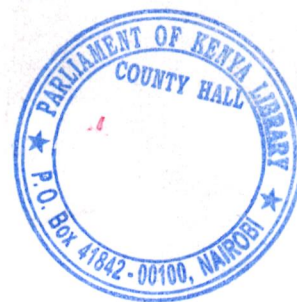


Room 8



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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT  
(Fourth Session)

REPORT OF THE 18<sup>TH</sup> SESSION OF THE ACP-EU JOINT  
PARLIAMENTARY ASSEMBLY (JPA) AND RELATED  
MEETINGS

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Luanda, Angola  
November 24 to December 4, 2009

CLERKS CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

December, 2009

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## PREFACE

Mr. Speaker,

The 18<sup>th</sup> Session of the ACP-EU Joint Parliamentary Assembly (JPA) and related meetings took place at the National Assembly of Angola, Luanda, from 24<sup>th</sup> November to 3<sup>rd</sup> December, 2009. The Session was a follow-up to the one held in Czech Republic in April, 2009. Kenya, was represented by the Hon. (Prof.) Margaret J. Kamar, MP and the Hon. Musikari Kombo, EGH, MP. The delegating was accompanied by Mr. Samuel Njoroge, Clerk Assistant.

Mr. Speaker,

The Joint Session was preceded by meetings of the three Standing Committees on Social Affairs and the Environment, Economic Development, Trade and Finance and Committee on Political Affairs. They presented reports on topical issues such as *Social and cultural integration and the participation of young people; the social impact of the global crisis; Impact of the financial crisis on the ACP States; Economic and financial impact of climate change on the ACP States, Global governance and the reform of international institutions; The Role of Free and Independent Media and the Political situation in ACP states.* The reports were thereafter discussed in the Joint Assembly, where they were adopted and resolutions made.

At the same time, the ACP Parliamentary Assembly (ACP-PA) held a meeting wherein it considered issues affecting the members-states. The ACP-PA also adopted motion on the Eritrea/Djibouti Border for consideration by the Joint Parliamentary Assembly, JPA.

The Joint Parliamentary Assembly was later opened by H.E. Jose Eduardo dos Santos, President of the Republic of Angola. The JPA dealt with major issues related to the ACP-EU partnership and made resolutions on- *Climate Change; on the impact of the financial crisis; on the ACP States; on social and cultural integration and participation of young people; on the situation in Madagascar; on global governance and the reform of international institutions.*

At the JPA, Member states also asked question to the EU Commission especially on Climate Change, the Lisbon Treaty and the renegotiation of the Cotonou Agreement.

Mr. Speaker,

At the end of the ACP-EU Joint Parliamentary Assembly (JPA), the Kenyan delegation rallied the JPA membership to call for the elevation of UNEP in Nairobi into a global environment body. The delegation explained that dealing with environment issues at various United Nations agencies and international organizations did not forge the requisite coherency and cohesion in tackling environmental problems. Therefore, it was necessary to come up with one global body quoting the World Trade Organization and World Tourism Organizations as cases in point. In this regard, the JPA on December 3rd, 2009 adopted a resolution calling for the upgrading of the UNEP in Nairobi. The resolution in part read - "the ACP-EU calls for the upgrading of the United Nations Environment Programme (UNEP) into a fully fledged World Environment Organization to be based in Nairobi enhanced with adequate capacity to address the severity of the environmental catastrophe and related challenges in the world".

In doing so, the delegation echoed the call by President Mwai Kibaki who, at the African Summit of the Group of Ten on Climate Change in Addis Ababa, Ethiopia, in October 2009, urged his colleague Africa leaders to join hands in pushing for the upgrading of the United Nations Environment Programme (UNEP) into a fully fledged World Environment Organization to be based in Nairobi.

Mr. Speaker,

The JPA also discussed matters of trade, the revision of the Economic Partnership Agreements (EPAs) of the Cotonou Agreement and the effects of the Lisbon Treaty on the ACP states.

At the Assembly, Kenya was nominated to be the 1<sup>st</sup> vice-Chair of the Standing Committee on Social Affairs and the Environment for the next two years. The decision will be ratified in the next meeting of Committees in January, 2010.

This Report contains salient issues that were discussed at the Meeting and that have implications on our country, especially on Economic Partnership Agreements, the European Development Fund, Climate Change and Global Governance.

The delegation is grateful to the Speaker for allowing it to attend the Session, for facilitating travel and accommodation and providing logistical and technical support in liaison with the office of the Clerk.

On behalf of the delegation I wish to present and commend this report to the House for adoption.



Hon. (Prof.) Margaret J. Kamar, MP

LEADER OF THE DELEGATION

December, 2009

REPORT OF THE 18<sup>TH</sup> SESSION OF THE ACP-EU JOINT  
PARLIAMENTARY ASSEMBLY (JPA) AND RELATED MEETINGS HELD  
ON NOVEMBER 24, TO DECEMBER 3, 2009 IN LUANDA, ANGOLA.

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Introduction

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

Composition and working methods

3. The representatives of the 77 ACP states, who, under the Cotonou Agreement, must be members of Parliament, meet their 77 European Parliament counterparts in plenary session for one week twice a year. The Joint Parliamentary Assembly meets alternately in an ACP country and an EU country. The institution is governed by common, democratic rules.
4. Two co-presidents who are elected by the Assembly direct its work. Twenty-four vice-presidents (12 European and 12 ACP) who are also elected by the Assembly constitute the Bureau of the Joint Parliamentary Assembly, together with the two co-presidents. The Bureau, meets several times a year in order to ensure the continuity of the work of the Joint Parliamentary Assembly and to prepare new initiatives aimed notably at reinforcing and improving

cooperation. It also considers topical political questions and adopts positions on all human rights cases.

5. Three Standing Committees have been established to draw up substantive proposals, which are then voted on by the Joint Parliamentary Assembly. These Committees, which will begin their work in March 2003, are:-
  - (i) Committee on Political Affairs;
  - (ii) Committee on Economic Development, Finance and Trade;  
and ,
  - (iii) Committee on Social Affairs and the Environment
6. The Assembly regularly forms exploratory or fact-finding missions. The members of the Joint Parliamentary Assembly are thus in direct contact with the situation on the ground in the various developing countries which are signatories of the Cotonou Agreement.
7. The impact of the work of the Joint Parliamentary Assembly thus goes well beyond economic considerations and embraces the fundamental objectives of the development of mankind and the establishment of peaceful relations between the nations of the world. The ACP-EU Joint Assembly is a democratic, parliamentary institution, which aims to promote and defend democratic processes in order to guarantee the right of each people to choose its own development objectives and how to attain them.

#### **Initiatives taken by the Joint Parliamentary Assembly**

8. The Joint Parliamentary Assembly has made an active contribution towards implementing and reinforcing successive ACP-EU Conventions and has put forward numerous proposals, including, the upgrading of the role of women in the development process, the integration of environment policy in development projects, promotion of Trade as a tool for development, particularly by way of the Economic Partnership Agreements foreseen in the Cotonou Agreement, the drawing-up of rural development programmes and

micro-projects tailored to the needs of specific communities and the promotion of regional, political and commercial cooperation

#### **Membership and Structure of Meetings**

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

Some features of the ACP-EU and the Cotonou Agreement related to Kenya.

#### **Economic Partnership Agreements (EPAs)**

10. As of 2002, the European Union and the individual and groups of countries that together make up the African, the Caribbean and Pacific [ACP] Group of states have been negotiating "free trade" Economic partnership Agreements (EPAs). The general framework for negotiating EPAs is found the Cotonou Agreement. The general objective of EPAs is defined as the "sustainable development of the ACP states, their smooth and gradual integration in the world market, and the eradication of poverty".

#### **EPAs and WTO compatibilities**

11. For ACP countries, the main aim is to achieve extension by the EU of special preferential market access and technical assistance they received under previous arrangements, especially the Cotonou Agreement. However, other countries that are members of the world Trade Organization [WTO] complain that their economic interests are being threatened by these. The EU is aware of the real threat of the legal challenge being brought against it by third countries against the trade preferences offered by the EU to ACP countries through the WTO dispute settlement mechanism, and is eager to conclude, with ACP countries, new arrangements that are compatible with WTO rules. The EU is faced with two options: either to extend its current unilateral trade preferences now granted to ACP countries to other non-ACP countries that are members of the



WTO, or to negotiate new trade agreements with ACP countries to reciprocate in opening their markets to the EU.

#### State of EPA negotiations

12. The ACP Group of states is made up of 79 countries; 48 of these are from sub-Saharan Africa, while 16 are from the Caribbean and 25 from the Pacific. Since the negotiations are in six different regional groupings making the negotiating landscape increasingly complex. Most ACP countries have entered into EPA negotiations with the EU with the aim of having their preferences to the EU market extended. Further, most of them are increasingly resisting the EU deadlines for completion. A first full regional EPA was initiated with the Caribbean region (CARIFORUM), and later signed. A number of interim agreements have been initiated or signed by specific countries or regions in Africa and the Pacific. The East African Community Member-States have initiated interim EPAs. Most ACP countries are of the view that the impacts of Intellectual Property Rights (IPRs) on food security and biodiversity conservation is likely to be immense. In this regard, they have continuously campaigned against their inclusion in EPAs and insisted that they can only to continue with non-contentious issues within EPAs.

#### Interim EPAs

13. Since 2007, and given that the Cotonou Agreement and a WTO waiver that covered it were set to expire, the EU and ACP started to negotiate and conclude "interim agreements" compliant with WTO rules covering trade in goods. The objective was to secure ACP access to EU markets and allow negotiations towards full EPAs to continue without legal challenge from other WTO members. In the same way as full EPAs, interim EPAs establish rules to regulate trade between the EU and ACP countries until they are replaced in another trade agreement. However, the ACP is of the view that the EU is pushing EPA negotiations to include issues that are of interest to the EU such as government procurement and IPRs but which were not included in the previous agreements. This causes major difficulties for ACP negotiators. There

is also a general feeling that for parliamentarians and other stakeholders, there is a lack of transparency and information on the status of negotiations on these sensitive issues.

14. In addition, it is the view of most ACP states that the inclusion of IPRs in EPAs works against the principle that EPAs should maintain a development-friendly orientation, contribute to regional integration process and grant special and differential treatment to ACP countries. In this regard, they advance that there is no valid basis for the EU to advanced the idea of stronger IPR protect in the EPAs beyond those provided for under TRIPS.

#### The European Development Fund (EDF)

15. The European Development Fund (EDF) is the main instrument for providing Community aid for development cooperation in the ACP States. The 1957 Treaty of Rome made provision for its creation with a view to granting technical and financial assistance, initially to African countries which at that time were still colonised and with which some Member States had historical links. Even though a heading has been reserved for the Fund in the Community budget since 1993 following a request by the European Parliament, the EDF does not yet come under the Community's general budget. It is funded by the Member States, is subject to its own financial rules and is managed by a specific committee.
16. The aid granted to ACP States and OCTs continue to be funded by the EDF, at least for the period 2008-2013. Each EDF is concluded for a period of around five years. Since the conclusion of the first partnership convention in 1964, the EDF cycles have generally followed the partnership agreement/convention cycles. With the Ninth EDF running from 2000-2007 and the Tenth EDF lasting from 2008 to 2013 under the Revised Cotonou Agreement.
17. The EDF consists of several instruments, including grants, risk capital and loans to the private sector. The previous *Stabex* and *Sysmin* instruments designed to

help the agricultural and mining sectors were abolished by the Cotonou Agreement signed in June 2000. The agreement also streamlined the EDF and introduced a system of rolling programming, proposing greater flexibility intended to give the ACP States greater responsibility.

