

REPUBLIC OF KENYA



ELEVENTH PARLIAMENT

(Second Session)

**REPORT OF THE 35TH SESSION OF THE ACP PARLIAMENTARY
ASSEMBLY AND THE 27TH SESSION OF THE ACP-EU JOINT
PARLIAMENTARY ASSEMBLY**

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ABBREVIATIONS

ACP: African, Caribbean and Pacific

ACP-PA: African, Caribbean and Pacific Parliamentary Assembly

EU: European Union

JPA: Joint Parliamentary Assembly

ACP-EU JPA: African, Caribbean and Pacific – European Union Joint Parliamentary Assembly

EPAs: Economic Partnership Agreements

EDF: European Development Fund

MFN: Most Favoured Nations

EAC: East African Community

GSP: Generalised System of Preference

MDGs: Millennium Development Goals

CTC: Counter Terrorism Committee

UNODC: United Nations Office on Drugs and Crime

OSCE: Organisation for Security and Cooperation in Europe

CAR: Central Africa Republic

SRHR: Sexual and Reproductive Health and Rights

WTO: World Trade Organisation

LDCs: Least Developed Countries

PREFACE

Mr. Speaker,

The 27th Session of the ACP-EU Joint Parliamentary Assembly (JPA) took place from 17th to 19th March 2014. The JPA was preceded by Committee meetings that took place from 12th to 15th March 2014 and the plenary of the 35th Session of the African, Caribbean and Pacific (ACP) Parliamentary Assembly. All the meetings took place at the European Parliament in Strasbourg, France.

The Sessions and meetings were a follow-up to the 26th Session of the ACP-EU Joint Parliamentary Assembly and 34th Session of the ACP Parliamentary Assembly that were held in November 2013 in Addis Ababa, Ethiopia. Various resolutions on matters affecting the member States were adopted.

The Kenya delegation to this meeting comprised of the following:-

- (i) Hon. Abdikadir O. Aden, M.P. – Leader of the delegation
- (ii) Sen. Kembi Gitura, M.P.
- (iii) Hon. Johnson Sakaja, M.P.
- (iv) Ms. Caroline Kinyua – Delegation Secretary
- (v) Ms. Wanjiru Ndindiri – Delegation Secretary

Ms. Jeniffer Njiru, from the Kenya Embassy in Brussels was on hand to provide technical support to the delegation.

Mr. Speaker,

The Joint Session was preceded by meetings of the three Standing Committees on Social Affairs and the Environment, Economic Development, Trade and Finance and Committee on Political Affairs. They presented reports on topical issues such as *the Human, Economic and Social Rights of migrants in ACP and EU countries; Regional Integration and Modernisation of Customs for Sustainable Development in ACP Countries, in Cooperation with EU; the*

Global Spread of Terrorism: the Role of the Internet and Social Media; and Mining for Oil and Minerals on the Seabed in the Context of Sustainable Development. The reports were thereafter discussed in the Joint Assembly, where they were adopted and resolutions made.

The Committees also agreed on the topics for their next reports and appointed co-rapporteurs. They also exchanged views on these topics and urgent topics for resolutions in the presence of the experts appointed by each Committee.

At the same time, the ACP Parliamentary Assembly (ACP-PA) held a meeting wherein it considered issues affecting member-states. The ACP-PA also adopted urgent Motions on the *Human, economic and social rights of migrants in ACP and EU countries and the crisis in the Central African Republic.*

The Joint Parliamentary Assembly was later opened by the two Co-Presidents. The Speaker of the Hellenic Parliament of Greece, which was to initially host the meetings but could not, also gave some remarks. The JPA dealt with major issues related to the ACP-EU partnership and made resolutions on the following: *Regional Integration and Modernisation of Customs for Sustainable Development in ACP Countries, in Cooperation with the EU; the Global Spread of Terrorism: the Role of Internet and Social Media; Mining for Oil and Minerals on the Seabed in the Context of Sustainable Development; the Human, Economic and Social Rights of Migrants in ACP and EU Countries; and the Situation in Central African Republic.* Further, there was a declaration by the Co-Presidents of the ACP-EU JPA on “*Ending AIDS in the post 2015 agenda*”

At the JPA, Member states asked questions to the EU Commission, the EU Council and the ACP Council.

Mr. Speaker,

The Kenya delegation participated actively in all the deliberations and issued statements with regard to the topics that were under discussion that fed into the final reports and resolutions that were taken.

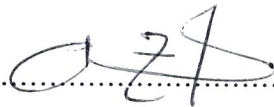
Mr. Speaker,

The JPA also discussed matters trade, the state of play in various blocs in regard to the Economic Partnership Agreements (EPAs), and the 11th European Development Fund (EDF).

Mr. Speaker,

The delegation is grateful to the Speakers of the two Houses for allowing them to attend the Session, for facilitating travel and accommodation and providing logistical and technical support in liaison with the offices of the Clerks from the two Houses.

It is now my pleasant duty, on behalf of the delegation to present and commend this report to the House for adoption.



HON. ABDIKADIR O. ADEN, M.P.

LEADER OF THE DELEGATION

DATED..... 25/9/2014 **.....**

REPORT OF THE PROCEEDINGS OF THE ACP COMMITTEES, ACP PARLIAMENTARY ASSEMBLY, ACP-EU JOINT COMMITTEE MEETINGS AND THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY: STRASBOURG, FRANCE - 12TH TO 19TH MARCH 2014

INTRODUCTION

1. The ACP-EU Joint Parliamentary Assembly was created out of a common desire to bring together the elected representatives of the European Community – the Members of the European Parliament – and the elected representatives of the African, Caribbean and Pacific states (ACP Countries) that have signed the Cotonou Agreement: it is the only institution of its kind in the world.
2. Since the entry into force of the Treaty on the European and EU enlargement it has acquired a more prominent role. A substantial part of the work of the Joint Parliamentary Assembly is directed towards promoting human rights and democracy and the common values of humanity, and this has produced joint commitments undertaken within the framework of the UN conferences.

Composition and working methods

3. The representatives of the 78 ACP states, who under the Cotonou Agreement must be members of Parliament, meet their European Parliament counterparts drawn from the 27 member states of the EU in a plenary session for one week twice a year, bringing together more than 320 MPs. The Joint Parliamentary Assembly meets alternately in an ACP country and an EU country. The institution is governed by common, democratic rules.
4. Two co-presidents who are elected by the Assembly direct their work. Twenty four vice-presidents (12 European and 12 ACP) who are also elected by the Assembly constitute the Bureau of the Joint Parliamentary Assembly, together with the two co-presidents. The

Bureau meets several times a year in order to ensure the continuity of the work of the Joint Parliamentary Assembly and to prepare new initiatives aimed notably at reinforcing and improving cooperation. It also considers topical political questions and adopts positions on all human rights cases.

5. Three Standing Committees have been established to draw up substantive proposals, which are then voted on by the Joint Parliamentary Assembly. These Committees, which began their work in March 2003, are:-

- i. Committee on Political Affairs;
- ii. Committee on Economic Development, Finance and Trade; and
- iii. Committee on Social Affairs and the Environment

6. The Assembly regularly forms exploratory or fact-finding missions. The members of the Joint Parliamentary Assembly are thus in direct contact with the situation on the ground in various developing countries which are signatories to the Cotonou Agreement.

7. The impact of the work of the Joint Parliamentary Assembly thus goes well beyond economic considerations and embraces the fundamental objectives of the development of mankind and the establishment of peaceful relations between the nations and the world. The ACP-EU Joint Parliamentary Assembly is a democratic, parliamentary institution, which aims to promote and defend democratic processes in order to guarantee the right of each people to choose their own development objectives and decide on how to attain them.

Initiatives by the Joint Parliamentary Assembly

8. The Joint Parliamentary Assembly has made an active contribution towards implementing and reinforcing successive ACP-EU Conventions and has put forward numerous proposals, including the upgrading of

the role of women in development process, the integration of environment policy in development projects, promotion of trade as a tool for development, particularly by way of the Economic Partnership Agreements foreseen in the Cotonou Agreement, the drawing up of rural development programmes and micro-projects tailored to the needs of specific communities and the promotion of regional, political and commercial cooperation.

Membership and meetings

9. The forum has members drawn from the European Community and the African, Caribbean and Pacific states. Prior to the Joint Parliamentary Assembly (JPA), the ACP committees hold meetings. This is followed by a meeting of the ACP Parliamentary Assembly (ACP-PA), then followed by the Joint ACP-EU committee meetings, and finally the ACP-EU Joint Parliamentary Assembly.

Some ACP-EU and Cotonou Agreements related to Kenya

The Economic Partnership Agreements (EPAs)

10. As from 2002, the European Union and individual and groups of countries that together make up the ACP group of states have been negotiating "free trade" Economic Partnership Agreements (EPAs). The general framework for negotiating EPAs is found in the Cotonou Agreement.
11. The overall objectives of EPAs are to ensure sustainable development of Kenya and other ACP countries, their smooth and gradual integration into the global economy and eradication of poverty. Specifically EPAs aim at promoting sustained growth; increasing the production and supply capacity; fostering the structural transformation and diversification of the Kenyan economy and providing support for regional integration.

12. Kenya, along with other EAC Partner States initialled the framework EPA Agreement on 27th November 2007. This was pursuant to the commitment under the road map agreed between the ACP and the EU on establishment of Economic Partnership Agreement (EPA) by 31st December 2007. The framework agreement was to be replaced by a comprehensive EPA with effect from 1st July 2009, by which time negotiations of all pending issues would have been concluded. However, that did not happen due to shifting focus to addressing the contentious issues in the FEPA, namely Export Taxes (Article 15 of FEPA) and Most Favoured Nations (MFN) clause (Article 16 of FEPA).
13. In general, the EAC/Kenya is keen to conclude an EPA Agreement that addresses the concerns of EAC/Kenya; bring industrial and general development, and lead to poverty reduction. The agreement should not also lead to displacement of Kenya products by EU products from the EAC market.
14. In September 2013, the European Parliament passed a resolution that countries which had not signed the EPAs would no longer have preferential market access to the EU. This means that Kenya, as well as 17 other countries, have up to 30th September 2014 to ratify the EPAs in order to continue enjoying market preferences in the EU market.
15. Among the EAC countries, Kenya is likely to be the most affected by this resolution. Failure to have a ratified EPA by 30th September 2014 will cause the country to trade with the EU on the basis of the Generalized System of Preferences (GSP) trade regime. Under this regime, Kenya exports to the EU will have import duties increase from 0% to between 5.5% and 15%. This will put over Kshs. 100bn exports to the EU or 24% of Kenya's total export at stake. This may trigger unemployment, instability in the foreign exchange as the country loses export-earning and investments as investors relocate to countries that will have preferential market access opportunities in the EU. The EAC

Partner States are addressing the deadline through commitment to negotiate and conclude outstanding issues in the EPAs before the deadline of 1st October 2014.

The European Development Fund (EDF)

16. The European Development Fund (EDF) is the main instrument for providing Community aid for development cooperation in the ACP States and OCT. The 1957 Treaty of Rome made provision for its creation with a view to granting technical and financial assistance, initially to African countries which at that time were still colonized, and with which some Member States had historical links.

