

PARLIAMENT OF KENYA



11TH PARLIAMENT

SECOND SESSION

SUMMARY REPORT OF THE ACP-EU JOINT
PARLIAMENTARY ASSEMBLY MEETINGS
ATTENDED IN 2013

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September 2014

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PREFACE

Hon. Speaker,

In the First Session of the 11th Parliament, Kenya attended two ACP-EU Joint Parliamentary Assembly Sessions, in June and November 2013, and one session of committee meetings in September 2013.

The 32nd Session of the ACP Parliamentary Assembly (PA) and the 25th Session of the Joint Parliamentary Assembly were held from 12th to 19th June 2013 at the European Parliament in Brussels, Belgium. In addition, the 33rd Session of the ACP PA and the intersessional meetings of the committees were held from 17th to 20th September 2013 in Brussels, Belgium at the same venue. The Kenyan delegation to these meetings comprised of:

- (i) The Hon. (Dr.) Joyce Laboso, MP – Co-President of the ACP-EU;
- (ii) Senator Kembi-Gitura, MP – Leader of the Delegation;
- (iii) The Hon. Kabando wa Kabando, MP;
- (iv) The Hon. Abdikadir O. Aden, MP.
- (v) Ms. Wanjiru Ndindiri - Delegation Secretary
- (vi) Ms. Caroline Kinyua – Delegation Secretary.

H.E. Ambassador Johnson Weru and various staff from the Kenya Embassy in Brussels, Belgium, were also on hand to provide technical and logistical support to the delegation.

As a continuation of the year's activities, the 34th Session of the ACP Parliamentary Assembly and the 26th Session of the Joint Parliamentary Assembly were held from 20th to 27th November 2013 at the United Nations Conference Centre in Addis Ababa, Ethiopia. This session was a follow-up to the ones held in June and September 2013 in Brussels, Belgium. The Kenyan delegation to this meeting comprised of:

- (i) The Hon. (Dr.) Joyce Laboso, MP – Co-President of the ACP-EU;
- (ii) Senator Kembi-Gitura, MP – Leader of the Delegation;
- (iii) The Hon. Kabando wa Kabando, MP;
- (iv) The Hon. Abdikadir O. Aden, MP.
- (v) Mr. Zakayo Mogere – Delegation Secretary; and
- (vi) Ms. Wanjiru Ndindiri - Delegation Secretary.

H.E. Ambassador Johnson Weru, and Mr. Haggai Onguka, both from the Kenya Embassy in Brussels, Belgium, were also on hand to provide support to the delegation.

Hon. Speaker,

The latest Joint session was preceded by meetings of the three standing Committees of the ACP-EU, that is, Committee on Economic Development, Finance and Trade, Committee on Political Affairs, and the Committee on Social Affairs and the Environment. The main topics of discussion in the committee reports included *The social and environmental impacts of Pastoralism on ACP Countries, mining for oil and minerals on the seabed in the context of sustainable development, the respect for the rule of law and the role of an impartial and independent judiciary, the global spread of terrorism: the role of the internet and social media, and South-South cooperation and triangular cooperation: opportunities and challenges for the ACP countries.*

The ACP Parliamentary Assembly plenary session was also held during the period to discuss topics of importance to the ACP Member States, for instance, regarding the security and humanitarian situation in the Central African Republic, the issue of the International Criminal Court (ICC), and on the EU sanctions against Zimbabwe. In tandem with these discussions, the ACP Member States adopted three resolutions: one on the issue of the ICC cases especially as relating to Kenya, the second on the Central African Republic, and the third on Zimbabwe (**Appendix I**).

Hon. Speaker,

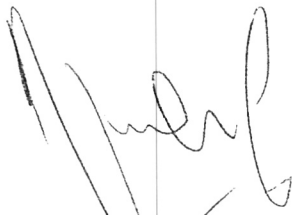
At the ACP Parliamentary Assembly in Addis Ababa, Kenya handed over the Presidency of the ACP to the Caribbean region after holding the office for a two-year term. The country was also nominated by the East Africa region to hold membership in the Committee on Political Affairs for the next two years.

This report contains other salient issues that were discussed at the meetings, including the resolutions adopted in the reports of the three Standing Committees on various matters, plus Kenya's interventions during the plenary sessions.

Hon. Speaker,

The delegation wishes to thank you for allowing it to attending the Sessions, and for facilitating it with travel and accommodation, as well as providing other logistical and technical support, in conjunction with the office of the Clerk.

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



Senator Kembi-Gitura

Deputy Speaker, Senate

Leader of the Delegation (2013)

ACP-EU Joint Parliamentary Assembly

September 2014

1.0 BACKGROUND

1. The ACP-EU Joint Parliamentary Assembly is one of the organs of joint institutions established under Article 14 of the ACP-EU Partnership Agreement, mostly known as the Cotonou Agreement. The Assembly was created in the year 2000 out of a common desire to bring together the elected representatives of the African, Caribbean and Pacific states that have signed the Cotonou Agreement and the European Parliament.
2. The ACP-EU brings together more than 320 MPs from the 78 ACP Countries and Members of the European Parliament, drawn from the 27 member states of the EU, commonly referred to as MEPs. The Parliament of Kenya has been a member of the ACP-EU Joint Parliamentary Assembly (JPA) since its inception. The ACP-EU JPA holds its plenary sittings twice a year, alternating the venues between the EU and ACP countries. The JPA also holds committee meetings twice a year, mostly in Brussels, where the headquarters of the institution are located.
3. The JPA is headed by two co-presidents, one from the ACP side and one from the EU side, who direct its work. Twenty four vice-presidents (12 European and 12 ACP) are also elected by the Assembly, and together with the co-presidents, constitute the Bureau of the Joint Parliamentary Assembly (JPA). The Bureau meets several times a year to ensure the continuity of the work of the JPA, reinforce and improve cooperation, and consider topical political questions, plus adopt positions on all human rights cases.
4. The Assembly also established three Standing Committees in March 2003 to draw up substantive proposals which are then voted on by the Joint Parliamentary Assembly. These Committees are:

- (i) Committee on Political Affairs;
 - (ii) Committee on Economic Development, Finance and Trade; and
 - (iii) Committee on Social Affairs and the Environment.
5. Each Committee elects a Co-Chair and 1st and 2nd Vice Co-Chairs for a renewable term of two years, on a rotational basis, taking into account regional balance. The Co-Chairs, together with their counterparts from the EU Parliament, form the Bureaux.
6. The Committees meet at least four times in a year. Each joint meeting, that is, with EU Committees, is preceded by meetings of the Committees of the ACP states. The first and third meetings are usually held in Brussels,
7. The Assembly also regularly undertakes exploratory or fact-finding missions, and election observation 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 to the Cotonou Agreement.
8. Towards the end of 2011, the Parliament of Kenya was elected to the Co-Presidency of the ACP-EU and the Presidency of the ACP Parliamentary group. This highly coveted position is like that of the Speaker in a Parliament where the holder is the official spokesperson, maintains order in the Assembly, regulates debate, and appoints speakers in debate and other functions. The position was held by the Hon. Musikari Kombo, EGH, MP until the end of the term of the 10th Parliament.
9. Due to the outcome of the last general election, where the Hon. Kombo was not re-elected, another Member, the Hon. (Dr.) Joyce Laboso, MP, was nominated to hold this position for the Parliament of Kenya until the end of

2013 as she was the only Member reelected who comprised the ACP-EU delegations in the 10th Parliament.

10. In 2013, Kenya was a member of the Committee on Economic Development, Finance and Trade. The delegation that represented Parliament at the 2013 JPA meetings was as follows-

- (i) The Hon. (Dr.) Joyce Laboso, MP – ACP-EU Co-President;
- (ii) Senator James Kembi-Gitura – Leader of the Delegation;
- (iii) The Hon. Kabando wa Kabando, MP;
- (iv) The Hon. Abdikadir O. Aden, MP.

11. Kenya was able to participate in two plenary sessions (June & November) and one session of committee sittings (September) in 2013.

Overview of the 25th and 26th Sessions of the ACP-EU JPA

12. The Co-Presidents gave their opening remarks at the beginning of the plenary sessions, after the anthems of the both ACP and EU sides were played. It should be noted that the ACP anthem, written by a Member of Parliament from the Dominican Republic, was introduced at the June 2013 meeting.

13. The sessions were formally opened and addressed by high-ranking officials of the host nations. This included Mr. Sean Barrett T.D., Speaker of the Irish Parliament, Mr. Martin Schultz, President of the European Parliament, the Right Hon. Hailemariam Desalegn, Prime Minister of Ethiopia, and Hon. Abadula Gameda, Speaker of the House of People's Representatives of Ethiopia, in addition to the Co-Presidents of the JPA, that is Mr. Louis Michel and Dr. Joyce Laboso.

14. The various important guests, including the Co-Presidents, urged the delegates from the various countries to continue enhancing the role of regional bodies, especially in the continued development of South-South and triangular

cooperation, as well as utilizing new ways of financing development in the ACP countries. The role and importance of Parliamentarians in championing long-term sustained development of their countries, ensuring transparent and accountable democratic systems, and developing economic reforms in their countries, among other issues, were also highlighted.

Committee meetings & Plenary Sessions

15. During the JPA committee and plenary sessions in 2013, the following resolutions and declarations were discussed and adopted:

- a) Economic Partnership Agreements - next steps.
- b) Threats posed again by military coups on democracy and political stability in the ACP countries and the role of the international community.
- c) Human resources for health in ACP Countries.
- d) The situation in the Republic of Guinea.
- e) The situation in the Central African Republic.
- f) Respect for the rule of law and the role of an impartial and independent judiciary.
- g) South-south cooperation and triangular cooperation: opportunities and challenges for ACP countries.
- h) Social and environmental impacts of pastoralism on ACP countries.
- i) Security in the Great Lakes region.
- j) The situation in the Comoros archipelago;
- k) ACP Declaration on the International Criminal Court (ICC); and
- l) Declarations on Eritrea, Lampedusa and the Ninth WTO Conference.