#### The Ninth and Tenth EDF

18. The ninth EDF was allocated Euro 13.5 billion for the period 2000-2007 in addition to the unexpended balances from previous EDFs totaling Euro 9.9 billion. The tenth EDF covers the period from 2008 to 2013 and provides an overall budget of EUR 22,682 million. Of this amount, EUR 21 966 million is allocated to the ACP countries, EUR 286 million to the OCT and EUR 430 million to the EU Commission as support expenditure for programming and implementation of the EDF. The amount for the ACP countries is divided accordingly: EUR 17 766 million to the national and regional indicative programmes, EUR 2 700 million to intra-ACP and intra-regional cooperation and EUR 1 500 million to Investment Facilities. An increased share of the budget is devoted to regional programmes, emphasising the importance of regional economic integration as the basic framework for national and local development. An innovation in the tenth EDF is the creation of "incentive amounts" for each country. The Member States have their own bilateral agreements and implement their own initiatives with developing countries that are not financed by the EDF or any other Community funds.

#### Meetings of the Joint Committees

19. The Joint Meetings of the ACP and EU Standing Committees also took place on November 28, 2009 and discussed several matters as follows:-

#### Committee on Social Affairs and the Environment

20. The Committee discussed its report on Social and cultural integration and the participation of young people as presented by the Co-rapporteurs: Mr Manuel Jiménez (Dominican Republic) and Mr Olle Schmidt (UE) and also considered amendments to the said report.

21. Further Members adopted their draft Report on the *social impact of the global crisis* as presented by the Co-rapporteurs: Mr. Gibson Hlophe (Swaziland) and EU co-rapporteur. It was agreed that the Report be forwarded to the ACP-EU Social and Cultural integration and the participation of young people  
In their remarks, the co-rapporteurs highlighted the importance of addressing young peoples' issues by ACP and EU governments. They called on governments to enhance transparency in decision making regarding young people. He pointed out that the EU, in particular, has a responsibility to deal with young people in its common migration policy. The report urges governments to mainstream youth issues into all policy-making and enhance coordination between youth policies and other policy areas, directly affecting the youth.
22. The European Commission representative, Mr. Anton Jensen, DG Development, highlighted the steps taken by the Commission to address the concerns in the report. During the exchange of views, members stressed the importance of quality education as it could lead to the reduction of unemployment. Members also called for the review of the education system to best suit the training needs of young people in the future.
23. The Committee also did follow-up on the Commission on the resolution on the social and environmental consequences of climate change in the ACP countries, adopted in Prague (Czech Republic) on 9<sup>th</sup> April 2009. A representative from the European Commission, Mr. Walter Kennes, DG Development, briefed the Members on the initiatives taken by the Commission to address climate change. He stressed the need of forming a global climate change alliance. He also stated that discussions were underway with partner countries to deal with climate change as an urgent matter. He further underlined the Commission's ambitious plans to cut 30 percent reduction in emission. The representative also stated that they were looking at innovative new ways and resources to address climate change.

24. During the exchange of views on the matter of Social impact of the global crisis, a representative from the World Bank, Mr. Zia Qureshi presented a report on the global financial crisis and its effects on the developing countries. He highlighted that poverty would continue to rise in many countries and growth collapses were costly for human development outcomes. Similarly, the regional representative of the International Organisation for Migration, noted that ACP countries were amongst those hardest hit by the crisis. He stated that it also led to more labour restrictions in many host countries, which resulted in new return migration programmes targeting unemployed immigrants. Following the presentations, members extensively exchanged views highlighting concern on the growing number of hungry people around the world. Members noted also that developing countries were not also meeting their commitments pertaining to the MDGs.

#### Committee on Economic Development, Finance and Trade

25. The Committee adopted its draft agenda and approved minutes of the previous meeting held on September 30, 2009 in Brussels, Belgium. The meeting also considered and adopted amendments on the proposed resolution on - Impact of the financial crisis on the ACP States. A report on the same was also debated and agreed on for adoption by the JPA. The report was presented by the co-rapporteurs, Hans-Peter Mayer (EU) and Mugambe (Uganda, representing the ACP).
26. The Joint Meeting also considered and exchanged views on the topic, Economic and financial impact of climate change on the ACP States and as presented by the co-rapporteurs. On subject of the Committee's 14th report, it was decided that a draft report on "Post-Copenhagen: technology transfer, new technologies and technical capacity building in the ACP countries" be made.

#### Committee on Political Affairs

27. Having adopted the minutes of its previous meeting, the Joint Committee considered amendments to its Draft Report on "Global governance and the reform of international institutions" as presented by the Co-rapporteurs, Messrs Ronald Ramotar (Guyana) and Miguel Angel Martínez Martínez. The Report was thereafter adopted, as amended.
28. The Committee also exchanged views on its next topic, "the Role of Free and Independent Media" which was co-rapporteured: Messrs Reiner Wieland (EU) and Jean Rodolphe Joazile (Haiti). Members also exchanged views on the on the political situation in ACP and EU countries and other Urgent and topical subjects. The European Commission also undertook to monitor the human rights situation in the Mahange mining region of Zimbabwe.

#### Meetings of the ACP-PA

29. The ACP Parliamentary Assembly also held a meeting under the chairmanship of the ACP co-president, Mr Wilkie Rasmussen. At the Meeting, Members adopted a resolution of the ACP-PA adopted a Motion on the Eritrea-Djibouti Boarder Conflict. The Motion called on the government of Eritrea to cooperate, end its occupation of the Ras Doumeira and to fully respect human rights and fundamental freedoms.

#### Meetings of the Bureau

30. The Bureau met and approved the draft agenda and work programme for the 18th Session of the Joint Parliamentary Assembly. It also approved the motions for resolutions on urgent topics, pursuant to Article 7(3) of the Rules of Procedure. These were on "Climate Change" and "The Situation in Madagascar".

## Overview of the 18<sup>th</sup> ACP-EU JPA

### Opening session

31. The formal Session was opened by President of the Republic of Angola José Eduardo Dos Santos. He was flanked by the Speaker of the Angola National Assembly, Mr. Fernando da Piedade Dias dos Santos. At the opening session, the Co-Presidents, Wilkie Rasmussen, (ACP) and Louis Michel (EU) asserted that official development aid (ODA) must continue to grow and not suffer from the current economic and financial crisis. The speakers also insisted that additional funds should be released to help developing countries combat the food crisis and climate change, and that the money ought not to be deducted from current development aid. They also supported the proposal that the ACP-EU Assembly should play in ACP-EU economic partnership agreements (EPAs).

### Meetings of the JPA

#### Resolutions, Declarations and Reports adopted

32. The JPA adopted resolution and reports and also made declarations on the following-
- (i) Climate change;
  - (ii) Situation in Madagascar;
  - (iii) The impact of the financial crisis on the ACP States;
  - (iv) Global Governance and the Reform of International Organisations;
  - (v) Social and cultural integration and participation of young people;
  - (vi) HIV/AIDS;
  - (vii) Declaration on Niger; and,
  - (viii) Luanda Declaration on the Second Revision of the ACP-EU Partnership Agreement (Cotonou Agreement).

#### Resolution on Climate Change

33. The JPA agreed that the Copenhagen Summit should have an agreement based on differentiated responsibility. The ACP-EU JPA called for a legally binding agreement to be reached in Copenhagen by the end of the year, coming into

force on 1 January 2013. The agreement should place the emphasis on "fairness and social justice" and be based on the principle of a "common but differentiated responsibility", with the industrialised countries taking the lead in reducing their domestic emissions while the developing countries and the emerging economies also commit themselves to taking nationally appropriate mitigation actions, says the resolution. According to the resolution, climate change has already pushed over 12 million people into poverty, while 300.000 people are dying every year from its adverse effects, and 20 million more will fall into poverty by 2030. The Least Developed Countries, which have limited capacity and lack resources to adapt to climate change, will suffer the most although they have contributed the least to global warming. The ACP-EU Assembly called on industrialised countries to take the lead in addressing the climate change issues by making legally binding commitments to reduce emissions by 25 to 40 % below 1990 levels by 2020, and by between 80 and 95% below 1990 levels by 2050. The EU and emerging and developing countries' governments were also urged to actively integrate environmental, social and climate change dimensions in country and regional strategy papers as well as in all development programmes and projects.

Additionally, the international community was urged to identify and address the legal shortfalls that exist in respect of the protection of people affected by climate-induced displacement and migration and to initiate a specific assistance and protection system.

#### **Elevation of UNEP in Nairobi**

34. The Kenya delegation rallied the JPA membership to call for the elevation of UNEP in Nairobi into a global environment body. The delegation explained that dealing with environment issues at various United Nations agencies and international organizations did not forge the requisite coherency and cohesion in tackling environmental problems. Therefore, it was necessary to come up with one global body quoting the World Trade Organization and World Tourism Organizations as cases in point. Adopting the resolution on Climate



Change, the Assembly adopted the amendment which read in part that - "the ACP-EU Assembly calls for the upgrading of the United Nations Environment Programme (UNEP) into a fully fledged World Environment Organization to be based in Nairobi enhanced with adequate capacity to address the severity of the environmental catastrophe and related challenges in the world"

#### Declaration on Situation in Madagascar

35. The ACP-EU Assembly condemned the seizure of power in Madagascar, called for a return to constitutional order and insisted that the Malagasy Parliament must be reinstated immediately and involved in the efforts to resolve the crisis. The JPA condemned the seizure of power in Madagascar. According to the ACP-EU Assembly, this amounted to "nothing less than a coup d'état". The Meeting was informed that the African Union and the Southern African Development Community (SADC) have since suspended Madagascar from both organisations' membership.
36. The Assembly called for a return to constitutional republican order and asked the four political groupings involved to reach consensus on the sharing of positions of responsibility and government posts, in accordance with Maputo and Addis Ababa commitments. Members asked that an international independent inquiry be put in place to assess human rights violations and called on the international community and the EU to gradually resume aid to Madagascar, as soon as the transitional institutions of the government of national unity are in place.

#### Resolution on the Impact of the Financial Crisis on ACP States

37. In the resolution fronted by Co-rapporteurs, Joseph K. Mugambé (Uganda) and Hans-Peter Mayer (Germany), the ACP-EU JPA noted the impact of the economic and financial crisis jeopardizes advances made, as well as the achievement of the Millennium Development Goals. The EU was required to play a decisive role in mitigating the immediate and long-term effects of the crisis on ACP countries. The effects of the crisis should also be taken into

account in the negotiations of the Economic Partnership Agreements, (EPAs). The Assembly encouraged donor countries and ACP countries to direct short- and medium-term spending towards the poorest population strata and key sectors (health, education, agriculture and rural infrastructure, job creation, water for drinking and for production sectors).

38. The Assembly urged donor countries to further explore existing possibilities in terms of additional and innovative sources of financing for development, such as an international financial transaction tax, and to identify new ones. On the other hand, it called on ACP countries to increase good governance and transparency in national finances in order to improve budget predictability, implementation and control. The resolution called on the EU Member States and on rich countries to cancel the foreign debts of all impoverished countries, without onerous economic policy conditions. Further, the Assembly recalled the need, amplified by the economic crisis, for EU Member States to implement an approach to migration which is respectful of human rights and in accordance with development objectives.

#### Resolution on Global governance and reform of international institutions

39. Global institutions should be more representative, democratic and inclusive, allowing developing nations, in particular in Africa, to be more influential and to enjoy greater decision-making capacity. The Assembly asked the G20 to give G77 members a seat at the negotiating table. Members insisted on fairer voting rights for developing and emerging economies on the International Monetary Fund (IMF) executive board and the World Bank board of governors and called for a new double-majority voting system based on one-member-one vote, as well as on economic weight.
40. The resolution also called for an end to the US right of veto at the IMF and World Bank and urged the UN Security Council to enlarge its membership. The Assembly also urged G20 members and the EU and ACP countries to take speedy action to eradicate tax havens and combat banking secrecy, stepping up

international cooperation, automatic information exchange, country-by-country reporting standards for multinationals and capacity building in countries affected by capital flight.