Even though a heading has been reserved for the Fund in the Community budget since 1993 following a request by the European Parliament, the EDF does not yet come under the Community's general budget. It is funded by the Member States, is subject to its own financial rules and is managed by a specific committee.

The EDF consists of several instruments, including grants, risk capital and loans to the private sector. A new partnership agreement that was signed in Cotonou in June 2000 streamlined the EDF and introduced a system of rolling programming, making for greater flexibility and giving the ACP States greater responsibility.

The development aid provided by the EDF forms part of a broader European framework and each EDF is concluded for a period of around five years.

The Member States have their own bilateral agreements and implement their own initiatives with developing countries that are not financed by the EDF or any other Community funds.

17. The tenth EDF covered the period from 2008 to 2013 and provided an overall budget of EUR 22 682 million. Of this amount, EUR

21 966 million was allocated to the ACP countries, EUR 286 million to the OCT and EUR 430 million to the Commission as support expenditure for programming and implementation of the EDF. The amount for the ACP countries is divided accordingly: EUR 17 766 million to the national and regional indicative programmes, EUR 2 700 million to intra-ACP and intra-regional cooperation and EUR 1 500 million to Investment Facilities. An increased share of the budget was devoted to regional programmes, thereby emphasising the importance of regional economic integration as the basic framework for national and local development. An innovation in the tenth EDF is the creation of "incentive amounts" for each country.

18. The eleventh EDF will run from year 2014 to 2020. A budget of EUR 31.5 billion has been set aside for this particular period. This is divided into grants, approximately EUR 24.3 billion for national and regional indicative programmes; EUR 3.5 billion for intra-ACP and inter-regional cooperation; EUR 1.1 billion for the investment facility managed by the European Investment Bank; and EUR 2.5 billion for the European Investment Bank for loans with reduced interests rates, which are mainly to be used to promote the public sector in ACP states.

MEETINGS OF THE JOINT COMMITTEES

19. The ACP and EU Committee meetings took place from 12th to 13th March, 2014 whereas the Joint meetings of the ACP and EU Committees took place on 15th March, 2014 and discussed several matters as follows:-

Committee on Social Affairs and the Environment

20. The Committee adopted its draft agenda and approved minutes of the previous meeting held on 23rd November, 2013 in Addis Ababa, Ethiopia.

21. The Committee debated its report on Mining for oil and minerals on the seabed in the context of sustainable development as presented by the Co-rapporteurs: Joe Komun (Papua New Guinea) and Christa Klass, considered amendments to the said report and adopted the report.
22. Further, Members debated and exchanged views on the social and economic consequences of malnutrition in ACP countries as presented by Co-Rapporteurs Joseph Kono (Cameroon) and Nobert Neuser. In their remarks, the Co-Rapporteurs underpinned the importance of adequate nutrition as a key factor for one to live an active healthy life. They stated that there has been growing interest in nutrition with stronger political involvement at the national and international level leading to significant pledges and policy commitments. They stressed the need to turn the momentum into results by ensuring the delivery of pledges and accelerating progress on addressing the challenge of under nutrition.
23. They defined nutrition as not having enough energy or nutrients to live a physically active life that allows for optimal health. It encompasses both over nutrition and under nutrition and has direct negative consequences in terms of disease and disability, brain development, educational attainment and income for individuals and communities.
24. They reported that the World Health Organisation considers that poor nutrition is the single most important threat to the world's health and that under-nutrition represents the single largest killer of children under five, being responsible for 3.1 million child deaths each year (45% of total children under 5 years' deaths).
25. They reported that under nutrition is a major problem of the Sub-Saharan Africa, while the excess intake of calories or over nutrition (obesity) seriously affects many individuals in the Caribbean and Pacific regions.

26. The social consequences of malnutrition were said to be stunted growth, acute wasting that may lead to deaths, stunted education. The economic consequences were said to be slowing of economic growth which perpetuates poverty, education gap that leads to lower skilled-level of workforce substantially delaying development and a total economic cost which is estimated to range between 2 to 3 percent of the Gross Domestic Product to as much as 16 percent in most affected countries.

27. The next committee meeting will be held in Brussels, Belgium on 20th September, 2013

28. Under urgent topical subjects, there was an exchange of views on the diversity in agriculture for food security and working conditions in resources rich countries in ACP countries.

Committee on Economic Development, Finance and Trade

29. The Committee adopted its draft agenda and approved minutes of the previous meeting held on 23rd November, 2013 in Addis Ababa, Ethiopia.

30. The Committee considered its report, amendments and adopted the report on Regional integration and modernisation of customs for sustainable development in the ACP countries in cooperation with the EU as was presented by the Co-Rapporteurs Piet Van der Walt (Namibia) and Oldrich Vlasak.

31. The Committee also considered and exchanged views on the topic, “private sector development strategy, including innovation, for sustainable development”. It was the view of the members that the topic under discussion was very timely as it was aimed at improving the quality of life. There was a general agreement that there was need for ambitious reforms that would stabilize economies in the ACP states for

investment. Other reforms include proper training of civil servants and increasing access to funding with a view of promoting the SMEs.

The 11th European Development Fund (2014-2020): National and Regional Indicative Programmes

32. The European Commission reported that the 11th EDF for year 2014 to 2020 was totalling to 31.589 billion Euros and that the protocol was signed. Both national and regional programmes which would receive the funding were being finalized.

33. It was reported that there is a shift in priority sectors for support. Priority has been given to energy, agriculture and support for good governance. Regional seminars took place to discuss strategies for regional cooperation and development and there was a confirmation of the major areas to be supported.

Economic Partnership Agreements (EPAs): State of play of negotiations and implementation

34. Report on the status of the Economic Partnership Agreements negotiations was given. It was reported that three EPAs were being implemented, in the Caribbean region, Pacific and interim EPAs in the South. Progress has been made in the West African region and the EU and the region have reached a compromise. The last few months to the meeting brought some positive progress in ZADAC and ESA. The negotiations in ESA are awaiting market access offers. There was however no progress in Central Africa. Caribbean is the only existing full EPAs and some of the countries are in the process of ratifying but all are implementing. The EAC region had not reported progress in negotiations, and the EU was waiting for new offers.

35. The EU has accepted that countries should maintain their current export taxes, however the time is too short for any new regional EPAs to be started.

36. The Members were of the view that the need for negotiations as a group was to ensure that every member benefits. Various issues such as export taxes and the degree of market opening without development were mentioned as hindrances to some regions. It was suggested that there was need to look at the October 2014 deadline with a view to extending it.

Two topics were suggested as possible titles for the next report; Financing of the Investment and trade including infrastructure in ACP countries by the EU and Innovative financing for development an opportunity for EU and ACP partnership.

37. The date of the next sitting will be 25th and 26th September, 2013 in Brussels.

Committee on Political Affairs

38. The Committee adopted its draft agenda and approved minutes of the previous meeting held on 23rd November, 2013 in Addis Ababa, Ethiopia.

39. The Committee debated its report, amendments and adopted the report on the Global Spread of Terrorism: the Role of the Internet and Social Media as was presented by the Co-Rapporteurs Moses Kollie (Liberia) and Zita Gurmai.

40. The Committee considered and exchanged views on the topic, "The challenge of national reconciliation in post conflict and post crisis countries".

41. There was a presentation from the EU Institute for Security Studies on the effects of the "Arab Spring": the present state of democracy and social peace, in particular Tunisia, Libya and Egypt.

42. Date of the next sitting will be 25th and 26th September, 2013 in Brussels.

OVERVIEW OF THE 35TH SESSION OF THE ACP-PA

43. The ACP Parliamentary Assembly held its meeting under the Chairpersonship of the ACP President Mr. Jackson Fitz. He welcomed the ACP states to the session and thanked them for electing him president.

44. In his communication the Secretary General, of the ACP Mr. Alhaji M. Mumini congratulated the President on his election and assured him of support from the secretariat. He mentioned that the European Parliament had agreed to host the Session of the ACP-EU after Greece was unable to do so. He congratulated members for the studious effort in identifying challenges of the ACP states and their solutions thereof.

He stated that ACP is concerned about the conflict in the Central Africa Republic and South Sudan and the terrorists' attacks in Nigeria, Somali and Kenya.

He stated that the ACP supports the UN call on the Millennium Development Goals (MDGs) and has agreed on a common approach of post-2015 agenda that they will discuss with the EU.

With regard to the future of the ACP group, he stated that regional consultative meetings led by the ACP eminent persons were ongoing.

Sanctions against Uganda and Nigeria amending laws governing the practice of homosexuality

45. There was a common stand with regard to the proposed EU sanctions on Uganda and Nigeria for passing laws prohibiting gayism and homosexuality. The ACP was of the view that the issue under discussion was touching on the sovereignty the said countries and that democracy dictates that every country's position must be respected.

46. The Members adopted various resolutions on that were passed on from the committees and resolved to vote in support of the same during the JPA.

MEETINGS OF THE BUREAU

47. The Bureau met and approved the draft agenda and work programme for 35th Session of the Joint Parliamentary Assembly. It also approved the motions for resolutions on urgent topic, pursuant to Article (3) of the Rule of Procedure.

WOMEN'S FORUM

48. The Women's forum meeting was held on 15th March, 2014. The topic under discussion was, '*Sexual and reproductive health and rights in ACP and EU countries*' (SRHR). It was reported that sexual and reproductive health rights (SRHR) needs are still at an alarming rate especially in the ACP states. Under the maternal mortality rate as a SRHR, 800 women die worldwide every day due to pregnancy related problems and 99% of the deaths occur in Africa. Unmet needs in family planning, HIV/AIDs and female genital mutilation among others are SRHR. It was noted that there were challenges of funding, shortage of skilled health workers, improper implementation of SRHR policies leading to poor health and loss of life.

49. SRHR are human rights and the key to human development. Access to sexual and reproductive health services, including family planning increases the life expectancy for both mothers and children, increases incentives to invest in schooling, skills developments and other forms of human capital, creates opportunities for participation in labour markets and results in higher incomes and levels of asset accumulation.

50. In order to effectively deal and change the situation it was resolved that there was need to; develop and implement effectively SRHR policies;

ensure funding for SRHR; and recognize SRHR needs in a global framework.

OVERVIEW OF THE 27TH SESSION OF THE ACP-EU JPA

Opening Session

51. The Session was opened with the anthem of the ACP and EU Assemblies.

52. The Co-President for the ACP, Hon. Fitz A. Jackson, gave the opening remarks. In his remarks, he thanked the ACP colleagues for their support and confidence in according him the honour of being their President. He thanked his predecessor, Hon. (Dr.) Joyce Laboso for work well done during her term.

With regard to the Session, he noted that there were a number of themes that spoke to the need to address in a comprehensive manner human development and human security issues. He cited the need to get lasting solutions to the conflict in Central African Republic, South Sudan and the urgency of the need to come up with measures to deal with terrorism that has become a modern threat to some countries like Nigeria and Kenya.

He further noted that the JPA would also focus on discussions on the Millennium Development Goals related issues, the state of play on the World Trade Organisation negotiations, and finally on development and poverty eradication.

He urged the legislators to continuously work to improve their own effectiveness and the realisation of an enabling environment for development, peace, justice and human rights in their countries.

53. On the other hand the Co-President, Louis Michel thanked the JPA for the support that they had given him during his term as Co-President. He stated that he would not defend his seat in the forthcoming elections

of EU and as such would retire from the ACP-EU as well. He wished the JPA fruitful deliberations in all the future meetings.