16. There were also a number of other topics discussed which did not require any resolution. This provided an opportunity for the MPs from the different countries to share their perspectives in the areas of:

- a) Violence against women, children and other vulnerable groups;
- b) Food and Nutrition Security;
- c) Agricultural policies facing the challenges of food security and climate change;
- d) Youth at the centre of the new ACP development policy: the importance of new technologies, education and entrepreneurship;
- e) Natural resources to promote development;

- f) Institutional cooperation between the African Union and the European Union;
 - g) New governance for the financing of development: Use of natural resources, Fiscal reform and redistribution of wealth & Decentralised cooperation;
 - h) The fight against female genital mutilation; and
 - i) The attainment of the MDGs in Africa.
17. A number of issues touching on Kenya arose during the various plenary sessions. Kenya was able to report on the outcome of its elections, as well as speak on the issue of repatriation of refugees in the June 2013 meeting. In addition, following the terrorist attack at the Westgate Mall in September 2013, the delegation was able to make a number of interventions during committee and plenary sessions on the ongoing discussion of security in Kenya, in addition to matters of the cases at the International Criminal Court during the November 2013 meeting.
18. The discussions also revealed that in matters of trade, the European Parliament had, in September 2013, passed a motion placing a deadline on when countries that had not signed the Economic Partnership Agreements (EPAs) could continue to access the European Union markets without paying duties. The date for when free market access would end was set as October 1, 2014. ACP countries that had not concluded EPAs negotiations were therefore encouraged to finalize these agreements before that date.
19. It is important to note that in November 2013, the term of the Presidency of the ACP, and that of membership in the Committees expired. This therefore led to a rotation of the ACP Presidency, committee memberships and chairs after various regional consultations.
20. It was agreed that the two-year rotational basis for the Presidency in the ACP countries will now be based on the formula A-A-P (Africa-Africa-Pacific), A-A-C (Africa-Africa-Caribbean), to ensure equitable representation from all the

regions. In this regard, the Presidency was taken up by the Caribbean region, specifically the member state of Jamaica.

Bureau meetings

21. The Bureau, similar to the House Business Committee, sets the programme of business for upcoming JPA plenary sessions. It agrees on the order of business, including consideration of the topics for debate, including urgent motions for resolution, and also sets dates and confirms venues for the next meetings.

22. In September 2013, the Bureau resolved that the next ACP-EU JPA usually held in June would be held before the end of March 2014 as the EU Members were headed for their elections in May 2014. It would therefore not be possible to hold any ACP-EU JPA sessions between April and September 2014.

Regional meetings and other activities

23. The ACP-EU JPA also held the 9th and 10th regional meetings in the Dominican Republic (Caribbean Region) and Nigeria (West Africa region), respectively. The JPA also participated in one election observation mission in Mali (July 2013), and one fact-finding mission in Haiti (November 2013). The reports of these meetings are also attached (**Appendix**).

24. A delegation of the ACP-EU Joint Parliamentary Assembly also participated in the Second ACP/EC/UN-Habitat Tripartite Conference on "Sustainable Urbanisation for Poverty Reduction: Slum Upgrading and Community Empowerment" in Kigali, Rwanda in September 2013. The delegation was co-chaired by the Co-Presidents of the Assembly, Louis Michel (Belgium) and Joyce Laboso (Kenya).

Workshops and excursions

25. In the course of the Sessions in 2013, Members attended the following workshops:-

- a) Promoting the investment climate in developing countries;

- b) Housing development programme to ensure urban sustainability in Ethiopia; and
- c) Micro and small enterprises development in creating job opportunities for youth and women.

2.0 ACTIVITIES BY THE CO-PRESIDENT

- 24. The Co-President had a very heavy calendar, having to lead the various teams headed for fact-finding or election observation missions, and the regional meetings, in addition to the regular ACP-EU JPA plenary and intersessional meetings.
- 25. Hon. Laboso was able to attend the 10th Regional Meeting (West Africa) in July 2013 in Abuja, Nigeria. Immediately after that, she led the ACP-EU team that observed the presidential elections in Mali. She also attended a UN-Habitat meeting in Kigali, Rwanda in September 2013, as well as a mission to Haiti in November 2013 to follow-up on that country's recovery and progress following the deadly earthquake in 2011.
- 26. The term of the ACP Presidency for Kenya came to a close in November 2013, at which point Hon. Laboso was able to host a farewell cocktail to thank the delegates for their support during her term, and appreciate her fellow Co-President and the ACP staff for their support during the year.

.....
END

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.521/13/fin.

RESOLUTION¹

on the respect for the rule of law and the role of an impartial and independent judiciary

The ACP-EU Joint Parliamentary Assembly,

- meeting in Addis Ababa (Ethiopia) from 25 to 27 November 2013,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the Treaty on European Union, in particular Articles 2 and 21(1) and (2) thereof,
- having regard to the Cotonou Agreement, in particular Articles 8(4), 9, 33(1) and 96 thereof,
- having regard to the African Charter on Democracy, Elections and Governance, adopted on 30 January 2007, in particular Articles 2(2), (5), (6) and (9), 3(1), (2), (5), (7), (8) and (9), 4, 10, 12, 15, 17, 27, 32 and 33 thereof,
- having regard to the Caricom Charter of Civil Society of 19 February 1997, in particular Article XVII thereof,
- having regard to the Organisation of African Unity Declaration on Democracy, Political, Economic and Corporate Governance of 8 July 2002, in particular Articles 7 and 14 thereof,
- having regard to the African Union Convention on Preventing and Combating Corruption of 11 July 2003, in particular Articles 3 and 17 thereof²,
- having regard to the report of the United Nations Secretary-General of 16 March 2012 entitled ‘Delivering justice: programme of action to strengthen the rule of law at the national and international levels’,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 27 November 2013 in Addis Ababa (Ethiopia).

²

http://en.wikipedia.org/wiki/African_Union_Convention_on_Preventing_and_Combating_Corruption_-_cite_note-1#cite_note-1

- having regard to the UN Basic Principles on the Independence of the Judiciary,
 - having regard to the Economic Community of West African States Protocol A/SP1/12/01 on Democracy and Good Governance, adopted in Dakar on 21 December 2001,
 - having regard to the report of the Committee on Political Affairs (ACP-EU/101.521/A/fin.),
- A. whereas respect for the rule of law and the balance of powers (executive, legislative, judicial) is a sine qua non for the implementation and functioning of a stable democracy – a common objective at the core of EU-ACP cooperation – and an essential element of good governance, and a prerequisite for the promotion of a fair state and of sustainable political, economic and social development which enables parliamentary democracy to function more easily;
 - B. whereas an effective, firm and clear separation of powers is fundamental in order to ensure the presence of a genuinely impartial, independent and accessible judiciary;
 - C. whereas the legal structures put in place should guarantee a balance between the three constitutional powers, which must be independent of the individuals occupying particular posts;
 - D. whereas having a free and ethical press network and a civil society whose rights are respected and which is taken into account in political decision-making could help to ensure a proper balance of constitutional powers;
 - E. whereas both EU and ACP countries have a strong common interest in the continued development of democracy and the establishment of properly functioning constitutionalism;
 - F. whereas the existence of an impartial, independent and accessible judiciary is a crucial aspect of the rule of law in all states, in order to ensure compliance with laws by all, to promote sustainable economic growth and to strengthen people's confidence in their government, thereby enhancing political stability and security;
 - G. whereas corruption in the judicial sector breaches the principle of non-discrimination and the right of access to justice, a fair trial and an effective remedy, which are instrumental in the enforcement of all other human rights, and whereas corruption seriously distorts the independence, competence and impartiality of the judiciary and of public administration, fostering distrust in public institutions, undermining the rule of law and leading to violence;
 - H. whereas having sufficient, well-trained human resources recruited on an objective and fair basis is essential to the proper functioning of the judiciary and the police;
 - I. whereas citizens' confidence in their country's legal system and the legitimacy of the courts is dependent on a fair, transparent, honest and effective judiciary;

- J. whereas the integrity of public affairs and of the management of public funds is at the heart of good governance and the rule of law, being considered to be a factor that decreases corruption; whereas political leaders must be held accountable politically and before the courts for the private appropriation of public funds; whereas widespread corruption and a lack of transparency, access to information and inclusive participation in decision-making prevents citizens from holding governments and political representatives to account in order to ensure that revenue related to resource and market exploration is used to uphold their human rights; whereas it is incumbent upon governments to do everything in their power to combat corruption in public and private companies;
- K. whereas good governance, which is a key principle of cooperation between the EU and the ACP countries, is defined as a process of long-term change based on universal aims and principles and shared aspirations which must inform the main State functions of government and the interaction of public institutions and citizens³;
- L. whereas education, in particular citizenship education, from an early age, and general popular awareness of a culture of peace, human rights, democracy, rule of law and civil liberties are key to fostering a sense of belonging and commitment to society among citizens and to enabling respect for the rule of law to take root;
- M. whereas the same principles must apply across the board and not be subject to specific national or regional 'standards', even though the way they are applied may vary according to the country;
1. Recalls that any democratic system is based on a constitution and an associated judicial system, and emphasises, in this connection, the importance of the principle of judicial independence;
 2. Insists on the effective adoption and application of relevant articles on the rule of law, the separation of powers and an independent judiciary contained in treaties, charters, agreements and declarations of international organisations such as the UN, the African Union and the EU and regional organisations;
 3. Calls on international organisations and regional organisations to use their influence to help national parliaments implement their control function with respect to the executive; encourages, in this context, exchanges of good practices between the parliaments of the ACP countries and those of the EU Member States;
 4. Welcomes the launching of regional governance initiatives, such as the Africa Peer Review Mechanism (APRM), and calls for the development of similar instruments in the field of justice;
 5. Recommends that constitutions or fundamental constitutional documents clearly define the rules on separation of powers and specify the corresponding

³ COM(2006)0421.

institutional framework; expresses reservations, in this connection, about the observable, constitutionally questionable practice whereby majorities which have a quorum to amend the constitution could curtail minority rights under domestic law which have been established for purposes of political scrutiny; stresses that revisions of constitutions should be the exception and should be designed to meet institutional rather than political needs; encourages, therefore, the establishment of systems to institutionalise political scrutiny and constitutional scrutiny by an independent court before any amendments are made to a constitution;

6. Insists that the establishment of effective rights for parliamentary minorities, coupled with the application of strict rules on the funding of political parties which ensure a high degree of transparency, is essential in order to allow democratic oversight, balanced powers and sustainable democracy;
7. Reiterates that civil society plays a positive and proactive role in the interaction between state powers, political parties and citizens and in preventing coups d'état or breaches of the rule of law;
8. Emphasises the importance of free and independent pluralistic media able to contribute to democratic control and the balancing of state powers, with protected rights under freedom of information legislation; calls for an end to the harassment of journalists, who should be able to carry out their work in an independent manner, without fear of violence and recrimination, and for the immediate release of journalists and bloggers wrongfully imprisoned because of their work; calls for the amendment of legislation on anti-terrorism and anti-extremism and laws on national security, treason or subversion which can be used to prosecute and imprison journalists;
9. Strongly recommends that state structures and institutions be reinforced, in particular those linked to the judiciary; calls on national authorities to allocate the necessary resources for this purpose; observes that sentences and convictions handed down by the courts cannot be executed without a credible penal system to which the necessary funding is allocated and which respects human rights;
10. Considers that the EU should pay greater attention to the situation of 'failed states' in accordance with the OECD's principles for international action in fragile states and precarious situations;
11. Calls for clear and transparent law-making in the economic sphere which, coupled with an independent judiciary, would enhance investor confidence and could thus make a major contribution to sustainable economic development; calls in this connection for particular attention to be given to property rules and highlights the importance of implementing the right to participation and the right to access information and public accountability mechanisms, such as open data, as core principles of democracy;
12. Emphasises the need to strengthen, through training and retraining, the intrinsic capacity of actors in charge of the judicial system (Constitutional Court, independent national electoral commissions, judges, prosecutors, criminal

investigation departments) and to institutionalise internal integrity control mechanisms;