41. Members looked forward to the G20's promised countermeasures against tax havens as of 2010. Members exhorted governments to cap executive pay to "avoid obscene levels of remuneration", and to regulate incentive schemes in the financial sector that threaten the stability of the system.

#### Resolution on Social and cultural integration and the Participation of Young People

42. Governments should give more attention to young people aged 15-24, who represent 31% of the population of the developing countries. Members called for a better access to education, employment and technologies to young people, in a resolution adopted on the ACP-EU from a report of the Committee on Social Affairs and Environment Committee.
43. The Assembly called on the EU to enhance the protection measures for all young third country nationals working legally in Europe by working towards a definition of the status of semiskilled and non-skilled labour. The EU and ACP governments should also create programmes to curtail brain drain of young people from developing countries. The Assembly called on EU Member States to ensure respect of young migrants' rights and the same access to education, social services and economic opportunities as those enjoyed by the citizens of the given country. The Assembly also called on ACP and EU governments to establish programmes that reduce school drop-out rates, youth illiteracy and improve the quality of basic education. Members also called for universal ICT access for young people and urge governments to provide grants and concessional loans to students from developing countries who would like to enroll in tertiary education.

44. The need to create more favourable conditions for young entrepreneurs, facilitating access to micro-credit for young people, was also highlighted in the resolution. In the cultural field, the Assembly called on the international community and EU and ACP governments to focus on preserving traditional handicrafts by allocating more funds to vocational training, manufacturing possibilities and to support sales and marketing of these products and to improve market access opportunities for cultural goods and services, especially those produced by young people, and to improve the mobility of cultural goods and services.

#### Declaration on HIV/AIDS

45. ACP-EU Co-Presidents called for reasonable access to antiretroviral drugs. On World Aids Day, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, Louis Michel (Belgium) and Wilkie Rasmussen (Cook Islands), called for HIV/AIDS infected people to be given access to reasonably priced anti-retroviral drugs. According to the Co-Presidents, this demonstrates the efficiency of prevention campaigns and retroviral treatments, which have helped to save 3 million lives since 1996. The members of the JPA respected a minute of silence in memory of the victims of the pandemic.

#### Declaration on Niger

46. The ACP-EU Joint Parliamentary Assembly held a debate on the current political situation in Niger. According to the JPA, the action of President Mahmmadou Tandja violated the Constitution of Niger when he held a constitutional referendum on 4 August 2009, allowing the him to stay in power for three more years. It was noted that he organised unconstitutional parliamentary elections on 20<sup>th</sup> October 2009, which were widely boycotted by the opposition. This constituted also a clear violation of the essential elements of the Cotonou Agreement. The Assembly called on Niger to respect its commitments under the ACP-EU Partnership Agreement and endorsed the international condemnation of Niger, particularly its suspension from ECOWAS and the EU's freeze of budget support.

47. The Members called on the President and the authorities of Niger to return to constitutional order as soon as possible and to uphold democracy and the rule of law. At the end, the JPA decided to lower the status of the Niger delegation at this session to observer level.

**Luanda Declaration on the Second Revision of the ACP-EU Partnership Agreement (Cotonou Agreement)**

48. The Session noted that the current revision of the Cotonou Agreement does not include negotiations for a new European Development Fund (EDF) since the 10th EDF does not expire until 2013 and that the third revision of the Cotonou Agreement is foreseen for 2015 and will therefore fall two years after the expiry of the 10th EDF. The Assembly emphasised that the second revision of the Cotonou Agreement should strengthen the principal objectives of the Agreement, which are the eradication of poverty, promotion of sustainable development, gradual and effective integration of ACP States into the world economy, preservation and strengthening of the 'Lomé acquis', as well as enhancing ACP unity, cohesion and solidarity.
49. On economic and trade cooperation, it was agreed that the trade and economic cooperation chapter should be modified to take account of the expiry of the Cotonou trade regime. Further new provisions for trade regimes to govern ACP-EU trade should, while in line with WTO requirements, take account of the interests and concerns of all ACP States in the light of their different levels of economic development and structural constraints, irrespective of whether or not they have concluded or renounced EPAs. The Assembly called for the establishment of a broad-based review to ensure that EPAs meet their objectives and ensure that the European Commission holds full consultation with the ACP Group before entering into any commitments liable to adversely affect the economic integration of ACP regions or ACP-EU trade relations. It was also agreed that the revision of the Cotonou Agreement should not put undue pressure on ACP States to conclude EPA negotiations.

50. On Political dimension, the Assembly agreed that provision be made in the Cotonou Agreement to allow the JPA to scrutinise the implementation of the country and regional strategies. It was further observed that the ACP national parliaments play a key role in all aspects of the ACP-EU relationship and called for national parliaments to be accorded oversight responsibilities in the implementation of the Cotonou Agreement, particularly the programming, implementation, monitoring and evaluation of development cooperation actions and programmes. The plenary also insisted on effective measures for the monitoring of budget support, particularly by national parliaments and supreme audit institutions and called for capacity building in ACP parliaments in order for them to undertake the tasks effectively.

#### Other issues discussed at the Session

##### Sudan peace process

51. The provisions of the January 2005 Comprehensive Peace Agreement (CPA) that still need to be implemented were discussed in meeting between the Southern Sudan delegation and the ACP-EU co-presidents. The two expressed support to the Southern Assembly. The SSLA delegation told the co-presidents that the North-South border has not been demarcated yet despite the economic, social, security and political implications for the upcoming 2010 elections and the referendum of 2011.
52. The lack of transparency in the implementation of the Wealth Sharing Protocol as stipulated in the CPA was also pointed out. The delegation also said that the referendum law has not been passed yet. The NCP is proposing a condition of 90% of voter turnout, and 67% for South-North separation, as opposed to the simple majority stipulated in the CPA. The delegation also said that security, media and human rights laws need to be amended before the elections.

### Workshops and Excursions

53. Toward the end of the Session, Members attended the following workshops:-
- (a) training for better governance - visit to national School of Administration;
  - (b) "Sorry, Angola under Construction" - visit to construction projects for the extension of Luanda - housing, football stadium, university campus and ZEE (special economic zone); and,
  - (c) Improvements in living conditions for the Musseques - visit to urban re-housing project

### Date of Next Meetings

54. Committees will meet on January 26 to February 2, 2010 in Brussels, Belgium. The next ACP-EU JPA takes place in Tenerife, Spain from 23 March to 1 April 2010

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## ANNEXES

- (i) Resolution on Social and Cultural Integration and Participation of Young People;
  
- (ii) Resolution on the situation in Madagascar
  
- (iii) Resolution on Global Governance and the Reform of International Institutions;
  
- (iv) Resolution on the Impact of Financial Crisis on the ACP States;
  
- (v) Resolution on Climate Change;
  
- (vi) Luanda Declaration on the Second Revision of the Cotonou Agreement;
  
- (vii) Declaration on Niger



# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.504/09/fin.

## RESOLUTION<sup>1</sup>

### on social and cultural integration and participation of young people

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Luanda (Angola) from 30 November to 3 December 2009,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to the ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005, hereinafter referred to as the Cotonou Agreement, and in particular Articles 9, 13, 26 and 27 thereof,
- having regard to Articles 149-150 and Articles 177-181 of the Treaty establishing the European Community,
- having regard to Article 13 of the EC Treaty on combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation,
- having regard to the World Programme of Action for Youth to the Year 2000 and Beyond, adopted by the United Nations (UN) General Assembly on 7 November 1995,
- having regard to the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol, adopted at the United Nations Headquarters in New York on 13 December 2006,
- having regard to the Lisbon Declaration on Youth Policies and Programmes, adopted at the World Conference of Ministers Responsible for Youth, held in Lisbon from 8 to 12 August 1998,
- having regard to the Braga Youth Action Plan, adopted at the third UN World Youth Forum from 2 to 7 August 1998 in Braga (Portugal),
- having regard to the Revised European Charter on the Participation of Young People in Local and Regional Life, adopted by the Congress of Local and Regional Authorities of Europe on 21 May 2003,
- having regard to the Agenda 21 for Culture approved by the Fourth Forum of Local Authorities for Social Inclusion of Porto Alegre, held in Barcelona (Spain) on 8 May 2004,

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 3 December 2009 in Luanda (Angola).

- having regard to the Dakar Declaration on the promotion of ACP cultures and cultural industries and its action plan, adopted by the ACP Ministers of Culture at their first meeting, held in Dakar (Senegal) in 2004,
- having regard to the Santo Domingo resolution, adopted by the ACP Ministers of Culture at their second meeting, held in Santo Domingo (Dominican Republic) in October 2006,
- having regard to the resolution concerning youth employment, adopted by the International Labour Conference at its 93rd Session in Geneva in June 2005,
- having regard to the African Youth Charter, adopted by the African Union in Banjul, The Gambia, in July 2006,
- having regard to the Pacific Youth Strategy 2010, adopted by the Second Conference of Youth Ministers of the Pacific Community, held from 5 to 7 December 2005 in Port Moresby (Papua New Guinea),
- having regard to Title II (Investment, Trade in Services and E-Commerce) of the Economic Partnership Agreement between the Cariforum States and the European Community and its Member States, establishing free movement of services between the parties, and to Protocol III (on Cultural Cooperation) thereto,
- having regard to the report of the UN Secretary-General of 30 October 2008 on the Implementation of the World Programme of Action for Youth: progress and constraints with respect to the well-being of youth and their role in civil society,
- having regard to the Council resolution of 14 December 2000 on the social inclusion of young people<sup>1</sup>,
- having regard to the European Commission White Paper of 21 November 2001 on a new impetus for European youth<sup>2</sup> and the European Parliament resolution of 14 May 2002 on the Commission White Paper on a new impetus for European youth<sup>3</sup>,
- having regard to the Council resolution of 27 June 2002 regarding the framework of European cooperation in the youth field<sup>4</sup>,
- having regard to the conclusions of the European Council of 22 and 23 March 2005 adopting the European Youth Pact<sup>5</sup>,
- having regard to the communication of 30 May 2005 from the Commission to the Council on European policies concerning youth: addressing the concerns of young people in Europe – implementing the European Youth Pact and

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<sup>1</sup> OJ C 374, 28 12 2000, p. 5.

<sup>2</sup> COM(2001)0681

<sup>3</sup> P5\_TA(2002)0223

<sup>4</sup> OJ C 168, 13 7.2002. p 2

<sup>5</sup> 7619/1/05, Annex 1 to the Presidency Conclusions.

promoting active citizenship<sup>1</sup>, and the Council resolution of 24 November 2005 on addressing the concerns of young people in Europe – implementing the European Pact for Youth and promoting active citizenship<sup>2</sup>,

- having regard to the decision of the European Parliament and of the Council of 15 November 2006 on youth policy: Youth in Action Programme for 2007-2013<sup>3</sup>,
- having regard to the decision of the European Parliament and of the Council of 12 December 2006 establishing for the period 2007 to 2013 the programme 'Europe for Citizens' to promote active European citizenship<sup>4</sup>,
- having regard to the communication of 5 September 2007 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on promoting young people's full participation in education, employment and society<sup>5</sup>,
- having regard to the Council conclusions of 16 November 2007 on a transversal approach to youth policy with a view to enabling young people to fulfil their potential and participate actively in society<sup>6</sup>,
- having regard to the communication of 27 April 2009 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU strategy for youth – investing and empowering: a renewed open method of coordination to address youth challenges and opportunities<sup>7</sup>, and to its accompanying Commission staff working document – EU Youth Report<sup>8</sup>,
- having regard to the UN World Youth Report 2003, the UN World Youth Report 2005 and the UN World Youth Report 2007,
- having regard to the UNDP Human Development Report 2004: Cultural Liberty in Today's Diverse World,
- having regard to the Brussels Declaration on Asylum, Migration and Mobility and its action plan, adopted in April 2006 by the ACP Ministers in charge of asylum, migration and mobility,
- having regard to the ACP Group's Brussels resolution on migration and development, adopted by the ACP Ministers in charge of asylum, migration and mobility,

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<sup>1</sup> COM(2005)0206.