Plenary Sessions of the ACP-EU JPA

Multilateral trading system: the outcome of the 9th WTO Conference in Bali

54. The Members took note of the various ministerial decisions that were arrived at during the Bali conference, including trips non-violation and situation complaints; work programme on electronic commerce; work programme on small economies; aid for trade; trade and transfer of technology; agreement on trade facilitation; general services; public stockholding for food security purposes; understanding on tariff rate quota administration provisions of agricultural products as defined in Article 2 of the agreement on agriculture; export competition; cotton; preferential trade rules of origin for least-developed countries; operationalization of the waiver concerning preferential treatment to services and service suppliers of least-developed countries; duty-free and quota-free market access for least-developed countries; and monitoring mechanism on special and differential treatment.

55. The European Commission in their contribution were of the view that the Bali conference provided concrete benefits to all members including the developing countries. Politically, the cooperation attitude is good for development. Priority should be on the implementation of the Bali package and work has already started. It was however noted that WTO members should remain realistic on what is doable and what is not possible. Further discussions on the same will continue during the next meeting.

56. The representative of the World Trade Organisation spoke on the state of play in the WTO negotiations. He recalled that the Doha Development Agenda (DDA) which was launched in 2001 and whose main objective was to put the concerns of developing countries at the heart of

negotiations finally was able to conclude negotiations on Trade Facilitation Agreement and agreed on a set of other decisions on the areas of agriculture and development

57. With regard to the Bali negotiations, various achievements were arrived at in the three different areas of Trade Facilitation, Agriculture and Development, all in favour of both developing and Least Developed Countries (LDCs).

58. With regard to Trade facilitation, the Agreement sets out to simplify and modernize customs procedures and to make them more transparent, thereby reducing transaction costs. The negotiations ensured that the issues of implementation capacity were central to the determination on when obligations to implement kick in including an agreement that each Developing Country and Least Developing Country of the WTO will implement the Trade Facilitation Agreement as per their capacity and in a sense, on timeframes of their own setting.

He urged all Members to take necessary steps to ratify the agreement domestically.

59. With regard to Agriculture, four decisions were finalized. The first decision relates to export competition where members are engaged in an information gathering exercise to prepare for the first review. The second decision, concerns the Administration of Tariff Rate Quotas. Similarly a review on the implementation of this understanding which concerns the quotas WTO Members have in place for sensitive agricultural imports and respective tariff rates will be carried out. The third decision concerns Public Stockholding for Food Security. This is a major issue for many developing countries. The Agriculture Committee will undertake a work programme that is aimed at making recommendations for a permanent solution to food security issue. The third decision was in respect to cotton. The Bali decision reaffirmed the Doha mandate on cotton, both with respect to trade and development

components which aim at enhancing transparency and monitoring of trade related aspects of cotton. The transparency sessions will be held twice a year, through meetings of the Committee on Agriculture in Special Session.

60. With regard to Development and Least Developing Countries issues, a decision on monitoring mechanisms on special and differential treatment was taken, and the Least Developed Countries package was adopted. With regard to operationalization of the services waiver, the Least Developed Countries will need to table their collective requests for preferential market access treatment as soon as possible.

61. Another decision relates to Duty Free Quota-Free market access preferences, which developed and some developing countries extend to the exports of least-developed countries. Members will need to notify their Duty Free Quota Free Schemes and any other relevant changes that may be adopted.

62. On Preferential Rules of Origin, the Bali decision sets out some multilateral guidelines which Members can draw upon as they develop or build their existing rules of origin for the Least Developed Countries products.

Resolutions and Declarations

63. The JPA adopted resolutions and made declarations on the following:-

- i. regional integration and modernisation of customs for sustainable development in ACP countries, in cooperation with the EU;
- ii. the global spread of terrorism: the role of internet and social media;
- iii. mining for oil and minerals on the seabed in the context of sustainable development;

- iv. the human, economic and social rights of migrants in ACP and EU countries;
- v. declaration on the situation in Central African Republic; and
- vi. declaration by the Co-Presidents of the ACP-EU JPA on “ending AIDS in the post 2015 agenda”

Resolution on regional Integration and modernisation of customs for sustainable development in ACP countries, in cooperation with the EU (*Appendix 1*)

64. The JPA noted that one of the aims of the 11th EDF (2014-2020) is to improve and intensify technical assistance and exchange of best practices in the field of customs. They further appreciated that customs duties are an important source of revenue for public budgets of ACP states.

65. The JPA stressed the need for the ACP countries to strengthen customs authorities with a view to facilitate the implementation of regional integration goals and objectives which include positive impact on development of cross-border, bilateral, plurilateral and multilateral legal trade flows.

66. The JPA called upon the EU to support customs reforms and modernisation through sharing knowhow, good practices in terms of customs cooperation and offering sufficient budgetary resources.

Resolution on the global spread of terrorism: the role of internet and social media (*Appendix 2*)

67. The JPA stressed the need for member countries to set up programmes to combat poverty and marginalisation and promote conflict resolution in order to arrest the process of growing vulnerability of some sections of society which otherwise might, out of despair, be inclined to lend a

degree of credence to the propaganda or preaching of extremists groups.

68. The JPA called upon the ACP States and the EU Member States which have not established units within their governments to prevent and combat multifaceted terrorism in order to improve cooperation between services and maintain liaison with international, regional and sub regional focal points, while ensuring the rights of citizens to do so.

69. The JPA called for cooperation in order to improve vigilance with regard to the activities of terrorists' organisations. They further urged the European Commission and international organisations such as the Counter Terrorism Committee (CTC), Interpol, the UN Office on Drugs and Crime (UNODC) and the Organisation for Security and Cooperation in Europe (OSCE) to provide necessary assistance to the ACP States to step up their capacities to prevent and combat terrorism.

Resolution on mining for oil and minerals on the seabed in the context of sustainable development (*Appendix 3*)

70. The JPA expressed concern over the current trade pattern whereby ACP countries export raw materials including mineral resources and buy manufactured products from the industrialised countries thus further perpetuating poverty. The JPA was further concerned by the absence of strong government regulations on the control of seabed mining sector thus leading to significant long-term local environmental and health damage.

71. They stressed the need to ensure that any exploitation and mining activity should seek to keep the ecosystem intact and urged the ACP-EU governments to put an end to the resource curse and to put the rich mineral resources of the ACP countries at the heart of their development strategy for the benefit of the whole population.

Resolution on the human, economic and social rights of migrants in ACP and EU countries (*Appendix 4*)

72. It was noted that political, social and economic instability, economic downturn, poor governance, lack of security, human rights violations, political repression, humanitarian crises and natural disasters, and growing disparities in living conditions are the major driving forces behind migration.

73. It Migration is both an opportunity and a challenge for development, with important economic and social consequences for the countries of origin, transit and destination, as well as for the migrants themselves which if well-managed migration can be of benefit to both EU and ACP countries, helping to meet existing and future labour needs and contributing to the development of all the countries.

74. Since 2000, international migration has moved to the top of the global governance agenda and a whole range of bilateral and multilateral partnerships have taken shape. There is however need for a more harmonised and effective migration policy to ease relations between origin, transit and receiving countries and to secure the human, economic and social rights of the migrants.

75. The JPA called on the ACP countries and the EU to strengthen further their commitment to deepening cooperation on migration and development and to promote well-managed migration as an enabler for sustainable economic, social and environmental development and stressed the need to have a more coordinated approach to migration management which should ensure full respect for the human, social and economic rights of migrants.

76. Further, the JPA encouraged the establishment of migration information and management centres outside the EU, such as that already established in Mali, with a view to helping countries of origin or transit to define a migration policy in response to the concerns of

potential and returning migrants, offering guidance on legal immigration and on job opportunities and living conditions in countries of destination, and helping with job-related training.

Declaration on the situation in Central African Republic (*Appendix 5*)

77. The JPA welcomed the election by the National Transition Council of Catherine Samba-Panza as the new Transitional President of the Central Africa Republic (CAR) and the formation of the new government and assured of its full support.

78. The ACP –EU expressed its concern over the situation in the CAR which is characterised by a serious deterioration in law and order, condemned the violence and called on all the international partners to lend all possible support to the joint efforts in the fields of security, humanitarian aid, the establishment of the rule of law and economic recovery.

79. The JPA called on the UN Security Council to accede to the requests by the Secretary-General and the CAR transitional authorities for UN peace-keeping mission to be organised and its financing authorised

Declaration by the Co-Presidents of the ACP-EU JPA on “ending AIDS in the post-2015 agenda” (*Appendix 6*)

80. The Co-Presidents called upon the ACP-EU countries to sustain and strengthen the AIDS response in the post-2015 development agenda.

81. The Co-Presidents pointed out that progress had been made but the epidemic is far from over hence the need to work for the inclusion of the visionary goal of ending AIDS and moving towards zero new HIV infections, zero discrimination and zero AIDS-related deaths in the post-2015 agenda.

WORKSHOPS AND EXCURSIONS

82. Towards the end of the Session, Members attended a workshop on **“Supporting private sector development and promoting investments in renewable energy sources in ACP countries”**.

Date of Next Meetings

83. Committees will meet from September 23 to 26, 2014 in Brussels, Belgium. The next ACP-EU JPA will take place in Bovila, Vanuatu from 1st to 3rd December 2014.

END

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.547/14/fin.

RESOLUTION¹

on regional integration and modernisation of customs for sustainable development in ACP Countries, in cooperation with the EU

The ACP-EU Joint Parliamentary Assembly,

- meeting in Strasbourg (France) from 17 to 19 March 2014,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement), in particular Articles 36 and 37 thereof, and revisions of the Cotonou Agreement in 2005² and 2010³,
- having regard to the UN Millennium Declaration of 18 September 2000, which sets out the Millennium Development Goals (MDGs) as objectives established jointly by the international community for the elimination of poverty,
- having regard to the Commission communications entitled ‘Increasing the impact of EU Development policy: An agenda for change’ (COM(2011)0637), and ‘The future approach to EU budget support to third countries’ (COM(2011)0638),
- having regard to the Commission proposal for a Council Regulation on the implementation of the 11th European Development Fund (COM(2013)0445),
- having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements⁴,
- having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008⁵,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 March 2014 in Strasbourg (France).

² OJ L 287, 28.10.2005, p. 4.

³ OJ L 287, 4.11.2010, p. 3.

⁴ OJ L 348, 31.12.2007, p. 1.

⁵ OJ L 303, 31.10.2012, p. 1.