13. Recommends the establishment of a disciplinary tribunal for officers in the judicial system, in order to guarantee the independence of judges in connection with possible career advancement and appointments;
14. Emphasises the strong need to tackle everyday problems, such as poverty, lack of affordable health care and corruption, which reinforce public perceptions that democracy has not improved living conditions;
15. Considers a strong and adequately resourced judicial system to be a bulwark against endemic corruption; considers, in this context, that officers of the judiciary and police should be adequately remunerated and protected against any pressure which might threaten their integrity or hamper them in the performance of their duties;
16. Stresses the importance of high-quality judicial and police training based on values and humanist ethics and on democratic and good-governance principles and the rule of law;
17. Advocates the establishment of parliamentary institutions and mechanisms which will initiate a transformation of society's mentality so as to provide effective protection against corruption and patronage; welcomes the Jakarta Statement on Principles for Anti-Corruption Agencies of November 2012; stresses the need to address the lack of effectiveness in tackling corruption of the anti-corruption institutions created in many countries, stemming mainly from their institutional arrangements, lack of functional independence from the executive, lack of political support, the sourcing of their finances, their rules for selecting and appointing officers and their enforcement powers; calls for the development of international standards on the independence and effectiveness of anti-corruption authorities, drafted intergovernmentally with the aim of final adoption by the UN General Assembly, which would be equivalent to, and have the same robust scope as, the Paris Principles for national human rights institutions; emphasises that these principles should be used as benchmarks for accountability through peer review performance assessments;
18. Supports the creation of an international commission against corruption by means of an international treaty or a protocol to the United Nations Convention against Corruption, which would establish an international body of criminal investigators endowed with powers equivalent to those of national law enforcement and prosecution authorities to investigate and prosecute crimes of corruption in the domestic territories of the signatory states, with the power to indict individuals in national criminal courts;
19. Stresses that the principles and practices of good governance in the judicial sphere must be rooted at local level, particularly by means of the development of high-quality judicial infrastructure operating throughout a territory;

20. Encourages initiatives to reform judicial systems, and considers that the European delegations concerned, their various partners and civil society should fully participate in such reforms;
21. Recommends the inclusion in national education programmes of citizenship education, from an early age, in order to promote a culture of responsibility, awareness of human rights, democracy and the rule of law, in particular with a view to combating endemic corruption;
22. Recommends the inclusion of local elements in the organisation of the judiciary and in a state's general democratic structure in order to ensure a greater sense of ownership among citizens while maintaining full respect for democratic rules and principles; stresses, in this connection, the importance of dialogue at local level and community policing to prevent crime and to promote respect for, and defence of, the rule of law and the judicial system on the part of citizens;
23. Underlines the important role being played by the International Criminal Court (ICC) in taking effective actions in the fight against impunity; observes in this connection that the ICC is no substitute for an effective national system of criminal courts; encourages the establishment of an institutional arrangement for regular dialogue between the ICC and governments, particularly African Union heads of state and government, in order to improve the current functioning of the Court, taking account of the concerns of the various parties to the Rome Statute;
24. Instructs its Co-Presidents to forward this resolution to the institutions of the African Union and the European Union, the ACP Council, the Economic Community of West African States, the Intergovernmental Authority on Development, the Southern African Development Community and the Secretary-General of the United Nations.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.516/13/fin.

RESOLUTION¹

on South-South cooperation and triangular cooperation: opportunities and challenges for the ACP countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Addis Ababa from 25 to 27 November 2013,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000² (the 'Cotonou Agreement'), as first amended in Luxembourg on 25 June 2005³ and as amended for the second time in Ouagadougou on 22 June 2010⁴,
- having regard to Article 208 of the Treaty on the Functioning of the European Union, which stipulates that 'Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries',
- having regard to the declaration adopted by the Joint Parliamentary Assembly in Budapest (May 2011) on the 4th High-Level Forum on Aid Effectiveness in Busan (South Korea) 2011⁵,
- having regard to the declaration of the 7th Summit of Heads of State and Government in Malabo, in particular paragraph 18 thereof, which calls for

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 27 November 2013 in Addis Ababa (Ethiopia).

² OJ L 317, 15.12.2000, p. 3.

³ OJ L 287, 28.10.2005, p. 4.

⁴ OJ L 287, 4.11.2010, p. 3.

⁵ OJ C 327, 10.11.2011, p. 11.

- special attention to be paid to South-South and triangular cooperation with the aim of putting an end to aid dependency⁶,
- having regard to the Busan Partnership for Effective Development Cooperation agreed on 1 December 2011⁷,
 - having regard to the Paris Declaration on Aid Effectiveness of 2 March 2005 and the Accra Agenda for Action of 4 September 2008⁸,
 - having regard to the conclusions of the 3166th meeting of the Council of the European Union (Foreign Affairs/Development) of 14 May 2012 on 'Increasing the Impact of EU Development Policy: an Agenda for Change'⁹,
 - having regard to the note by the UN Secretary-General on a Framework of operational guidelines on United Nations support to South-South and triangular cooperation (SSC/17/3) of 12 April 2012¹⁰,
 - having regard to the ACP-OIF symposium on strengthening South-South cooperation: challenges and opportunities for the ACP group¹¹,
 - having regard to the final document of the building block meeting on South-South and triangular cooperation of 5 and 6 March 2012 in Brussels¹²,
 - having regard to the conclusions of the Policy Dialogue on Triangular Cooperation in Lisbon on 16 and 17 May 2013, organised by the OECD and the Government of Portugal¹³,
 - having regard to the Nairobi outcome document adopted by the High-Level United Nations Conference on South-South Cooperation¹⁴,
 - having regard to the report on the Joint Meeting of the Executive Boards of UNDP/UNFPA/UNOPS, UNICEF, UN-Women and WFP of 4 February 2013

⁶ <http://www.acp.int/content/outcome-documents-7th-summit-acp-heads-state-and-government-and-96th-acp-council-ministers>

⁷ <http://www.oecd.org/dac/effectiveness/49650173.pdf>

⁸ <http://www.oecd.org/development/effectiveness/34428351.pdf>

⁹ http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/130243.pdf

¹⁰ http://ssc.undp.org/content/dam/ssc/documents/HLC%20Reports/Framework%20of%20Operational%20Guidelines_all%20languages/SSC%2017_3E.pdf

¹¹ Final report (2011), 4.5.2011.

¹² Final document final (2012), 20.3.2012.

¹³ <http://www.oecd.org/dac/dac-global-relations/dialogue-triangular-cooperation.htm>

¹⁴ A/RES/64/222 A-RES-64-222f.doc

- in New York on Leveraging South-South Cooperation and Triangular Cooperation¹⁵,
- having regard to the Commission proposal to the European Parliament and to the Council for a regulation establishing a financial instrument for development cooperation¹⁶,
 - having regard to the United Nations Millennium Declaration of 8 September 2000,
 - having regard to the report by the Committee on Economic Development, Finance and Trade on South-South cooperation and triangular cooperation: opportunities and challenges for the ACP countries (AP101.516/13/fin),
- A. whereas the first decade of the 21st century was marked by rapid economic growth in the major emerging countries of the south (China, India, Brazil, Argentina, Indonesia, South Africa, etc.), which are increasingly establishing themselves as major development players, accounting for nearly 50% of global GDP in 2010, according to OECD estimates, compared with 36% 10 years ago;
- B. whereas, in this context and in the light of the challenges associated with development, the ACP countries have increasingly adopted approaches involving South-South partnership, covering not only financial flows but also sharing of experience, technology transfer, preferential market access and approaches to trade which are more mutually supportive;
- C. whereas the future of South-South cooperation rests on collective measures which contribute to the development of all the participant countries and provide a response to common challenges;
- D. whereas the Economic Partnership Agreements being ratified by the ACP countries must be a vehicle for the development of the European Union's partner countries, particularly through the diversification of their economies and the enhancement of cooperation between ACP countries;
- E. whereas the ACP countries have increasingly given consideration to new ways of pursuing the aims of eradicating poverty and achieving sustainable development on a more regional scale and through horizontal partnerships;
- F. whereas triangular cooperation is a process involving South-South cooperation with the support of a country in the north, which is distinct from mere technical cooperation programmes in that each actor defines its contribution on the basis of its own comparative advantages, thus assuming a share of the responsibility for development results;

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<http://www.undp.org/content/dam/undp/library/corporate/Executive%20Board/2013/English/B-11712E-2013-JBM-Leveraging%20South-South%20cooperation%20and%20triangular%20cooperation.pdf>

¹⁶ COM (2011) 840, 7.12.2011.

