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KENYA NATIONAL ASSEMBLY

NINTH PARLIAMENT – FIFTH SESSION (2006)

REPORT

**OF THE FOURTH ACP ASSEMBLY AND THE
ELEVENTH ACP-EU JOINT PARLIAMENTARY ASSEMBLY**

JUNE 15 TO 22 2006, VIENNA, AUSTRIA

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INTRODUCTION

Mr. Speaker Sir,

I would like to present to the House the report of the meetings of the Fourth Assembly of the ACP and the Eleventh ACP-EU Joint Parliamentary Assembly (JPA), which were held in Vienna, Austria from June 15 to 22 June 2006.

Mr. Speaker,

The JPA plays a central role in creating awareness of the role of Parliamentary networking among Members of Parliament and exchange of views between European and ACP Parliamentarians in a form that is the only one of its kind.

The Standing Committees of the JPA have helped in transforming the Assembly into a genuine parliamentary Assembly. This has created new forums of debate and made it possible for resolutions on important development issues to be prepared in a much better way. It has also created room for wider parliamentary scrutiny of the ACP-EC Commission and Council.

Through the JPA Parliaments are now getting more involved in exercising oversight over Executives and monitoring development policies at national, sub-regional and regional levels.

I take this opportunity to urge all of us to take keen interest in ACP-EU JPA issues.

MEMBERSHIP OF THE KENYA DELEGATION

The Kenya Delegation to the Fourth ACP Assembly and the Eleventh ACP-EU Joint Parliamentary Assembly consisted of two Members of Parliament and one officer, namely:

- 1) The Hon. John J. Kamotho, EGH, MP - Leader of Delegation (NARC);
- 2) The Hon. Samuel Poghio, MP - (KANU);
- 3) Mrs. Serah Kioko – Clerk Assistant/Secretary of Delegation.

Kenya represents the Eastern Region in the ACP-EU Bureau and the Committee on Economic Development, Finance and Trade. There are two other Committees namely the Committee on Political Affairs and the Committee on Social Affairs and the Environment.

MEETINGS

The 11th Session of the ACP-EU Joint Parliamentary Assembly was preceded by the following meetings:

Meeting of the ACP Working Group on EPAS

Under the chairmanship of the Hon. Kilontsi Mporogomyi, MP (Tanzania), the ACP Parliamentary Assembly's Working Group on the Negotiations for the Economic Partnership Agreements (EPAs) met on Thursday June 15 2006 to take stock of the negotiations and discussed future actions and the role of Parliamentarians in the negotiating process.

During the meeting, the Working Group held an exchange of views on the follow up to the seminar on EPAs that was organized for Members of the ACP Parliamentary Assembly in Brussels on 24 and 25 February 2006. In its conclusion, an important element was raised, namely, the participation of Parliamentarians in the EPA negotiations. In the general review of the EPA negotiations, the Working Group was informed of the decision on the EPA that was adopted by the ACP Council of Ministers on 31 May 2006. The decision made reference to the need to involve Parliamentarians in the comprehensive examination of the EPAs as provided for under Article 37.4 of the Cotonou Agreement. The Council of Ministers decided to **reaffirm that the review should be all-inclusive and consultative with all the stakeholders, including non-state actors and Parliamentarians and conducted at national and regional levels.** While noting the efforts made by the Council of Ministers, the Working Group recalled that it was necessary to involve Parliamentarians at every stage of the negotiations. The Parliamentarians also heard a presentation by Mr. Lingston Cumberbatch, Director of the Project Management Unit (PMU) of the Capacity Building Programme in the framework of EPAs. Mr. Cumberbatch recalled the main aim of the PMU that was established on 1 July 2000, which is to help ACP countries and regions to prepare for the EPA negotiations.

Meeting of the ACP Members of the Committee on Economic Development, Finance and Trade (Committee II)

The ACP Members of the Committee on Economic Development, Finance and Trade (Committee II) met on 15 June 2006, under the chairmanship of the Hon. Sebetela Lephimotswe Boyce (Botswana) to prepare for the Joint Session of the Committee on 17 June 2006 and to assess the work of the Committee.

The Parliamentarians held an exchange of views on the topic **The Energy Problem in ACP Countries** which was the topic of the fifth report. After briefly presenting the salient points of the report, Hon. Nita Deerpalsing (Mauritius), Co-rapporteur commented on the amendments to the draft resolution accompanying the report which was to be considered for possible adoption by the JPA.

They also discussed the topic for the Committee's next report **The Impact of Tourism on ACP countries**. The Hon. Sebetela Lephimotswe Boyce (Botswana) emphasized 4 four main issues namely; tourism as a factor of economic development and international trade; tourism as a factor of environmental protection and heritage, tourism as a factor of public health and education, and tourism as a factor in poverty reduction.

In preparation for the joint committee meeting, Parliamentarians deliberated on the evaluation of the work of the Committee, identified elements that had hindered the work of the Committee and formulated proposals for improving the activities of the Committee. Topics were also proposed for reports and presentations for future activities of the Committee.

ACP Members of the Committee are: South Africa, Antigua and Barbuda, Botswana, Cameroon, Cote d'Ivoire, Eritrea, Ethiopia, Gabon, Ghana, Guyana, Kenya, Mali, Mauritius, Micronesia, Palau, Republic of Congo, St. Lucia, Samoa, Senegal, Sierra Leone, Swaziland, Tanzania, Tongo, Trinidad and Tobago and Zambia.

Fourth Session of the ACP Consultative Assembly

Under the chairmanship of Hon. Claude Nyassa (Cameroon), the ACP Parliamentary Assembly met in its fourth session on Saturday 17 June 2006 to prepare for the 11th Session of the ACP-EU Joint Parliamentary Assembly. The Assembly, on the proposal of its Bureau, endorsed Central Africa's recommendation to appoint the Hon. Rene Radembino Coniquet, President of the Senate of Gabon as President of the ACP Parliamentary Assembly. The Hon. Coniquet succeeded the late Hon. Georges Rawiri who passed away, in Paris, France, on April 09 2006. He will also co-preside the Joint Assembly with the Hon. Glenys Kinnock EU).

Members exchanged views on the various items on the agenda fro the 11th JPA Session. They discussed the reports of the Standing Committees and of the Working Groups on Conflict Management and on the EPA Negotiations, which met on 15 and 16 June 2006. The Assembly also appointed two chairs for the workshops, which were held on 21 June 2006 viz: -

- Haiti – chair, workshop on “The Work of the European Monitoring Centre on Racism and Xenophobia”
- Uganda – chair, workshop on “Non-proliferation and the revised Cotonou Agreement”

To ensure that all the ACP Members of the JPA have equal opportunity to contribute to the work of all Standing Committees and benefit equally therefrom, the Assembly formalized the system of periodic rotation of ACP Members. It was agreed that the ACP Members of the three Standing Committees would be renewed every two years just like the ACP Members of the Joint Parliamentary Bureau. Responsibility for rotation will fall to regions that are required to renew their Members on the Committees. Moreover, each Committee will maintain the same number of Members from each region at the time of the renewal of membership.

The Secretariat apprised the Assembly of the financial situation, especially the repercussions on the financing of JPA activities. The Assembly undertook to support the Secretariat’s initiatives in its efforts to collect Member State contributions.

Representatives of Mali, Sudan, Mauritania, Solomon Islands, Cote d’Ivoire, Papua New Guinea, Uganda, Haiti and the Democratic Republic of Congo informed the Assembly of the situation in their respective countries. Thanking the ACP Group for its solidarity and support during the difficult times, they also expressed the hope that the Group would continue to provide this important support so as to speed up and consolidate the return to normalcy in their countries.

A declaration on the political situation in the Democratic Republic of Congo, particularly the electoral deadlines, was adopted by the ACP Assembly. The Assembly recommended that the Democratic Republic of Congo authorities hold the elections on 30 July 2006. 30th July 2006 which is the date set by the Independent Electoral Commission, in order to maximize the efforts made by both the national and international community.

Date of the Fifth ACP Assembly

The next session of the ACP Assembly will be held in Brussels at a date to be communicated subsequently.

Signing of the charter and the Rules of Procedure of the ACP Parliamentary Assembly

During the ceremony in Vienna on 17 June 2006, four countries, namely, Haiti, Mauritius, Nigeria and Suriname signed the charter and the Rules of Procedure of the

ACP Parliamentary Assembly. Kenya is already a signatory and 55 ACP, countries have signed to-date.

Meeting of the ACP-EU Bureau

The Joint Bureau met on 18 June 2006 and was co-chaired by the Hon. Glenys Kinnock, MP (EU) and Hon. Claude Nyassa (Cameroon)

The Bureau adopted the agenda of the 11th JPA Session and approved its minutes of 21 and 22 February 2006.

While considering the 11th JPA agenda, the Bureau accepted to include deliberations on East Timor under urgent topics but without resolution.

Concern was raised that the European Parliament was sitting while the JPA session was on which led to interference.

Further concern was raised that missions were only being undertaken in ACP countries and it was proposed that in future missions be carried out both in ACP countries and EU countries. It was decided that the matter be deliberated on further in future.

Committees were authorized to proceed with preparation of reports to be adopted during the 13th Session of the JPA in Germany in November 2006. The following reports were authorized:-

- **Committee on Political Affairs**

Good governance, transparency and accountability in relation to the exploitation of natural resources in ACP countries (Co- Rapporteurs: Hon. Michael Gahler and Hon. Evelyne B. Cheron (Haiti))

- **Committee on Economic Development, Finance and Trade**

Poverty alleviation for small farmers in ACP countries – in particular in the fruit, vegetable and flowers sector (Co-Rapporteurs: Mr. Carl Schlyter and Mr. Kilontsi Mporongomyi (Tanzania))

- **Committee on Social Affairs and the Environment**

Migration of skilled workers and its effect on national development (Co-Rapporteurs: Hon. Sharon A. Webster (Jamaica) and Hon. Luisa Morgantini)

Reports on fact-finding missions, which had been undertaken, were also presented. These included fact-finding missions to Mauritania, Togo, Swaziland and Mauritius and Kenya.

On the mission to Kenya whose objective was food security and sustainability of life, concern was raised over the high levels of poverty and the widening gap between the rich and the poor in the country. The mission visited Kibera and Mandera and met a number of senior leaders including the H.E. the President, the Vice- President and the Speaker of the National Assembly. Describing the situation in both Kibera slums and Mandera as appalling, the mission pointed out the need to address the plight of maltreated children and called on the international community to look into the problem.

The mission expressed concern that Parliamentarians in Kenya and indeed in many other ACP countries were not being engaged in deliberations pertaining to the European Development Fund (EDF). The Bureau emphasized that national indicative programmes should be drawn with Parliaments input and urged ACP Parliamentarians to make their presence felt and be keen on condemning vices such as corruption. During the JPA Session, the European Commission, through Commissioner Louis Michel, commented Kenya for her key role in the pursuit of regional peace and advised that budgetary aid to Kenya should not be disrupted noting that the European Commission was closely monitoring aid application.

A full text of the report of the mission to Kenya is annexed and forms part of this report.

OPENING OF THE 11TH SESSION OF THE JOINT ACP-EU PARLIAMENTARY ASSEMBLY IN VIENNA

The 11th session of the ACP-EU Joint Parliamentary Assembly was opened in Vienna (Austria), by Heinz Fischer, Federal President of the Republic of Austria, on Monday 19 June 2006 in the presence of Mr. Josep Borrell, President of the European Parliament, Mrs. Glenys Kinnock, EU Co-President of the JPA, Mr. Claude Nyassa, Acting ACP Co-President of the JPA, and Mr. Onofre Rojas, President of the ACP Council of Ministers.

Speech by Louis-Claude Nyassa (ACP)

Speaking in the absence of Mr. René Radembino Coniquet (Gabon), who was recently appointed ACP Co-President of the JPA, Mr. Claude Nyassa, ACP 1st Vice-President, began by paying glowing tribute to the late Georges Rawiri, who died on 9 April 2006.