<sup>2</sup> OJ C 292, 24.11.2005, p. 5.

<sup>3</sup> OJ L 327, 24.11.2006, p. 30.

<sup>4</sup> OJ L 378, 27.12.2006, p. 32.

<sup>5</sup> COM(2007)0498

<sup>6</sup> OJ C 282, 24.11.2007, p. 16.

<sup>7</sup> COM(2009)0200 final

<sup>8</sup> SEC(2009)0549 final.

- having regard to Decision No 2/LXXXVII/08 taken at the 27th Session of the ACP Council of Ministers, held in Addis Ababa (Ethiopia) from 8 to 13 June 2008, on the implementation of the ACP Group's Brussels resolution on migration and development,
  - having regard to the World Bank's World Development Report 2007: Development and the Next Generation,
  - having regard to the ILO's report of October 2008 entitled 'Global Employment Trends for Youth',
  - having regard to the Final Declaration of the Africa-Europe Youth Summit, held from 4 to 7 December 2007 in Lisbon (Portugal),
  - having regard to the European Youth Forum Position Papers of 3 May 2008 on youth and migration and on youth employment,
  - having regard to the European Youth Forum report of 2008 entitled 'Development Needs Youth – Youth Organisations in Action',
  - having regard to the report of the Committee on Social Affairs and the Environment (ACP-EU/100.504/09/fin.),
- A. whereas 'youth' is defined as young people between the ages of 15 and 24 years<sup>1</sup>; whereas youth constitutes 18 % of the world's population or 1.2 billion people, almost 85 % of whom live in developing countries,
- B. whereas many young people live in poverty and suffer from exclusion or marginalisation, in particular young women, youth with disabilities, young migrants and refugees, youth living in rural areas and youth from ethnic minorities,
- C. whereas the social, economic and cultural inclusion and active participation of young people in society are essential both for their personal development and for sound and democratic national and global development,
- D. whereas education and employment are a prerequisite for successful integration and participation of young people in society,
- E. whereas, despite the fact that today's youth are the best educated youth generation in history, youth unemployment and underemployment have increased to record levels, exacerbated by the economic crisis; whereas young people represent 25 % of the global working-age population, but accounted for 43.7 % of the unemployed in 2007<sup>2</sup>,
- F. whereas cultural industries promote an alternative economic development, create wealth and provide decent work for young people,

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<sup>1</sup> UN definition.

<sup>2</sup> United Nation's World Youth Report 2007, p. 238.

- G. whereas migration has become one of the coping mechanisms used by young people to expand their options for education and opportunities to work, but these educational opportunities do not benefit the developing countries from which they come or increase these countries' level of education,
- H. whereas globalisation has contributed to an increased mobility in education and vocational training, work and voluntary services, thus promoting solidarity and better cross-cultural understanding, and encouraging respect for difference and diversity,
- I. whereas culture plays an important role in the well-being and personal development of young people,
- J. whereas the proliferation of information and communication technologies (ICT) is presenting new opportunities to young people for their development, inclusion and civic participation; whereas governments' commitment to invest in ICT can reduce the current digital divide between EU and ACP countries and promote equality,
- K. whereas only if young people are recognised as decision-making partners will it be possible to find long-term solutions to global threats such as climate change and to meet development objectives,

#### *General considerations*

1. Urges ACP and EU governments to mainstream youth issues into all policy-making and enhance coordination between youth policies and other policy areas directly affecting youth;
2. Stresses the need to defend integrally the Universal Declaration of Human Rights, in particular Articles 23, 24, 26 and 27 referring to work, education and culture;
3. Calls on the Commission to provide for balanced financing for Action 3.2 of the current Youth in Action Programme (2007-2013) within the provisions foreseen and, following the example of the Euromed Youth Programme, to establish an ACP-EU Youth Programme under the Cotonou Agreement, with additional appropriations in the follow-up programme;
4. Stresses that policy makers at all levels should further develop their cooperation and foster exchange of good practices on social and cultural integration and participation of young people, for instance through promoting inter-agency alliances that consolidate national, regional and international programmes for young people;
5. Calls on EU and ACP countries to guarantee to all young people full enjoyment of their rights and freedoms and eliminate all forms of discrimination; calls on the Commission, the EU and ACP countries to increase funding for programmes for social and cultural inclusion of young people from vulnerable groups;

6. Considers that the EU should develop a common migration policy that is coherent, with a strong sense of equality and focused on the social integration of migrants in receiving societies; calls on EU Member States to ensure respect for young migrants' rights and the same access to education, social services and economic opportunities as those enjoyed by the citizens of the country concerned;
7. Calls on the EU to enhance the protection measures for all young third-country nationals working legally in Europe; encourages the EU to work towards applying the status of long-term residents to them and defining the status of semi-skilled and non-skilled workers; considers also that EU and ACP governments should create programmes to curtail the brain drain of young people from developing countries and to coordinate their measures to prevent it;
8. Calls on EU and ACP governments to provide all young people with access to appropriate and youth-friendly health information and services;

### *Education*

9. Calls on ACP and EU governments to establish programmes that reduce school drop-out rates, reduce youth illiteracy and improve the quality of basic education;
10. Calls for universal access to secondary education; calls on ACP and EU governments to remove barriers to access to primary education, especially for young people with disabilities and other vulnerable groups; urges governments to provide grants and concessional loans to students from developing countries who would like to enrol in tertiary education;
11. Calls on EU and ACP countries to promote a smooth transition from education to employment through a switch from theoretical classroom methods to practical experience at school and integration of entrepreneurship education in the curricula;
12. Urges ACP and EU governments to place emphasis on cultural and social education and encourage young people's involvement in cultural activities inside and outside school that could enrich their lives, lead to balanced personal development and protect them from drug addiction and other abuses, thus fostering their social and cultural integration into society;
13. Urges ACP and EU governments to recognise that young people are the group most open to change and the best ambassadors for change that any society possesses; calls on ACP and EU governments to use young people to effect positive change in society through such mechanisms as peer-to-peer education on HIV/AIDS, ICT and sustainable technologies to mitigate and adapt to climate change;
14. Calls for universal ICT access for young people; calls on governments to invest in ICT infrastructure and provide ICT facilities in schools; calls on the Commission and ACP and EU countries to link ACP and EU classrooms

through eTwinning technology to foster intercultural learning; calls on ACP and EU governments to promote distance learning as a means of facilitating the social integration of people from disadvantaged groups, particularly people with disabilities;

### *Employment*

15. Calls on ACP and EU governments to establish national youth employment strategies and action plans in cooperation with the ILO and to regularly monitor the employment situation of young people;
16. Calls on the EU and ACP governments to promote employment rights and a fair remuneration as an effective way to promote social inclusion;
17. Notes that young people working while studying gain valuable experience that facilitates their transition from education to the labour market; encourages the private sector to create more apprenticeship opportunities for young people still in school; warns against all types of employment exploitation in this context;
18. Notes that young women<sup>1</sup> and young people with disabilities<sup>2</sup> face higher rates of unemployment and underemployment; calls for the elaboration of specific policies to support employment of young women and people from disadvantaged groups;
19. Stresses the need for creating more favourable conditions for young entrepreneurs by providing them with information and financial incentives and removing administrative burdens from those wishing to set up a business; calls on the financial institutions to facilitate access to micro-credit for young people; calls on governments to establish professional counselling and financing programmes for young entrepreneurs in the cultural and creative industry sector, and to encourage community-based services with a view to improving social integration at local level;

### *Culture*

20. Calls on national parliaments and on EU and ACP governments to incorporate the protection of existing cultures on their territory in their national legislation, as a guarantee of the preservation and development of those cultures;
21. Rejects a concept of culture as a commodity subject to profit rules; upholds the democratisation of the creation and bringing to fruition of culture to stimulate cultural development for young people, defined according to their own aspirations and with their participation;

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<sup>1</sup> Global trends in women's access to decent work, ILO, Occasional papers No. 43, May 2009, p. 18

<sup>2</sup> Men and women with disabilities in the EU. statistical analysis of the LFS ad hoc module and the EU-SILC – final report, 2007, p. 94

22. Urges ACP and EU governments to create plans or support existing initiatives to help boost the development of cultural tourism, encouraging young people to appreciate the cultural and natural heritage of our countries;
23. Calls on ACP and EU governments to create or strengthen already existing intercultural policies in order to promote cultural diversity and peaceful coexistence of different cultures in society; also calls on ACP and EU governments to encourage decentralisation of cultural policies, thus promoting local development on the basis of culture and subcultures, and respect for diversity and difference;
24. Calls on ACP and EU governments, the Commission and international organisations to strengthen their efforts to organise workshops, seminars and youth camps for young people from different cultural, ethnic and religious backgrounds as a means of promoting intercultural understanding;
25. Considers that the UN, the Commission and governments should incorporate a cultural dimension in development cooperation policies, programmes and plans;
26. Calls on the international community and EU and ACP governments to focus on preserving traditional handicrafts by allocating more funds to vocational training and manufacturing possibilities; to support sales and marketing of these products; to improve market access opportunities for cultural goods and services, especially those produced by young people, in order to improve the mobility of cultural goods and services; and to support initiatives for the teaching of local languages via the Internet;
27. Calls on ACP and EU governments to ensure that the voices of young people are being heard and welcomes the establishment of youth parliaments in an effort to promote young people's political culture and the development of their sense of responsibility;

### *Participation*

28. Welcomes the Commission initiative on structured dialogue with young people and youth organisations on policy matters relevant to them, but underlines the need to better define the implementation of such a concept;
29. Notes that improving access to information enhances the transparency of governments and public administration, which will encourage young people's empowerment and participation in decision-making; stresses the importance of ICT in improving access to information and calls on governments to create and implement mechanisms that ensure the protection of young ICT users; underlines the role of ICT in strengthening new forms of youth participation such as cyber-participation and e-citizenship;
30. Considers that the minimum age for voting should not be above 18 years of age, to ensure the full participation of youth in society;



31. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the African Union, the EU Member States, the ACP countries, the UN and UNESCO.

# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.624/09/fin

## RESOLUTION<sup>1</sup>

### on the situation in Madagascar

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Luanda (Angola) from 30 November to 3 December 2009,
  - having regard to Article 17(2) of its Rules of Procedure,
  - having regard to the ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005,
  - having regard to the declaration by the Commission of the African Union,
  - having regard to the declaration of 31 March 2009 by the ACP Committee of Ambassadors on the situation in Madagascar,
  - having regard to the resolution on the political situation in Madagascar, adopted by the ACP Parliamentary Assembly on 10 February 2009,
  - having regard to the work by the International Contact Group on Madagascar, and in particular the Maputo and Addis Ababa agreements concluded on 9 August 2009 and 6 November 2009 respectively,
  - having regard to the European Parliament resolution<sup>2</sup> of 7 May 2009 on the situation in Madagascar,
  - having regard to the statement of 10 November 2009 by the Secretary-General of the International Organisation of French-Speaking Countries (OIF) on the situation in Madagascar.
- A. whereas Mr Andry Rajoelina, the mayor of the capital Antananarivo, became the head of the High Transitional Authority on 17 March 2009, when the military handed over the executive power that it had seized from former President Marc Ravalomanana, who was forced to resign and go into exile,
- B. whereas Mr Rajoelina, having suspended the National Assembly and the Senate, proclaimed himself President of the Republic and head of the High Authority of Transition,
- C. noting the numerous protest demonstrations, which have been forcibly quelled by the army,
- D. noting that these events have been condemned by the international community and in particular the United Nations Security Council, the African Union (AU), the Southern African Development Community (SADC), the OIF, the Interparliamentary Union, the European Union, the United States of America and Norway,

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 3 December 2009 in Luanda (Angola)

<sup>2</sup> P6\_TA-PROV(2009)0392 Not yet published in the *Official Journal*

- E. whereas the AU and SADC have not recognised Mr Rajoelina's authority and have suspended Madagascar from both organisations' membership,
  - F. whereas on Monday 6 July 2009 the European Union initiated a consultation process with the Republic of Madagascar under Article 96 of the Cotonou Agreement, thereby opening a dialogue to explore means of finding appropriate solutions to the country's political problems,
  - G. whereas the European Union suspended funding to Madagascar, apart from humanitarian assistance and certain programmes and projects of direct benefit to the population, until it is satisfied that the road map to return to constitutional order is credible and based on consensual participation by everyone,
  - H. whereas the international community's efforts to support the local parties in seeking an inclusive solution to the crisis and the rapid re-establishment of constitutional order in Madagascar are being thwarted by intransigence on the part of Mr Rajoelina – who is apparently a hostage of his own faction – and by the demands of the exiled President, Mr Ravalomanana, who is displaying an unhelpful lack of realism,
  - I. whereas Madagascar's political situation is penalising it in economic terms and national economic recovery is contingent on political stability,
1. Vigorously condemns the seizure of power in Madagascar, in flagrant breach of the national Constitution, and the decision to entrust the Presidency of the Republic to Mr Rajoelina, which amounts to nothing less than a coup d'état;
  2. Calls for a return to constitutional republican order, to be achieved by the Malagasy parties to the dispute agreeing on, and diligently implementing, an inclusive solution to the crisis;
  3. Calls on the four political groupings involved to work tirelessly, as they undertook to do in Maputo and Addis Ababa, to reach consensus on the sharing of positions of responsibility and government posts so that transition can take place in accordance with the Addis Ababa timetable;
  4. Insists that the Malagasy Parliament must be reinstated immediately and involved in the efforts to resolve the crisis;
  5. Believes that political pluralism, basic democratic freedoms, respect for human rights and rule of law can only be ensured as a result of consensual and inclusive dialogue which addresses the root causes of the country's wide range of problems: economic, social, political and environmental;
  6. Hails what was achieved by the International Contact Group involving the UN, the AU, the EU and numerous regional organisations – the Common Market for Eastern and Southern Africa (COMESA), the Indian Ocean Commission (IOC) and SADC – at the mediation meetings in Maputo and Addis Ababa and encourages it to press ahead with its efforts to normalise the situation;
  7. Calls for an international independent investigation with the task of shedding light on the human rights violations and the series of acts of repression against the population;

8. Asks the international community to increase humanitarian assistance to the Malagasy people; calls on the international community and the EU to gradually resume aid to Madagascar, as soon as the transitional institutions of the government of national unity are in place, and calls for full respect for all democratic principles and fundamental freedoms;
9. Calls on any interim government of Madagascar not to finalise any agreement or contract with other countries or enterprises concerning its natural resources and national assets before the elections are held and a new government has received a legitimate mandate from the Malagasy population;
10. Welcomes the principled stance thus adopted by the international community in opposing any attempt to take power by unconstitutional means; and expresses particular satisfaction at the UN General Assembly's refusal to give Mr Rajoelina a hearing;
11. Calls on all political actors to put at the top of their agenda the fight against poverty, aiming to improve the standard of living of the population by putting in place a sound sustainable development policy, in particular basic healthcare services, education and job creation;
12. Undertakes to carry out a fact-finding mission on implementation of the Maputo and Addis Ababa agreements and calls for an international election observation mission at the appropriate time, in which it is willing to take part;
13. Calls for the immediate release of all political prisoners and the cancellation of the judicial proceedings against them;
14. Calls on the African Union, the International Contact Group and Malagasy political players to consider the possibility of putting in place a monitoring and support body, with a view to ensuring respect for the commitments made in Maputo and Addis Ababa and bringing the transition process to a successful conclusion;
15. Calls for individual sanctions, in the event of failure to respect the undertakings given in Maputo and Addis Ababa;
16. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Secretary-General of the United Nations, the SADC, President Joaquim Chissano and the Commission of the African Union.

# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.587/09/fin.

## RESOLUTION<sup>1</sup>

### on global governance and the reform of international institutions

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Luanda (Angola) from 30 November to 3 December 2009,
  - having regard to Article 17(1) of its Rules of Procedure,
  - having regard to the outcome of the London and Pittsburgh G20 meetings held in April and September 2009,
  - having regard to the communication by the European Commission of April 2009 on supporting developing countries in coping with the crisis<sup>2</sup>,
  - having regard to the Larosière report of February 2009 on financial supervision in the EU,
  - having regard to the World Bank's report on Global Development Finance 2009: Charting a Global Recovery,
  - having regard to the conclusions of the UN conference on the world financial and economic crisis and its impact on development, held in New York on 24-26 June 2009,
  - having regard to the report by the Committee on Political Affairs (ACP-EU/100 587/09/fin.),
- A. whereas the world is currently facing financial, economic, food, energy and environmental crises of unprecedented proportions,
- B. whereas the origins of these crises lie in industrialised nations and yet they hit developing countries hardest,
- C. whereas the world's global governance architecture, set up in a post-war, colonial era, still mirrors the geopolitical balance of the last century and no longer matches the realities of a globalised planet,

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 3 December 2009 in Luanda (Angola).

<sup>2</sup> COM(2009)0160 final.

- D. whereas we need to overhaul our political and financial global institutions to make them more effective, more transparent, more representative and more legitimate,
- E. whereas the worst excesses of deregulation, neoliberal capitalism and free market fundamentalism have conspired to wreck the world's financial system, destroy millions of jobs and increase poverty,
- F. whereas the state is responsible for promoting stability, sustainable, pro-poor growth and ensuring that wealth creation benefits the many and not the few and therefore needs to regulate and supervise the markets and play a redistributive role in the economy,
- G. whereas certain nations' rejection of multilateralism in recent years has led to confrontation, conflict and intercultural strife,
- H. whereas we must react to halt climate change in order to prevent devastating environmental damage and its harsh economic and social consequences,
- I. whereas governments from rich nations have found trillions to bail out financial institutions but some of them are backtracking on their MDG commitments,
- J. whereas only 1.6 % of the IMF's new lending since the London G20 summit has gone to sub-Saharan Africa,
- K. whereas ACP States are severely under-represented in institutions such as the World Bank, the IMF and the UN Security Council,
- L. whereas women are also under-represented in governance structures,
- M. whereas outflows from developing countries in the form of illicit capital flight, to a large extent facilitated by tax havens and banking secrecy, have been estimated at EUR 350-600 billion a year,
- N. whereas OECD countries' aid to poor farmers amounts to 1 % of their agricultural subsidies,
- O. whereas one of the prime tasks of the World Bank and the IMF is to reduce poverty,
- P. whereas the World Bank and the IMF continue to apply economic and policy conditionality to their loans,
- Q. whereas the G20, which has become the main forum for international economic cooperation, is more inclusive than the G8 but nevertheless excludes 85 % of the world's population,
- R. whereas the OECD Development Assistance Committee (DAC) is a forum of donor governments, while the new Development Cooperation Forum comes under the UN umbrella and offers developing countries voice and ownership,

5. whereas it is urgent and essential to rebuild social trust in our global governance architecture,

**Global governance – fairer and more democratic representation and participation for developing nations**

1. Calls on the international community to make global institutions more representative, democratic and inclusive, allowing developing nations, in particular in Africa, to be more influential and to enjoy greater decision-making capacity;
2. Asks the G20 to give G77 members a seat at the negotiating table;
3. Welcomes the Pittsburgh G20's commitment to a shift in IMF quota share to dynamic emerging markets and developing countries; insists on fairer voting rights for developing and emerging economies on the IMF executive board and the World Bank board of governors; calls, therefore, for a new double-majority voting system based on one member, one vote, as well as on economic weight;
4. Calls for an end to the US right of veto at the IMF and World Bank;
5. Insists that the G20 upholds its pledge to open, transparent and merit-based processes for appointing the senior management of all international financial institutions;
6. Urges the UN Security Council to enlarge its membership;

**Economic governance — learning the lessons of the recent past**

7. Asks the international community to ensure a tighter, more transparent, more accountable regulatory framework for the world's financial markets, with increased oversight, as demanded by the G20;
8. Strongly supports overhauling the IMF so it can play an enhanced surveillance and supervision role and issue early warnings in the event of global market imbalances or macroeconomic risks;
9. Invites all relevant actors to ensure better coordination between the Bretton Woods institutions, the G20 and regional development banks;
10. Urges G20 members, the EU and ACP countries, to take speedy action to eradicate tax havens and combat banking secrecy, stepping up international cooperation, automatic information exchange, country-by-country reporting standards for multinationals and capacity building in countries affected by capital flight; looks forward to the G20's promised countermeasures against tax havens as of 2010;
11. Exhorts governments to cap executive pay to avoid obscene levels of remuneration, and to regulate incentive schemes in the financial sector that threaten the stability of the system; welcomes the Pittsburgh G20's support for increasing financial stability and aligning compensation and remuneration with long-term value creation and not with excessive risk-taking;

### **Multilateralism – essential to meeting global challenges**

12. Calls on all states wholeheartedly to support multilateralism and the UN system;
13. Recommends that the UN Development Cooperation Forum is taken into account, together with the OECD DAC, as the two high-ranking forums for development cooperation and for analysing and monitoring global aid trends, including the aid effectiveness agenda;
14. Welcomes the fact that the US has decided to re-engage with the UN Human Rights Council and has at last taken up its seat; calls on the EU, ACP and other partners to ensure this Council defends all victims of human rights abuses;

### **Aid and trade**

15. Salutes the G20 commitments of USD 1.1 trillion to kick-start the world economy but regrets that only a fraction is earmarked for the poorest countries, warns against crippling developing countries with sizeable new debt;
16. Calls on EU Member States to live up to their MDG aid commitments;
17. Recognises the importance of trade but stresses that free markets alone do not guarantee an end to poverty;
18. Urges all WTO members to work towards an equitable outcome for the Doha Development Round which curtails protectionism but reflects the different capacities and levels of development that exist between stronger and weaker economies, and allows ACP states to protect their most vulnerable industries;
19. Asks the EU, in the context of the economic partnership agreements, to respect those ACP countries that decide not to move to a full EPA or choose to renegotiate controversial areas of interim EPAs: insists on a full role for the JPA in all planned EPA parliamentary follow-up structures;
20. Calls on the EU to reduce significantly its agricultural subsidies and eliminate all agricultural export subsidies;
21. Asks the EU to keep its aid-for-trade commitments and to continue to help bolster ACP countries' trade capacities;

### **Social and environmental issues**

22. Calls on the international community to implement high standards of social and environmental protection and workers' rights, including the 'decent work' agenda (as defined by the International Labour Organisation (ILO)), and to support developing countries in applying these standards;
23. Calls on all governments to respect the right to free bargaining and collective agreements and to guarantee the right to strike mentioned in the constitution of the ILO;
24. Exhorts the UN to mainstream gender equality and women's empowerment;



25. Invites the UN to upgrade ECOSOC, with a view to promoting lasting solutions for economic, social, employment, cultural and health issues;
26. Calls on the World Bank to attach higher priority to development issues, climate change and promotion of health and education, in line with the Pittsburgh G20 conclusions;
27. Urges all governments at the December Copenhagen climate summit to strike an ambitious, fair and sustainable deal, sharing the burden equitably between industrialised and developing nations and taking into account countries' different degrees of responsibility for climate change;
28. Urges EU States to respect their G20 commitments to assist developing countries in fighting climate change; insists that these funds must be additional to existing development aid;
29. Calls on the EU to invest massively in research, education and the environment, and increase funding and technology transfer for developing countries;

#### **A role for parliaments**

30. Asks all states to embrace greater parliamentary scrutiny to make governments' action more transparent, democratic, accountable and effective;
31. Calls on the UN and WTO to attach higher priority to parliamentary input;

#### **Involving civil society**

32. Calls on policy makers, particularly in ACP countries, to engage with civil society and to provide CSOs with basic resources to operate;
33. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the Commission of the African Union, the Pan-African Parliament, as well as to national and regional parliaments in ACP States, the European Commission, the UN and regional organisations, the World Bank, the IMF, the WTO and the EU and African Union Presidencies.

# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.510/09/fin

## RESOLUTION<sup>1</sup>

### **on the impact of the financial crisis on the ACP States**

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Luanda (Angola) from 30 November to 3 December 2009,
- having regard to Article 17 (1) of its Rules of Procedure,
- having regard to the objectives of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States (ACP), on the one hand, and the European Community and its Member States, on the other, signed in Cotonou on 23 June 2000 (the Cotonou Agreement) and all its amendments,
- having regard to the United Nations Millennium Development Goals (MDGs), particularly the commitment to set up a global partnership for development, and the conclusions and recommendations from the UN High-Level Meeting held in New York on 25 September 2008,
- having regard to the 2009 report of the Millennium Development Goals Gap Task Force, entitled 'Strengthening the Global Partnership for Development in a Time of Crisis', and the Millennium Development Goals Report 2009,
- having regard to the Monterrey Consensus, which was adopted at the United Nations International Conference on Financing for Development held on 21 and 22 March 2002, and the Doha Declaration on Financing for Development, adopted on 2 December 2008 at the Follow-up International Conference on Financing for Development to review the Implementation of the Monterrey Consensus,
- having regard to the Paris Declaration on Aid Effectiveness of 2 March 2005 and the Accra Agenda for Action adopted at the Accra High-Level Forum on Aid Effectiveness held from 2 to 4 September 2008,
- having regard to the G20 declarations from the meeting on the financial crisis held in Washington on 15 November 2008 and the summits held in London on 2 April 2009 and in Pittsburgh on 24-25 September 2009,
- having regard to the appeal by World Bank President Robert B Zoellick to developed countries to pledge 0.7 % of their stimulus packages to a 'Vulnerability Fund' for developing countries<sup>2</sup>,

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 3 December 2009 in Luanda (Angola).

<sup>2</sup><http://web.worldbank.org/WBSITE/EXTERNAL/ACCUEILEXTN/NEWSFRENCH/0,contentMDK.22051899~pagePK:64257043~piPK:437376~theSitePK:107493100.html>

- having regard to the IMF report 'The implications of the Global Financial Crisis for Low-Income Countries' of March 2009,
  - having regard to the Commission communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions of 8 April 2009 on supporting developing countries in coping with the crisis<sup>1</sup>,
  - having regard to the report of the Committee on Economic Development, Finance and Trade (ACP-EU/100.510/09/fin.),
- A. whereas the global financial and economic system is characterised by increasing interdependence between all of the countries of the world,
- B. whereas the financial and economic crisis originated in financial centres such as New York and London, and whereas the ACP States are not responsible for the financial and economic crisis but rather suffer the consequences thereof,
- C. whereas the financial and economic crisis stems from a growing disjunction between the creation of international added value, effective saving and a financial sphere increasingly operating in a virtual and speculative world whose core characteristic is the endless and unsupervised creation of derivative products from other derivative products,
- D. whereas according to the recently released IMF report 'The implications of the Global Financial Crisis for Low-Income Countries (LIC)', the crisis will 'increase the financing needs of LICs by at least USD 25 billion in 2009', with sub-Saharan Africa likely to be particularly severely hit,
- E. whereas commercial financing has been drying up since the onset of the financial crisis, and in developing countries has slumped by between USD 100 billion and USD 300 billion, on top of which new trading restrictions have had an adverse impact in many countries and there is deadlock in the trade negotiations within the framework of the Doha Development Programme,
- F. whereas the ACP countries are dependent on commodity export earnings which account for 50 % of their foreign exchange, and the crisis has led to a drop in export earnings for many developing countries, the transfer of funds to these countries, foreign direct investment, and official development assistance,
- G. whereas, among other factors, the high prices for imported fuels and foodstuffs, coupled with weak demand for exported goods which has reduced important sources of income, have hampered the ability of many developing countries to settle their foreign debt,
- H. whereas the impact of the economic and financial crisis on the ACP countries has broken a cycle of continuous economic growth dating back to 2004 and thereby jeopardises advances made, as well as the achievement of the Millennium Development Goals,

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<sup>1</sup> COM(2009)0160 final

- I. whereas, according to United Nations estimates, donors' contributions are still USD 35 billion per annum short of the promise they made on annual aid flows at the G8 meeting in Gleneagles in 2005, and USD 20 billion per annum short on aid to Africa,
- J. whereas the Doha Conference on Financing for Development focused on medium-term development issues, while identifying a number of goals in respect of fundamental reform, emphasising the need for an integrated approach to the economic, social and environmental aspects of development, and acknowledging the diversity of national situations,
- K. whereas the international financial architecture possesses weak points that require reform in order to make it more representative and effective,
- L. whereas the developed economies have implemented a series of measures in response to the crisis, at the multilateral, European and national levels, and whereas the G20's response in particular, structured around short-term measures and structural reforms, gives priority to restoring the operation of financial markets and mechanisms to boost confidence in them, while only briefly addressing the specific needs of developing countries or the other major challenges linked to the solving of the economic crisis (food security, climate change, preserving biodiversity, access to energy resources and access to water for drinking and household use as well as for production sectors),
- M. whereas ACP countries are not all equally affected by the financial and economic crisis, and whereas the disparities are based on criteria such as: degree of openness to foreign trade, dependence on export earnings, financial reserves and the dynamism of national and regional markets,
- N. whereas, nevertheless, the ACP States are more vulnerable to exogenous shocks, and whereas the World Bank estimates that, in general terms, a 1 % drop in world growth would plunge a further 20 million people into poverty, because such a decline in global growth could threaten the progress made in the area of development over the last decade, and particularly the progress made towards achieving the MDGs,
- O. whereas the Food and Agriculture Organisation (FAO) estimates that the number of people in the world suffering from hunger has now reached one billion and that the total has increased by 100 million due to the global financial crisis<sup>1</sup>,
- P. whereas the risks for ACP countries engendered by the crisis include:
- a slow-down in trade between the EU and the ACP States, and consequently a decline in export revenue for ACP States, resulting in difficulties in servicing debts,
  - credit restrictions, resulting in a fall in purchasing power, and adjustments in production, employment and associated incomes,
  - a decline in private investment flows (foreign direct investment (FDI), portfolio investments),
  - a reduction in remittances from migrant workers to their countries of origin,

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<sup>1</sup> FAO news report 19 June 2009

- a decrease in Official Development Assistance (ODA),
- Q. whereas prices for natural resources have fallen, reducing one of the most important sources of income for ACP countries,
- R. whereas ACP countries are not able to receive money in the form of sovereign bonds,
- 1. Recalls that the ACP-EU Partnership should respect the letter and spirit of the Cotonou Agreement and emphasises that the EU is required to play a decisive role in mitigating the immediate and long-term effects of the crisis on ACP countries, also given its position as the main trading partner of the ACP States, the principal source of remittances from migrant workers, the main provider of private investment, and the world's largest donor of ODA;

**Guarantee a strong, quick response to the crisis in ACP countries**

- 2. Urges donor countries to seriously take into account, in a coordinated and consistent manner, the effects of the crisis on ACP countries, in observance of the principles established in the Paris Declaration on Aid Effectiveness and reiterated in the Accra Agenda for Action, and in conformity with the promises on financing for development made in Monterrey and reaffirmed at the Doha Conference and the various G20 Summits,
- 3. Urges, more specifically, the G20 countries to honour the commitments made to the developing countries at the summits on the financial crisis held in Washington on 15 November 2008, in London on 2 April 2009 and in Pittsburgh on 24-25 September 2009,
- 4. Reaffirms the importance of the MDGs in the fight against poverty and calls for the respect for and delivery of commitments made by EU Member States to increase ODA to 0.56 % of GNI by 2010 and to 0.7 % by 2015; calls for new commitments to ambitious multiannual timetables, in order to be able to measure the gradual rise in aid budgets;
- 5. Encourages donor countries and ACP countries to direct short- and medium-term spending towards the poorest population strata and key sectors (health, education, agriculture and rural infrastructure, job creation, water for drinking and for production sectors), as well as towards the creation and preservation of appropriate social protection systems and safety nets; emphasises the importance of these measures given that it is impossible to finance recovery packages in the ACP countries and there is a need to make resources available very swiftly;
- 6. Emphasises that this type of spending is the most adversely affected in times of crisis, despite being the most financially affordable and the most profitable in the short, medium and long terms, and despite its potential for producing a counter-cyclical effect;
- 7. Urges donor countries to use this unprecedented crisis as a catalyst to further explore existing possibilities in terms of additional and innovative sources of financing for development, such as an international financial transaction tax, and to identify new ones, to allow developing countries to diversify their sources of revenue and implement more effective, concrete and operational spending programmes;

8. Calls on the EU Member States and on rich countries to cancel the foreign debts of all impoverished countries, without onerous economic policy conditions, stresses that possibly as many as 60 countries need all of their debts to be cancelled if they are to have any chance of achieving the MDGs; welcomes the action already taken by many EU countries in writing off the debt of developing countries, but expresses concern that such debt write-offs have artificially boosted EU aid figures,
9. Emphasises, in particular, the benefits associated with the use of micro-financing techniques, in economic terms at local level and also in terms of the involvement of the population, especially women, in development;
10. Calls on the International Financial Institutions (IFIs), including the multilateral development banks, to support developing countries in overcoming the current crisis, in restoring growth, in building up increased market and trade capacity and restoring the developing countries' access to credit and private capital flows;
11. Invites the developed countries to ensure that the IFIs have sufficient resources to play their role to full capacity;
12. Calls on ACP countries in their own interest to increase good governance and transparency in national finances in order to improve budget predictability, implementation and control; stresses the importance of parliamentary oversight over public finances;
13. Stresses the need for appropriate legislation and regulations to protect the ACP countries, the main borrowers, against predatory vulture funds;
14. Points out that a comprehensive response must be provided to the economic and financial crisis, that no financial institution, market segment or jurisdiction must be exempt from regulation and supervision and that the transparency and accountability of all parties must form the bedrock of a new brand of international finance governance;