- G. whereas South-South cooperation should be more transparent and increase the involvement of local civil societies;
 - H. whereas, despite significant progress in reaching the targets set by the Millennium Development Goals, such progress has been extremely uneven;
 - I. whereas countries from the north have a vested interest in ensuring that South-South and triangular cooperation is successful;
 - J. whereas foreign direct investment (FDI) between developing countries accounted for 16% of the global total in 2010 (approximately USD 210 billion, compared with USD 187 billion in 2008) and there still remains an untapped potential for greater South-South cross-border economic integration;
 - K. whereas, according to the UN Secretary-General's report, South-South development cooperation has grown rapidly, reaching USD 16.2 billion in 2008, a rise of 63% compared with 2006;
1. Believes that South-South and triangular cooperation, although different in nature and scope, both create fresh fora and new means of cooperation, enabling emerging countries in the south to pass on to less developed countries, especially the least developed ones (LDCs), the experience of their successes and the lessons learnt from their failures, and to provide them with development aid;
 2. Notes that emerging countries (China, India, Brazil, Turkey, Morocco, the Persian Gulf countries, etc.) are investing very heavily in the ACP countries and should be encouraged to use their role in addressing key international issues, ranging from economic recovery to food security, human rights and climate change;
 3. Recognises that the ACP countries possess technical know-how specific to their territory, thanks to geographical proximity and growing regional complementarities, although trade imbalances persist, as in the case of China in Africa;
 4. Deplores the structure of trade between the ACP countries and the emerging economies, which is unchanging in qualitative terms, with the ACP countries continuing to be sources of commodities and raw materials used to power industrial growth in other countries; urges those countries to show their capacity to promote new forms of development mechanisms and mobilisation of funds in order for economic relations with emerging countries to support structural diversification of the economy;
 5. Calls on the existing trading partners to assist with training and investment in the industries that add value to the products of the ACP countries and of other southern countries in order to build skills and to get the best value from their resources for sustained future growth;

6. Calls, therefore, on the European Union to support South-South development cooperation which is firmly in line with the principles of mutual interest and equality, taking into account the imbalances existing between the two parties in the partnerships; considers that the mere selling-off of raw materials should be prevented and that fair trade in resources, and in particular intensive transfers of education, knowledge and technology, should be supported;
7. Believes that triangular cooperation projects provide the European Union with a further opportunity to foster sustainable partnerships with ACP countries;
8. Encourages the development of innovative financing, such as the option of introducing a carbon tax based on the 'polluter pays' principle, given that the developed and emerging countries are often a major source, though not unique, of CO₂ emissions as a result of their rapid industrialisation; commends in this respect the EU Member States for their efforts to gradually phase out fossil fuels in line with the Union's international commitments to fight climate change, and encourages triangular cooperation to focus on promoting the use of renewables and green technologies as part of a sustainable energy mix;
9. Calls on the Commission and the European Investment Bank to increase their funding for triangular cooperation initiatives, particularly between countries sharing a common border;
10. Encourages all stakeholders to promote a strengthening of ACP countries' capacities in the long term through the implementation of triangular cooperation which exploits the comparative advantages and complementarities between different development actors, bringing countries together around the common goal of eradicating poverty worldwide and promoting sustainable development;
11. Is of the opinion that South-South cooperation and triangular cooperation should also focus on the fight against money-laundering and terrorist financing with a view to sustainable economic development based on the rule of law;
12. Takes the view that South-South cooperation and triangular cooperation should contribute to the sustainable and economically viable use of natural resources and raw materials;
13. Recalls that, for South-South cooperation and triangular cooperation to bring tangible benefits to citizens, they should be developed as a complement to proactive public, private and joint investments in public utilities such as, but not exclusively, transport, energy, particularly electricity supply and access to electricity, and ICT infrastructure, and be accompanied by a set of pro-growth public policies, including an adequate fiscal regime and adequate level of decentralisation in order to empower the regions and local communities;
14. Recognises that, given the poor mobilisation of internal resources and the declining volume of development aid, financing obtained through South-South cooperation is a lifeline for many ACP countries which have enormous funding needs; regrets, nevertheless, that such financing is characterised by strong concentration on sectors such as natural and mineral resource extraction;

15. Believes that development aid and cooperation projects should be more focused on promoting a better use of internal resources of ACP countries;
16. Encourages the expansion of South-South and triangular cooperation into areas which would foster sustainable development, such as good governance;
17. Insists on the need to strengthen the ACP countries' capacity to frame and implement legislation for mutually supportive development which guarantees respect for human rights, good governance, social justice, fairness, democracy and respect for and protection of the environment;
18. Believes that the ACP countries must be able to address environmental challenges, such as climate change, energy, environmental degradation and biodiversity loss, in particular using finance intended for the exploitation of natural resources, which must be done in a sustainable way;
19. Suggests that the global partnership for effective development cooperation can provide a forum for partners sharing the same principles and whose commitments are correctly defined, in order to obtain tangible development results, by exploring comparative advantages and complementarities and improving transparency with regard to spending, recipients and the accountability of the local and regional actors involved in the processes concerned;
20. Emphasises that the traditional donors remain the main providers of aid to the ACP countries and trade partners, with the EU and its Member States having reaffirmed their commitment to contribute 0.7% of their Gross National Income to speed up progress towards attaining the Millennium Development Goals in 2015 and beyond;
21. Encourages partnerships to be formed in specific fields and for specific measures in order to have a greater impact on international decisions; calls on the stakeholders to give consideration to the sustainability of these new forms of cooperation, bearing in mind the central issues of knowledge and technology transfer and protection of the environment beyond their borders;
22. Considers that new forms of territorial integration call for a transfer of development projects to local and regional actors;
23. Insists on the need to give a significant role to research and innovation, by negotiating, in the context of international relations, arrangements favourable to research for development;
24. 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, regional and national parliaments and the ACP regional organisations.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.526/13/fin.

RESOLUTION¹

on the social and environmental impact of pastoralism in ACP countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Addis Ababa (Ethiopia) from 25 to 27 November 2013,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the African Union 'Policy Framework for Pastoralism in Africa: Securing, Protecting and Improving the Lives, Livelihoods and Rights of Pastoralist Communities' adopted by the Conference of African Ministers of Agriculture in October 2010, and approved by the Executive Council 18th ordinary session, Addis Ababa, January 2011 (Doc. EX.CL/631 XVIII),
- having regard to the N'Djamena Declaration of 29 May 2013 on the contribution of pastoral livestock to security and development,
- having regard to the Framework and Guidelines on Land Policy in Africa endorsed by the African Union Joint Conference of Ministers of Agriculture, Land and Livestock in 2009,
- having regard to the ECOWAS Heads of State Decision A/DEC.5/10/98 regulating transhumance between ECOWAS states,
- having regard to the agricultural policy of the ECOWAS states adopted on 19 January 2005 in Abuja,
- having regard to the WAEMU agricultural policy adopted on 10 December 2001 by Additional Act No 03/2001,
- having regard to the COMESA draft Policy Framework for Food Security in Pastoralist Areas of December 2009,

1 Adopted by the ACP-EU Joint Parliamentary Assembly on 27 November 2013 in Addis Ababa (Ethiopia).

- having regard to the IGAD Regional Policy Framework for Animal Health and Trade, approved in December 2009,
 - having regard to the ACP-EU Partnership Agreement ('Cotonou Agreement') and in particular Article 32(1) on environment and natural resources, Article 32A on climate change, Article 31 on gender issues and Article 23 on economic sector development, covering rural strategies and agricultural production,
 - having regard to the Communication from the Commission to the European Parliament and the Council of March 2013 entitled 'Enhancing Maternal and Child Nutrition in External Assistance: an EU Policy Framework' (COM(2013)0141),
 - having regard to the Commission communication to the European Parliament and the Council entitled 'The EU approach to resilience: learning from food security crises' (COM(2012)0586),
 - having regard to the Communication from the Commission to the Council and the European Parliament on an EU policy framework to assist developing countries in addressing food security challenges (COM (2010)0127),
 - having regard to the EU-led AGIR and SHARE initiatives to address food and nutrition crises,
 - having regard to the report by the United Nations Food and Agriculture Organisation (FAO) entitled 'World Livestock 2011. Livestock in food security' (Rome, 2012),
 - having regard to the United Nations Declaration on the rights of indigenous peoples, adopted by the General Assembly in 2007 (A/RES/66/142),
 - having regard to the European Council Conclusions of 18 November 2002 on Indigenous Peoples (13466/02),
 - having regard to the Millennium Development Goals established by the United Nations in 2000,
 - having regard to the report of the Committee on Social Affairs and the Environment (ACP-EU/101.526/13/fin),
- A. whereas around 268 million pastoralists live across Africa, and whereas in some regions pastoralism constitutes the main livelihood; whereas pastoral areas cover almost 40% of the African continent, and whereas pastoralism constitutes the main activity in certain regions, Niger for example having an estimated FCFA 2 000 billion in livestock capital, with revenue from the sector contributing 21% of the country's export resources;
- B. whereas pastoralists have well-established indigenous knowledge and use both

social networks and new information and communication technologies (NICTs) to seek out the most nutritious grazing land in arid and semi-arid areas and strategically move their livestock there, thereby making good use of uncultivated land ill-suited to other purposes;

- C. whereas statistics on the contribution of pastoralism to national economies are little known, despite its importance to the supply of livestock and the creation of a network of associated services;
- D. whereas in arid and semi-arid areas pastoralism is more productive than sedentary livestock farming in terms of production of meat per hectare and calories per hectare, and whereas it therefore helps to feed communities and enhance food and nutrition security and resilience;
- E. whereas mobile grazing in arid and semi-arid areas, together with the carbon sequestration potential of pastoral grasslands, could have a positive impact on the environment; whereas, on the other hand, grazing with flocks that are not moved around leads to overgrazing and loss of biodiversity, since plants are unable to recover sufficiently;
- F. whereas climate change increases the vulnerability of pastoralists to food insecurity and poverty, notwithstanding the fact that pastoralists' mobility means they can adapt more easily to climate change than sedentary livestock rearers;
- G. whereas population growth is increasing the need for agricultural land and urbanisation in Africa, factors liable to restrict animal mobility, and whereas careful management and the creation of land-use codes and plans are therefore particularly important in order to preserve animal mobility;
- H. whereas addressing the management of cross-border mobility at regional level may provide solutions to inter-communal conflicts linked to access to water and land;
- I. whereas pastoralists, moving through remote areas, can play a positive security role;
- J. whereas by diversifying their activities some pastoralists can increase their income;
- K. whereas pastoralists can have difficulties accessing appropriate, good-quality healthcare, education, water and veterinary care for their animals, and whereas the difficulties in including them in census data can lead to their political marginalisation;
- L. whereas the AU Policy Framework for Pastoralism seeks to protect the livelihood of pastoralists, help them address the challenges they face, safeguard their rights and reinforce their contribution to the economy;

1. Urges ACP states and local authorities to align their national, local and regional policies with the AU Framework, and to involve pastoralists in defining the strategies to be used;
2. Calls on the EU to recognise pastoralism as a valuable production system, and to support ACP states in implementing the Framework;
3. Points out the necessity of appropriate animal health and hygiene measures in order to avoid the spread of animal diseases, to preserve pastoralism and to protect public health; notes the importance of pastoralists having knowledge about the prevention and treatment of animal diseases;
4. Calls on ACP states to create and implement local, national, bilateral and regional initiatives, laws and codes for pastoralism, transhumance and land use; calls on the ACP States also to develop innovative supply concepts in fields such as education and public health to enable mobile population groups to be better provided for;
5. Urges public and private actors to ensure that borders and boundaries do not negatively affect pastoralists' safe mobility and resource access and that pastoralists can still graze their herds where land is privatised;
6. Recommends that ACP states support and advise pastoralist women in relation to their economic empowerment;
7. Calls on ACP states to strengthen their governance structures so as to ensure better representation of pastoralists, including by empowering traditional institutions and civil society organisations, in order to ensure that appropriate means are used to achieve the following objectives:
 - (a) safe access to rangelands and dry-season buffer zones;
 - (b) preservation of traditional knowledge and genetic resources while acquiring new knowledge relating to animal health, the environment and the securing of resources;
 - (c) access to appropriate, good-quality education, healthcare, veterinary care and water in a way that is adapted to pastoralism;
 - (d) provision and use of technologies, hygiene services, drought management systems, market information and financial services;
 - (e) expansion and improvement of processing and market preparation infrastructure and marketing routes;
8. Calls on ACP states to give special attention to the education of girls in pastoral communities and to create facilities for their access to education;