- having regard to Council Regulation (EC) No 1207/2001 of 11 June 2001 on procedures to facilitate the issue of movement certificates EUR.1, the making-out of invoice declarations and forms EUR.2 and the issue of certain approved exporter authorisations under the provisions governing preferential trade between the European Community and certain countries and repealing Regulation (EEC) No 3351/83⁶,
 - having regard to the Community guidelines on the application in the Community of the provisions concerning the validity of the proofs of origin,
 - having regard to the Commission communication setting out conditions, in the context of preferential tariff arrangements, for informing economic operators and Member State administrations of cases of reasonable doubt as to the origin of goods⁷,
 - having regard to the World Bank’s Customs Modernization Handbook, published in 2005 (French version 2007),
 - having regard to the European Consensus on Development⁸,
 - having regard to the United Nations Code for Trade and Transport Locations (UN/LOCODE) and its yearly updates,
 - having regard to the Customs Quick Tool HS codes for the screening of ozone depleting substances (ODS),
 - having regard to the OECD paper of July 2012 entitled ‘Tax administration: detecting corruption’ issued as part of the CleanBiz initiative⁹,
 - having regard to the 8th WCO Partnership in Customs Academic Research and Development (PICARD) Conference hosted by the International Business and Law Institute of the National Research University of St Petersburg, 18-20 September 2013¹⁰,
 - having regard to Regulation (EU) No 528/2013 of the European Parliament and of the Council of 12 June 2013 amending Regulation (EC) No 450/2008 laying down the Community Customs Code (Modernised Customs Code) as regards the date of its application¹¹,
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- having regard to Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003¹²,

⁶ OJ L 165, 21.6.2001, p. 1.

⁷ OJ C 332, 30.10.2012, p. 1.

⁸ OJ C 46, 24.2.2006, p. 1.

⁹ <http://www.oecd.org/cleangovbiz/toolkit/49360071.pdf>

¹⁰ <http://www.wcoomd.org/en/media/newsroom/2013/september/wco-picard-conference.aspx>

¹¹ OJ L 165, 18.6.2013, p. 62.

¹² OJ L 181, 29.6.2013, p. 15.

- having regard to the WTO Agreement on Implementation of Article VII (Customs Valuation)¹³,
- having regard to the WTO Agreement on Rules of Origin¹⁴,
- having regard to the World Customs Organization document entitled ‘Customs in the 21st Century’ and to the resolution of the Customs Co-operation Council of June 2009 on the WCO’s Continuing Response to the Global Economic Downturn,
- having regard to Article 51, footnote 14 of the WTO TRIPS Agreement, on ‘counterfeit trademark goods’ and ‘pirated copyright goods’¹⁵,
- having regard to the 2013 CIAT Conference on Strengthening relations between Customs and Tax Authorities to fight tax fraud, Nairobi (Kenya), 9-12 September 2013¹⁶,
- having regard to the Ministerial Declaration and Decisions of the Ninth Ministerial Conference of the WTO in Bali, 3-6 December 2013,
- having regard to the report of the Committee on Economic Development, Finance and Trade (ACP-EU/101.547/14/fin.),

- A. whereas customs play a vital role in collecting duties on trade in goods, which is a crucial source of revenue for the public budget, especially for countries such as most of the ACP States that struggle with high levels of deficit and public debt;
- B. whereas one of the aims of budget support under the 11th EDF (2014-2020) should be to improve and intensify technical assistance and exchange of best practices in the field of customs;
- C. whereas the deepening of regional integration in the ACP, including the creation and maintaining of customs unions, necessitates prudent modernisation of customs, good governance and transparency in customs and tax matters as well as an efficient legislative framework to design and implement trade defence instruments;
- D. whereas modernisation of customs needs to be conducted transparently by involving parliaments and domestic stakeholders, and whereas the modernisation process should involve recruitment and training of customs experts, adequate technical infrastructure, including ICT connectivity, and enhanced institutional enforcement capacity of customs authorities;

¹³ http://www.wto.org/english/docs_e/legal_e/20-val_01_e.htm

¹⁴ http://www.wcoomd.org/en/about-us/legal-instruments/-/link.aspx?_id=8FB281B82DD8465CB7FE588031749A3B&_z=z

¹⁵ http://www.wto.org/english/news_e/news12_e/trip_05jun12_e.htm

¹⁶ <http://www.ciat.org/index.php/en/international-cooperation/international-activities/technical-conferences/2682.html>

- E. whereas reform at national level and regional integration initiatives in the customs sector must be pursued in synergy with trade facilitation efforts within the multilateral WTO system;
- F. whereas swift and comprehensive implementation of the provisions of the trade facilitation agreement concluded at the Ninth WTO Ministerial Conference in Bali will help to modernise customs regimes and to accelerate trade procedures as well as improve trade exchanges;
- G. whereas modernised customs should operate in a consumer-friendly manner to help fight against counterfeited and falsified goods, thus helping consumers to make an informed choice and improving their safety;
- H. whereas customs efficiency requires the reduction of red tape, unnecessary administrative burdens and the costs arising therefrom, and the creation of a level playing field with other trading partners which subsequently contributes to both regional integration and viable EU-ACP trade;
- I. whereas the Commission requires customs cooperation agreements to be concluded with states and regions in order to facilitate cumulation at various levels, and whereas the GSP rules of origin do not provide for full cumulation on items 1-24 of the Harmonised System (HS) Code although those are the products in respect of which many ACP LDC States have a competitive and comparative advantage when it comes to exports;
 - 1. Welcomes the increased role of customs administrations, not only in the enforcement of measures but also in the detection of possible crimes, particularly trafficking crimes, and points out the need to fight customs tax crimes and malpractice, including bribery;
 - 2. Considers that ACP countries would greatly benefit from the strengthening of customs authorities in order to facilitate the implementation of regional integration goals and objectives;
 - 3. Points out the important facilitating role of regional customs unions for intra-regional trade;
 - 4. Recognises that customs duties are an important source of revenue for public budgets of ACP countries, but that these should not be the sole source of revenue; stresses that the elimination of tariffs or reduction in customs duties could be compensated for by higher trade volumes, diversification of fiscal revenues and increased GNI contributions;
 - 5. Commends the OECD countries that have recognised the capacity of value added tax (VAT) to raise revenue in a transparent manner and calls on the EU to provide technical assistance to the ACP partner countries that are in the process of introducing a broad-based consumption tax to foster compliance with the OECD VAT/GST (goods and services tax) guidelines; stresses that, in the context of international trade liberalisation, introducing VAT is one of the preferred alternatives to customs duties;

6. Considers that changes in the preferential rules of origin under Economic Partnership Agreements must take into account the impact, as identified through analysis of the associated costs and benefits, on the economy of each ACP country; considers that the costs and benefits, to the EU Member States and to the ACP countries, of methods of calculation for purposes of determining origin on the basis of value added must be rigorously analysed;
7. Calls therefore on the EU – as the biggest donor of official development assistance to ACP countries – and on the recipient governments to focus on ensuring that there are sufficient budgetary resources; and calls for greater transparency and accountability on the part of customs authorities in order to improve the efficiency of their daily operations and the overall positive impact they have on the development of cross-border, bilateral, plurilateral and multilateral legal trade flows;
8. Stresses that, if requested, the EU should support customs reforms and modernisation, sharing its knowhow and good practices in terms of customs cooperation, and optimising the use of funds and instruments within the existing framework;

9. Encourages exchanges of good customs modernisation and trade facilitation practice between the European Union and the ACP countries;
10. Points out that customs contribute to effective and efficient border management, which is essential to facilitate trade, reduce trading costs, and thus enhance the competitiveness of a country, and that in the 21st century the primary focus of customs is shifting from physical control over consignments at the time of importation to post-release verification using audit-based controls, which increases demand for well-designed ICT support;
11. Is convinced that well-functioning customs are a pivotal element of sustainable development that makes possible, for example, the participation of the private sector in the real economy, regional cohesion and integration of markets through cross-border cooperation, and the development of WTO-compatible open and fair trade;
12. Considers that practical steps resulting in the modernisation of customs should, amongst other objectives, focus on:
 - taking due account of the views of authorised economic operators (AEOs) in order to ensure effective simplification and streamlining of procedures in force;
 - designing and implementing a risk-based approach for the control of parcels and shipments as part of an efficient strategy to fight against counterfeiting while avoiding unnecessary bureaucracy, delays in customs clearance, and extra costs for both businesses and citizens;
 - creating and implementing harmonised rules as part of a single customs code, including a single external tariff, for each customs union, and the possibility for a customs representative compliant with the AEO status

- to provide his or her services in a member country of the customs union other than the one in which he or she is established;
- ensuring that compliant and trustworthy AEOs enjoy the benefits stemming from international agreements on mutual recognition of AEO status;
 - developing or strengthening measures in force for the traceability of goods;
 - ensuring sufficient training opportunities for customs officials in charge of the verification of documents for customs clearance, especially as regards the rules of origin, the UN/LOCODE and ozone-depleting substances (ODS) codes;
13. Considers, furthermore, that a database of AEOs, including information on customs offences and ongoing investigations, which would be made available at no cost to the ACP customs authorities, could facilitate the sharing of information and best practices and increase the enforcement rate of customs rules;
 14. Calls on the Commission to establish an exchange programme for customs experts and other law enforcement officers of the EU and ACP countries, in cooperation with EU Member State customs authorities and the new European Observatory on Counterfeiting and Piracy, with a view to strengthening bilateral cooperation in the fight against illicit parallel trade in goods, fostering the protection of the intellectual property of registered right-holders, and closely monitoring the trade in ODS contributing to climate change;
 15. Sees a modern and efficient customs system as a necessary basis for effective trade defence policies, and considers that the authorities tasked with trade defence proceedings should, accordingly, take full account of customs authorities' experience and expertise;
 16. Calls for customs administrations to enhance their inter-agency cooperation with other border and cross-border entities, particularly health and safety inspectorates, including at ACP and EU levels;
 17. Calls on the European Union and the ACP countries to encourage all initiatives to enhance regional integration in the customs sector, while ensuring that the standards established under such initiatives are compatible with the international multilateral system and that they further the aim of creating an open, equitable market;
 18. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the EU Council Presidency, the African Union, the Pan-African Parliament, national and regional parliaments and the ACP regional organisations.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.544/14/fin.

RESOLUTION¹

on the global spread of terrorism: the role of the Internet and social media

The ACP-EU Joint Parliamentary Assembly,

- meeting in Strasbourg (France) from 17 to 19 March 2014,
 - having regard to the Cotonou Partnership Agreement between the ACP and the EC, in particular Article 11A thereof,
 - having regard to the OAU Convention on the Prevention and Combating of Terrorism, adopted in 1999, and the Plan of Action of the High-Level Intergovernmental Meeting of the African Union on the Prevention and Combating of Terrorism in Africa, adopted in 2002,
 - having regard to Decisions Nos 3/04 and 7/06 of the Ministerial Council of the Organisation for Security and Cooperation in Europe on Combating the Use of the Internet for Terrorist Purposes,
 - having regard to Resolutions 1373 (2001), 1566 (2004) and 1624 (2005) of the United Nations Security Council, which incorporate the essential elements of the international legal framework for combating terrorism,
 - having regard to the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,
 - having regard to the report of the Committee on Political Affairs (ACP-EU/101.544/14/A/fin.),
- A. whereas terrorist threats persist around the world, particularly in the ACP countries and the EU Member States;
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- B. whereas counter-terrorism policies and measures can only be effective when carried out in conformity with international law, notably international human rights law;
- C. whereas the spread of terrorism is intensified by the use of the Internet and social media, which have made the structure, methods and modes of financing of terrorist networks more complex and more difficult to detect;

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 March 2014 in Strasbourg (France).