#### **Structural measures to reduce the vulnerability of ACP States to exogenous shocks**

15. Underlines that fair trade, promotion of investment in industry and local production, entrepreneurship and innovation, and effectively regulated financial markets are fundamental for economic growth, employment and poverty reduction;
16. Calls on the ACP States to establish a healthier legislative and regulatory environment for businesses to operate in, in order to attract more private, foreign and national investment;
17. Urges EU Member States as well as the ACP countries to refrain from the creation of protectionist barriers in international trade as a reaction to the economic crisis,
18. Urges EU Member States to consider, and fully implement, measures outside the financial sector that have a positive impact on development in ACP countries, and especially cutting-edge technology transfers, in areas, including environmental protection, which foster capacity building and enable the development of research and infrastructure;

19. Emphasises the need to strengthen the development and regional integration process among ACP States, and, in particular, appeals for the effects of the crisis on their development to be taken into account in the negotiations on and implementation of the economic partnership agreements (EPAs) between the ACP States and the EU, recalls that EPAs must be accompanied by the promised new funding for Aid for Trade, i.e. EUR 2 billion a year by 2010;
20. Recalls the need, amplified by the economic crisis, for EU Member States to implement an approach to migration which is respectful of human rights and in accordance with development objectives; transfers of migrants' funds to their countries of origin, which have large capital needs, must be facilitated and even encouraged; in the same way, the social and cultural dimensions of migration, as a factor in integration, tolerance, exchanges and mutual acceptance between peoples, must be enhanced, and be given greater prominence in the implementation of the Cotonou Agreement;
21. Emphasises the urgent need to reform international financial governance, covering the architecture and operation of the financial system, which presupposes full and equitable incorporation of ACP countries into international financial bodies to improve these bodies' representation and, consequently, reflect the diversity of national, regional and international interests with greater legitimacy;
22. Invites the ACP countries to involve their parliaments more closely in their decision-making procedures, and particularly in the preparation of their development strategies;
23. Calls on the international community to conclude the Doha cycle of trade negotiations for development in a just manner satisfactory to all sides;
24. Believes that the effects of the crisis on ACP States can serve as a stimulus for ACP States to invest in the agricultural sector so as to guarantee food security and the right to food sovereignty and to commence a process of reflection on the diversification of production and the transformation of commodities to increase added-value, which would improve the terms of exchange and mitigate the volatility of raw-material prices,
25. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the EU Council Presidency, the African Union, the Pan-African Parliament and the parliaments of the ACP countries, the World Bank, the IMF, the FAO and ACP Regional Development Banks.

# ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.613/09/fin.

## RESOLUTION <sup>1</sup>

### on climate change

*The ACP-EU Joint Parliamentary Assembly,*

- meeting in Luanda (Angola) from 30 November to 3 December 2009,
- having regard to Article 17(2) of its Rules of Procedure,
- having regard to the United Nations Framework Convention on Climate Change (UNFCCC) of 1992,
- having regard to the Kyoto Protocol of 1997,
- having regard to the action plan adopted by the European Council following the report by the High Representative for the CFSP in March 2008,
- having regard to the ACP-EU joint declaration on climate change and development adopted by the Joint Council in May 2009,
- having regard to Resolution A/63/281 on climate change and its possible security implications, adopted by the United Nations General Assembly on 3 June 2009,
- having regard to the views of the World Humanitarian Forum held on 23 June 2009 in Geneva on the initiative of Kofi Annan, former United Nations Secretary-General,
- having regard to the declaration on climate change by the Pan-African Parliamentary Conference held in Yaoundé (Cameroon) from 25 to 27 June 2009,
- having regard to the resolutions adopted on 10 July 2009 at the G8 Summit and the Major Economies' Forum on Climate and Energy held in L'Aquila (Italy),
- having regard to the regional workshop of West African Parliamentarians and local elected representatives on climate change governance held in Praia (Cape Verde) from 3 to 6 August 2009,
- having regard to the resolutions on climate change and conflict by the African Union Summit held in Syrte (Libya) on 30 August 2009,

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<sup>1</sup> Adopted by the ACP-EU Joint Parliamentary Assembly on 3 December 2009 in Luanda (Angola)



- having regard to the recommendations by the High-Level Meeting on Climate Change convened in New York on 22 September 2009 by Ban Ki-moon, Secretary-General of the United Nations,
  - having regard to the recommendations of the World Forum on sustainable development held in Ouagadougou (Burkina Faso) from 9 to 11 October 2009,
  - having regard to the Declaration of the Second Pan-African Parliamentary Network on Climate Change Summit held in Nairobi (Kenya) from 12 to 15 October 2009,
  - having regard to the conclusions of the European Council of 29 and 30 October 2009,
  - having regard to the Declaration of the Third Sub-Regional Conference (Congo Basin) of the Pan-African Parliamentary Network on Climate Change held in Yaoundé (Cameroon) from 12 to 13 November 2009,
  - having regard to the European Parliament resolution of 25 November 2009 on the EU strategy for the Copenhagen Conference on Climate Change (COP 15)<sup>2</sup>,
  - having regard to the forthcoming fifteenth Conference of the Parties (COP 15) to the UNFCCC and the fifth Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (COP/MOP 5) to be held in Copenhagen (Denmark) from 7 to 18 December 2009,
  - having regard to its resolution of 4 April 2009 on the social and environmental consequences of climate change in the ACP countries<sup>3</sup>,
- A. whereas global warming raises the problem, which is universally recognised to be urgent, of the survival and sustainable development of humankind,
- B. whereas, according to a report by the Global Humanitarian Forum led by Kofi Annan, climate change has already pushed over 12 million people into poverty, while 300 000 people are dying every year from the adverse effects of climate change, and 20 million will fall into poverty by 2030,
- C. whereas the unsettled climate, which is already perceptible because of the intensity and frequency of the natural disasters observed on all continents (floods, drought, coastal erosion, sea-level rise, etc.), represents a serious, frightening threat for countries that largely consist of desert, islands or coastal regions,
- D. whereas the report on the State of World Population 2009 presented by the United Nations Population Fund (UFPA) recognises that climate change is also an issue of population dynamics, poverty and gender equity,

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<sup>2</sup> P7\_TA-PROV(2009)0089 Not yet published in the *Official Journal*.

<sup>3</sup> ACP-EU/100.383/09/fin, OJ C 221. 14 11.2009. p 31

- E. whereas deforestation in the tropics is a major factor of climate change and a serious threat to biodiversity and the livelihoods of more than one billion poor people living in and off such forests,
- F. whereas the international community recognises the impact of climate change on international security,
- G. aware that the Least Developed Countries (LDCs), which have limited capacity and lack resources to adapt to climate change, will suffer the most although they have contributed the least to global warming,
- H. having regard to the importance of agriculture, particularly small- and medium-scale agriculture, in LDCs, in terms of percentage of the active population and the impact of climate change in this sector,
- I. convinced that guaranteeing a sustainable environment for future generations requires the shared but differentiated responsibility of the whole of humankind,
- J. whereas industrialised countries bear a historical responsibility for global pollution and therefore have a duty to provide financial assistance to developing countries in their efforts to adapt to its consequences, including loss and damage caused by the impact of climate change,
- K. whereas most of the money promised for climate change comes from official development assistance (ODA) budgets, thus diverting funds from development assistance and posing a serious threat to poverty reduction and the achievement of the Millennium Development Goals (MDGs),
- L. whereas the increasing displacement and forced migration of people caused by climate change can lead to major complications and conflicts, so this needs to be seriously addressed, since international agreements on climate change and international law do not provide the people concerned with specific assistance,
- M. whereas the G8 Summit and the Major Economies' Forum on Climate and Energy held in L'Aquila (Italy) have recognised that, in accordance with the conclusions of the UNFCCC and of the Kyoto Protocol, the average temperature in the world must not rise more than 2°C above pre-industrial levels,
- N. stresses the urgent need to take account of the situation of women when analysing the impact of climate change, and the link with MDG 3 (gender equality) and MDG 5 (maternal health),
  - 1. Welcomes the universal consensus finally achieved on the need to act together quickly to save planet Earth from the ecological and environmental crisis that threatens it;
  - 2. Urges that the agreement that will be concluded at the Copenhagen Summit in December 2009 should place the emphasis on fairness and social justice by a differentiated approach that takes account of the countries' population, industrial development and poverty;

3. Emphasises the need to reach a legally binding agreement in Copenhagen by the end of this year, which will build on the Kyoto Protocol and come into force on 1 January 2013;
4. Calls on the representatives of EU and ACP countries to work closely together and to coordinate their positions so as to bring the Copenhagen summit to a successful conclusion;
5. Notes the recognition by the G8 and the Major Economies' Forum in L'Aquila of the need to establish a world partnership to promote low-carbon-emission, environment-friendly technologies and to double public sector investment in them;
6. Points out that the main cause of climate change is economic activity that fails to respect natural balances that has been taking place since the Industrial Revolution;
7. Stresses that the international agreement should be based on the principle of a 'common but differentiated responsibility', with the industrialised countries taking the lead in reducing their domestic emissions while the developing countries and the emerging economies also commit themselves to taking nationally appropriate mitigation action in the context of sustainable development, supported and enabled, in a measurable, reportable and verifiable manner, by technology, financing and capacity-building from industrialised countries;
8. Calls on industrialised countries to take the lead in addressing the climate change issues by making legally binding commitments to reduce emissions by 25 to 40 % below 1990 levels by 2020, and by 80 to 95 % below 1990 levels by 2050;
9. Calls upon ACP and EU countries to fix a specific target for the use of renewable energy and considers that energy efficiency and renewable energy should be put at the heart of ACP-EU development cooperation programmes under the Cotonou Agreement;
10. Strongly believes that climate change policy must not be dissociated from other policies, such as agriculture, food security, energy, environment, public health and international trade policy; therefore urges the EU and emerging and developing countries' governments to actively integrate environmental, social and climate change dimensions in country and regional strategy papers as well as in all development programmes and projects;
11. Considers that the hope raised by the existence, in the African countries in particular, of large natural reserves that could genuinely serve as the planet's lungs must result in appropriate financial flows enabling them to use their natural resources while respecting the ecosystem for the good of the whole of humankind;

12. Calls on the European Commission urgently to develop a comprehensive agenda to reduce deforestation and forest degradation in developing countries, including promotion of Voluntary Partnership Agreements under the Forest Law Enforcement, Governance and Trade (FLEGT) programmes to ensure that the rights of the indigenous forest communities are respected; in addition considers that the Commission has to come forward with clear, rigorous proposals to ban the import of illegally logged timber and timber products into the EU market; calls on the Commission to present such proposals without further delay;
13. Stresses that the financial resources needed to counter climate change must be additional, renewable, predictable, transparent, long-term, appropriate and allocated primarily as subsidies; underlines that donor countries need to invest in improving and increasing the 'absorption capacity' in developing countries, so that the latter are able to use the resources effectively;
14. Stresses that mitigation and adaptation financing should respect priorities set by developing countries; underlines the need to incorporate local knowledge into mitigation and adaptation strategies as well as the importance of South-South knowledge transfers;
15. Urges that technological transfers should be organised speedily, so it is possible to address emergency situations associated with ecological disasters (drought, floods, etc.);
16. Calls on the international community to explore innovative financing mechanisms in order to increase its financial support for adaptation to and mitigation of climate change for developing countries; encourages the EU and ACP governments to create programmes to attract additional funding from the private sector, in a transparent manner, for financing adaptation projects; stresses that there is a need for better donor coordination and enhanced cooperation between donor and recipient countries;
17. Calls likewise for the agreement concluded by the G8 to reduce the level of greenhouse gases by 2050 to be accompanied by short- and medium-term action plans;
18. Calls on the ACP and EU governments to include agriculture in any climate change deal in Copenhagen so that it has much greater access to adaptation funding as it is vital for food security, poverty reduction and maintaining the ecosystem;
19. Calls on the ACP governments to promote a regional fund for the improvement and propagation of cooperation techniques among small-scale farmers for adaptation and mitigation programmes; stresses the need to reinforce education and information campaigns on climate change impact;
20. Draws attention to the statement by the UN Special Rapporteur on the Right to Food saying that promotion of agrofuels is creating the conditions for another food crisis in the near future, stresses that the first goal of agriculture is to produce food;

21. Calls consequently on the developed countries in Copenhagen to enter into research and development activities and to share new technologies with the LDCs and all the developing countries;
22. Underlines the need for institutional accountability and trust by establishing equal representation of donor and recipient countries in the management bodies of adaptation funding institutions;
23. Insists that the post-2012 climate change agreement should take into account the existing development processes both at international and national level; calls on the European Commission and the EU Member States to build the necessary links between climate change and the MDGs by incorporating mitigation and adaptation to climate change into projects and programmes aimed at achieving the MDGs and into all poverty reduction strategies;
24. Calls on the international community to identify and address the legal shortfalls that exist in respect of the protection of people affected by climate-induced displacement and migration and to initiate a specific assistance and protection system;
25. Calls for the upgrading of the United Nations Environment Programme (UNEP) into a fully fledged World Environment Organisation to be based in Nairobi (Kenya), enhanced with adequate capacity to address the severity of the environmental catastrophe and related challenges in the world;
26. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the UN Secretary-General, the Commission of the African Union, the Pan-African Parliament, the UNFCCC and the World Bank.