9. Calls on ACP states and the EU to involve pastoralists in decision-making and to provide support to pastoralists in conflict resolution, using customary means wherever appropriate and possible, and to improve access to legal services;
10. Calls on ACP states to support and advise pastoralists who opt out;
11. Recommends that ACP states collect further data on pastoralists in order to make a better assessment of their contribution to the economy, and carry out socioeconomic studies to better categorise the vulnerability of pastoralists to, for example, climate change, conflict, changing land use or food insecurity;
12. Calls on the EU and ACP states to do all they can to combat climate change, given its damaging impact on pastoral populations; stresses, in this connection, the importance not only of supporting climate change adaptation and improving resilience among pastoralists in ACP states, but also of pushing for an ambitious agenda in tackling greenhouse gas emissions in both EU and ACP states;
13. 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, regional and national parliaments and the ACP regional organisations.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.541/13/fin.

RESOLUTION¹

on security in the Great Lakes region

The ACP-EU Joint Parliamentary Assembly,

- meeting in Addis Ababa from 25 to 27 November 2013,
- having regard to Article 18(2) of its Rules of Procedure,
- having regard to Partnership Agreement 2000/483/EC between the African, Caribbean and Pacific (ACP) Group of States of the one part, and the European Union and its Member States of the other part, signed in Cotonou (Benin) on 23 June 2000 and revised successively in 2005 and 2010,
- having regard to United Nations Security Council Resolution 2098 (2013) on the Democratic Republic of Congo (DRC),
- having regard to the ACP-EU Joint Parliamentary Assembly resolution on the situation of instability and insecurity in the Great Lakes region and, in particular, in the east of the DRC, adopted at its meeting in Paramaribo (Suriname) on 29 November 2012,
- having regard to the statement of 14 November 2013 by the President of the UN Security Council on the situation concerning the DRC,
- having regard to the Pact on Security, Stability and Development in the Great Lakes Region, signed in Nairobi (Kenya) in December 2006 by the Heads of State and Government of the Member States of the International Conference on the Great Lakes Region (ICGLR),
- having regard to the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region, signed on 24 February 2013 in Addis Ababa (Ethiopia) by eleven Heads of State and Government of the member states of the ICGLR and the Southern Africa Development Community (SADC),
- having regard to the Declaration of the Heads of State and Government of the Member States of the ICGLR meeting in Kampala (Uganda) on 5 September 2013 on the Security Situation in North Kivu Province in the DRC,
- having regard to the final communiqué of the joint summit of the SADC and the ICGLR held in Pretoria on 4 November 2013,

1 Adopted by the ACP-EU Joint Parliamentary Assembly on 27 November 2013 in Addis Ababa (Ethiopia).

- having regard to the decision of the African Union (AU) Peace and Security Council on the situation in eastern DRC, taken on 14 november 2013 at its 406th meeting,
 - having regard to the Joint Declarations of 9 September 2013, 4, 6 and 11 November 2013 by the Special Envoys and Representatives of the EU, UN, AU and US for the Great Lakes region,
 - having regard to the statements made by Catherine Ashton, Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, on 30 August 2013 on the situation in North Kivu, and on 7 June 2012 and 10 July 2012 on the situation in eastern Congo,
 - having regard to previous European Parliament resolutions on the DRC, particularly those of 17 December 2009, 13 December 2012 and 12 September 2013,
 - having regard to the statement of 26 June 2012 by Kristalina Georgieva, EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, on the worsening humanitarian situation in the DRC,
 - having regard to Article 3 of the Geneva Convention of 1949 and to Protocol II thereto, which prohibit summary executions, rape, enforced recruitment and other atrocities,
 - having regard to the International Convention on the Rights of the Child of 20 November 1989, which, in particular, prohibits the involvement of children in armed conflicts,
 - having regard to the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights,
 - having regard to the African Charter on Human and Peoples' Rights, which was ratified by the DRC in 1982,
- A. gravely concerned at the ongoing violence, massive human rights violations, crimes of all kinds (arbitrary arrests, extortion, looting, forced labour, sexual violence, forced recruitment of children, torture and executions) and insecurity in the Great Lakes region;
 - B. whereas the presence and activities of armed groups in the Great Lakes region in general and eastern DRC in particular are among the root causes of the continuing lack of security in the region and pose a constant threat to peace, security, stability and economic and social development and to cooperation between the countries of the region;
 - C. whereas the ongoing illegal exploitation and looting of the DRC's natural and mining resources, in particular in the east of the country, remains one of the main causes of insecurity in the Great Lakes region; whereas rising unemployment and poverty, the food crisis and the inadequacy of basic social services are also instrumental in the resurgence of violence and in instability in the region;

- D. whereas in the past year the fighting has displaced more than 100 000 people, exacerbating the ongoing humanitarian crisis in the region, in which there are around 2.6 million internally displaced persons and 6.4 million people in need of food and emergency aid, a situation caused mainly by the M23 rebellion and the criminal activities of other armed groups in eastern DRC;
- E. whereas following the military offensive launched in late October 2013 with the support of the Intervention Brigade of MONUSCO, the Armed Forces of the DRC (FARDC) ended the M23 rebellion and allowed the progressive reinstallation of the territorial administration of the state in the areas occupied by the rebels;
- F. noting the declaration of 5 November 2013 by the leaders of the M23, announcing the end of their rebellion and their willingness to pursue the objectives of their movement through exclusively political means;
- G. whereas, despite this victory by the FARDC and despite the efforts made and resources brought to bear by the international community in the Great Lakes region, in particular in eastern DRC, the violence and serious human rights violations, war crimes and crimes against humanity perpetrated by armed groups, and the illegal exploitation and looting of the DRC's natural resources are still far from over; whereas it is therefore important for efforts to consolidate peace and security in the region to continue;
- H. deploring the difficulties in bringing the talks in Kampala between the DRC Government and the M23 to a swift conclusion that resulted from a disagreement over the nature and title of the final text sanctioning those talks, despite the progress already made;
- I. whereas there is an urgent need to bring a definitive end to the activities of all other negative forces operating in eastern DRC, including the Democratic Forces for the Liberation of Rwanda (FDLR), the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU) and the different Mai-Mai groups, and to swiftly restore peace and security in the Great Lakes region;
- J. whereas it is regrettable that the commitments made in the above-mentioned framework agreement signed in Addis Ababa on 24 February 2013 have not been honoured by all the parties involved;
- K. whereas during his joint visit to the Great Lakes region with the UN Secretary-General in May 2013, the President of the World Bank announced that the World Bank would contribute USD 1 billion towards development projects in the region, alongside the efforts currently being made by the international community to bring lasting peace to the Great Lakes region;
- l. Condemns once again, in the strongest possible terms, the acts of violence, crimes, human rights violations, acts of rape and recruitment of child soldiers that have taken place, and reiterates its support for the peoples of the Great Lakes region who have been exposed to the atrocities of war; encourages states to promote dialogue, mediation, and negotiation in internal conflict resolution as a means of eliminating the causes of dissension which lead to attempts to depose democratically elected governments;

2. Calls on the DRC Government to exercise its full authority throughout the territory of the DRC and to improve the general governance of the country, including in the human rights field, as well as to identify and implement appropriate means of ensuring that all sections of Congolese society have the same rights;
3. Calls on parliaments of the Great Lakes region to work with their governments and political parties to promote social justice to ensure lasting peace;
4. Calls on parliaments and governments to ensure equal participation by all categories of society, including women and young people, minorities and vulnerable groups in the democratic process and governance;
5. Calls on the international community, including the AU, the EU and the UN, to continue to provide substantial, coordinated and more effective aid to people affected by the security situation in the Great Lakes region and to remain ready to respond to the humanitarian disaster in the region;
6. Reaffirms its steadfast commitment to the sovereignty, independence, territorial integrity and national unity of the countries of the Great Lakes region in general and to the DRC in particular, and stresses that these need to be respected in order to promote the peace, security and development of the Great Lakes region;
7. Reaffirms the inalienable and inalienable right of each of the peoples of the region to benefit fully from their national assets and to dispose of them in a completely sovereign manner in accordance with their own laws;
8. Expresses its support for the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region signed in Addis Ababa, and calls on all the signatory parties to honour their commitments swiftly and in good faith; calls therefore on the UN Security Council to take appropriate measures pursuant to paragraph 6 of its Resolution 2098 (2013) in respect of any parties that have not complied with the commitments set forth in that framework;
9. Welcomes the EU's support for the framework agreement and encourages it to make every effort, together with other international organisations, to promote peace and improve cooperation between the DRC, Uganda, Rwanda, Burundi and Tanzania;
10. Expresses its support for all the measures aimed at restoring peace and security in the Great Lakes region instigated and carried out by the UN, the AU, the EU, the ICGLR and the SADC, and urges them to continue their efforts and in particular to set up a programme for the harmonious development of the region, in order to offer young people and the population of the Great Lakes region in general an alternative to war that will provide them with a better future;
11. Welcomes UN Security Council Resolution 2098 (2013) on the DRC and calls urgently on the leaders in the Great Lakes region and on the international community as a whole to work to ensure that that resolution is appropriately and fully implemented;

