector, which must guarantee access to water supply,
- AB. whereas the EUWI aims to increase international mobilisation for achieving the MDGs and WSSD targets for drinking water and sanitation, through strategic regional partnerships involving all stakeholders – governments, civil society, local authorities and the private sector,
1. Reiterates that universal, non-discriminatory access to water is a right, and considers that development and anti-poverty policies and strategies should take account of people's vital water needs, particularly those of the most disadvantaged groups, and the need to ensure that water resources are managed equitably and sustainably in the interests of society as a whole;
 2. Calls on ACP countries to introduce agricultural policies and strategies that promote irrigation methods which bring major water savings and to make control over water a priority with a view to achieving sustainable food security;
 3. Recommends that ACP states introduce new water production and consumption methods based on sustainable integrated water resource management, taking account of the socioeconomic dimension of water and giving prominence to ecological agriculture based on the mobilisation of endogenous resources, the promotion of appropriate technologies and the involvement of all stakeholders;
 4. Calls on the EU to pay special attention to ACP countries hard hit by water shortages and the attendant phenomena of drought and famine, by stepping up the provision of funding;
 5. Acknowledges that privatisation of water in developing countries remains a highly sensitive and controversial issue which should be handled accordingly; calls for policies involving the privatisation of water resource management and the liberalisation of public services in ACP countries consistently to address social responsibility, and to be conditional on an affordable and increased supply of water and sanitation, in particular for the poorest, and on the principle that universal non-discriminatory use of water should be seen as a right;
 6. Calls for an end to international pressure on developing countries, in negotiations conducted in bilateral and multilateral forums and through international financial institutions, to liberalise their water industries, which undermines their public services in this field;
 7. Recalls that, while water and sanitation are widely cross-cutting issues, they have still not been adequately integrated into the development actions of other related sectors such as agriculture, industry, health, education, forestry and the environment;

8. Notes that water resources are deteriorating because of climate change and recalls that dynamic sustainable management of aquatic ecosystems is essential for prevention and mitigation of the negative impact of climate change;
9. Recalls that awareness-raising in sustainable management practices is essential to ensuring water supply for future generations, increasing food security and improving the hygiene and sanitation behaviour of the population;
10. Calls for integrated management of water resources taking account of all legitimate uses and demands, with an emphasis on the integration of land and water uses, upstream and downstream areas, coastal zone management and surface and groundwater management;
11. Recognises that gender and culture have a role in water and sanitation development and recalls that all approaches and solutions need to be adapted to local culture and gender roles;
12. Recalls that making progress towards sustainable access to, and management of, water in developing countries relies on strong local political commitment, transparency and stakeholder ownership;
13. Recalls the importance of fostering water-responsible behaviour among users, which implies a shift from a supply approach to a demand-driven one in water management;
14. Considers that public authorities should retain control of water management, providing access to it for all and maintaining scales of charges which are transparent to the public;
15. Considers that the financial resources marshalled as part of the Highly Indebted Poor Countries (HIPC) initiative should help to provide funding for the vital sectors of water and sanitation, education and health;
16. Encourages the EU and the ACP countries to introduce innovative funding instruments such as local, national, regional and continental funds to support water policy and existing public and private funding instruments;
17. Calls on the EU to continue its efforts to ensure sustainable access to water for ACP countries, in order to make control over water a top strategic priority enabling ACP countries to reduce the structural vulnerability of the countries hardest hit;
18. Calls for strengthening of potential in the EU-ACP cooperation process in the area of water and sanitation; calls for a higher priority to be given by the ACP countries to water and sanitation in their development strategies and plans, and for a coordinated EU response through mechanisms such as the EUWI, the ACP-EU Water Facility and the development assistance programmes of the Commission and the Member States;
19. Calls on the EU to support research into water hydrants and the eradication of rivers in flatlands, which may lead to the creation of swamps, the evaporation of 50% of water resources and a deficiency in iodine available for river fish, which, in turn, may lead to an iodine deficiency among the population, especially among children;

20. Calls on the Commission to carry out an assessment and an evaluation of the ACP-EU Water Facility and the projects that it has funded, in order to determine whether specific funding for further initiatives in this field is to be set aside under the 10th EDF;
21. Recognises the need for a substantial increase in financial resources to cover infrastructure renewal, and maintenance and management of water and sanitation facilities, with a view to improving services and stepping up the involvement of a large section of the population which is unable to pay high water service prices;
22. Recalls that the main goals of the EUWI are to reinforce the political commitment to water and sanitation and to improve the effectiveness of water management through dialogue with all stakeholders including civil society and the public and private sectors, promoting a demand-driven approach and coordination of donor responses; calls on the Member States and the Commission to reinforce their support and involvement in pursuing these goals;
23. Calls for institutional strengthening and capacity building to improve water governance and combat corruption by means of legal and policy reforms, human resources development, training and networking;
24. Calls on ACP countries sharing the same water catchment area to improve coordination policies and intervention and water resource management strategies, in particular by setting up and/or building the capacities of regional organisations with responsibility for water policy, with a view to ensuring arbitration in disputes over water use and fostering the emergence of a culture of sharing common assets and support for more responsible management of those assets; calls on the governments of the EU Member States and the international community to support the ACP countries in their efforts;
25. Calls for extensive dialogue among various water users at local, national and cross-border level, with the aim of developing efficient cross-sectoral planning, providing adequate management of reservoirs, developing a database on bilateral water projects, promoting long-term institutional twinning and cooperation between higher education institutions, sharing local knowledge and conserving ecosystems;
26. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Secretary-General of the United Nations, the African Union and all organisations responsible for water management.