On behalf of his colleagues, Mr. Nyassa, gave the assurance that the ACP would continue *“to strive to attain the ideals and vision defended by the deceased Georges Rawiri and his predecessors”*. As regards ACP-EU cooperation, the Acting Co-President welcomed the conclusion of the negotiations on the 10th EDF, saying that it was now time to begin detailed discussions on its implementation. Referring specifically to past difficulties, including those linked to ratification, the implementation of transitional financial measures, and disbursement procedures, he expressed the hope that *“those involved would make every effort to solve the problems that had plagued previous EDFs”*. With the date (end of December 2007) for the conclusion of the negotiations of the Economic Partnership Agreements (EPAs) fast approaching, Mr. Nyassa pointed out that *“the ACP States still harboured certain concerns”*. He spoke of the emphasis that the Europeans placed on market access issues whereas *“the ACP States were primarily concerned about the development dimension of the EPAs”*. In Mr. Nyassa’s view, *“it is up to us, as partners sharing the same objectives, to ensure that the EPAs are accompanied by appropriate development support measures so as to enable ACP States and regions to benefit fully from the advantages to be derived from them”*.

Among the major challenges facing the ACP States on the road to development, the Acting Co-President cited the need *“to create the required political and institutional environment for sustainable development and poverty reduction”*. He added that conflicts were a major obstacle to development and progress in ACP States. Commenting with satisfaction on the progress achieved towards normalization of the political situation in a number of ACP countries, Mr. Nyassa nevertheless appealed for renewed efforts by the international community to provide aid to ACP States and regions in post-conflict situations. Speaking on one of the main issues on the agenda for this JPA, Mr. Nyassa described the energy situation in ACP countries as being *“vital to development programmes”*.

Speech by Glenys Kinnock

The EU Co-President painted a rather bleak picture of the situation in 2005 in respect of the achievement of the MDGs. According to her, more than 10 million children continue to die every year, three quarters of rural and low-income families in least developed countries have no access to water while 6 million HIV-infected people in poor countries do not have access to adequate medical treatment. Mrs. Kinnock suggested that *“the JPA must put pressure on European governments to be more transparent and to provide annual reports assessing the progress towards attaining the 0.7% target, the MDGs, and on the effectiveness and quality of aid”*. She also specified that there was need to ensure that *“growth was pro-poor”*, aid was flexible and better coordinated and that governance was improved. On the sensitive issue of EPAs, Mrs. Kinnock reiterated the fear of ACP countries that they would not survive

the opening of their markets to Europe if they are not provided with timely and substantial aid to overcome structural difficulties. She warned that the possibility that a portion of the European Development Fund would be made available to support the EPAs was a two-edged sword. If money were taken from the EDF for that purpose, there would be less resources for the other development goals. Similarly, if EFD resources were allocated to sugar this would mean less money for development in other sectors.

Speech by Josep Borell

In addressing the opening session of the JPA, Mr. Josep Borell, President of the European Parliament, stated that "*the JPA was one of the most important meetings to be organized for Parliamentarians*". Mr. Borell also reiterated the EU's increasing interest in development during his presidency of the European Parliament. He called for an increase in development aid, insisting that promises must be translated into action. He added, however, that the EU budget for the period 2007-2013 was, unfortunately, not a very encouraging starting point. He felt that at the present rate it would take about 127 years to attain the Millennium Development Goals. Mr. Borell also spoke repeatedly of undertaking a mission to Africa which would make him the first President of the European Parliament to visit that continent in quite a long time. Mr. Borell hoped that the mission and his participation in the official opening of the Assembly would reflect Europe's renewed commitment to the ACP States, particularly those from Africa. On the sensitive issue of migration, Mr. Borell said that "*Europe must not be a fortress*". He suggested that a strategy for co-development be formulated to ensure that Europe's "*immigration policy is not formulated independently of its development policy*". He added that the European Parliament supported the decision of the ACP Ministers to create an immigration monitoring centre. To further highlight the involvement of European Parliamentarians in this regard, Mr. Borell announced that a report on immigration would be adopted in Strasbourg in July 2006.

Speech by Heinz Fisher

The President of Austria thanked the members of the Assembly for having chosen Vienna to host the 11th session of the JPA. In his speech, the President referred to the EU's strategies for the three (3) major ACP regions which, in his opinion, served as proof of Europeans' interest in them. He pointed out that the diversity and particularities of the regions in question required that a special approach be adopted for each region. The Austrian President also welcomed the fact that the ACP and European Ministers had reached agreement on the 10th EDF at their recent meeting in Port Moresby.

Summary of the JPA plenary session of Monday 19 June 2006

Following the adoption of the summary record of the 10th JPA session, the Assembly heard a statement from Mr. Louis Michel, European Commissioner in charge of Development and Humanitarian Aid. This was followed by a discussion with the Commission. The Commission then explained what had been done as a follow-up to the resolutions that had been adopted at the 10th session of the Joint Parliamentary Assembly which was held in Edinburgh in November 2005. Following this, the Parliamentarians examined and discussed the urgent topic of "Bird Flu".

Summary of the events of Tuesday 20 June 2006

During the plenary session, the Assembly discussed the report from the Committee on Economic Development, Finance and Trade entitled, "Problematics of Energy in ACP countries", which was presented by Mrs. Deerpalsing (Mauritius), and Mr. Nirj Deva. The Assembly then heard a presentation by Mr. Hasan M. Qabazard, Director of the Research Unit of the Organisation of petroleum-exporting countries (OPEC). The Parliamentarians then turned their attention to the urgent topic on the "Situation in Sudan". In the afternoon, following addresses by the Co-Chairs of the ACP-EU Ministerial Trade Committee, namely, Dame Billie Miller, Deputy Prime Minister and Minister of Foreign Affairs and External Trade of Barbados, and Mr. Peter Mandelson, European Commissioner responsible for External Trade, the Assembly discussed the state-of-play of the negotiations for the Economic Partnership Agreements and the Doha Round. Following this, Bruno Vever, President of the ACP-EC Follow-up Committee of the European Economic and Social Committee presented a report on "civil society's commitment and expectations regarding the EPAs". Finally, the Assembly discussed a report on "the role of regional integration in the promotion of peace and security".

Events of Wednesday 21 June 2006

The Assembly was addressed by the Presidents of the ACP and EU Councils of Ministers, after which a discussion was held. The Standing Committee on Social Affairs and the Environment also presented its report on "Fisheries and its environmental aspects in developing countries". Three workshops were organized during the afternoon.

Events of Thursday 22 June 2006

The Chairs and Rapporteurs presented the conclusions of the various workshops to the plenary of the Joint Assembly. Afterwards, the Parliamentarians discussed the current

situation in Timor Leste and voted on the Standing Committee reports and accompanying resolutions.

DATE AND VENUE OF THE NEXT JPA SESSION

12th session: Barbados, from 19 to 24 November 2006
(*Dates to be confirmed*)


CONCLUSION

The Kenya Delegation is grateful to you, Mr. Speaker Sir, for entrusting them with responsibility of representing Kenya at all ACP-EU JPA Plenary and Standing Committees meetings. The Delegation also wishes to thank the Clerk of the National Assembly; the Kenya Mission to the European Union in Brussels and the Kenya Embassy in Vienna for availing the necessary logistic support to them during the 11th Session of the ACP-EU JPA.

Lastly, I wish to point out that in the course of discharging our role of representing Kenya in the Joint Parliamentary Assembly and its Committees, we have been disadvantaged by the fact that the Government has not been involving us in or briefing us on deliberations pertaining to the European Development Fund (EDF). The national indicative programmes are also drawn without Parliament's input.

The Ministers for Planning and National Development and Trade and Industry should keep us informed about what the Government is doing in as far as EPA negotiations and EDF deliberations are concerned so that when we attend meetings, we pursue similar direction in our contributions.

It is now my pleasure and duty to commend the report of the 4th Session of the ACP Consultative Assembly and the 11th Session of the ACP-EU JPA to the House for consideration and adoption.


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

Date 19/9/2006

RESOLUTIONS

The following are the resolutions of the 11th JPA:-

Resolution on avian influenza

The ACP-EU Joint Parliamentary Assembly,

- meeting in Vienna (Austria) from 19 to 22 June 2006,
 - having regard to Article 17(1) of its Rules of Procedure,
 - having regard to the recent spread of the H5N1 strain of highly pathogenic avian influenza (HPAI) from south-east Asia to western Asia, Europe and Africa,
 - having regard to the Convention on the Conservation of Migratory Species of Wild Animals adopted on 23 June 1979,
 - having regard to the ACP-EU Partnership Agreement signed in Cotonou (Benin) on 23 June 2000,
 - having regard to the International Health Regulations adopted by the World Health Organization on 23 May 2005 concerning the management of public health emergencies of international concern,
 - having regard to Directive 2005/94/EC of the Council of the European Union adopted on 20 December 2005 on Community measures to control avian influenza,
 - having regard to the International Pledging Conference on Avian and Human Influenza held in Beijing (China) on 17 and 18 January 2006,
 - having regard to the undertaking given by the World Health Organization (WHO) and the United Nations Food and Agriculture Organization (FAO) to deal with any situation arising out of the spread of HPAI,
- A. whereas, since late 2003, outbreaks of HPAI, caused by the H5N1 virus, which are unprecedented in their geographical scope and virulence, have been spreading rapidly in many countries in Europe and Africa,
- B. whereas HPAI has potentially serious implications for agriculture and sectors of the subsistence economy, in particular poultry-keeping, and for human health, the sustainable use of wild birds and the conservation of species, adopted by the ACP-EU Joint Parliamentary Assembly on 22 June 2006 in Vienna (Austria),
- C. whereas, in addition to causing human mortality and morbidity, a pandemic may disrupt the global economy, break production chains, halt trade and interrupt services that involve human contact,
- D. whereas, according to World Bank estimates, a global pandemic could cost US\$800 million per year, reducing global GDP by 2%, with Asia and Africa likely to be hardest hit,

- E. whereas essentially all currently known cases of human infection with the avian influenza virus have been caused by contact with infected poultry rather than by contact with wild birds,
- F. whereas there is a need to strengthen public health systems in developing countries,
- G. whereas in many developing countries, particularly the ACP States, there is a flagrant lack of information coupled with general disregard for the important issues related to the spread of avian influenza, the risks it may pose, and ways of anticipating and responding to outbreaks of avian influenza,
- H. whereas the outbreak of the H7N7 virus in the Netherlands, Belgium, and Germany was successfully stamped out in 2003 by implementing rigorous control and biosecurity measures,
- I. whereas it is important to minimise at source the threat posed by the avian influenza pandemic to both animal and human populations by means of a rapid reduction in the viral burden of H5N1, prompt notification of outbreaks in birds, poultry culling and vaccination, including of 'backyard' flocks, and provision of appropriate compensation for farmers,
- J. whereas human cases of H5N1 infection may be difficult to distinguish from other infections, since health systems in developing countries, particularly in Africa, are already struggling to cope with children and adults suffering from HIV/AIDS, tuberculosis, malaria, respiratory infections and other diseases,
- K. whereas at the Beijing International Pledging Conference the international community pledged US\$1.9 billion to help third countries, in particular the least developed, to tackle avian influenza at source and, in so doing, reduce the risk of a human influenza pandemic,
- L. whereas at their 11th Summit held in Nairobi (Kenya) on 20 March 2006 the Heads of State and Government of the Intergovernmental Authority on Development (IGAD) announced concerted efforts to establish all the necessary mechanisms and preparedness plans to mitigate the impact of avian influenza,
- M. whereas the WHO has issued a warning about a possible influenza pandemic in the near future,
 - 1. Expresses its solidarity with all the countries affected by the H5N1 avian influenza virus and pays tribute to all the victims of this epidemic;
 - 2. Recognises that avian influenza poses a global threat with possible repercussions for human health, the global economy and world stability, since little is known about human immunity to a mutated strain of H5N1;
 - 3. Urges the ACP States to further integrate public health into their national economic and social development strategies, including through the establishment and improvement of effective public health mechanisms, in particular networks for disease surveillance, response, control, prevention and treatment, information exchange and recruitment, training and retention of national public health personnel;