12. Welcomes the deployment in North Kivu of troops from the Intervention Brigade established under that resolution within MONUSCO; welcomes that brigade's active involvement in putting down the M23 rebellion, and calls on it to continue to provide support for Congolese government troops, with a view to disbanding all other armed groups on DRC territory and putting an end to their criminal activities in the Great Lakes region;
13. Urges the international community, in particular aid donors, to support efforts by the DRC authorities, following the military victory over the M23, to carry out institutional, political, economic and social structural reforms, in particular in the defence, security and justice spheres, with a view to strengthening democracy, the rule of law and good governance at all levels of public administration;
14. Calls on the DRC and its neighbours to engage in closer and more effective regional cooperation, in order jointly to address the consequences of the recurring conflicts in the region and, in addition to dealing with security-related and political issues, to promote economic development in the Great Lakes region; calls on the international community, in particular the ICGLR, the AU, the EU, the UN and the US to support such cooperation;
15. Emphasises, with a view to this, the need to revitalise the Economic Community of the Great Lakes Countries and to provide it with the wherewithal to promote peace, integration, economic growth and job creation, in order to give the people of the region a better life;
16. Welcomes the progress made in the Kampala negotiations under ICGLR auspices and urges the mediator and all the parties to conclude those talks swiftly, so as to settle urgent matters such as the extradition of former M23 rebels who have taken refuge in neighbouring countries and people cited for war crimes, crimes against humanity and serious human rights abuses;
17. Calls for the demobilisation, disarmament, rehabilitation and reintegration (DDRR) of former rebels to be carried out in strict accordance with both the basic international standards in this area and the specific demands of soldiering, as referred to in the ACP-EU JPA resolution on the threats posed by military coups to democracy and political stability in the ACP countries, and the role of the international community;
18. Takes note of the national consultations in the DRC between the presidential majority, the political opposition and civil society convened by President Joseph Kabila and encourages the DRC authorities to act on the conclusions and recommendations of those consultations, with a view to promoting national reconciliation and removing once and for all the root causes of the recurrent political crises in the DRC;
19. Emphasises the need to lose no time in identifying, with the assistance of the Office of the UN High Commissioner for Refugees and the International Red Cross, former M23 rebels and Congolese refugees in Rwanda and Uganda, so that they may be voluntarily repatriated to their country of origin and that anyone so wishing may take part in the DDRR programme;

20. Emphasises that ending impunity is one of the preconditions for restoring peace and security in the Great Lakes region and repeats its call on the judicial authorities of the member states of the ICGLR and on the International Criminal Court to prosecute and punish the perpetrators of human rights violations, crimes against humanity, war crimes, rape and the recruitment of child soldiers in the Great Lakes region;
21. Insists that all armed groups roaming the Great Lakes region that have not yet done so must lay down their arms immediately and undertake to return to normal civilian life in their respective countries;
22. Urges all of the countries in the Great Lakes region that have taken in civilian or military refugees from other countries to adhere strictly to the provisions of the 1951 Geneva Convention relating to the Status of Refugees and of the Organisation of African Unity (OAU) Convention of 1967 Governing the Specific Aspects of Refugee Problems in Africa, in particular the ban on such persons engaging in political and military activities against their countries of origin;
23. Calls on the World Bank to follow up the promise made by its President on 22 May 2013 in Kinshasa to invest the sum of USD 1 billion for development projects in the Great Lakes region, and recommends that this funding be earmarked as a priority for the areas affected by the conflicts;
24. Urges the AU, the ICGLR and its member states, the UN and the EU to take firm and effective steps to combat the illegal exploitation of and trade in natural resources of the RDC and other countries in the Great Lakes region, and in particular to impose penalties on companies involved in such practices, in accordance with the transparency principles adopted at international level;
25. Instructs its Co-Presidents to forward this resolution to the African Union, the ACP-EU Council, the Council and Commission of the European Union, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the UN Secretary-General, the Special Envoy of the UN Secretary-General for the Great Lakes Region, the member states of the International Conference on the Great Lakes Region and the Presidents, Heads of State and Government and parliaments of the states concerned.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.355/def

RESOLUTION¹

on the threats posed again by military coups to democracy and political stability in the ACP countries, and the role of the international community

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels from 17 to 19 June 2013,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the Treaty on European Union,
- having regard to the Cotonou agreement,
- having regard to its resolution of 29 November 2012 on the situation in Mali,
- having regard to the resolutions of the European Parliament of 13 June 2012 on the military coup in Guinea-Bissau (2012/2660(RSP)), of 20 April 2012 on the situation in Mali (2012/2603(RSP)), of 9 June 2011 on the situation in Madagascar (2011/2712(RSP)), and of 4 September 2008 on the coup in Mauritania (2008/2623(RSP)),
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966, and the International Convention on the Rights of the Child of 1989,
- having regard to the EU's Strategy for Security and Development in the Sahel, adopted in March 2011,
- having regard to the Lomé Declaration of 12 July 2000 of the Heads of State and Government of the Organisation of African Unity (OAU),

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 June 2013 in Brussels.

- having regard to the Constitutive Act of the African Union (AU) adopted in 2000 at the Lomé Summit (Togo) and entering into force in 2001,
 - having regard to the Communiqué of the African Union Heads of State of 14 July 2012 on the situation in Mali (PSC/AHG/COMM/1, Decision of the AU Assembly of 1 July 2011 on the situation in Madagascar (Assembly/AU/369), Decision by the Peace and Security Council of the AU of 17 April 2012 on the situation in Guinea Bissau and Resolution by the AU Peace and Security Council of 6 February 2009 on the situation in Mauritania,
 - having regard to the African Charter on Democracy, Elections and Governance (Democracy Charter) adopted by the African Union on 30 January 2007, in Addis Ababa, Ethiopia and entering into force on 15 February 2012,
 - having regard to the Ecowas Protocol A/SP1/12/01 on Democracy and Good Governance adopted in Dakar on 21 December 2001,
 - having regard to the report by the Committee on Political Affairs (ACP-EU 101.355),
- A. whereas democracies are characterised by the holding of free and transparent elections by which power is transferred for a determined period to the persons on whom the people have conferred legitimacy through the ballot box; whereas democracies are characterised by respect for the rule of law, a balance between the executive, legislative and judicial branches and by freedom of the press; whereas democratic alternation is an essential step for their consolidation;
 - B. whereas the adoption of legal instruments against unconstitutional change of government at the level of the African Union and of Ecowas has not been sufficient to prevent the increasing incidence of military coups;
 - C. whereas unconstitutional changes of government are decidedly a major obstacle to and challenge for assuring peace, security and the development of society in the States and nations that experience them;
 - D. whereas in a democratic State, where the principle of the rule of law is enforced, the police and judicial systems ensure the application of the law within national boundaries and the military armed forces ensure the external security of the State;
 - E. whereas the strong interdependence of States, the porous nature of borders, including with regard to arms trafficking, and the transnational activities of terrorist groups require the establishment of regional responses to avoid similar situations occurring in neighbouring States;
 - F. Whereas the restructuring of national armies in post-conflict ACP States via the inclusion of rebels and their ‘brassage’ or ‘mixage’ in the regular forces, without taking account either of objective army recruitment criteria or of the actual resources available to the States concerned for troop upkeep, seriously

undermines the professionalism and the élite nature of any republican army corps, thus creating conditions favourable to mutiny, further rebellion and military coups, which impede democratic processes in the ACP States;

- G. whereas coups and internal tension are opportunities for groups of home-grown or external terrorists to expand their influence and permanently threaten stability at regional level or even beyond;
 - H. whereas internal and local factors, such as the influence of military power on public life, corruption, failing management of natural resources, the politicisation and instrumentalisation of ethnic or religious tensions, rivalries within the military and security forces, and external interference constitute important factors of fragility of the State, and contribute to the spread of crises and conflict, with a real potential for social, political and security troubles;
 - I. whereas military coups and unconstitutional changes of government threaten the local population and the capacity to guarantee civil liberties and human rights;
 - J. whereas strong demographic growth in a context of poverty constitutes another important factor of fragility of the State that could be exacerbated by the acceleration of the urbanisation process, and thus increases endemic unemployment and jeopardises food security, resulting in social unrest and possibly leading to an uprising or to a coup;
 - K. whereas, in contexts of extreme violence from military or rebel armed groups towards populations, the States concerned must face large-scale displacements of people, most of whom stay inside the country or flee to the closest neighbour State because they cannot afford to move further;
 - L. whereas the displacement of people, within and outside States in conflict, particularly affects women, the elderly and children, rendering them extremely vulnerable;
 - M. whereas corruption aggravates the fragility of democracy, favouring the resurgence of military coups, and jeopardises the consolidation of stable democratic state institutions and undermines efforts to promote healthy military-civil relations;
 - N. Whereas active commitment by the entire international community to the prevention and eradication of military coups, and unconstitutional change in general, is essential for the triumph of democratic values, the stabilisation of developing States and the consolidation of peace throughout the world;
1. Calls on all political and military actors to respect international law, in particular with regard to human rights, democratic governance, the rule of law and gender equality;
 2. Is of the view that lessons should be drawn from recent coups in order to address the role of the military in democratic state building, abide by the rule

of law, and provide public order and defence, thus creating an enabling environment for sustainable development;

3. Calls on all political actors to establish and ensure democratic government, based on political pluralism, the empowerment of citizens and due respect for a clear separation between the executive, legislative and judiciary powers, and also on political pluralism, accountability and transparency and respect for human rights;
4. Believes that building democratic society and ensuring political stability require, above all, strong political will and ambitious vision on the part of political leaders, in government as well as opposition, with the aim of building political institutions to guarantee the human, social, economic and environmental rights of the population;
5. Insists on the effective adoption and application of the doctrine of unconstitutional changes of government that the African Union Peace and Security Council and the African Union Commission have provided, through their Constitutive Act, the PSC Protocol, the Lomé Declaration and the African Charter on Democracy, Elections and Governance, and that establishes the framework of definition, sanctions and return to constitutionality;
6. Underlines the function of applying politically and economically targeted and internationally and regionally coordinated sanctions against the perpetrators of unconstitutional changes of government and military coups, and of promoting an immediate return to constitutionality and the rule of law;
7. Stresses the need to ensure the reintegration of rebels and members of militias by including them in the regular armed forces or disarming them and managing their return to civilian life, which also implies regular salary payment and their confinement to barracks; stresses the need to promote the professionalisation of the armed forces in the national framework of the rule of law, through training missions that promote the military deontology of civil protection and patriotic values, and affirms that the representation of the country's diversity in the army and the police enhances national cohesion;
8. Recommends that, in the process of army reform in post-conflict States, particular attention be paid to the profile of the men to be recruited or included, having regard to the specific demands of the soldier's job, and that account be taken of the available resources and real needs of each State concerned;
9. Calls on the ACP countries to include security sector reform measures in all the action plans aimed at establishing and strengthening democratically accountable institutions;
10. Calls for a strengthening of regional political cooperation to manage and avert the risks of coups and terrorism;