- D. whereas the Internet and social media are tools which can be used both for terrorist purposes and to combat the spread of terrorism; whereas the Internet should not be viewed as a threat in itself;
- E. whereas there is a new form of terrorism against IT services, particularly those of public bodies, known as 'cyber terrorism';
- F. whereas the Internet and social networks such as Facebook, LinkedIn, Viadeo, Twitter and Youtube are increasingly being used by terrorist organisations to recruit, finance and train Internet users and incite them to spread terrorism and commit terrorist acts;
- G. whereas the Internet is an instantaneous international communication network and an unlimited space for interaction which cannot be censored; whereas the Internet is also a powerful tool for use in blackmail and bringing pressure to bear on international opinion by disseminating images of executions or mistreatment of hostages;
- H. whereas cyber terrorism enables terrorist groups to establish and maintain links without the physical obstacle of borders, thus reducing the need to have bases or sanctuaries in countries; whereas this transnational character necessitates a coordinated response by States to this evil;
- I. whereas terrorists are increasingly using new information technologies to disseminate their audiovisual recordings intended to express their ideology, to spread fear among the public, to identify, recruit and radicalise potential members in order to turn them into future fighters, to collect and transfer funds, and to organise terrorist acts or incite people to commit them;
- J. whereas, furthermore, terrorist organisations make ample use of the Internet and social media to maintain contact between themselves and their operational infrastructures, which are often very far apart, to transfer bomb- and rocket-making know-how and to collect donations;
- K. whereas the use of the Internet and social media for terrorist purposes is encouraged by the fact that democratic states hesitate to act in general, out of a concern to protect freedom of expression, and are reluctant to take effective measures against websites which propagate radical ideologies and preach intolerance, hatred and violence;
- L. whereas a number of socioeconomic and political factors, such as poverty, youth unemployment, isolation and withdrawal from society, intolerance, lack of education, social injustices, conflicts and poor governance, may constitute fertile ground for radicalisation;
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- M. whereas terrorism, in all its forms and manifestations, is one of the most serious threats to international peace and security and it is therefore imperative to combat it by all means compatible with the United Nations Charter, international human rights law and international humanitarian law;
- N. whereas United Nations Security Council Resolution 1624 (2005) calls upon States to take all measures that are necessary, appropriate and in accordance with their obligations under

international law to prohibit by law incitement to commit terrorist acts and to prevent incitement to commit such acts;

- O. whereas it is necessary to reaffirm the commitments assumed by States under the United Nations Global Counter-Terrorism Strategy, particularly ‘to coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet’ and ‘to use the Internet as a tool for countering the spread of terrorism’;
1. Calls on the ACP States and the EU Member States to comply with their obligations under UN Security Council Resolutions 1373, 1566 and 1624;
 2. Urges the ACP States and the EU Member States to cooperate fully with the Counter-Terrorism Committee set up by Resolution 1373 (2001) and the committee set up by Resolution 1540 (2004), and calls furthermore on those bodies to step up cooperation among themselves;
 3. Urges the ACP States and the EU Member States to cooperate in order to improve vigilance with regard to the activities of terrorist organisations; calls also on the ACP States and the EU to develop ways of working together to prevent terrorist acts, thereby promoting effective counter-terrorism, by providing notably for the exchange of information through the proper formal channels of communication;
 4. Calls on the ACP States and the EU Member States which have not yet done so to establish units, within their governments, to prevent and combat multifaceted terrorism in order to improve cooperation between services and maintain liaison with the international, regional and subregional focal points, while ensuring the right of citizens to engage in free speech, robust democratic opposition and debate; calls on states to step up capacities for net monitoring, including through close cooperation with universities training specialists in that field;
 5. Calls on the European Commission and international organisations such as the Counter-Terrorism Committee (CTC), Interpol, the UN Office on Drugs and Crime (UNODC) and the Organisation for Security and Cooperation in Europe (OSCE) to provide the necessary assistance to the ACP States to step up their capacities to prevent and combat terrorism;
 6. Calls on the ACP States and the EU Member States to exchange information on the use of the Internet for terrorist purposes and to cooperate in devising effective means of combating that threat;
 7. Calls for surveillance of websites which incite hatred and circulate terrorist ideas, as well as information and intelligence concerning terrorist actions and activities and for this surveillance to be transparent and the data collected to be protected;
 8. Points out that the Internet is an immensely valuable tool which makes it possible for citizens to express or assert their views, access information and claim their rights and that it constitutes an excellent means of communication and of embracing other cultures and fostering personal enrichment;

9. Calls on the ACP States and the EU Member States to adopt legislation to establish effective, transparent and democratic procedures which will make it possible to close down swiftly websites which serve the interests of terrorists;
10. Points out that it is not enough to adopt legislation to combat the spread of terrorism via the Internet and social media, given the difficulty in enforcing that legislation on the web; calls accordingly on the ACP States and the EU Member States to focus on prevention and information, in particular for young people, in order to make them responsible and informed users, but also for individuals working directly or indirectly in the area of national security, whose personal details posted on the Internet could be used for terrorist purposes;
11. Calls on the ACP States, the EU Member States and the Commission to cooperate with the major Internet industry groups in order to find ways of combating the use of the Internet for terrorist purposes and to monitor, but also prevent, the recruitment of users, while observing individuals' rights to privacy and freedom of expression; points out that states and international organisations, too, have the possibility of making greater use of the Internet and social media in order to disseminate counter-discourses, with a view to combating radicalisation;
12. Calls on governments to carry out strict monitoring to prevent donations to charities and social associations from becoming sources of finance for terrorist activities;
13. Calls on all states to cooperate unreservedly in counter-terrorism measures in accordance with their obligations under international law;
14. Calls on the competent international, regional and subregional organisations to step up international cooperation in combating terrorism and to intensify their relations with the United Nations and particularly with the Counter-Terrorism Committee with a view to facilitating the full and prompt implementation of Resolution 1373 (2001); encourages the EU Member States and the ACP States to maintain regular contacts with and extend invitations to the UN Special Rapporteur on Counter-Terrorism and Human Rights;
15. Stresses the need to further step up programmes to combat poverty and marginalisation and promote conflict resolution in order to arrest the process of growing vulnerability of some sections of society which otherwise might, out of despair, be inclined to lend a degree of credence to the propaganda or preaching of extremist groups;
16. Calls on all public and private audiovisual organisations to include, in their productions, content intended to inform the public about the dangers associated with the propaganda of radical groups and to combat the destructive and extremist ideas which accompany it;
17. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the African Union, the Organisation for Security and Cooperation in Europe and the regional organisations of the ACP States.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.546/14/fin.

RESOLUTION¹

on mining for oil and minerals on the seabed in the context of sustainable development

The ACP-EU Joint Parliamentary Assembly,

- meeting in Strasbourg from 17 to 19 March 2014,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the ACP-EC Partnership Agreement (the ‘Cotonou Agreement’) and in particular to Article 32 on environment and natural resources and Article 49 on trade and environment,
- having regard to the Brussels Declaration on the Sustainable Development and Management of the Mineral Resources Industry of the ACP States (ACP/89/008/10) adopted at the 1st Meeting of ACP Ministers in charge of the Mineral Resources Industry held from 13 to 15 December 2010 in Brussels, Belgium,
- having regard to the scope and activities of the United Nations Environment Programme (UNEP) International Panel for Sustainable Natural Resource Management,
- having regard to the European Parliament resolution of 13 September 2011 on an effective raw materials strategy for Europe²,
- having regard to the African Trade Policy Centre study on Mineral Exploitation, Environmental Sustainability and Sustainable Development in EAC, SADC and ECOWAS Regions (2009),
- having regard to Directive 94/22/EC of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons,
- having regard to Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (the Marine Strategy Framework Directive),

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 March 2014 in Strasbourg (France).

² OJ C 51 E, 22.2.2013, p. 21.

- having regard to Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations,
- having regard to the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 and the 1994 Agreement relating to the implementation of Part XI thereof,
- having regard to the Protocol to the Barcelona Convention on the protection of the Mediterranean Sea against pollution resulting from the exploration and exploitation of the continental shelf and the seabed and its subsoil (the ‘Offshore Protocol’) of 24 March 2011,
- having regard to the Commission communication of 10 October 2007 entitled ‘An Integrated Maritime Policy for the European Union’ (COM(2007)0575),
- having regard to the Commission communication entitled ‘Facing the challenge of the safety of offshore oil and gas activities’ (COM(2010)560),
- having regard to the Commission communication of 13 September 2012 entitled ‘Blue Growth – opportunities for marine and maritime sustainable growth’ (COM(2012)0494),
- having regard to the International Seabed Authority Mining Code,
- having regard to the International Environmental Agreement (IEA) on the resolution of practical problems with respect to deep seabed mining areas of 14 August 1987, which was signed by Canada, Belgium, the Netherlands, Italy and Russia,
- having regard to the proceedings of the international workshop on environmental management needs for exploration and exploitation of deep seabed minerals, held in Nadi, Fiji from 29 November to 2 December 2011,
- having regard to the Commission report of 11 September 2012 entitled ‘Progress of the EU’s Integrated Maritime Policy’ (COM(2012)0491),
- having regard to the report of the Committee on Social Affairs and the Environment (ACP-EU/101.546/14/fin.),

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- A. whereas natural resources constitute a precondition for the economic activity, employment and welfare of a country;
 - B. whereas the short-term and long-term consequences of mining operations, especially in the deep sea, remain unclear and there are persisting concerns about the increased toxicity of water and a change in the habitat, as well as leakages, spills and corrosion;
 - C. whereas on the one hand, resources are limited, and on the other hand, new resources are necessary for innovation and development;

- D. whereas any exploitation and mining activity has an impact on ecosystems and the environment;
 - E. whereas many ACP countries are endowed with mineral resources on the seabed in their own territorial waters or in international waters, either in coastal or in deep-sea waters;
 - F. whereas manufacturing industries currently often rely on the supply of raw materials and oil for their industrial activity, and whereas their supply is often controlled by a few suppliers;
 - G. whereas most extracted oil and most minerals mined on the seabed are exported without much value addition in the ACP producing countries;
 - H. whereas the Cotonou Partnership Agreement provides for cooperation on environmental protection and sustainable utilisation and management of natural resources and reaffirms the commitment to promoting international trade in such a way as to ensure sustainable and sound management of the environment;
 - I. whereas the governments of ACP countries exercise sovereignty and jurisdiction over their respective exclusive economic zones (EEZs), in accordance with international law, as parties to the United Nations Convention on the Law of the Sea;
 - J. whereas in the absence of strong governments to regulate and control the seabed mining sector, the activities of seabed mining companies may lead to significant long-term local environmental and health damage;
 - K. whereas it is a settled principle of international law that mineral resources in the high seas, being beyond the maritime jurisdiction of a state's EEZ, are the common heritage of mankind;
 - L. whereas between the 1990s and 2008 the world production of 14 major minerals increased from 1 million tonnes to about 2.5 million tonnes; whereas global demand is expected to increase significantly as the population reaches 9 billion by 2050;
 - M. whereas the Mining Code lays down a comprehensive set of rules, regulations and procedures issued by the International Seabed Authority to regulate prospecting, exploration and exploitation of marine minerals in the international seabed area;
1. Expresses its concern that, despite the fact that developing countries are endowed with rich mineral resources, the current trade pattern whereby they export raw materials and buy manufactured products from industrialised countries has failed to address continuing problems of poverty;
 2. Stresses first and foremost that any exploitation and mining activity should seek to keep ecosystems intact and to limit interfering actions to a minimum;