4. Draws attention to the need to draw up emergency plans in the event of human or animal infection and takes the view that those emergency plans should focus on:
 - strengthening surveillance and detection capacities,
 - preventive containment measures at the slightest suspicion of infection,
 - making the general public and the professionals concerned more aware of what is at stake, educating them and making appeals to their individual sense of responsibility,
 - supporting those affected by the crisis so that they can develop their ability to overcome it, and in particular full compensation for small poultry farmers,
 - promoting human vaccine research and development,
 - supporting the measures needed to contain the disease;
5. Emphasises that national plans to combat the virus must reflect the situation on the ground and specific national or local circumstances, in particular taking account of the role played by associations and the medical professions or of the arrangements for distributing medicines;
6. Calls on the ACP States and the EU Member States to take effective, fully transparent measures to prevent the spread of avian influenza in their respective regions;
7. Emphasises the importance of international cooperation in the area of the control of infectious diseases with a view to strengthening public health facilities in developing countries, including by exchanging information and sharing experience;
8. Welcomes the biosecurity measures being taken by the European Union in response to the most recent outbreaks of avian influenza;
9. Stresses the need to implement fully integrated approaches in order to address the issues raised by the spread of avian influenza, approaches which must draw on and integrate virological, epidemiological, medical, ornithological and wildlife management expertise;
10. Urges the African countries affected by avian influenza to make even greater efforts in their respective regions to halt the spread of the disease by establishing their own coordination and surveillance plans at national, regional or continental level, with a view to optimising collective cross-border prevention and planning measures and to being ready to work together in the event of a cross-border outbreak or an outbreak in a neighbouring region;
11. Calls on the European Union to promote research into and the development of vaccines against the H5N1 virus and to assist the ACP countries with response and containment measures in the event of outbreaks;
12. Calls on the international community to help the countries affected and the countries at risk to enhance their veterinary and public health capacities;
13. Calls on the European Union to provide financial assistance for farming and rural communities in the ACP States hit by an epizootic and for associated sectors, such as agro-foodstuffs, tourism and transport;

14. Urges that existing national immunisation networks, such as the polio immunization network, should be used to provide large numbers of people with timely health information and to take action in connection with potential outbreaks of avian influenza;
15. Welcomes the undertaking given by the European Commission to earmark € 30 million for the African, Caribbean and Pacific States, out of the € 80 million it pledged at the Beijing International Pledging Conference, to help third countries to tackle potential outbreaks of avian and human influenza;
16. Hopes that there will be no delay in mobilising financial resources so that the countries concerned can implement programmes to combat H5N1 avian influenza as effectively as possible; calls on the Commission to release the whole amount pledged for ACP countries at the Beijing International Pledging Conference;
17. Calls on the Commission to actively support the efforts of the Nairobi-based United Nations Environment Programme; urges that the measures to be taken should seek to establish the precise routes taken by migratory birds across the world, with a particular focus on the European-African and European-Russian routes, and should concentrate on what can be done to protect birds; emphasises that random screening of animals and vaccination against avian influenza can be valuable tools to supplement disease control measures;
18. Expresses its concern at the increase in export refunds for poultry meat announced by the Commission and calls for a study into the impact which that measure might have on markets in the ACP countries;
19. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the ACP Ministers responsible for health and agricultural/veterinary matters, the Director-General of the World Health Organisation, the Director-General of the United Nations Food and Agriculture Organisation, the Secretary-General of the United Nations and the African Union Commission.

Resolution on the role of regional integration in the promotion of peace and security

The ACP-EU Joint Parliamentary Assembly,

- meeting in Vienna (Austria) from 19 to 22 June 2006,
- having regard to the ACP-EU Partnership Agreement, signed in Cotonou on 23 June 2000, and in particular Articles 30, 11 and 8 thereof,
- having regard to the Charter of the United Nations, and in particular Chapter VIII thereof,
- having regard to the Declaration issued by the UN 2005 World Summit (Millennium + 5) of 18 September 2005,

- having regard to UN Security Council Resolution 1631 on cooperation between the United Nations and regional organisations on maintaining international peace and security,
- having regard to the Conclusions of the Sixth High-Level Meeting between the United Nations and regional and other intergovernmental organisations held on 26 July 2005,
- having regard to the G8 Conclusions on Africa and Development of 1995 and the G8 Gleneagles 2005 Statement,
- having regard to Decision No 3/2003 of the ACP-EU Council of Ministers meeting of 11 December 2003 on the functioning of the African Peace Facility,
- having regard to the Joint Statement by the Council and the representatives of the Governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: 'The European Consensus on Development' of 20 December 2005, especially Article 37 thereof, which stipulates that 'the EU will support a strengthened role for the regional and sub-regional organisations in the process of enhancing international peace and security, including their capacity to coordinate donor support in the area of conflict prevention',
- having regard to the Joint Declaration on EU-UN cooperation in crisis management of 24 September 2003,
- having regard to the Ouagadougou EU-Africa Declaration on Terrorism of 28 November 2002,
- having regard to the Cairo Declaration issued by the first Africa-EU summit on 4 April 2000,
- having regard to the meeting between the African Union and international partners on African regional organisations held in Addis Ababa from 17 to 19 October 2005,
- having regard to its resolution on the role of national parliaments in the implementation of the Cotonou Partnership Agreement, adopted at its 10th session in Edinburgh on 24 November 2005,
- having regard to its resolution on ACP-EU political dialogue (Article 8 of the Cotonou Agreement), adopted at its 8th session in The Hague on 25 November 2004,
- having regard to its resolution on conflict prevention and resolution and the establishment of a lasting peace, adopted at its 7th session in Addis Ababa on 19 February 2004,
- having regard to the Report of the Commission for Africa,
- having regard to the Dar-Es-Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region,
- having regard to the communication from the European Commission on the New Partnership for Africa's Development (NEPAD) and the European Parliament resolution on that communication,

- having regard to 'The European Security Strategy: A secure Europe in a better world', adopted by the European Council on 12 December 2003⁷, the European Parliament resolution on that document and the related conclusions of the European Council,
 - having regard to the declarations on peace and security made by the ACP Heads of State and Government at the ACP Summits held in Santo Domingo, Nadi and Maputo,
 - having regard to the Action Plan for ESDP Support for Peace and Security in Africa adopted by the European Council on 16 November 2004, and the European Parliament,
 - having regard to the Nairobi Action Plan 2005-2009, adopted at the UN Nairobi Summit on a Mine-Free World on 3 December 2004, and the report of the ad hoc delegation of the European Parliament to that summit,
 - having regard to the report by the Committee on Political Affairs (ACP-EU 3850/06/fin.),
- A. emphasising that regional cooperation should address common problems, especially in the fields of conflict prevention and resolution, human rights and democratisation, arms control, organised crime and disaster preparedness and mitigation, as stated in Article 30 of the ACP-EU Partnership Agreement,
 - B. emphasising that, pursuant to Article 11 of the ACP-EU Partnership Agreement, parties must pursue an active, comprehensive and integrated policy of peace building, conflict prevention and resolution, based on the principle of ownership, and this must in particular focus on building regional capacities,
 - C. whereas, pursuant to Article 8(4) of the ACP-EU Partnership Agreement, parties must regularly engage in comprehensive, balanced and deep political dialogue focusing on the above issues,
 - D. stressing that peace and security as well as good and effective governance are essential for sustainable development and for achieving the Millennium Development Goals,
 - E. whereas conflicts have regional and global dimensions, whereas neither their causes nor their consequences are delimited by national borders, and whereas they are best addressed through a regional and global approach,
 - F. stressing that conflict prevention strategies have to depend on understanding and addressing the root causes of conflict, and on building cultures of peace by promoting mechanisms for bridging dividing lines between different sections of the society in question,
 - G. whereas mining commodities and other natural resources, for example diamonds, titanium, cobalt, oil, gas and timber, have been used by rebel groups and by non-elected governments to finance the illegal purchase of weapons and have thus made civil wars possible and contributed to the loss of many lives and to destruction,

- H. whereas the causes of conflicts also include the impact of natural disasters, the shrinking amount of arable and grazing land, the shortage of water and desertification, which greatly reduce the land available for both people and animals,
- I. whereas in July 2005 the UN Secretary-General called for 'a common vision of a global architecture of peace and security with interlocking capacities based on the comparative advantages of global and regional institutions',
- J. whereas the UN is currently in the process of developing a global security mechanism based on further cooperation with those 'regional arrangements' which meet the criteria set out in Chapter VIII of the UN Charter,
- K. whereas the UN Security Council has clearly called for the strengthening of regional organisations' capacities, especially for conflict prevention,
- L. whereas a UN standing committee has been established, whereby each regional organisation designates a permanent representative to the UN,
- M. stressing that establishing regional cooperation areas – at the same time eliminating tariffs and corruption – is necessary for long-term economic growth and development and, by extension, stability and peace,
- N. underlining that regional organisations have a comparative advantage, in that their experience on the ground gives them a thorough knowledge of local political, historical, cultural, social, legal, tribal and spiritual structures, so that they can usually count on a greater level of trust and acknowledgement from the local population and parties to conflicts than external actors would be able to muster,
- O. stressing that regional organisations have become essential partners of the United Nations in promoting international peace and security,
- P. whereas regional organisations can play an important role in tackling the underlying causes of many conflicts, and whereas justice for everyone and the sentencing and punishment of the authors of crimes are measures which can contribute greatly to re-establishing the truth, fostering reconciliation and encouraging people to play an active part in society,
- Q. recalling that regional and sub-regional organisations in ACP countries, such as the African Union in Darfur, the West African peacekeeping and intervention force, ECOMOG, the SADC peace-keeping deployment in the DRC, the IGAD in Somalia and Sudan, the Regional Assistance Mission to the Solomon Islands (RAMSI) and the CARICOM intervention in Haiti, have been emerging as legitimate conflict managers,
- R. whereas these interventions were improvised rather than being based on long-term policies, commitment and coordination on the part of regional organisations and other levels (national, local) of governance,
- S. whereas at the same time regional organisations still lack the critical mass of sustained 'Organisations of a permanent nature, a grouping in a given geographical area several countries which, by reason of their proximity,

community of interest or cultural, linguistic, historical spiritual affinities make themselves jointly responsible for peaceful settlement of any disputes which may arise.

T. whereas the European Union and other European organisations must consider ACP regional organisations as their equal partners,

1. Calls for development policy to be used as a tool for addressing the root causes of insecurity and for it not to be subordinated to security policy;
2. Urges that the concept of security should not be too narrowly defined, but that the consequences of natural disasters, the scarcity of natural resources, land use and the destruction of the environment should also be seen as security risks; conflict resolution strategies should be designed accordingly;
3. Urges regional organisations, in conjunction with their member states, to develop conflict prevention strategies rather than simply reacting once violence has already erupted;
4. Calls on all the parties concerned to initiate as soon as possible a process of political dialogue in keeping with the spirit of the Cotonou Partnership Agreement, with a view to preventing violent situations;
5. Calls on the ACP Group to transform the existing annual meeting between the ACP Secretariat and the Heads of ACP regional organisations into, *inter alia*, an institutionalised Coordination Forum on Peace and Security in order to facilitate dialogue, cooperation and coordination between them;
6. Calls on the above Coordination Forum to propose and develop structures to facilitate ACP participation in the new UN regional and global security mechanism and to cooperate in promoting peace and security at ACP, regional and sub-regional levels;
7. Calls for targeted support for capacity building and the training of non-state actors, representatives of regional organisations and parliamentarians in order to increase their participation in the conflict prevention and resolution process and political dialogue;
8. Calls on regional organisations to engage and facilitate the participation of non-state actors in conflict prevention and resolution and post-conflict rehabilitation processes and to create conditions whereby displaced persons and refugees can return to a dignified living environment;