11. Recalls that the disarmament of rebels and the regulation and control of the arms trade are necessary to ensure political stability, especially as this trafficking also provides funding for mafia-like organisations, rebel forces and terrorist groups; calls on international and regional organisations to implement appropriate programmes to control weapons;
12. Calls on the European Commission and the European External Action Service (EEAS) to give appropriate priority and follow-up to supporting free elections to allow the establishment of institutions that are representative of the population;
13. Calls on the European Commission and the EEAS to give due priority to security sector reform and continuing training, the reinforcement of state structures and institutions, and the consequences of post-conflict reconstruction in order to strengthen the resilience and sustainability of the democratic functioning of the ACP countries;
14. Believes that in order to ensure democratic stability in ACP countries, development policy should be at the heart of conflict prevention strategy and believes also that political leaders, civil society organisations, religious representatives and women's associations should reach a national consensus on adequate and appropriate institutions and on established and agreed procedures through which democratic practice can be implemented;
15. Calls on the European Commission and the EEAS to ensure that the implementation of the recommendations of EU election observation missions deployed in States undergoing a process of transition is monitored, paying particular attention the provisions concerning the reform of the security sector;
16. Calls on the European Commission, the EEAS and the regional and international partners to commit to better coordination of external action and accelerated international intervention vis-à-vis countries suffering unconstitutional changes of government or military coups, focusing on the rule of law and nation building and consolidation as well as national reconciliation;
17. Condemns the use of rape as a weapon of war in many conflict zones and demands that it be recognised as a crime against humanity; demands that special support be given to rape victims;
18. Condemns the use of child soldiers and calls for the criminal prosecution of rebel leaders who use them; stresses that the reintegration of child soldiers is a priority to ensure long-term political stability and social cohesion; recalls in this context the need to ensure access to education for former child soldiers;
19. Points out the positive and proactive role that women can play in peace-making processes and in reconstruction, stabilisation, democratisation and national reconciliation processes generally; and calls on the European Commission, the EEAS, the ACP countries and the regional and international partners to promote women's representation in political and economic

- decision-making positions, the principle of gender equality and women's rights;
20. Encourages the public authorities of the ACP States and their regional and international partners to develop and implement legislative strategies and programmes to combat youth unemployment and to promote the inclusion of young people in political and economic decision making;
 21. Asks the States concerned and their technical and financial partners to undertake reform of the judiciary sector, with emphasis on the training of judicial personnel;
 22. Recalls the importance of long-term post-conflict reconstruction and recognises in this context that efforts should be made to support improved sustainable urbanisation in ACP countries and thus contribute to reducing endemic unemployment and food insecurity and lessening the risks of social tensions;
 23. Recommends that international donors, the ACP countries and their regional partners adopt all the necessary measures to promote education, in particular citizenship education, from the earliest years onwards, and to raise general popular awareness of a culture of peace, human rights, democracy, rule of law and civil liberties;
 24. Calls on the European Commission and the EEAS to work actively in aid programmes in the context of post-conflict situations in order better to coordinate emergency and long-term development actions;
 25. Calls for the perpetrators of and accomplices to coups and unconstitutional changes of power to be brought before the courts;
 26. Advocates stronger action by the International Criminal Court to fight impunity effectively;
 27. Recommends that continental organisations like the African Union and the regional economic communities further promote strong political and economic interconnection between their Member States in order to tackle common problems together, such as terrorism, smuggling and organised crime and religious fundamentalism;
 28. Recommends that regional organisations and their Member States promote the prevention of military coups by the clear identification and definition of the roles and responsibilities of the military and the political elites in order to foster responsible political decision making and responsible defence policies;
 29. Recommends that continental organisations like the African Union and the regional organisations like Ecowas use their early warning systems to prevent and defuse, at an early stage, possible conflicts not only between their Member States but also within their state boundaries;

30. Calls on the international donor community to provide assistance to the civilian populations affected by the consequences of military coups and other unconstitutional changes of government, paying particular attention to vulnerable groups such as displaced populations, women, elderly people and children;
31. Instructs its Co-Presidents to forward this resolution to the institutions of the African Union and the European Union, the ACP Council, Ecowas, the Intergovernmental Authority on Development (IGAD), the Southern African Development Community (SADC), the Community of Portuguese Speaking Countries, la Francophonie, the Commonwealth and the Secretary-General of the United Nations.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/101.293/fin.

RESOLUTION¹

on Economic Partnership Agreements – next steps

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels from 17 to 19 June 2013,
- having regard to Article 21(1) and Article 21(3) of Title V of the Treaty on European Union,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (the Cotonou Agreement)², in particular Articles 36 and 37 thereof, and revisions of the Cotonou Agreement in 2005 and 2010³,
- having regard to the European Parliament resolutions of 26 September 2002 containing its recommendation to the Commission concerning the negotiation of Economic Partnership Agreements with the ACP countries and regions⁴, of 23 March 2006 on the development impact of Economic Partnership Agreements⁵, of 23 May 2007 on Economic Partnership Agreements⁶, of 12 December 2007 on Economic Partnership Agreements⁷, and of 5 February 2009 on the development impact of Economic Partnership Agreements⁸,
- having regard to Regulation (EU) No 978/2012 of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008⁹ and to the European Parliament resolution of 13 June 2012 on the proposal for applying a scheme of generalised tariff preferences¹⁰,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 June 2013 in Brussels (Belgium).

² OJ L 317, 15.12.2000, p. 3.

³ OJ L 287, 4.11.2010, p. 3.

⁴ OJ C 273 E, 14.11.2003, p. 305.

⁵ OJ C 292 E, 1.12.2006, p. 121.

⁶ OJ C 102 E, 24.4.2008, p. 301.

⁷ OJ C 323 E, 18.12.2008, p. 361.

⁸ OJ C 67 E, 18.3.2010, p. 124.

⁹ OJ L 303, 31.10.2012, p.1

¹⁰ Texts adopted: P7_TA(2012)0241.

- having regard to the European Parliament resolutions of 13 September 2012¹¹ and of 16 April 2013¹² on the proposal for a regulation of the European Parliament and of the Council amending Annex I to Council Regulation (EC) No 1528/2007 as regards the exclusion of a number of countries from the list of regions or states which have concluded negotiations,
- having regard to the European Parliament resolution of 25 November 2010¹³ on human rights and social and environmental standards in international trade agreements,
- having regard to the European Parliament resolution of 20 November 2012 on the work of the ACP-EU Joint Parliamentary Assembly in 2011¹⁴,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 19 February 2004 on Economic Partnership Agreements: problems and prospects¹⁵ and of 23 November 2006 on the review of negotiations on Economic Partnership Agreements (EPAs)¹⁶,
- having regard to the European Parliament resolution of 25 March 2009 on the Economic Partnership Agreement between the Cariforum States, of the one part, and the European Community and its Member States, of the other part¹⁷, of 25 March 2009 on the Interim Partnership Agreement between the Pacific States, on the one part, and the European Community, on the other part¹⁸, of 25 March 2009 on the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part¹⁹, of 25 March 2009 on the stepping stone Economic Partnership Agreement between Ghana, of the one part, and the European Community and its Member States, of the other part²⁰, of 25 March 2009 on the stepping-stone Economic Partnership Agreement between the European Community and its Member States, of the one part, and Central Africa, of the other part²¹, of 25 March 2009 on the Interim agreement establishing a framework for an Economic Partnership Agreement between Eastern and Southern Africa States on the one part and the European Community and its Member States on the other part²², of 25 March 2009 on an Interim Economic Partnership Agreement between the European Community and its Member States, on the one part, and the SADC EPA States, on the other part²³, of 25 March 2009 on the agreement establishing a framework for an Economic Partnership Agreement between the European Community and

¹¹ Texts adopted: P7_TA(2012)0342.

¹² Texts adopted: P7_TA(2013)0112.

¹³ P7_TA(2010)0434.

¹⁴ Text adopted: P7_TA(2012)0431.

¹⁵ OJ C 120, 30.4.2004, p. 16.

¹⁶ OJ C 330, 30.12.2006, p. 36.

¹⁷ OJ C 117 E, 6.5.2010, p. 101.

¹⁸ OJ C 117 E, 6.5.2010, p. 118.

¹⁹ OJ C 117 E, 6.5.2010, p. 106.

²⁰ OJ C 117 E, 6.5.2010, p. 112.

²¹ OJ C 117 E, 6.5.2010, p. 141.

²² OJ C 117 E, 6.5.2010, p. 129.

²³ OJ C 117 E, 6.5.2010, p. 124.

its Member States, on the one part, and the East African Community Partner States, on the other part²⁴, of 19 January 2011 on the Interim Partnership Agreement between the EC and the Pacific States²⁵,

- having regard to the first meeting of the Joint Cariforum-EU Council of 17 May 2010 in Madrid, Spain, and the second meeting of the Joint Cariforum-EU Council of 26 October 2012 in Brussels,
- having regard to the resolution of the 95th session of the ACP Council of Ministers held in Port Vila, Vanuatu, from 10 to 15 June 2012 on Economic Partnership Agreements (EPAs)²⁶,
- having regard to the Sipopo Declaration adopted by the ACP Heads of State and Government at the Seventh Summit in Equatorial Guinea 13-14 December 2012²⁷,
- having regard to the General Agreement on Tariffs and Trade (GATT), in particular Article XXIV thereof, and of the Ministerial Declarations adopted at the Fourth Session of the WTO Ministerial Conference on 14 November 2001 in Doha and the Sixth Session of the WTO Ministerial Conference on 18 December 2005 in Hong Kong,
- having regard to the European Commission communication of 28 November 2006 entitled ‘Communication to modify the directives for the negotiations of Economic Partnership Agreements with ACP countries and regions’ (COM(2006)0673) and the European Commission communication of 23 October 2007 on Economic Partnership Agreements (COM(2007)0635),
- having regard to the Conclusions of the General Affairs and External Relations Council (GAERC) of April 2006, October 2006, May 2007, October 2007, November 2007 and May and June 2008,
- having regard to the communiqué issued at the conclusion of the Thirty-Third Regular Meeting of the Conference of Heads of State and Government of the Caribbean Community held from 4 to 6 July 2012, in Gros Islet, Saint Lucia,
- having regard to outcomes of the Pacific ACP Leaders Meeting held in Rarotonga, Cook Islands, on 28 August 2012,
- having regard to the Decision on Boosting Intra-African Trade and fast-tracking the Continental Free Trade Area (Doc. Assembly/AU/11(XIX)) of the Nineteenth Ordinary Session of the African Union Assembly of Heads of State and Government, held in Addis Ababa, Ethiopia, from 15 to 16 July 2012,
- having regard to the communication of 27 January 2012 from the Commission to the European Parliament and the Council, on trade, growth and

²⁴ OJC 117 E, 6.5.2010, p. 135.

²⁵ OJC 136 E, 11.5.2012, p.19.

²⁶ ACP/25/006/12 [Final].