3. Calls on ACP-EU governments to put an end to the "resource curse" and to put the rich mineral resources of ACP countries at the heart of their development strategy for the benefit of the whole population, instead of these resources only enriching investors and small elites without benefiting ordinary citizens;
4. Urges ACP countries to deploy skilled and experienced experts when negotiating mineral contracts with mining companies; encourages ACP countries also to invest in their own legal and mining specialists through education and training in order to guarantee the lasting and sustainable accumulation of knowledge; calls on the EU and its Member States to support knowledge transfer initiatives;
5. Recalls that the transition to low-carbon societies and therefore the substitution of fossil fuels must be a long-term goal for ACP and EU countries; urges countries and investors to make better use of the huge renewable energy potentials present in ACP countries;
6. Stresses the important role that national parliaments should play in the oversight of mining agreements and contracts in order to fulfil their responsibilities to their citizens;
7. Stresses the need for transparent and efficiently enforceable legislative and regulatory frameworks governing the seabed mineral resources industry; recalls, in this connection, the need to legislate against the use of internationally banned toxic substances; calls on national governments and parliaments to enact policies and regulate foreign investment in the public interest, in consultation with civil society, in such a way that foreign investments benefit the local economy, create domestic added value and foster development;
8. Stresses that countries should ensure that seabed mining licences are issued via a transparent, competitive and non-discretionary procedure and that licences should include legally binding provisions on social and environmental standards; urges that countries monitor mining activities and check that these social and environmental standards are applied;
9. Calls on all countries and their governments to include obligations and duties for foreign investors operating in developing countries to comply with human rights, environmental and ILO core labour standards;
10. Urges development partners, including the European Union, to provide technical assistance to seabed mining countries with assessing the past and present environmental and social impact of mining activities on the seabed, to establish liabilities for environmental and health damage at all levels, to compensate victims and to rehabilitate the ecosystem according to the "polluter pays" principle;
11. Urges companies to use the best available technologies in order to minimise the short- and long-term environmental impact of mining;
12. Welcomes the project entitled "Deep Sea Minerals in the Pacific Islands Region a Legal and Fiscal Framework for Sustainable Resource Management", funded

by the European Union under the 10th European Development Fund (EDF) and implemented by the Secretariat of the Pacific Community (SPC), and calls for scientific studies and evaluations regarding the opportunities and risks of seabed mining activities, their direct and indirect impact on the environment and their cost-effectiveness;

13. Encourages ACP and EU countries to establish or strengthen national agencies for science, technology and innovation, together with monitoring capacity to promote technologies and know-how in seabed exploration and mining in order to improve sustainability and safety where seabed exploration and mining is taking place;
 14. Welcomes the Commission's public consultation scheduled for 2014 on seabed mining in preparation for a communication to be published in 2015, and calls on the Commission to report regularly to the ACP-EU JPA on progress in the consultation procedure;
 15. Recalls that exploration for oil and gas can already have unforeseen social and environmental impacts; stresses that companies should assess social and environmental impacts ahead of exploration and exploitation;
 16. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the Presidency of the Council of the European Union, the African Union, the Pan-African Parliament, the International Seabed Authority and the UN Environment Programme.
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ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 101.674/14/fin

RESOLUTION¹

on the human, economic and social rights of migrants in ACP and EU countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Strasbourg (France) from 17 to 19 March 2014,
- having regard to Article 18(2) of its Rules of Procedure,
- having regard to the revised Cotonou Agreement, and especially Article 13 thereof, on the basis of which the ACP-EU migration dialogue takes place,
- having regard to the June 2010 ACP-EU Council Joint Declaration on migration and development,
- having regard to the report on the 2011-2012 dialogue on migration and development endorsed by the ACP-EU Council of Ministers at its 37th session, held in Port Vila on 14 June 2012,
- having regard to the UN High-Level Dialogue on International Migration and Development of 3 October 2013, and the Joint Declaration of the EU and its Member States and the ACP countries on the same subject,
- having regard to the creation of the ACP Observatory on Migration,
- having regard to the Joint EU-Africa Strategy,
- having regard to the Joint Africa-EU Declaration on Migration and Development signed in Sirte on 23 November 2006,
- having regard to Articles 77 and 80 of the Treaty on the Functioning of the European Union,
- having regard to the 2005 EU Global Approach to Migration and Mobility, renewed in November 2011,
- having regard to the European Pact on Immigration and Asylum adopted by the Council in October 2008, the Commission's 'First Annual Report on Immigration and Asylum (2009)' (COM(2010)0214) and the Council conclusions of 3 June 2010 on the follow-up to the European Pact on Immigration and Asylum,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 March 2014 in Strasbourg (France).

- having regard to Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office¹,
- having regard to the Stockholm Programme for 2010-2014, the European Pact on Immigration and Asylum and the Commission communication of 20 April 2010 entitled ‘Delivering an area of freedom, security and justice for Europe’s citizens – Action Plan Implementing the Stockholm Programme’ (COM(2010)0171),
- having regard to Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection²,
- having regard to Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment³, to Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State⁴ and to the proposal for a directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment (COM(2010)0379),
- having regard to the proposal for a regulation of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (COM(2013)0197),
- having regard to the joint communication of the Commission and of the Vice-President of the Commission / High Representative of the European Union for Foreign Affairs and Security Policy of 20 March 2013 on ‘European Neighbourhood Policy: Working towards a Stronger Partnership’ (JOIN/2013/0004),
- having regard to the speech made by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Catherine Ashton, at the UN Security Council on 4 May 2010, in which she stressed the need for a comprehensive approach to crisis management and peace-building and highlighted the evident links between security, development and human rights,
- having regard to the European Parliament resolutions of 5 April 2011 on migration flows arising from instability: scope and role of EU foreign policy⁵ and of 21 October 2013 on migratory flows in the Mediterranean, with particular attention to the tragic events off Lampedusa⁶, and to its position of 5 February 2014 on the proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-

¹ OJ L 132, 29.5.2010, p. 11.

² OJ L 180, 29.6.2013, p. 96.

³ OJ L 155, 18.6.2009, p. 17.

⁴ OJ L 343, 23.12.2011, p. 1.

⁵ OJ C 296 E, 2.10.2012, p. 1.

⁶ Texts adopted, P7_TA(2013)0448.

country nationals for the purposes of seasonal employment¹, which covers their human, social and economic rights,

- having regard to the report of the International Organisation for Migration (IOM) entitled ‘The State of Environmental Migration 2012’,
 - having regard to the mandate of the Special Rapporteur on the human rights of migrants, created in 1999 by the UN Commission on Human Rights,
 - having regard to the Global Commission on International Migration, the UN High-level Dialogue on International Migration and Development and the Global Forum on Migration and Development,
 - having regard to the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted on 18 December 1990,
 - having regard to the UN Convention against Transnational Organised Crime and the protocols thereto, adopted by the UN General Assembly in November 2000,
 - having regard to the Geneva Conventions of 1949 and the additional protocols thereto,
 - having regard to the Geneva Convention of 28 July 1951 relating to the Status of Refugees and the protocol thereto of 31 January 1967,
 - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000,
- A. whereas political, social and economic instability, economic downturn, poor governance, lack of security, human rights violations, political repression, humanitarian crises and natural disasters, and growing disparities in living conditions are the major driving forces behind migration; whereas fragile states are the most vulnerable to internal and external shocks;
- B. whereas migration is both an opportunity and a challenge for development, with important economic and social consequences for the countries of origin, transit and destination, as well as for the migrants themselves;
- C. whereas well-managed migration can be of benefit to both EU and ACP countries, helping to meet existing and future labour needs and contributing to the development of all the countries concerned;

¹ P7_TC1-COD(2010)0210.

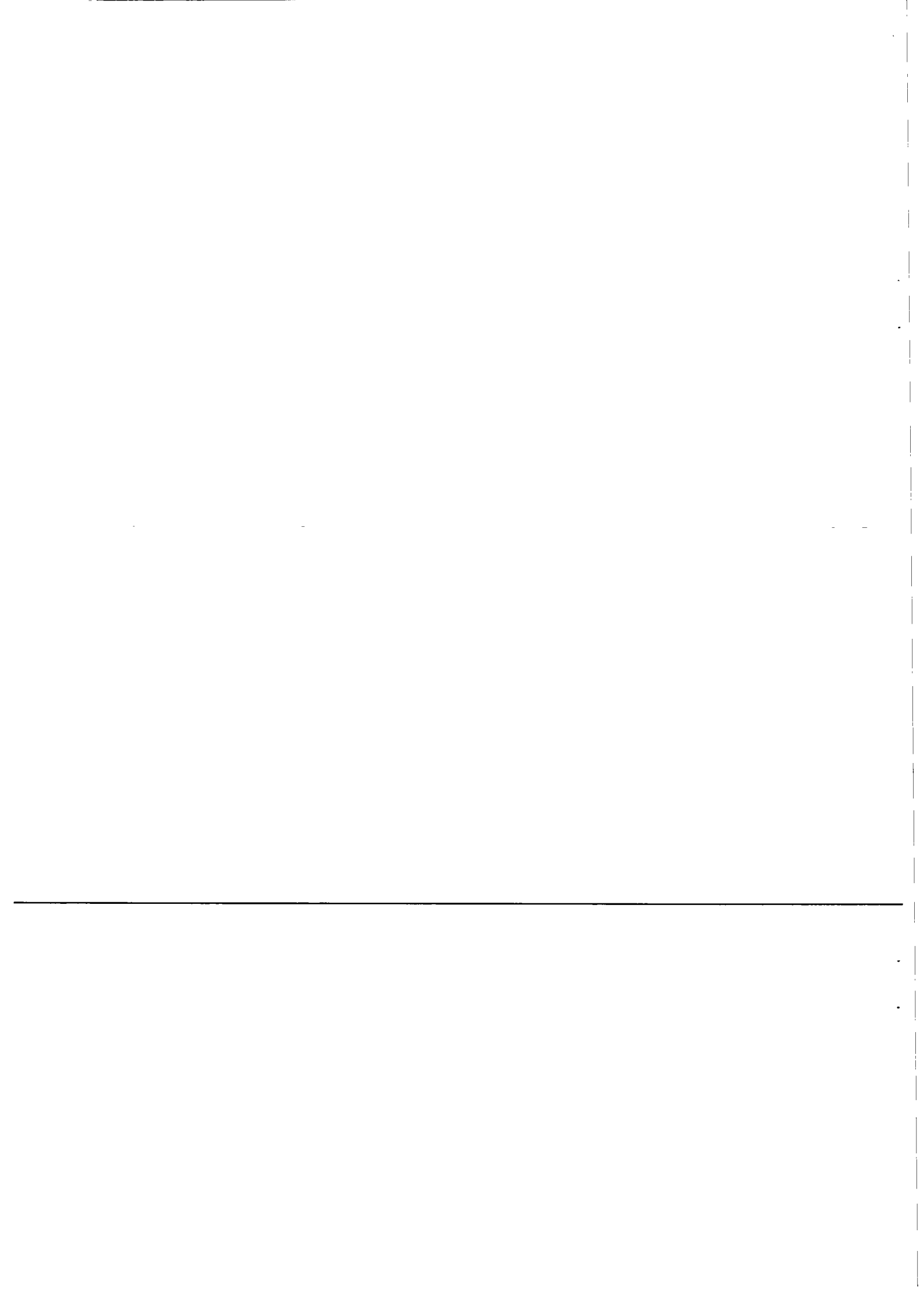
- D. whereas South-South migration is much more significant than South-North migration, as it accounts for 62.6 % of overall migration, and whereas 84.7 % of all migrants settle outside the EU¹;
- E. whereas, according to the IOM, it has been estimated that half of the world's 214 million international migrants are migrant workers, of whom a rising proportion are women; whereas the feminisation of labour migration has occurred over the last few decades;
- F. whereas, since 2000, international migration has moved to the top of the global governance agenda and a whole range of bilateral and multilateral partnerships have taken shape; whereas the emergence of the 'migration-as-development lever' perspective has laid the basis for new forms of interregional cooperation and dialogue;
- G. whereas more harmonised and effective migration policy is needed to ease relations between origin, transit and receiving countries and to secure the human, economic and social rights of migrants;
- H. whereas the ACP-EU Council agreed in May 2011 that the dialogue on the mobility of skilled people, legal migration, readmission, visas, smuggling of migrants and trafficking in human beings, migrants' rights and remittances should be continued, and whereas the ACP and EU countries have made commitments to uphold respect for the human rights of migrants regardless of their immigration status;
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- I. whereas the Africa-EU Partnership on Migration, Mobility and Employment commits the parties to dialogue on diasporas, remittances, brain drain, migrant rights, the social consequences of migration, regular, circular and irregular migration, visa issues, smuggling and trafficking of migrants, readmission and return, refugee protection, and the mobility of students;
- J. whereas discrimination and violence particularly targeting migrants, refugees and asylum-seekers, with noticeable increasing xenophobia, anti-migrant sentiment, hate speech and hate crimes, remain an area of deep concern for EU and ACP countries;
- K. whereas human smuggling and trafficking exploit irregular migration and victims are forced, lured or deceived into coming to Europe by criminal networks, and whereas these problems pose serious security threats to the EU and a serious risk to migrants' lives;
- L. whereas protection of the rights of migrants, including those of female migrants and children, is one of the main elements of managing a sustainable migration policy;
- M. whereas the new revised Common European Asylum System aims to provide clearer rules and to guarantee fair and adequate protection of refugees in need of international protection;
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- N. whereas EU legislation provides certain tools, such as the Visa Code and the Schengen Borders Code, which make it possible to grant humanitarian visas for refugees in the event of crises;