9. Urges regional organisations to pay special attention to the problems of the most vulnerable social groups in armed conflicts, such as children, women, the elderly and the disabled, and to facilitate the Demobilisation, Disarmament and Reintegration (DDR) process, with a special focus on former child soldiers;
10. Stresses the need to involve women in all conflict management and rehabilitation measures on an equal footing, since the challenges of coping with everyday life rest mainly on their shoulders;
11. Calls on regional organisations to step up their involvement in post-conflict reconstruction in order to prevent wars from flaring up again, in particular through support for an effective UN Peace-Building Commission, for the consolidation of institutions in former failed states, and for measures to prevent the collapse of fragile states;
12. Encourages support for the African Peer Review Mechanism (APRM) as an effective tool to contribute to regional peace and security, through country-level 'self-assessment' and learning across countries; calls on more African ACP states to participate in it; and further calls on the ACP Group to investigate the scope for developing an all-ACP peer review mechanism, especially for conflict prevention and resolution;
13. Calls on regional organisations to set up a strategy to coordinate donor support in the area of conflict prevention;
14. Points out that the organisation of meetings at regional or sub-regional level pursuant to Article 17(3) of the Cotonou Agreement should enter the active implementation phase; stresses the importance of these regional meetings for addressing conflict prevention and resolution issues and invites the parliamentary assemblies of ACP sub-regions to take the initiative in proposing that these regional meetings be held as soon as possible;
15. Asks to be involved in political dialogue, which has a preventive role and can foster mutual trust before a crisis breaks out, through consultation, as required under Articles 96 and 97 of the Cotonou Agreement;
16. Calls on the ACP and EU Member States to inform it of any new crises or (re-)emerging conflicts in order to find solutions through political dialogue; encourages the ACP Parliamentary Assembly, the Pan-African Parliament and other regional and sub-regional parliaments in the ACP, as well as the European Parliament, to promote exchanges of information with a view to strengthening the role of parliaments, and calls on the Commission to make the necessary funding available for such exchanges;

17. Calls on the international community to increase substantially its support for capacity building for the African Union and other regional organisations, especially their capacities in the areas of conflict prevention, management and resolution, peace-building and peace-keeping, and their human, institutional and logistical resources, including through the provision of training for the police, legal officers and military staff and equipment;
18. Calls on international donors and the Commission to support capacity building for regional organisations, especially as regards strategies and programmes to prevent conflicts;
19. Calls on the Brussels-based Peer Group of the ACP Committee of Ambassadors to initiate conflict prevention and resolution strategies, and further urges the Peer Group to explore joint strategies with the EU;
20. Calls for further funding for the strengthening of regional early-warning and early response mechanisms which have already been successfully established, such as the ECOWAS Early-Warning Mechanism and the IGAD Early-Warning and Early-Response Mechanism (CEWARN);
21. Calls on the EU to support the creation of a Peace Facility for all ACP countries and provide funding for its effective functioning;
22. Calls on the ACP States and regional organisations and the European Commission to incorporate peace and security components – especially conflict prevention and human security promotion programmes – into Regional and National Strategy Papers and Indicative Programmes;
23. Expects, in the event that violent conflicts cannot be prevented, consistent action on the part of regional and international organisations and regional civil society organizations working towards peaceful solutions to prosecute and punish crimes against humanity, including rape and sexual exploitation, in order to encourage local reconciliation processes, thereby restoring people's confidence that authorities are acting in conformity with the rule of law; these organisations should encourage respect for human rights in the process of community (re)building;
24. Expects, likewise, a responsible and transparent approach to be adopted in dealing with natural resources such as gold, diamonds and oil, and resolute action to be taken in the event of misuse and illegal trading, with the backing of regional and international organisations, the European Commission and the institutions of ACP-EU cooperation;
25. Requests that the European Commission provide funding for research and training programmes in ACP countries for public communicators - including parliamentarians - on how media and public communication can facilitate peace and prevent conflict by addressing its root causes and bridging dividing lines between different sections of society;

26. Calls on the European Commission to provide funding for research and training in conflict prevention and management, including communication strategies to foster peace and security;
27. Asks to be involved as an observer in high-level meetings with the United Nations;
28. Calls for an interlocking system of parliamentary cooperation on peace and security involving the ACP-EU JPA, the Pan-African Parliament and other regional and sub-regional parliaments in the ACP, to promote exchanges of information and best practices on peace and security issues, and calls on the Commission to facilitate such exchanges;
29. Urges ACP and EU parliamentarians to actively promote conflict prevention strategies and programmes, and to facilitate coordination and political dialogue between ACP and EU regional organisations, national governments, non-state actors and the United Nations;
30. Calls on the members of the African Union to make all possible efforts to ensure the prompt signing of the African Union-ICC cooperation agreements which have already been negotiated and agreed upon by the two parties; calls on the international community and regional organisations to fully cooperate with the ICC;
31. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Commission, the Council Presidency, the African Union, the Pan-African Parliament and ACP regional organisations.

Resolution on fisheries and their social and environmental aspects in developing countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Vienna (Austria) from 19 to 22 June 2006,
- having regard to articles 23, 53 and 84, to Annexes III and V, to Common Declarations XXXVII and XL and to the ACP Declaration to Protocol 1 of Annex V of the Cotonou Agreement,
- having regard to the Declaration on Illegal, Unreported and Unregulated Fishing adopted on 12 March 2005 in Rome (Italy),
- having regard to its resolution on tuna, adopted on 3 April 2003 in Brazzaville (Republic of Congo),
- having regard to the European Parliament resolution of 9 October 2003 on the Commission communication on an integrated framework for fisheries partnership agreements with third countries,
- having regard to its resolution on small-scale fisheries, adopted on 12 October 2000 in Brussels (Belgium),

- having regard to its resolution on the impact of structural assistance to the European fisheries sector on the sustainable development of the ACP fisheries sector, adopted on 1 April 1999 in Strasbourg (France),
 - having regard to its resolution on ACP-EU trade relations in the fisheries sector and the sanitary standards for the export to the European Union of fishery products, adopted on 24 September 1998 in Brussels (Belgium),
 - having regard to the Declaration on the Implementation of the Code of Conduct for Responsible Fisheries adopted on 11 March 1999 in Rome (Italy),
 - having regard to its resolution on ACP-EU cooperation in the fisheries sector beyond 2000, adopted on 29 October 1997 in Lomé (Togo),
 - having regard to the treatment of fisheries in the ongoing negotiations on economic partnership agreements,
 - having regard to the report of the Committee on Social Affairs and the Environment on fisheries and their social and environmental aspects in developing countries,
- A. whereas some 50 of the 79 ACP States are coastal and over 60 export fish and fish products to regional and international markets,
 - B. whereas 75 % of global fish stocks are being fished at or above their sustainable limits, and whereas the ecosystems in many areas have been severely depleted, which undermines efforts to achieve sustainable development,
 - C. whereas the EU's development cooperation policy and the common fisheries policy (CFP) must be consistent, complementary and coordinated,
 - D. whereas the EU and some ACP countries have committed themselves to ensuring the sustainable character of fisheries worldwide, as defined at the Johannesburg summit, and maintaining or restoring stock levels with a view to producing the maximum sustainable yield; whereas these goals are to be achieved as a matter of urgency for over-fished population units as soon as possible and no later than 2015,
 - E. whereas the EU has also committed itself to the general objective under the CFP of ensuring the sustainable management of fishery and marine resources in economic, social and environmental terms, especially in the context of fisheries partnership agreements (FPAs) signed with third countries; whereas, furthermore, it is a legitimate objective of the CFP to maintain the Union's presence in distant fishing grounds and to protect the interests of the Union's fisheries,
 - F. whereas the EU and some ACP countries have adopted the FAO Code of Conduct for Responsible Fisheries and follow provisions laid down in the United Nations Convention on the Law of the Sea and the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks,
 - G. whereas the potential contribution made by fisheries and the activities of local communities to food security and employment in the developing countries, including the important role played by women in processing and marketing in

these communities, make this sector a major factor in sustainable development and poverty reduction in developing countries,

- H. whereas drastically reducing the current level of EU tariff protection on canned tuna imports from third countries as a result of increased competition from south-east Asian countries may cause imbalances on the European tuna market as well as the erosion of the ACP States' preferential treatment, and whereas this would cause great damage to the latter countries' tropical tuna sectors and endanger the economic and social development fostered by the tuna industry there,
- I. whereas, although individual ACP countries may be entitled to specific policy-driven measures and solutions, regional integration should be envisaged as a development goal, in particular towards the development of a regional fisheries policy and the implementation and enforcement of an effective regional Monitoring, Control and Surveillance (MCS) mechanism to prevent illegal fishing,
- J. whereas overexploitation of fishery resources is mainly a result of weak or non-existent national fisheries policies,
- K. whereas Illegal, Unreported and Unregulated (IUU) fishing has harmful and worldwide consequences for the sustainability of fisheries (ranging from large-scale high seas fisheries to small-scale artisanal fisheries), for the conservation of living marine resources and marine biodiversity as a whole and for economies of developing countries and their efforts to develop sustainable fisheries management,
- L. whereas joint ventures and temporary partnerships between businesses can play an important role in supplying markets and developing cooperation between the Community fishing industry and the fishing industries of third countries,
- M. whereas ACP countries should prevent the indiscriminate use of flags of convenience by all boats, including those that have lost their fishing rights under signed agreements,
- N. whereas regional fisheries organisations have the potential to be the most effective instrument for responsible fisheries management and one of the most effective means of combating undesirable phenomena such as fishing by pirate ships or under flags of convenience; whereas the creation of regional fishery bodies must be encouraged and given a wide range of delegated competences by individual governments,
- O. whereas improving the equipment of local boats should be included as a targeted measure in all partnership agreements signed by the EU with ACP countries and other developing countries,
- P. whereas studies on the potential of the EEZs, research and use of reliable scientific data are essential to ensuring the sustainable character of fisheries and other marine resources;
- Q. whereas all available data on ACP countries' waters should be sent to those countries and made public,

- R. whereas scientific resource assessment must be a precondition for access to fishing, and an annual evaluation of the resources must be a condition for the granting of further fishing permits,
- S. whereas satellite surveillance of the waters of ACP countries with fisheries agreements with the EU should be developed, all EU vessels should be equipped with Vessel Monitoring System (VMS) as a compulsory requirement, and information, including on the position and catches of fishing vessels in ACP States' waters, should be sent in real time to the authorities of the ACP States concerned,
- T. whereas social and cultural factors which affect fishermen and other people dependent on fisheries are particularly complex as they connect a system focused around the use of fisheries and other marine resources to a far broader system which determines the ways in which people interact with one another; whereas many past failures in fisheries development and management have been attributed to the failure of those responsible to understand the wide range of social and cultural factors in the lives of people involved in the sector and their effects on fisheries,
- U. whereas the harsh lifestyle of many fishermen and other people dependent on fisheries, and their exposure to water-borne diseases, malaria, poor sanitation and poor nutrition, increase the susceptibility of fishing communities to HIV infection and place additional strain on fishing households as a result of having to deal with the burden of caring for those affected by AIDS-related illness,
- V. whereas defining a social and legal status for fishermen should be a priority in national fisheries policies,
- W. whereas education, training and information on sustainable fisheries must be part of national policies set by all countries in all regions,
- X. whereas fisheries have a significant direct and indirect impact on the marine environment,
- Y. whereas the creation of protected areas and marine parks proposed to ACP countries could be financed by the EU and subject to joint monitoring and surveillance, whereas the use of incentives to generate change in individual and collective behaviour towards the environment is increasingly recognised as a tool which has the potential to help mitigate environmental impacts,
- Z. whereas inland fisheries can play a crucial role in rural development; whereas many people – including women and children – engage in casual fishing, for instance in flood plains, which makes a significant contribution to the high-grade animal protein available to households,
- (i) whereas fisheries in inland waters shared by two or more countries should be subject to coordinated policies and measures; whereas the EU can provide technical help for the countries involved in setting up these measures,
- (ii) whereas aquaculture has been growing constantly over the past decades and whereas it can be expected to undergo geographical expansion in terms of

species farmed and technologies used, AC. whereas the EU can set up aquaculture partnership projects with developing countries aimed at minimising the negative effects they may produce in the environment,