## ACP-EU JOINT PARLIAMENTARY ASSEMBLY

### **Luanda Declaration**

#### on the Second Revision of the ACP-EU Partnership Agreement (Cotonou Agreement)

The 18th Session of the ACP-EU Joint Parliamentary Assembly, meeting in Luanda (Angola) from 30 November to 3 December 2009:

#### **I. Preamble**

- A. whereas Article 95 of the ACP-EU Partnership Agreement, signed in Cotonou, Benin, on 23 June 2000, provides for the Agreement to be revised every five years; noting that the first revision was concluded in 2005 and negotiations for the second revision are under way and likely to be concluded before the end of 2010,
- B. whereas the current revision of the Cotonou Agreement does not include negotiations for a new European Development Fund (EDF) since the 10th EDF does not expire until 2013; whereas the third revision of the Cotonou Agreement is foreseen for 2015 and will therefore fall two years after the expiry of the 10th EDF,
- C. recalling that the primary objective of the Cotonou Agreement is the reduction and, eventually, the eradication of poverty in a way consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy,
- D. mindful that the date of the third revision of the Cotonou Agreement in 2015 will coincide with the deadline for the attainment of the Millennium Development Goals (MDGs),
- E. recalling that, since the first revision of the Cotonou Agreement, there have been significant changes in the international environment, occasioned by such challenges as soaring food and energy prices, the global financial, economic and social crises, as well as climate change, which have their most serious repercussions in developing countries,
- F. whereas the process of negotiating Economic Partnership Agreements (EPAs), along with the conclusion and implementation of interim or full Agreements, has undermined the cohesion of the ACP Group and the ongoing regional integration process,

- G. whereas any revision of the political dimension of the ACP-EU relationship, enshrined in Part 1, Title II of the Cotonou Agreement, must be carried out in a way that fully respects a partnership of equals,
- H. emphasising that the parliamentary dimension of the ACP-EU relationship must in no way be weakened,
- I. whereas, prior to starting negotiations on a revision of the Cotonou Agreement, there should have been an open and transparent consultation of all stakeholders, including parliaments and non-state actors,

## **II. Objective of the second revision exercise**

- 1. Emphasises that the second revision of the Cotonou Agreement should strengthen the principal objectives of the Agreement, which are the eradication of poverty, promotion of sustainable development, gradual and effective integration of ACP States into the world economy, preservation and strengthening of the 'Lomé acquis', as well as enhancing ACP unity, cohesion and solidarity; warns, in this regard, against introducing into the Agreement elements that would be more appropriately addressed in other international cooperation agreements;
- 2. Calls on the negotiating parties to be flexible with regard to the deadline for concluding the revision exercise, given the institutional changes taking place in the Commission and the ACP Secretariat in 2010, along with the entry into force of the Lisbon Treaty and the possible conclusion of negotiations for EPAs;
- 3. Stresses that the attainment of the MDGs should stay as one of the core goals of ACP-EU development cooperation; emphasises that the Cotonou Agreement should foresee more investment in public services and infrastructure;
- 4. Considers that the revision of the Cotonou Agreement should include a commitment to a preliminary perspective for financing ACP-EU cooperation post 2013, independently of the conclusion of EPA negotiations;

## **III. Regional differentiation and integration**

- 5. Insists that attempts to favour regional differentiation within the ACP Group must not weaken the cohesion and solidarity of the Group and this differentiation must not be applied to aspects of ACP-EU relations that can appropriately be addressed on an all-ACP-EU basis; expresses particular concern, in this context, that regional differentiation should not affect the functioning of the joint ACP-EU institutions under the Cotonou Agreement or impede the strengthening of the relationship between the EU and the whole ACP Group;

6. Acknowledges the increasingly important role played by regional and continental organisations, particularly the African Union (AU), in the economic, social and institutional environment for the development of ACP States; expresses its firm view, however, that any resources devoted to supporting the AU or other regional organisations should not be taken from national envelopes under the EDF or from long-standing horizontal initiatives; emphasises, to this end, that ACP-EU development cooperation and the EU's separate regional strategies must continue to support and strengthen the on-going regional integration processes within the ACP Group;

#### **IV. Economic and trade cooperation**

7. Notes that the trade and economic cooperation chapter should be modified to take account of the expiry of the Cotonou trade regime, insists, however, that new provisions for trade regimes to govern ACP-EU trade should, while in line with WTO requirements, take account of the interests and concerns of all ACP States in the light of their different levels of economic development and structural constraints, irrespective of whether or not they have concluded or renounced EPAs;
8. Calls for the establishment of a broad-based review to ensure that EPAs meet their objectives, believes that a formal and comprehensive review of the EPA project is necessary and should be conducted at an all-ACP-EU level at a specified time in the future;
9. Calls for the strengthening of the relevant provisions, to ensure that the European Commission holds full consultation with the ACP Group before entering into any commitments liable to adversely affect the economic integration of ACP regions or ACP-EU trade relations;
10. Stresses that the revision of the Cotonou Agreement should not put undue pressure on ACP States to conclude EPA negotiations;

#### **V. Political dimension**

11. Recognises that situations of insecurity or state fragility present particular challenges in relation to development and the attainment of the MDGs and to this end calls for ACP-EU development cooperation to support initiatives to control the spread of small arms and light weapons in ACP States and Regions;
12. Insists that, in relation to migration, the existing provisions of the Cotonou Agreement relevant to readmission agreements should not be changed during the current revision process;
13. Recognises that the consultation procedures in Articles 96 and 97 of the Cotonou Agreement should be exceptional and only invoked in cases where all other forms of dialogue, such as those under Article 8, have been exhausted, believes, however, that when such exceptional circumstances arise it is



important that the consultation procedures may be instigated by either party to the Agreement;

## **VI. Institutional aspects**

14. Stresses the importance of the parliamentary dimension of the Cotonou Agreement as embodied in the ACP-EU Joint Parliamentary Assembly (JPA); expresses its firm commitment to ensuring that the JPA and national parliaments play their full part in actions and processes under the Cotonou Agreement and further emphasises its implacable opposition to any attempt to reduce the role of the JPA in particular by proposals that impact on its working methods and the frequency of its meetings, which should be left to the JPA to determine for itself;
15. Calls for the Cotonou Agreement to provide for Country and Regional Strategy Papers to be forwarded to the JPA, as is currently required under the EU Council Regulation on the implementation of the 10th EDF<sup>1</sup>; believes, to this end, that in future, the JPA and national and regional parliaments should be consulted in the process of drafting these Strategy Papers;
16. Insists that provision be made in the Cotonou Agreement to allow the JPA to scrutinise the implementation of the country and regional strategies;
17. Believes firmly in the key role that ACP national parliaments may play in all aspects of the ACP-EU relationship; calls for national parliaments to be accorded oversight responsibilities in the implementation of the Cotonou Agreement, particularly the programming, implementation, monitoring and evaluation of development cooperation actions and programmes; insists on effective measures for the monitoring of budget support, particularly by national parliaments and supreme audit institutions; calls for capacity building in ACP parliaments in order for them to undertake both the above-mentioned tasks effectively;
18. Recognises the vital contribution of non-state actors in improving transparency and democratic legitimacy and in enhancing the ability of citizens to hold governments to account and therefore highlights the need for greater involvement of non-state actors from the EU and ACP States;

## **VII. Development cooperation**

19. Calls for increased attention to be paid in the Cotonou Agreement to the urgent need for greater efforts towards attaining the MDGs, especially considering the magnitude of the challenge and the proximity of the 2015 deadline; insists strongly, therefore, that funding linked to MDG sectors should not be diverted to support horizontal initiatives in areas less directly related to the MDGs;

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<sup>1</sup> Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement, OJ L 152, 13.6 2007, pp. 1-13

20. Draws attention to the importance of the principles of aid effectiveness set out in the Paris Declaration and the Accra Agenda for Action and the principles of donor coordination set out in the EU Code of Conduct on Division of Labour in Development Policy<sup>2</sup>; considers these essential to making the best use of development cooperation funds and therefore calls for these principles to be fully taken into account in the revision of the Cotonou Agreement;
21. Calls for more coherence between the EDF and the new European Investment Bank (EIB) development mandate;
22. Welcomes the EU's commitment, enshrined in the Lisbon Treaty, to 'take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries'<sup>3</sup>; expresses concern, however, at the European Commission Communication on Policy Coherence for Development<sup>4</sup> (PCD), which introduces a different approach to PCD; insists, in this regard, that the EU approach to PCD needs to take fully into account the development priorities of ACP States.

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<sup>2</sup> Communication from the Commission to the Council and the European Parliament, COM/2007/0072 final

<sup>3</sup> Treaty on the Functioning of the European Union, Article 208(1).

<sup>4</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions – Policy Coherence for Development establishing the policy framework for a whole-of-the-Union approach, COM (2009)0458 final of 15 September 2009.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

**DECLARATION ON NIGER  
BY THE CO-PRESIDENTS OF ACP-EU JOINT PARLIAMENTARY ASSEMBLY  
LUANDA, 2 DECEMBER 2009**

The ACP-EU Joint Parliamentary Assembly held a debate on the current political situation in Niger.

The action of President Mahmmadou Tandja of Niger suspended the institutions guaranteeing the rule of law and violated the Constitution of Niger when he held an illegal constitutional referendum on 4 August 2009, allowing the President to stay in power for three more years. President Tandja organised unconstitutional parliamentary elections on 20 October 2009, which were widely boycotted by the opposition.

This constituted also a clear violation of the essential elements of the Cotonou Agreement, as provided for in Article 8 of the Agreement, to which the Government of Niger is a signatory. We therefore call on Niger to respect its commitments under the ACP-EU Partnership Agreement.

We fully endorse the international condemnation of Niger, particularly its suspension from ECOWAS and the EU's freeze of budget support.

We call on the President and the authorities of Niger to return to constitutional order as soon as possible and to uphold democracy and the rule of law and respect for basic human rights, and to immediately release all political prisoners, including Members of Parliament, human rights defenders and opposition leaders.

We call for an independent international investigation into human rights violations committed in the electoral period. We look forward to a satisfactory outcome to the EU's political consultations with Niger under Article 96 of the Cotonou Agreement. Given the conditions in which the last elections took place, the JPA decided to lower the status of the Niger delegation at this session to observer level.