¹ J. Crush, *Between North and South: The EU-ACP Migration Relationship*, CIGI Papers No 16, April 2013, p. 8.

- O. whereas the EU Member States should be encouraged to make use of the financial resources that will be available under the Asylum and Migration Fund and of the funds available under the preparatory action 'Enable the resettlement of refugees during emergency situations';
- P. whereas legal migration is the best route for individuals seeking to move from their country of origin and for the receiving country;
- Q. whereas migration can exacerbate the 'brain drain', which has a detrimental long-term effect on a developing country's labour market;
1. Calls on the ACP countries and the EU to strengthen further their commitment to deepening cooperation on migration and development and to promote well-managed migration as an enabler for sustainable economic, social and environmental development; stresses that a more coordinated approach to migration management should ensure full respect for the human, social and economic rights of migrants;
 2. Underlines the need for stronger partnership between countries of origin, transit and destination with a view to better managing migration in a comprehensive manner with shared responsibility and cooperation;
 3. Emphasises that poverty, weak economies, lack of development, lack of pro-poor growth and lack of jobs, human rights violations and situations of armed conflict are the root causes of international migration; calls on the EU to make further efforts with regard to the development and democratisation of countries of origin and to promote the rule of law; calls on the ACP countries to pursue effective and better-targeted poverty reduction and economic development policies aimed at creating employment;
 4. Expresses concern that a growing number of people are risking their lives by embarking on dangerous boat crossings across the Mediterranean to the EU; recalls that EU solidarity should go hand in hand with responsibility; reminds the EU Member States that they have a legal obligation to come to the assistance of migrants at sea; calls, in this connection, on the ACP countries, and in particular on Eritrea, where most of the victims come from, to seek international cooperation with a view to combating human trafficking and guaranteeing basic human rights for all citizens;
 5. Stresses that the EU legislation in force (Directives 2009/50/EC and 2011/98/EU) ensures equal treatment for legal immigrants and for nationals of the Member State in which they reside with regard to: (i) working conditions, (ii) freedom of association, (iii) education and vocational training, (iv) recognition of diplomas, certificates and other professional qualifications, (v) branches of social security, (vi) tax benefits, (vii) access to goods and services, and (viii) advice services offered by employment offices, and points out that the EU Member States may restrict equal treatment only in areas defined by law;
 6. Calls on the ACP and EU countries to combat actively xenophobia and xenophobic violence against migrants, including by raising awareness among the general public and professionals dealing with migrants of the need to respect migrants' human rights;

7. Calls on the EU Member States to respect the principle of non-refoulement, in compliance with existing international and EU law; calls on the EU Member States to put an immediate end to any improper and extended detention practices;
8. Calls on ACP and EU authorities to put in place policies addressing the particular needs of female migrants, as they are subject to violence and abuse, which remain a major threat, in particular in refugee camps, and to ensure respect for the fundamental principle of the best interests of children;
9. Emphasises that, while guaranteeing human rights for all migrants, the EU should concentrate on refugees coming under the Geneva Convention in order to provide the best possible assistance and protection; calls on the Commission to foster protection measures for vulnerable groups and people who often become victims of trafficking and sexual and labour exploitation;
10. Emphasises that protection of the rights of migrants is a fundamental element in the readmission process; calls on all parties to ensure the practical application of policies guaranteeing respect for those rights and for human dignity at all stages of the process, in accordance with the applicable international commitments;
11. Calls on the EU, Frontex and the Member States to ensure that assistance to migrants in distress is one of the main priorities in the implementation of the Eurosur Regulation;
12. Calls for stronger cooperation in the fight against illegal migration, including agreements on the issues of return and readmission of illegal migrants to their country of origin and bilateral and multilateral agreements;
13. Welcomes the recent proposals by the Commission on legal migration for non-asylum-seekers, and urges it to develop further instruments with the aim of establishing a common immigration policy, to manage economic migration with a view to promoting economic and social progress in receiving, transit and origin countries, and to enhance social cohesion by improving the integration of migrants;
14. Calls on the EU Member States to work with ACP countries to ensure that information relating to legal migration is readily available, with a special focus on migrants' rights and obligations, as it is on the European Union online immigration portal, for example;
15. Encourages the establishment of migration information and management centres outside the EU, such as that already established in Mali, with a view to helping countries of origin or transit to define a migration policy in response to the concerns of potential and returning migrants, offering guidance on legal immigration and on job opportunities and living conditions in countries of destination, and helping with job-related training;
16. Welcomes the upcoming EU-Africa Summit (2-3 April 2014, Brussels) and calls for a common bolder approach and concrete effective strategies to address the challenges of migration within the Joint Africa-EU Strategy;
17. Stresses that the brain drain can cause serious problems in developing countries and that efforts should therefore be made to encourage circular migration;

18. Stresses the important role of the ongoing ACP-EU dialogue on migration and development and of the Global Forum on Migration and Development, which provides a structured framework for promoting enhanced dialogue and cooperation between both governmental and non-governmental actors;
19. Stresses that remittances from migrants are the main and most stable source of cashflow, provided that channels are made available to migrants for faster, cheaper and safer transfers of funds; calls therefore on the EU and the ACP countries to facilitate the transfer of remittances and reduce the costs of financial transfers in both source and recipient countries in the interests of development;
20. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Council of the European Union, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the African Union, the governments and parliaments of the ACP countries and the EU Member States, and the UN General Assembly.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.675/14/fin.

RESOLUTION¹

on the situation in the Central African Republic

The ACP-EU Joint Parliamentary Assembly,

- meeting in Strasbourg (France) from 17 to 19 March 2014,
- having regard to Article 18(2) of its Rules of Procedure,
- having regard to the revised Cotonou Agreement,
- having regard to the Libreville Agreement of 11 January 2013 on the resolution of the politico-military crisis in the Central African Republic (CAR), signed under the aegis of the heads of state and government of the Economic Community of Central African States (ECCAS), which sets out the conditions for ending the crisis in the CAR, and having regard to the statements by the heads of state and government of ECCAS at their summits of 3 and 18 April 2013 in N'Djamena laying down the road map for the transition,
- having regard to United Nations (UN) Security Council Resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013 and 2134 (2014) of 28 January 2014,
- having regard to the press statement of 27 January 2014 by the UN High Commissioner for Human Rights, Navi Pillay,
- having regard to the briefing of the Security Council on the situation in the CAR by the UN Secretary-General on 3 March 2014,
- having regard to the statements of 5 December 2013 and 21 January 2014 on the CAR by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy,
- having regard to the statements of 10 September and 30 December 2013 by the EU Commissioner for Humanitarian Aid and Civil Protection on the worsening of the crisis in the CAR,
- having regard to the European Commission's press release of 10 February 2014 on the CAR; having regard to the press release published by the European Commission on 13 March 2014, on the occasion of the visit by the European Commissioner for Development to the CAR, jointly with the Ministers for Development of Germany and France,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 March 2014 in Strasbourg (France).

- having regard to the establishment of an International Contact Group on the CAR in May 2013 to coordinate regional, continent-wide and international action in order to find a lasting solution to the country's recurrent problems,
- having regard to the 1998 Rome Statute of the International Criminal Court (ICC), ratified by the CAR in 2001,
- having regard to the Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child, which has been signed by the CAR,
- having regard to the extraordinary ECCAS summit of heads of state and government held in N'Djamena (Chad) on 9 January 2014,
- having regard to the adoption by the African Union Peace and Security Council of a new Concept of Operations on 10 October 2013,
- having regard to the communiqué issued by the African Union's Peace and Security Council on 7 March 2014, which welcomed the significant improvement in the security situation in the CAR, while acknowledging that the situation remains worrying in some places and that efforts must therefore continue,
- having regard to the statement of 27 November 2013 by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly in Addis Ababa (Ethiopia),
- having regard to the statement of 3 March 2014 by the Chair of the Commission of the African Union, Nkosazana Dlamini-Zuma, on the situation in the CAR,
- having regard to the EU Council conclusions of 16 December 2013, 20 January 2014 and 10 February 2014 on the CAR,
- having regard to the European Parliament resolutions of 17 January 2013, 12 September 2013 and 12 December 2013 on the situation in the CAR,
- having regard to its previous resolution of 19 June 2013 on the CAR,
- having regard to the high-level meeting on humanitarian action in the CAR held in Brussels on 20 January 2014,
- having regard to the donors' conference for the International Support Mission for Central Africa (MISCA), held in Addis Ababa on 1 February 2014,

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- A. whereas the deterioration in the crisis in the CAR in December 2013 led to the resignation of the Transitional Head of State, Michel Djotodia, and of the Transitional Prime Minister, Nicolas Tiangaye, on 10 January 2014;
- B. whereas, on 20 January 2014, a new Transitional Head of State, Catherine Samba-Panza, was elected by the National Transitional Council (NTC) further to the decision by the Economic Community of Central African States (ECCAS); whereas, on 25 January 2014, the Transitional President appointed André Nzapayéké Prime Minister and whereas a new government has been formed;