- (iii) whereas aquaculture contributes to poverty reduction by being an important additional source in population feeding,
 - (iv) whereas the EU can help developing countries at enterprise level to improve the sanitary conditions of fish, fish products and by-products,
 - (v) whereas the current stringent rules of origin do not allow the ACP States concerned to take full advantage of processing for export to the EU under the Cotonou preferential trade regime,
1. Reiterates that ACP-EU development cooperation policy in fisheries must: promote the ACP countries' capacity to develop their fishery resources sustainably and to enhance local added value; facilitate monitoring, control and surveillance of fisheries; promote a continuous policy dialogue with all relevant actors, including small-scale fishermen and civil society, and obtain a fair price for access rights for foreign fleets to their EEZs, while acknowledging the need to protect the interests of the ACP and EU fisheries;
 2. Considers that the protection of EU and ACP fishing interests must be coordinated with the sustainable management of fishery resources in economic, social and environmental terms, and with the livelihoods of coastal communities dependent on fisheries;
 3. Insists that EU fishing boats should operate in ACP EEZs only if they meet the sustainable fishing and environmental needs of the ACP State concerned and also if they are equipped with VMS;
 4. Calls for opt-out clauses for the ACP countries if they, at any time, consider that the fishery agreements are harmful to their social, political, environmental or economic interests;
 5. Calls for national marine and inland resources fishing policies to be adopted by all countries; further calls for regional integration of these policies;
 6. Welcomes recent EU-funded regional cooperation initiatives taken by southern African countries towards joint fisheries surveillance using both vessels and satellite surveillance; calls for identical initiatives to be planned by other regional organisations;
 7. Calls for measures to be taken to prevent coastal communities' traditional fisheries being edged out by other, alien practices; therefore insists that all agreements should contain measures to protect small-scale indigenous fisheries, to promote the landing of the fish locally and to require access to be dependent on the use of selective fishing methods;
 8. Calls for action to encourage the participation of local community organisations based on traditional forms of association in all policy-setting and decision-making

- related to fisheries and fish-related activities, and for due attention to be paid to the role played by women in the processing and marketing of sea and aquaculture products; for this purpose calls for national policies to include measures fostering the creation of associative, cooperative or other micro, small and medium enterprises or other forms of social and economic organisations;
9. Calls on ACP-EU development cooperation policy to step up dialogue at regional national and local level between the industrial and artisanal fisheries sectors with a view to promoting sustainable development of fishery resources;
 10. Calls on the EU to make aid for third countries aimed at helping them implement the FAO's international action plan for combating illegal, unreported and unregulated fishing one of the main priorities when concluding future agreements with third countries; further calls on the EU to help ACP countries sign all international marine and fisheries conservation agreements and to impose measures similar to those agreed by the EU in all fisheries agreements signed with other third countries;
 11. Calls for policies and measures focused on food security to be incorporated into Country Strategy Papers (CSP); therefore recommends the creation of locally and regionally controlled integrated circuits allowing fish to be delivered from the fisherman to the final consumer at the lowest possible price;
 12. Calls for strong national fisheries policies preventing the overexploitation of fisheries resources;
 13. Calls for programmes to manage by-catches; urges that captured fish that cannot be returned to the sea alive should be disembarked and used for food aid;
 14. Recommends that necessary studies on the potential of the EEZs, research and the use of reliable scientific data should be carried out in partnership between EU and ACP countries, because they are essential for ensuring the sustainable character of fisheries and for the negotiations of bilateral fisheries agreement;
 15. Considers that scientific resource assessment must be a precondition for access to fishing, and that an annual evaluation of the resources must be a condition for obtaining further fishing permits;
 16. Calls on ACP states to develop regional scientific cooperation programmes for the collection and sharing of data on fish stocks as well as a continuous evaluation of the effects of fisheries and various fishing methods on ecosystems;
 17. Calls for programmes to meet the special requirements of developing countries in combating IUU fishing and, in particular, the need to strengthen their capacity for fisheries monitoring, control and surveillance; further calls for the prevention of the indiscriminate use of flags of convenience by all boats, including those that have lost their fishing rights under signed agreements;
 18. Requests that satellite surveillance of the waters of ACP countries with fisheries agreements with the EU be developed, that all EU fishing boats be equipped with VMS as a compulsory requirement and that the position and catches of the vessels be reported in real time to the ACP States concerned;

19. Calls for ACP countries to adopt a social and legal status for fishermen and other fisheries workers;
20. Calls for the inclusion of the social clause adopted on 19 December 2001 at the plenary meeting of the 'Sea Fishing' Sector Social Dialogue Committee in the protocols to agreements, with a view to ensuring that all seafarers on board EU and ACP vessels enjoy freedom of association, the right to collective bargaining, the elimination of discrimination, adequate remuneration, and living and working conditions similar to those of EU seafarers;
21. Calls for the creation of tailored insurance products to cover coastal traditional and artisanal fisheries hazards;
22. Calls for special EU/ACP joint surveillance to be carried out concerning the treatment received by fishermen employed on ships sailing under flags of convenience;
23. Calls for strengthened institutionalised initiatives that address the problem of HIV/AIDS and waterborne diseases among fishing communities in both the developing and EU countries;
24. Calls for the creation of pools of government-paid on-board observers to be deployed on EU and ACP fishing vessels and on other distant-water fishing vessels offloading catches at designated ports in ACP countries, thus preventing the corruption that can arise when that payment is the responsibility of the vessel owner;
25. Calls for training and capacity-building programmes for local communities dependent on fisheries to be included in national policies; further calls for primary and secondary education curricula to include general awareness and technical subjects addressed to children living in areas where fishing is the dominant activity;
26. Calls for the provision of scientific and professional training programmes for local fishermen in the CSPs, thus allowing them to apply for jobs in the EU fleet;
27. Calls for the creation of alternative programmes for generating income for families having to abandon traditional fisheries, for instance in tourism, rural development or other activities;
28. Calls for special EU support as part of EU development aid for inhabitants of remote ACP States of the Atlantic, Pacific and Indian Oceans that are heavily dependent on subsistence fisheries for income generation, so as to improve their families' health, balanced diet and the education of their children, especially girls;
29. Urges ACP fishing nations to include mechanisms in their national policy frameworks to avoid or minimise the negative effects on families caused by fishermen that must work for months or years away from home without returning to their native countries; these effects may lead to family break-ups, often causing hardship and long-lasting negative implications for the children left with their mothers, especially for girls and very young children;

30. Recognises that diversifying fisheries activities, increased local processing of production and other value-added activities, especially through micro-project types in ACP countries, could lead to wider participation, job creation and other employment opportunities for young people and women, thus redistributing wealth in the community; therefore encourages the European Commission to pay equal attention to this sector as to every other sector;
31. Calls on the ACP States and the EU to fully recognise that fisheries can potentially contribute to food security, are fundamental in food relief programmes in times of disasters and help to reduce famine in ACP countries; therefore urges the European Commission and the World Food Programme to allocate resources for island states with large fisheries potential to participate, in line with accepted standards, in food relief initiatives that are also important for the local economies, and further calls on the ACP island states included in this programme to give special customs consideration as is usual during relief works;
32. Calls on the ACP States and the EU to pay special attention to traditional and cultural values and practices attached to fishing or in use in some island states;
33. Urges ACP and EU fishing nations to strengthen their national policy frameworks and regional cooperation strategies against the use of fishing boats or the fishing industry to disguise illegal immigration and drug trafficking within or between ACP States or between ACP States and the EU Member States;
34. Proposes the encouragement at local level, in the ACP countries, of transfers of technology, scientific know-how etc. in an investment-friendly form;
35. Calls for efforts by national and regional authorities to promote the creation of joint enterprises with preferential access to the EU market, provided such joint action does not contribute to over-fishing;
36. Urges that discriminatory measures are not taken within the WTO to reduce customs duties for canned tuna from some Asian developing countries, measures that may be harmful to the ACP countries, and calls on the Commission to consider the use of a 'carve-out' clause in the WTO tariff reduction formula in the DDA in order to maintain an effective level of preference for ACP canned tuna exports to the EU; otherwise their entire tuna canning industry may be devastated with serious socioeconomic consequences;
37. Calls on the EU to make every effort at the WTO tariff negotiations under way to maintain the current regime regulating the import of canned tuna from third countries;
38. Urges ACP countries to implement the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement); asks therefore that EU financial assistance be used for the improvement of export facilities, thus bringing them into line with international SPS requests;
39. Stresses the principle of the exclusive competence of the recipient country to spend at its discretion the contribution it receives in exchange for granting fishing rights to the EU;

40. nevertheless recognises that earmarking part of the financial contribution for the development of the local fishing industry or the adoption of targeted measures, preferably in agreement with a national policy for marine resources, should be envisaged;
41. Considers that a clear separation must be made between compensation paid for access to fishing and any more general sustainable development aid included in the agreement as targeted measures, for instance for monitoring, surveillance, control or infrastructure development, or for direct support to communities dependent on fisheries;
42. Calls for the implementation of micro-credit programmes aimed at promoting locally and regionally coherent fisheries; recognises the important role micro-credit plays as a decentralised cooperation tool; calls, in this context, on EU-ACP cooperation to include fiscal, administrative and technical capacity-building that could lead to further local and regional investment in the fisheries sector;
43. Urges the negotiators of the EPAs and other stakeholders such as economic interest groups, civil society and citizens of the ACP and EU in general to take cognisance of the messages expressed herein, both prior to and during the negotiation process, in order to enable an appropriate and proportionate response to this resolution by the relevant ACP countries; and further calls on the Commission to examine seriously the ACP proposal for the conclusion of a Regional Fisheries Framework Agreement in the context of future EPAs, as appropriate;
44. Calls for special programmes designed for fisheries in inland waters to be adopted;
45. Recognises the contribution inland fisheries can make to rural development, as many people – including women and children – engage in casual fishing, for instance in flood plains, making a significant additional contribution to the high-grade animal protein available to households;
46. Calls for coordinated policies and measures for fisheries in inland waters shared by two or more countries; further calls for EU technical help to the countries involved in setting up these policies and measures;
47. Calls on the EU to finance measures by ACP States involved in inland fisheries aimed at combating the disappearance through sand encroachment of lakes and waterways, at maintaining their fish stocks in the long term and at modernising fishing techniques with a view to making them more viable and sustainable;
48. Calls on the ACP States of the African continent to strengthen their national policy frameworks or regional cooperation strategies against abuse, overuse or pollution of rivers or lakes on which more than one country is dependent for fishing, aquaculture or other fisheries-related activity;
49. Urges a ban in all ACP and EU waters on any fishing boat from those countries fishing any endangered species (fish or sea mammal) as specified by CITES and a total ban on the practice of shark fishing, except where this is a by-product of fishing shark for meat;

50. Calls for a focus on decentralised production, using environmentally friendly, low-cost sustainable aquaculture methods;
51. Urges that precautions be taken to ensure that aquaculture does not lead to a loss of biodiversity as a result of interaction between escaped farmed animals or the introduction of waste into the wider environment;
52. Calls on the EU to continue impact assessment studies concerning the sustainable character of the Fishing Partnership Agreements (FPAs) and to allocate the necessary resources for this purpose;
53. Envisages, based on scientific studies, the creation by ACP countries of marine parks or protected zones, where only traditional indigenous fisheries could be allowed; calls for financing and training of personnel capable of carrying out the surveillance needed in these areas;
54. Calls for national and regional sustainable development strategies in the fisheries sector to take into consideration, based on reliable scientific research and adapted to the particular local marine circumstances, other means of reducing the negative biological effects of fishing and to restore depleted fish stocks, such as closed seasons and mesh size regulations;
55. Underlines the need for measures in the fisheries sector for the protection of the marine environment to be integrated into, and complemented by, more wide-ranging marine sustainable development strategies that address issues such as coastal and off-shore pollution and maritime transport;
56. Underlines the need, when developing fisheries strategies, to find a proper balance between economic and ecological considerations so as not to penalise economically and socially vital fishing operations through over-regulation; stresses the need for financial mechanisms to compensate or support fishermen having to adapt to new environmental legislation;
57. Calls for a ban on the use of fishing techniques which may cause migratory species to lose their feeding habits and migration trajectories; admits that exceptions could be accepted when coastal fisheries contribute towards meeting local communities' fish security needs;
58. Calls for a ban on the use of explosives and traditional herbal poisoning of fish as methods of fishing, as these kill fish indiscriminately and are very harmful to coral and the general marine ecosystems; therefore urges all fishing nations to ensure that the ban is reflected in their national policy frameworks;
59. Urges tropical ACP countries, which have mangroves around their coastal waters to formulate national policy frameworks for the protection of mangroves, as they provide the marine environment and ecosystems necessary for natural fish breeding;
60. Recommends that ACP countries use EU help at enterprise level to improve the sanitary conditions of fish, fish products and by-products;

61. Calls for eco-labeling to be included in country and regional fishery strategies as a tool for conservation of the environment and marine biodiversity, and also as a marketing tool for creating market niches with better and more stable prices
62. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Secretary-General of the United Nations, the African Union and to all Regional Fisheries Organisations.

Resolution on the situation in Sudan

The ACP-EU Joint Parliamentary Assembly,

- meeting in Vienna (Austria) from 19 to 22 June 2006,
 - having regard to Article 17(1) of its Rules of Procedure,
 - having regard to its previous resolutions on Sudan,
 - having regard to the European Parliament resolution on Sudan of 6 April 2006,
 - having regard to the Pan-African Parliament report on Sudan of April 2006,
 - having regard to the reports on the fact-finding missions to Darfur of the European Parliament (February and September 2004), the Pan-African Parliament (November 2004) and the ACP-EU JPA (March 2005),
 - having regard to the visit of a UN Security Council delegation to Darfur in June 2006,
 - having regard to the third report of the Prosecutor of the International Criminal Court (ICC) to the UN Security Council on Darfur of 14 June 2006,
 - having regard to UN Security Council resolutions S/RES/1663, 1665 and 1672 of 2006 and the report to the UN Secretary-General of the International Commission of Enquiry on Darfur,
 - having regard to the N'Djamena ceasefire agreement signed on 8 April 2004 between the Government of Sudan (GOS) and the two rebel movements,
 - having regard to the protocols on the improvement of the humanitarian situation in Darfur and on the enhancement of the security situation in Darfur, both signed in Abuja (Nigeria) on 9 November 2004,
 - having regard to the Tripoli declaration of 8 February 2006 between Sudan and Chad following the tension between the two countries,
 - having regard to the African Union Ceasefire Commission's Violation Report,
 - having regard to the latest report of the Office of the High Commissioner for Human Rights on Sudan published on 27 January 2006,
 - having regard to the Abuja (Nigeria) Peace Agreement of 5 May 2006,
- A. whereas a rebellion led by the Sudanese Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) began in Darfur in February 2003,
- B. whereas the main rebel group in Darfur, the Sudanese Liberation Movement (SLM), and the GOS signed a peace agreement on the future of Darfur on 5 May

- 2006, while the two other parties, the JEM and the smaller Sudanese Liberation Army (SLA) faction, did not sign, are calling for further concessions from the GOS and have rejected the terms of the deal,
- C. whereas the Peace and Security Council of the African Union (AU) decided on 12 January 2006 to extend the mandate of AU Mission in Sudan (AMIS) to 31 March 2006; it has further decided to extend the mission to 30 September 2006; the AU has expressed its support for a transition after that date from AMIS to a UN mission,
 - D. whereas there are serious difficulties with, and obstacles to, the delivery of humanitarian aid to the population of Darfur,
 - E. whereas the Darfur conflict is increasingly affecting the stability of neighbouring Chad and constitutes a threat to regional peace and security,
 - F. whereas the protection of those in villages and in internally displaced persons (IDP) camps in Darfur remains inadequate,
 1. Welcomes the conclusion of the peace agreement on 5 May 2006 but regrets that some rebel groups have refused to sign;
 2. Calls for all parties to the peace agreement to implement this agreement especially with regard to the disarming of all armed militias including the Janjaweed;
 3. Urges the two other rebel groups outside the 5 May 2006 peace agreement, and the GOS, to reach an agreement to bring peace to the region;
 4. Calls on the GOS, all Sudanese parties and the international community to have all landmines in the south cleared in order to help to create a more conducive environment for returnees;
 5. Supports the efforts of the Government of National Unity of Sudan to effectively implement the Comprehensive Peace Agreement (CPA) in a fully inclusive process;
 6. Welcomes the support of the AU for a UN peacekeeping operation in Darfur, and calls on the international community led by the AU to act immediately in order to secure the protection of civilians, in particular women and children, in Darfur, notably by reinforcing the resources of AMIS;
 7. Welcomes the call by Kofi Annan for a technical assessment mission to be sent to Darfur in preparation for the UN force with the aim of establishing safe conditions and providing protection for the population, which has been the victim of an unprecedented genocide, in accordance with Chapter VII of the United Nations Charter;
 8. Urges the resumption of bilateral development talks between EU Member States and the Government of National Unity of Sudan in order to stabilise war affected areas in Darfur;
 9. Calls on all armed groups to respect human rights and international humanitarian law by ceasing all attacks on civilians including sexual violence against women;
 10. Urges the Sudanese authorities to fight impunity and to bring to justice immediately the perpetrators of human rights violations including sexual violence;

11. Urges the GOS to apprehend the four leaders of the Lord's Resistance Army (LRA) in compliance with the arrest warrants issued by the International Criminal Court (ICC), and immediately hand them over for trial;
12. Is gravely concerned over recent events on the Sudan-Chad border; calls on both Governments to refrain from any action that would undermine the stability of the region, and to use all means in support of the Darfur peace process;
13. Calls on the international community and the GOS to recognise and to support the ICC's investigation into violations of humanitarian and human rights law in Darfur; underlines the extreme gravity of the findings of the third report of the ICC Prosecutor, which states that some of the groups involved in the commission of crimes in Darfur did so 'with specific genocidal intent';
14. Calls on the UN Security Council to consider an arms embargo as well as an oil embargo on Sudan and targeted sanctions against those responsible for human rights abuses and other atrocities, and to ensure that such sanctions do not add to the suffering of the population of Sudan;
15. Urges the GOS to make every effort to ensure the safe and voluntary return of all refugees and IDPs and to cooperate with the UN agencies, the NGO community and civil society organisations in this regard;
16. Calls on the international community to establish a special fund for the rehabilitation of the Darfur region following the signing of a peace agreement binding on all parties and the cessation of fighting;
17. Calls on the Bureau of the Joint Parliamentary Assembly to monitor the situation in Sudan and in doing so to schedule a follow-up mission to Sudan before the first meeting of the Bureau in 2007;
18. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the African Union Institutions including the Pan-African Parliament, the UN Secretary-General and the Government of Sudan.

Resolution on the problematics of energy in the ACP countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Vienna (Austria) from 19 to 22 June 2006,
- having regard to the ACP-EU Partnership Agreement, signed in Cotonou on 23 June 2000, and in particular Article 32 thereof, which recognises the need to optimise the use of the ACP States' natural resources, especially their energy resources,
- having regard to the Compendium of the Cotonou Partnership Agreement, according to which 'cooperation shall put particular emphasis on energy programming, operations for saving and making efficient use of energy, reconnaissance of energy potential and the economically and technically appropriate promotion of new and renewable sources of energy. Cooperation shall

- also support policies aimed at the development of the ACP States' conventional and non-conventional energy potential and their self-sufficiency',
- having regard to the declaration adopted at the World Millennium Summit, held in Johannesburg from 26 August to 4 September 2002, which identified priority measures in five key areas in order to ensure that the United Nations' Millennium Development Goals (MDGs) are achieved: water and sanitation, energy, health, agriculture and biodiversity,
 - having regard to the reports periodically drawn up by the Energy Facility Steering Committee set up within the European Commission with a view to establishing an Energy Facility,
 - having regard to the communication from the European Commission to the Council and the European Parliament of 26 October 2004 on the future development of the EU Energy Initiative and the modalities for the establishment of an Energy Facility for ACP countries,
 - having regard to the communication from the European Commission to the Council and the European Parliament of 17 July 2002 on energy cooperation with developing countries calling for energy to account for a greater share of development aid and stressing the central role it plays in three areas: the social dimension (poverty reduction), the economic dimension (security of supply) and the environmental dimension (environmental protection),
 - having regard to the European Council declaration of 18 March 2003 establishing a new consensus on the fact that access to energy services is a prerequisite for achieving the MDGs and on the need for a cross-sectoral approach,
 - having regard to the resolution on the promotion of the private sector in the context of the Cotonou Partnership Agreement, adopted by the ACP-EU Joint Parliamentary Assembly meeting in Brazzaville from 31 March to 3 April 2003,
 - having regard to the many possibilities presented at the initial ACP-EU sectoral meetings for the promotion of inter-enterprise partnership and investment in the energy sector, held in Dakar (Senegal) from 28 September to 1 October 2005,
 - having regard to the Constitutive Act of the African Union, adopted on 11 July 2000 at the Summit of the Organisation of African Unity (OAU) in Lomé (Togo), which stipulates that its central body, the Executive Council, will coordinate policies in the field of energy, industry and mineral resources in view of the particular importance of these sectors to Africa's development,
 - having regard to the framework document adopted at the 37th Summit of the OAU, under which the ninth of the ten NEPAD objectives is 'building and improving infrastructure, including information and communication technology (ICT), energy, transport, water and sanitation',
 - having regard to this framework document, which states that energy is an integral and essential part of development, but that some countries have no exploitable natural energy,

- having regard to the fact that energy is one of the priority sectoral policy areas of the Pacific Islands Forum, a regional organisation without a founding charter, established on 5 August 1971,
- having regard to the report of the Committee on Economic Development, Finance and Trade (ACP-EU 3765/06/fin.),
- A. reaffirming the central objective of the ACP-EU Partnership Agreement set out in Article 1 thereof: ‘reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy’,
- B. whereas energy can play a prominent role in eradicating poverty and spreading growth throughout the countries of Africa, the Caribbean and the Pacific and contributes to the greater well-being of society as a whole; whereas the MDGs cannot be achieved without improvements in the energy supply to the population, in particular in sub-Saharan Africa,
- C. whereas more than 530 million people in sub-Saharan Africa, i.e. 48% of the urban population and 92% of the rural population, do not have access to electricity,
- D. whereas the International Energy Agency estimates that to meet the MDGs worldwide an additional 500 million people would need to gain access to electricity and up to 700 million would require access to some form of modern cooking and heating energy; whereas the overall cost is estimated to be more than EUR 150 billion,
- E. whereas many poor rural households cover their energy needs by buying wood, fuel or charcoal, often in small amounts at very high prices per unit of energy compared with other energy sources, spending more money on energy than relatively wealthy households with access to advanced forms of energy supply,
- F. recalling that energy forms the basis of all economic growth in the African, Caribbean and Pacific States,
- G. whereas energy plays a multifunctional role in the economies of the ACP States, from the generation of thermal energy for the public and private sectors to food and health safety and the co-generation of environmentally friendly and renewable green energy from agricultural products and by-products,
- H. aware of the European Union's interest in and commitment to the availability and supply of energy production equipment for the ACP States for the benefit of the population groups affected and of European industry,
- I. whereas the current rise in oil and gas prices on the international market means that the cost of supplying these energy resources is placing an unbearable strain on the balance of payments of those ACP States that are not fossil energy producers, adding to their indebtedness and leading inevitably to the need to consider renewable energy supply,
- J. recalling that corruption involving the embezzlement of oil and mining revenues has undermined good governance and entrenched poverty in many resource-rich countries, leading in some cases to violent conflict and great human suffering,