- C. whereas a deterioration in the situation in the CAR could cause instability in the region; whereas restoring security is a priority which necessitates the disarming of all the Anti-balaka and continued neutralisation of the former Séléka rebels;
- D. whereas there is excellent collaboration and complementarity between the forces of the International Support Mission for Central Africa under the responsibility of the African Union (MISCA) and the French forces (Sangaris); whereas the force level currently deployed is not sufficient to ensure the safety of the population; whereas the EU Council has decided to organise a EUFOR CAR mission to secure Bangui airport and the nearby camp accommodating 100 000 refugees;
- E. whereas the UN Security Council resolutions provide a legal framework for intervention by the AU, France and the EU; whereas since 5 December 2014 the operations in question have involved maintaining order rather than being military operations; whereas it is not possible to attain a level of total security; whereas ultimately the CAR will have to establish a Central African army;
- F. whereas the Transitional President has welcomed the intervention by the EU; whereas she has urged the UN to establish a peace-keeping operation in the CAR in order to bring the multidimensional crisis under control; whereas it is possible, as provided for in UN Security Council Resolution 2077 (2013), that MISCA will be transformed into a UN peacekeeping operation so as to ensure ongoing financial backing for it, supporting, in this spirit, the recommendation by the Secretary-General, Ban Ki-moon, for the deployment in the CAR of 11 820 UN peace-keepers, comprising 10 000 soldiers and 1 820 police officers, in order to restore order and security there;
- G. whereas the financial aid provided by the international community is vital to the restoration of security and state authority and to the performance of the sovereign functions of the state and of its tasks in the educational and social fields; whereas this aid is urgently needed and cannot be conditional on zero risk or total security;
- H. whereas disarmament, reconciliation, reparation, political dialogue and an end to impunity are essential in order to eliminate the causes of instability in the country and whereas the country's territorial integrity cannot be jeopardised; whereas a minimum administrative reorganisation of the state is essential in order for the elections scheduled for 15 February 2015 to go ahead; whereas, to this end, the international community should support the Transition in order to accompany the electoral process;
- I. whereas on 14 March 2014 the NTC officially launched the work of preparing the new draft constitution; ~~whereas the National Electoral Authority (NEA) has been established;~~ whereas on 13 March 2014 the European Commissioner for Development announced a fresh aid allocation of EUR 81 million for the CAR, this amount being additional to the EUR 20 million already committed by the EU in support of the electoral process in the CAR;
- J. whereas numerous perpetrators of human rights violations and war crimes are not being prosecuted; whereas on 20 January 2014 Ms Marie-Thérèse Aissata Keita-Bocoum was appointed as independent expert on the human rights situation, and was invited by the UN Security Council to submit a report in March 2014; whereas on 22 January 2014 the UN

Secretary-General announced an international commission to probe all reported human rights violations; whereas that commission started work on 11 March 2014;

- K. whereas UN Security Council Resolution 2134 (2014) of 28 January 2014 authorises the use of sanctions against those who threaten peace, stability and security; whereas on 7 February the Office of the Prosecutor of the International Criminal Court opened a preliminary examination into the crimes committed since September 2012;
- L. whereas atrocities by both sides have been reported, and whereas on 3 March 2014 the UN Secretary-General published a report which confirmed the human rights violations; whereas the crisis has not yet degenerated into a sectarian civil war but the risk of escalation persists;
- M. whereas the abuses, war crimes and crimes against humanity have induced Muslims to flee the country, to return to their country of origin or to take refuge in camps set up within the CAR; whereas this flight, whether voluntary or enforced, to countries in the subregion is causing a serious crisis in the real economy; whereas there is no state budget, moreover, and public-sector wages are several months in arrears, while the prefectures need to be rehabilitated;
- N. whereas public order and security disturbances in the CAR are causing a serious humanitarian crisis which has displaced nearly a million people, and whereas this crisis is marked by food shortages, a lack of operational health care facilities and a shortage of medicines;
- O. whereas there has been no functioning education system for two years; whereas young people have no work to do; whereas, according to UNICEF, 6 000 children have been recruited by the armed forces and armed groups;
- P. whereas it is important to tackle the underlying causes of the crisis in the CAR by adopting a broad and holistic approach, which takes into account the interrelationship between the country's governance, economic development and security with a view to improving the living conditions of the population and establishing lasting peace;
- Q. whereas the EU is the CAR's most important humanitarian and development partner; whereas the EU has stepped up its humanitarian commitment to more than EUR 100 million in 2013/2014; whereas, on 20 January 2014, international donors undertook to provide a further USD 496 million in aid; whereas the European Commission will launch a person-centred development programme with funding of EUR 101 million to restore basic social services and means of subsistence, particularly in the fields of education, health, and food and nutrition security;
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1. Welcomes the election by the National Transitional Council of Catherine Samba-Panza as the new Transitional President of the CAR and the formation of the new government; assures them of its full support and calls on all political forces to help in restoring peace and in the country's recovery;
 2. Expresses its deep concern over the situation in the CAR, which is characterised by a serious deterioration in law and order; condemns the violence, which is preventing the

proper functioning of basic services and exacerbating an already dire humanitarian and economic situation; stresses the urgency of re-establishing social and health services and re-equipping and reopening schools;

3. Calls on the international partners to lend all possible support to the joint efforts in the fields of security, humanitarian aid, the establishment of the rule of law and economic recovery;
4. Strongly condemns the serious breaches of humanitarian law and the widespread violations of human rights;
5. Stresses that those who have committed serious breaches of human rights and international humanitarian law must not be allowed to escape with impunity; calls for them to be denounced, identified, prosecuted and punished in accordance with national and international criminal law; welcomes the appointment of an international commission consisting of three members to investigate the human rights violations, and the appointment of Mrs Marie-Thérèse Aissata Keita-Bocoum as an independent expert;
6. Welcomes the effective work performed by MISCA and the French forces (Sangaris Mission); observes that the situation in Bangui is gradually improving;
7. Supports the implementation of UN Security Council Resolution 2127 (2013) authorising the enforced disarmament of all militias without distinction;
8. Calls on the EU Member States to contribute to the EUFOR CAR mission so that it can be deployed swiftly; calls on the members of the UN Security Council to accede to the requests by the Secretary-General and the CAR transitional authorities for a UN peace-keeping mission to be organised and its financing authorised; calls for the MISCA to be reinforced, and congratulates the African states which are contributing to it;
9. Urges the international community to mobilise all necessary financial, human and other resources to reinforce the presence of the international security force, which is primarily African;
10. Condemns the attacks targeted against Muslims and Christians; fears that the conflict may degenerate into a sectarian civil war; welcomes the efforts by the religious authorities to prevent a sectarian conflict and preserve the traditional peaceful coexistence;
11. Considers it essential to establish a truth and reconciliation commission to remedy the acts of violence, defend the rights of the victims, prevent impunity and facilitate the country's transition towards becoming a democratic state based on respect for human rights, the rule of law and holding individuals accountable, so that the people can live in decent conditions;
12. Advocates the re-establishment of the institutions of the CAR; supports the holding of parliamentary and presidential elections in February 2015 and encourages civil society to participate in debates on the future of the CAR;
13. Calls for measures to be taken as a matter of urgency to tackle the consequences of the conflicts, particularly to reform the armed forces and security forces, repatriate refugees,

return internally displaced persons, rehabilitate local authorities, mobilise the human potential which exists within the country and civil society, and implement viable development programmes; calls on the international community to assist and support the authorities of the CAR and of neighbouring countries which have had to cope with the impact of this conflict, particularly the threats of food insecurity;

14. Stresses the importance of implementing an integrated, subregional strategy which extends beyond security to include economic and social development, democracy and respect for human rights, in order to pave the way for sustainable development in the region;
 15. Welcomes the efforts made by the authorities of the countries in the subregion;
 16. Welcomes the increased support by the EU in response to the humanitarian crisis, encourages the EU and its Member States to continue their efforts to coordinate their action with other donors, and calls on all parties to guarantee humanitarian agencies immediate and unhampered access to all persons in need; calls on the international community to honour its commitments to provide funds;
 17. Recalls that the financial resources must not be conditional on total security; supports the urgent call by the Transitional President for aid in the form of budget support accompanied by co-management;
 18. Instructs its Co-Presidents to forward this resolution to the transitional institutions of the Central African Republic, the institutions of the African Union and of the European Union, the ACP Council, the International Organisation of La Francophonie (IOF), the Economic Community of Central African States (ECCAS) and the Secretary-General of the United Nations.
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ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Declaration by the Co-Presidents of the ACP-EU Joint Parliamentary Assembly

Ending AIDS in the post-2015 agenda

Louis Michel and Fitz Jackson, Co-Presidents of the ACP-EU Joint Parliamentary Assembly, wish in accordance with Article 31a of the Cotonou Agreement to reiterate the importance of AIDS as one of the major challenge for the ACP states, and to call for continued attention to sustain and strengthen the AIDS response in the post-2015 development agenda.

The Co-Presidents note the significant progress made in the AIDS response through an unprecedented mobilisation of political leadership, shared responsibility, global solidarity and innovation. Today more than 11 million people have access to effective treatment in low- and middle-income countries. Since 2001 new infections have been reduced by one third, new infections in children have dropped by 52% and AIDS-related deaths have decreased by 29%.

The Co-Presidents recognize the significance of the AIDS response as a transformative path breaker for broader progress on health and social justice. Significant advances have been made in areas such as access to medicines; community based services and other health system innovations; sexual and reproductive health and rights; stigma and discrimination; social protection; human rights; inclusive governance, active citizenship and accountability.

Notwithstanding the progress made, the Co-Presidents point out that the epidemic is far from over, and AIDS remains the leading cause of death among young women globally. In the new development era, stagnation or reversal of results will have grave implications for millions of people living with HIV. The Co-Presidents note that economic inequality is driving the HIV epidemic and its differential impact on the poor, and call for continued global solidarity to meet needs in low-income countries, countries in situations of fragility, and also among the growing proportion of the world's poor living in middle-income countries.

The Co-Presidents recognize that in the post-2015 world, no one should be left behind. Particular attention should be paid to protect and address the needs of young women and other vulnerable populations most at risk. The Co-Presidents call for increased efforts to end sexual violence and gender inequality and to develop supportive legal and policy frameworks. The European Co-President, Louis Michel, notes with concern the continued existence and recent introduction in some countries of laws, policies and practices that promote stigma and discrimination, undermine human rights, increase vulnerability to HIV and AIDS and hamper effective HIV responses

for key populations most at risk, calls for their removal as stipulated by Article 31a, and asks ACP colleagues to seriously reflect and debate about this question, acknowledging that this needs time. Notwithstanding respect of human rights as one of the fundamental elements of the ACP-EU partnership in the framework of the Cotonou Agreement, the ACP Co-President, Fitz Jackson, underlined the necessity to integrate in any approach to such a sensitive and important question, as non-discrimination, respect for the cultural diversity of partners as well as historical specificities regarding ACP and European populations.

The Co-Presidents call on the EU and ACP to work for the inclusion of the visionary goal of ending AIDS and moving towards zero new HIV infections, zero discrimination and zero AIDS-related deaths in the post-2015 agenda.

Strasbourg, 19 March 2014