- K. noting that such corruption is made possible by lack of transparency about the flow of revenues from the extractive industries to states and the management of those revenues,
- L. noting the endorsement given by numerous governments, international financial institutions, civil society groups, mining companies and their shareholders to the Extractive Industries Transparency Initiative (EITI) as one means to promote revenue transparency,
- M. anxious to prevent the unregulated gathering of firewood from causing the disappearance of forestry resources; recalls that systematic replanting of trees is necessary for the use of firewood to be sustainable,
- N. recalling, further, the need to ensure that the commitments entered into by the European Union and the ACP countries in the Cotonou Agreement are honoured, in particular Article 36(4), which provides for a review of the commodity protocols with a view to safeguarding the benefits derived therefrom for the ACP States,
- O. whereas a partnership among the European Union, the ACP States, international development institutions and private-sector operators should allow solutions to be developed for the supply to the ACP States of abundant, environmentally friendly energy at a reasonable cost; drawing attention, in this context, to the need to ensure that the ACP States benefit from the findings of research into energy efficiency and sustainable energy sources and from transfers of the resulting technologies,
- P. whereas, in the context of the support measures for the energy production sector in the ACP States, discussions should target the speedy abolition of mechanisms related to production factor costs, whilst identifying sensitive products for which special clauses should be drafted,
- Q. recalling the commitment by the European Union and by the ACP States to conclude new trade arrangements whereby no ACP State should find itself in a situation less favourable than the one which it currently enjoys,
- R. noting huge differences between the ACP regions, none of which is pursuing a centralised energy policy,
- S. whereas ACP energy suppliers are chiefly underfunded public structures unable to guarantee the level of investment required to meet ACP countries' growing energy needs for the well-being of their inhabitants,
- T. whereas the UNEP-facilitated Global Network on Energy for Sustainable Development (GNESD) has found that most market-oriented reforms of the energy sector in developing countries have no impact or an adverse impact on the poor,
- U. concerned at the almost complete lack of hydrological, oil and gas resources in some ACP States and regions, which makes them almost entirely dependent on energy imports, except where the existing potential for renewable (wind and solar) energy is maximised, which can reduce but not eliminate dependence,
- V. whereas the short-term fluctuations in oil and gas prices hinder the short-term implementation of development programmes for electricity production based on the extension of thermal production capacities,

- W. noting the existence in some ACP regions of energy development programmes based on the concentration of investment in regional projects and on the interconnection of distribution networks,
- X. whereas the impact of such fluctuations might also be alleviated if commodities were processed locally before being exported,
- Y. whereas, in order to facilitate industrialisation and marketing, the instruments and structures for providing support for the private sector must be mobilised in order to underpin processing, marketing, distribution and transport activities (PMDT),
- AA. emphasising the need for clearer and more concise information about energy resources in the ACP States and about the investment opportunities available in terms of exploration, exploitation and distribution in that sector,
- AB. emphasising, further, the importance of access to relevant, up-to-date information about the development of ACP energy markets and the world energy market in general,
- AC. recalling the urgent need to provide non-pollutant energy sources, which is a major challenge for sustainable development in urban areas of the ACP States in the 21st century,
- AC. stressing the particular importance of supplying low-cost energy to rural communities in the ACP States, where this will encourage the growth of local economic activities and assist in combating isolation, whilst improving living conditions for local people,
- AD. welcoming the ACP States' willingness to equip themselves with an action plan to establish, in partnership with the European Union, a sectoral framework for action in the field of energy,
- AE. reaffirming the importance of the well-being and security of workers and their families and the need to protect the environment in which agricultural activities and mining take place,
1. Reaffirms the key role energy plays in speeding up growth and development, in particular as regards economic production;
 2. Reaffirms its willingness to continue its efforts to promote energy production at competitive prices and for the benefit of all economic stakeholders in the ACP States as a means of reducing poverty and aiding the gradual integration of these countries into the world economy by increasing their economic production;
 3. Emphasises the importance of energy production undertakings in the ACP States having access to financial resources on favourable terms, notably through international financial institutions, development banks and the European Investment Bank and in particular by means of the use of interest rate subsidies under the 9th and 10th EDFs, so that they can make the very substantial investments necessitated by the expected increase in their production capacities and the growth in their distribution potential;

4. Notes that decentralised off-grid solutions in remote or sparsely populated areas are in many cases much more cost-effective than grid extensions; notes that such off-grid solutions can include combinations of solar energy, photovoltaic systems, LPG, local biofuel, and in particular can take advantage of the production of jathropa, elephant grass, palm oil, groundnuts, other bio-diesel crops and bioethanol;
5. Asks the European Union to support the financing of such off-grid solutions in ACP countries, including the creation of rural energy service companies made up of local small businesses which can provide good services adapted to the needs of customers in rural areas;
6. Calls on the European Union and ACP governments to effectively manage demand for energy and diversify energy supply from fossil to non-fossil, particularly to renewable energy sources;
7. Calls on the ACP and EU governments to invest in energy-efficient and energy conservation systems to manage the escalating increase in global energy demand;
8. Calls on energy producing companies in the EU and ACP countries to forge strategic partnerships for the development of renewable energy sources to help especially remote rural settlements; calls on Western, and in particular European, companies in the energy sector which are active in the ACP countries, and on the governments of those countries, to comply with the rules on good governance in force and to offer the ACP transfers of the technologies developed by means of their own research;
9. Calls on the EU to assist the ACP countries in formulating and implementing long term energy master plans as part of an integrated broad strategy for the ACP countries to achieve the MDGs by 2015;
10. Calls on the ACP and EU countries to work together to formulate energy policies which are pro-poor and environmentally friendly and conducive to sustainable economic development for all;
11. Stresses the urgent need to develop or strengthen national and/or regional strategies for the improvement of sustainable energy supply, with a view to reducing the ACP States' excessive dependence on oil and the resulting vulnerability of their public finances;
12. Asks the ACP countries to pay more attention to energy in their national strategies for economic development, and not only to focus on large infrastructure projects, but also to address the crucial issue of access to energy, specifically for the poor;
13. Notes that market-oriented reforms of the energy sector should contain a pro-poor dimension in order to address the issue of the financing of electricity supply for the poor and to allow for investment in energy saving;

14. Calls on the European Union to share with the ACP States its experience in the area of improving energy efficiency, in particular by giving energy production undertakings access to the relevant technology, by means of staff exchange programmes, by facilitating access to the capital needed to make the requisite investments and by supporting the establishment of an appropriate legal and financial framework;
15. Notes that the development of renewable energies such as solar, wind, water and biomass energy, their adaptation to the specific needs of the ACP countries and their distribution, particularly to rural areas, is of the utmost importance for the improvement of living conditions and for the achievement of the MDGs;
16. Calls on the Commission to initiate and implement an ACP-EU Renewable Energy Development Programme under the ACP-EU Research and Development Framework involving ACP and EU research institutes;
17. Stresses the need for all ACP countries to appoint a national energy coordinator and the need to establish coordination at the level of transnational institutions, such as the AU and Caricom, and even at regional level;
18. Calls on the ACP States and the European Union to speed up the implementation of the Energy Facility in accordance with the European Council's conclusions on the communication from the European Commission to the Council and the European Parliament of 26 October 2004 on the future development of the EU Energy Initiative and the modalities for the establishment of an Energy Facility for ACP countries;
19. Reaffirms the need for the European Commission to continue the efforts made with regard to the ongoing creation of the Energy Facility by searching for solutions to guarantee energy supply for the ACP States, in keeping with the spirit of the Cotonou Agreement;
19. Calls on the Commission, the EU Council and the ACP to replenish the ACP-EU Energy Facility out of resources to be decommitted under the 9th EDF or through a dedicated allocation from intra-ACP cooperation under the 10th EDF;
21. Calls on the ACP States and the European Union to work with recognised civil society organisations and private sector organisations to promote initiatives for the setting-up of ACP regional energy networks;
22. Calls for the Energy Facility to be set up so that this important instrument can, in the context of the Cotonou Agreement, play a part in remedying, in due course, the negative impact of the shortage of energy resources and in safeguarding the reforms and socioeconomic policies implemented by the ACP countries;
23. Calls on the European Union and the ACP countries to ensure that oil and mining companies based within their jurisdiction fully disclose their revenue payments to governments in each country where they operate and clearly indicate such payments in their annual financial reports;

24. Calls on the European Union and the ACP countries to explicitly and publicly endorse the Extractive Industries Transparency Initiative (EITI) and on the EU to make the promotion of fiscal transparency in resource-rich countries a major theme of its proposed Common Energy Strategy;
25. Notes the recent intimidation of civil society activists campaigning for more transparency in public revenues in several EITI pilot countries and calls on the European Union and the ACP countries to support the implementation of the EITI in resource-rich countries, in particular by defending the active and unconstrained participation in the EITI by civil society groups in the countries concerned;
26. Encourages the setting-up and appropriate use of information systems in the form of an ACP energy database;
27. Urges the ACP Secretariat and the European Commission to strengthen the existing instruments with a view to supporting the private sector and to create new ones in order to enhance the global competitiveness of the ACP countries' private sectors, in particular in terms of production, distribution and the identification of potential energy resources;
28. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council and the European Commission.

ANNEX

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

BUREAU

Brussels, 29 May 2006

REPORT
OF THE DELEGATION
OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY
TO KENYA 4-7 MAY 2005

Heads of Delegation:

Ms Glenys KINNOCK, EU Co-President

Hon. Barry FAURE (Seychelles), representing the ACP Co-President

INTRODUCTION

At its meeting of 22 February 2006, the Bureau of the JPA decided to send a fact-finding mission to Kenya to assess the effects of the severe drought and its impact on Kenya's efforts to meet the Millennium Development Goals, as well as to consider how the objectives of the Cotonou Agreement might usefully be applied to help promote that Agreement's objectives, helping to advance peace, prosperity and sustainable development, with respect for and promotion of human rights and good governance.

The mission was led by Ms Glenys KINNOCK, EU Co-President of the JPA and Hon. Barry FAURE (Seychelles), representing the ACP Co-President, and it included the following members:

Mr J. SCHRÖDER, (EP), Vice-President;
Hon. Roy K. CHULUMBANDA (Zambia), Vice-President;
Hon. Joseph KAMOTHO (Kenya), Vice-President;
Mr Dietmar NICKEL, EU Co-Secretary-General;
Mr Michael WOOD, Co-Secretariat (EU);
Mr A.M. SAGNIA, Co-Secretariat (ACP).

The mission met a number of key Ministers connected with the implementation of the Revised Cotonou Agreement, as well as the Speaker of the Kenya National Parliament, and had an audience with the Head of State, H.E. Mwai KIBAKI.

It visited Kibera, the largest slum in Africa south of the Sahara, and flew to Mandera in north east of the country (about 1000 km from Nairobi), one of the areas severely affected by the four-year-long drought, where it visited a well project and a hospital where children are undergoing therapeutic feeding. The Delegation, who spent time in a village, also met children who had been discharged from the hospital and were being treated at home by their mothers with the help of paramedical staff trained by the NGOs.

The Delegation held a meeting in Mandera with MPs, NGOs and elders of the town. It was stressed that there is a need for improved road infrastructure and for an airport, which certainly represents for the people of the region their gateway to the world and the source of humanitarian assistance.

POLITICAL CONSIDERATIONS

After the elections of December 2002, to which the JPA sent observers (who reported favourably whilst making some recommendations for improvements in arrangements the next time), the outlook for Kenya seemed relatively positive. Uhuru Kenyatta gracefully accepted defeat and the new President made the fight against corruption a main priority. Later, whilst the proposed new Constitution supported by the President was defeated in a referendum, that referendum was conducted fairly. People

expressed themselves freely, though often critically, as did the press. The country remained peaceful, and aided its neighbours to find solutions to their conflicts.

High population growth continued, however, though slightly lower than before. More jobs were needed. Whilst there is a growing middle class, Kenya has one of the world's most unequal distributions of income, with wealth also geographically very unequal. The effects of a long drought are likely to exacerbate this situation. Low-level conflict continues, aggravated by the ready availability of small arms.

In the midst of all this, the coalition which took President KIBAKI to power raising high expectations to put an end to corruption and political cronyism showed cracks and very soon started fragmenting, allowing for the return of the old ways of doing business which the Government was supposed to combat and stamp out.

The country has certainly opened up with the victory of the coalition but corruption is still rampant with cases of scandals reported daily in the newspapers. High-profile cases include that of Anglo-Leasing, the increase of the mileage allowances of MPs (reported as a case of political blackmail) and the less publicised increase (illegal, according to Parliament) of the salaries of Ministers. Former Ministers, some barely one year out of Government, are openly critical of Government action giving a totally misleading impression of being in opposition. since the victory of the coalition over KANU.

Political efforts are focussed on the 2007 elections and this has an inhibitive effect on Government action, particularly in the field of reform and fighting corruption. Two leading opposition leaders, Hon. Uhuru KENYATTA and Hon. Raila ODINGA actually sat around the same table to discuss with the Delegation, whereas this has not been possible in the atmosphere of personality rivalry.

After a long break, the Cotonou Article 8 Political Dialogue resumed with a meeting on 5 May between the EU Troika and Foreign Minister Tuju. This apparently focussed on good governance and tackling corruption, including that in government and judicial circles.

ROLE OF THE PARLIAMENT

The political atmosphere created after the defeat of the referendum on the Constitution - break-up of the coalition, personality rivalry, focus on the 2007 elections - has had the effect of diminishing the role of Parliament, which appears to be sidelined by Government. [0] There is no apparent opportunity for Parliamentarians to play a full role holding the Executive to account. It was disturbing to learn that Parliament was neither associated nor involved in the ongoing EPA negotiations at the level of the region whereas it will be called upon to ratify the Agreement setting up the Economic Partnership. There were also efforts to water down the Sexual Offences Bill through amendments aimed at decriminalising rape in marriage in the name of feudal tradition. The last news was that there were chances of the rejection of the proposed amendments.

The information that Cabinet no longer meets has not been verified but if such is the case, that is not helpful for good governance, an essential element of the Revised Cotonou Agreement.

SOCIO-ECONOMIC CONSIDERATIONS

Kenya's economic growth (5%) has been significant though far from outstanding, with 57% of people living under the poverty line as against 48% in 2000. With drought affecting a large part of the country and donors increasingly inclined to withhold aid as Government fails to stem corruption, Kenya faces huge challenges if it is to achieve the MDGs within the prescribed period.

Visiting the North-Eastern Region, the Delegation learnt that some 80% of the population were nomadic pastoralists. Over the years, population growth, increased by periodic inflows of refugees, has led to larger numbers of livestock, upon which the people depend, and which has led to the degradation of an already poor environment compounded by recurrent, and increasingly frequent, droughts. In some areas 75% of livestock has perished. Restocking will be necessary but not to previous levels. Improvement of the viability of agriculture with irrigation projects would help to avoid further environmental degradation and break the pattern of increasing livestock which are then decimated.

In the general context of global environmental degradation coupled with cyclical droughts, pastoralism, the mode of life of the north of the country, is and will continue to be unsustainable and should therefore be replaced gradually through viable long-term solutions which take into account the socio-cultural fabric of the pastoral communities. International humanitarian emergency assistance, welcomed as it is, cannot be the long-term solution, nor can the digging of boreholes which create difficulty being new water points which do not, in most cases, blend with the pattern of movement of communities during droughts. Irrigation seems to be the ideal solution, but again, the long drought has seriously affected even hitherto perennial rivers.

Kenya prides itself on its institutions of higher education; it actually exports teachers and administrators, notably to neighbouring countries and also provides training. There are, however, glaring imbalances, with the North generally trailing behind the rest of the country.

Improving provision for education, especially by establishing boarding primary schools, should go hand in hand with other improvements, as the nomadic nature of pastoralism means school attendance is low. Whilst the Government's abolition of primary school fees is much to be welcomed, the Delegation noted on their visit to Mandera that insistence that children wear a uniform to school was a major factor in preventing enrolment. They also learnt that in periods of drought the drop-out rate is much higher for girls than boys. As it is the woman's task to fetch water, scarcity means that this takes much more time than usual and girls previously in school have instead to help fetch water or to look after their siblings whilst the mother does so.

Although there is considerable solidarity between communities during the droughts, when these seem to be over conflict often occurs over access to resources. Traditional conflict between tribes, largely in the form of cattle rustling in pastoralist areas, has become much more deadly with the easy availability of small arms. Tackling this will require not only better security provision by the Government so that communities no longer feel they require arms to defend themselves but also better regulation of access to those resources which are available, a significant increase in these resources being of course also desirable.

As the drought in the north-east eases with the fall of relatively good long rains, water-borne disease among the populace increases, as people drink the now more readily available water without boiling it. Livestock weakened by lack of water and food often succumb as temperatures fall. Elders in Mandera and local MPs complained that the area had been largely ignored by successive governments. Much more investment was needed in roads, water, health and education.

VISIT TO KIBERA

The urban slum of Kibera illustrates neglect and lack of investment in health, housing and water/sanitation. People living in horrific squalor points to the much publicized corruption. The magnitude of the problem posed by Kibera is such that the Minister of Finance characterized it as an "International Concern". A slum upgrading programme with the participation of UNEP to provide housing at affordable rent for low-income households with an option to purchase has been adopted.

Médecins Sans Frontières is active on the spot and works with the Ministry of Health, offering primary health care and free testing for HIV/AIDS and counselling as well as training personnel and providing treatment for opportunistic diseases. It prefers to avoid special clinics for AIDS where possible as part of its efforts to remove the stigma attached to that disease. It runs Post-Test Clubs which provide mutual support and help build confidence amongst the HIV-positive.

Efforts by MSF to expand its activities through the construction of a health centre on land already provided has been hampered for the past three years by bureaucracy: because permission to construct has not been given. This issue was raised with the Head of State who promised to follow it up personally (and inform the Delegation later). The local MP advised that Spain had promised to build a medical centre for free medical services.

CONCLUSIONS AND RECOMMENDATIONS

The link between corruption and MPs' perks, on the one hand, and the distress witnessed by the Delegation in Kibera and in Mandera on the other, includes the negative effect on donors, whose help is likely to be required for quite some time to come. The Netherlands has frozen funds for a water project with UNICEF; the European Union is considering whether to stop or curb direct budget support.

Kenyan MPs have a vital role to play, and the criticism of their high salaries and their recent allocating to themselves a significant increase in mileage allowances weakens their capacity to play that role. It is for them to insist that the Government pursue investigations of corruption, and particularly corruption where members of the current government have apparently been involved. The Parliament's recent adoption of its Public Accounts Committee report on corruption is a good sign.

It is also their role to insist that the Government tackle long-standing social problems like the misery in the Kibera slum and the current crisis occasioned by the drought (also part of persistent neglect of the areas like Mandera). Relief work in drought-stricken areas ought to be temporary. ECHO is supposed to provide humanitarian aid and then withdraw. Long-term assistance creates dependence and is inimical to sustainable development. It is difficult, however, to envisage such a withdrawal when the current crisis has abated without there being proper development programmes in place.

LRRD - the Linking of Relief, Rehabilitation and Development - cannot be achieved without the Government prioritising drought-stricken areas like Mandera in its National Indicative Programme, for only then can EU development aid be directed to these areas. MPs must realise that such direction depends on their government providing for it in the NIP. Kenya's lack of progress towards achievement of the Millennium Development Goals, with 57% of its population below the poverty line (living on less than one dollar a day) must be urgently addressed. The donor community must help the Government to work out a long-term strategy. The JPA Delegation proposed that Parliament ask the EU/European Commission Delegation to hold seminars for MPs (something they do regularly for ministries) to explain exactly the link between EU funding and the NIP, as well as the aims and state of negotiations on the Economic Partnership Agreement being negotiated.

The recent call by Parliament for a tripling in size of the Constituency Development Fund, originally established in 2003, ought to be able to help neglected areas like the North East. The CDF monies are to be used to build schools, clinics and police posts, repair roads and bridges and give bursaries to needy children. However, the functioning of the CDF and its committees in each constituency has been criticised and court cases are pending. MPs have the principal role in the appointment of CDF committees and thus in the allocation of funds. They should ensure that safeguards are built in to ensure they fulfil this role efficiently and transparently. It would also seem necessary to strengthen the Fund's mechanisms to ensure that it can cope with the significant additional resources now being called for.

Transparency in public finances is a vital part of good governance. This is a general principle which clearly applies also to the CDF. It also applies to the direct budget support being given by the EU which, the Delegation was told, is not actually shown in the public accounts. Both the EU and the Kenyan Parliament should insist that it is so shown in the future. The Parliament's Finance Committee should put this matter on its agenda for urgent attention. They might note that in Mandera it was alleged to the Delegation that a particular school project was being doubly or triply financed by donors including the CDF, each supposedly believing it was paying the project's full costs. MPs should also question the Finance Minister/NAO as to what was spent under the 9th EDF and with what effect.

Kenyan MPs should also insist on their being involved in their government's negotiations on the Economic Partnership Agreement being worked out with the EU. It is important to ensure that any EPA with the region is, in the first place, an instrument for development, and only in the second place an instrument for trade. The negotiations themselves are conducted by the governments of the Eastern and Southern African states, but they should be closely monitored by MPs, who should also ensure the involvement of civil society.

The Delegation was concerned to learn that proposed changes to the Sexual Offences Bill could remove rape and violence within the marriage from its remit. They also stressed in their meetings with Kenyan politicians the need to outlaw female genital mutilation. Counter arguments that it was part of traditional practices among the (relatively limited number of) tribes who practised it are not a valid reason for not trying to use the force of the law to stamp it out. Cultures change, and there is no reason why any elements inconsistent with a humane society should not disappear.

Article 8 of the Cotonou Agreement provides for political dialogue between the EU and each of the ACP parties. As mentioned above, EU-Kenya dialogue has just resumed, and it is important that it continue on a regular basis, with an agenda of issues to be tackled. The Kenyan Parliament should be kept informed of its progress by their government and expect to see concrete and positive results resulting therefrom. Successful continuation of such dialogue will help to deflect any calls from donors to restrict aid.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

THE CO-SECRETARIAT

ACP-EU JPA Fact-finding mission to Kenya 3-7 May 2006

PROGRAMME

Wednesday 3 May - Travel

Arrivals and transfer to Hotel Serena

22.00 Briefing by Eric van der Linden, Head of EC Delegation

Thursday 4 May - Nairobi

08.15 District Officer of Kibera
09.00 MSF HIV/AIDS clinic, Kibera
10.15 Kibera South Health Centre
11.50 Hon. Francis ole Kaparo, MP, Speaker of the National Assembly of Kenya
13.00 Lunch with HOMs hosted by Austrian Ambassador as EU Presidency, Hilton Hotel
14.15 Attend Parliamentary sitting
14.30 Hon. Moody Awori, MP, Leader of Government Business
16.00 Hon. Uhuru Kenyatta, MP, Leader of KANU + Hon. Raila Odinga, MP, Leader of LDP
17.10 Hon. Stephen Kalonzo Musyoka, MP, LDP
19.00 Reception offered by Head of EU Delegation at Serena Hotel

Friday 5 May - Nairobi

- 09.00 Hon. Raphael Tuju, MP, Minister for Foreign Affairs
10.15 Hon. Kipruto Arap Kirwa, MP, Minister of Agriculture
11.20 H.E. the President Hon. Mwai Kibaki, MP, State House
14.00 David Nalo, Permanent Secretary, Ministry of Trade and Industry
15.45 Hon. Amos Kimunya, MP, Minister of Finance
19.00 JPA Delegation meeting
20.00 Dinner hosted by H.E. Adam Wood, British High Commissioner, with
journalists and representatives of human rights organisations

Saturday 6 May - Mandera and Nairobi

- 07.30 Departure by air to Mandera, ECHO flight
09.30 Benjamin Nzioka, Acting District Commissioner + District Drought
Officer
10.15 Briefing at Action Contre la Faim compound by ACF, ECHO, Islamic
Relief, CARE International, UNICEF, WFP
10.45 Garbagoley, ACF well rehabilitation project
11.45 Visits to beneficiaries of supplementary feeding programmes, ACF
12.30 Lunch at Islamic Relief compound with local MPs and local authorities
and Elders
14.00 ACF Feeding Centre
15.00 CARE latrine construction project at main hospital
16.00 Depart for Nairobi
19.00 JPA Delegation meeting

Sunday 7 May- Nairobi

Departures