²⁷ ACP/28/065/12 [Final].

- development – Tailoring trade and investment policy for those countries most in need (COM(2012)0022 final),
- having regard to the a European resolution of 16 April 2013²⁸ on advancing development through trade,
 - having regard to the Resolution on Economic Partnership Agreements and other trade matters of the 97th Session of the ACP Council of Ministers held in Brussels from 3 to 5 June 2013,
 - having regard to the report of the Committee on Economic Development, Finance and Trade (AP101.293/13/A/fin.),
- A. whereas the trade cooperation chapter of the Cotonou Agreement, under which the EU extended non-reciprocal trade preferences to ACP countries expired on 31 December 2007, the ACP and the EU set out to negotiate EPAs intended to be instruments of trade and development for ACP States most of which are least developed;
 - B. whereas, under the Cotonou Agreement, EPA negotiations should be conducted at the levels considered appropriate by the ACP States and in accordance with procedures accepted by the ACP Group; whereas these negotiations must also take into account ongoing and promising regional integration processes between ACP countries, and the policy choices and development priorities targeted by these processes;
 - C. whereas the key objective of ACP-EU cooperation relations for the economic, social and cultural development of the ACP countries enshrined in the Cotonou Partnership Agreement is to reduce, and ultimately eradicate, poverty and contribute to peace and security and political and democratic stability in the ACP countries, in order gradually to achieve the Millennium Development Goals (MDGs); whereas the link between trade liberalisation and poverty reduction is not automatic; however, tailored trade measures can be a strong driver for growth and development whilst empowering local and small-scale businesses;
 - D. whereas the Cotonou Agreement is based on equality of the partners and ownership of the development strategies;
 - E. whereas Economic Partnership Agreements (EPAs) should be agreements aimed at supporting regional integration through trade development, sustainable growth and poverty reduction while promoting the gradual integration of the ACP economies into the world economy;
 - F. whereas it can be noted that the European Commission aims for broad comprehensive deep-integration agreements involving not only liberalisation of the trade in goods but also of investments, public procurement and the trade in services, along with commitments on intellectual property rights, and trade

²⁸ Texts Adopted: P7_TA(2013)0119.

facilitation; while the ACP negotiating guidelines above all focus on enhancing cooperation to strengthen the economic and trade capacities of the ACP countries, to help them promote sustainable development and eradicate poverty whilst increasing their share of world trade;

- G. whereas to date, only the Cariforum region has concluded and is implementing a full EPA while other regions have implemented or are implementing interim agreements but have committed to complete negotiations on outstanding areas;
- H. whereas EPAs are intended to be regional agreements, which could support the integration of small and fragmented ACP markets into stronger regional economies, but whereas a number of ACP States feeling under pressure to sign individual agreements have created different trade regimes with the EU to those of their neighbours, thus undermining regional integration;
- I. whereas the Commission has proposed to review the IEPAs in the context of the ongoing negotiations for final EPAs;
- J. whereas the Seventh Summit of ACP Heads of State and Government, held in December 2012, stated that after 10 years of negotiations the EPAs had failed to deliver the desired result, the regions that had signed or initialled the EPAs at the end of 2007 were mainly concerned to avert the risk of trade disruption, and contentious issues remained and severely limited policy space or tilted the balance of rights and obligations of ACP countries;
- K. whereas the elimination of tariffs could place a serious gap in many ACP States' budgets, which rely upon import duties and export taxes for a large part of their government revenue;
- L. whereas ACP States may need additional resources to cover the adjustment costs from EPAs, such as declining revenues and fiercer competition, and to contribute to their infrastructure and production capacities, support diversification efforts and enhance competitiveness in order to benefit from access to EU markets and intra-regional, regional and global markets;
- M. whereas Regulation (EC) No 1528/2007 has been amended to remove from its scope (in relation to DFQF market access) those countries that have not taken the necessary steps towards ratification of their EPAs by 1 October 2014;
- N. whereas ACP regions have voiced concerns on a number of contentious issues that they deem severely limit policy space and tilt the balance of rights and obligations in the EPAs;
- O. whereas the ACP Group has reiterated its total commitment to ensuring that the negotiations are concluded as long as the outcome addresses their concerns and development objectives ;
- P. whereas the recent EU reforms of the Generalised System of Preferences (GSP) will put an end to unilateral trade preferences for certain ACP countries;

1. Stresses that the conclusion and smooth implementation of comprehensive and balanced EPAs should be instrumental to the sustainable development of the ACP States and should also pay due regard to their political choices, development priorities and the strengthening of regional integration; considers that state capacity-building must also remain a joint and shared aim of the ACP and the EU;
2. Calls on the European Union to implement its Policy Coherence for Development commitment in practice, in order to increase coherence between its trade, agriculture, tax, climate change, investment, access to raw materials and development policies and thus enhance the transformation of ACP States into self-sustainable economies;
3. Believes that the various crises and economic developments of the past decade should be taken into account when negotiating the EPAs;
4. Recalls the need to restore trust and constructive dialogue in all discussions with the ACP regions; therefore urges all parties in the EPA negotiations to maintain the political will and a degree of flexibility and pragmatism in order to close the gaps on the outstanding issues, as well as to achieve a rapid conclusion of ongoing negotiations of comprehensive EPAs in a mutually satisfactory manner;
5. Recalls that the regional integration of ACP countries is one of the express objectives of EPA negotiations;
6. Insists that EPAs and other trade arrangements should build on the acquis of ACP-EU trade relations and therefore reiterates that no ACP State should remain or be made worse off at the end of the EPA processes than under the previous ACP-EU trade arrangements; calls for transparent, equitable, fair trade and investment agreements with ACP countries which should serve their development purpose with a set of social and environmental criteria;
7. Recalls that the initial the European Parliament's position on the Market Access Regulation, No 1528/2007, and the deadline that will expire on 1 October 2014, so as to allow full EPAs to be concluded, signed and implemented with a view to providing stable, predictable and increased market access for ACP exports covered by the EPAs;
8. Supports the ongoing discussions on the establishment of regional EPA funds, which would facilitate channelling of the EU donors' resources and provide financial assistance, notably to address the supply-side constraints and productive capacities, to improve competitiveness and to support revenue diversification initiatives, fiscal reforms and implementing good governance;
9. Supports ACP Heads of States' call for greater coherence among the regional integration agenda, EPAs and the Doha Round commitments, by forging greater coordination between the negotiators in the three tracks to ensure consistency;

10. Supports the Commission's proposal to adopt a more needs-based approach with its Aid for Trade with a sharper focus on LDCs and low-income countries; calls for a stronger emphasis on capacity-building in those countries regarding infrastructure and expertise, in order to promote well functioning trade tools;
11. Calls on the European Commission to demonstrate flexibility on all the outstanding contentious issues, with a view to resolving them and thus afford the ACP States and regions the opportunity to encourage industrialisation, infant industry development and value addition, enhance revenue collection, particularly in the context of South-South trade, and allow for maximum use of policy space for development purposes;
12. Calls on the negotiating parties to ensure during the negotiations, and especially during implementation, that the commitments entered into under an EPA and the resulting policies make an effective contribution to poverty reduction, the economic development of ACP States and environmental sustainability;
13. Highlights the importance of ACP-EU trade, South-South trade, intra-regional trade and regional integration among the ACP countries, and among ACP countries with the EU OCTs, which are essential for sustainable social and economic development that should be actively supported by individual, sub-regional or regional EPAs;
14. Calls on the EU and ACP States to jointly develop a strategy to increase ACP agricultural competitiveness that goes beyond market access, addressing rural development issues, supply-side constraints and access to micro-financing with a view to protecting the livelihoods of small farm-holders and to ensuring food sovereignty and security;
15. Stresses that access to micro-financing, which is a credit, insurance and savings instrument to support entrepreneurs and thereby facilitate sustainable investment and the development of the local economy, should be promoted and encouraged in EPAs;
16. Welcomes the ACP Heads of State and Government on their commitment to continuing to speed up the negotiations to conclude EPAs that will serve to boost the economic and social development of the ACP States and regional integration within the ACP Group;
17. Stresses that for EPAs to be effective from a sustainable development perspective they must be subject to careful monitoring, during both the negotiation and implementation phases;
18. Calls on the negotiating parties to consider jointly setting up an EPA monitoring mechanism with the objective of assessing both the progress made and the obstacles still to be overcome in the negotiation and implementation of EPAs;

19. Encourages the public authorities in ACP States to ensure that the trade commitments covered by EPAs are consistent with national development strategies and the Regional Indicative Programmes (RIPs) in order to strengthen the regional dimension;
20. Encourages the EU and ACP partners to ensure that the timetable for liberalisation commitments is in line with that for development aid;
21. Encourages ACP States to involve all stakeholders in the EPA negotiation and decision-making processes to ensure local ownership of the process as well as coherence and follow-up of ensuing policies;
22. Underlines the importance of the role of parliaments and non-state actors in the monitoring of the implementation and negotiations of EPAs; calls for their systematic involvement in the ongoing negotiation processes, based on a participatory approach, and, for maximum transparency, in the functioning of the joint institutions created by the EPAs;
23. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the EU Council Presidency, the African Union, the Pan-African Parliament, national and regional parliaments and the ACP regional organisations.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-UE/101.294/13/fin.

RESOLUTION¹

on human resources for health in ACP countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels from 17 to 19 June 2013,
- having regard to Article 18(1) of its Rules of Procedure,
- having regard to Article 25 of the Universal Declaration of Human Rights, which recognises health as a fundamental right,
- having regard to the ACP-EC Partnership Agreement (Cotonou Agreement) and in particular to Article 25(1)(b), (c), (d) and (g) on social sector development, Article 29(3)(c) on ACP-EU cooperation in support of regional cooperation and integration, and Article 31(b)(iii) on gender issues,
- having regard to the European Union's priorities as defined in December 2005 in the European Consensus on Development,
- having regard to the United Nations Millennium Development Goals (MDGs) of 2000, concerning in particular human development (health and education),
- having regard to the European Parliament resolution on health care systems in sub-Saharan Africa and global health²,
- having regard to the EU Strategy for Action on the Crisis in Human Resources for Health in Developing Countries (COM(2005)0642),
- having regard to the communication from the Commission to the European Parliament and the Council of 21 December 2006 entitled 'A European programme for action to tackle the critical shortage of health workers in developing countries (2007–2013)' (COM(2006)0870 final),
- having regard to the Commission communication of 31 March 2010 on the EU role in global health (COM(2010)0128),

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 June 2013 in Brussels (Belgium).

² OJ C 371 E, 20.12.2011 p. 30.

- having regard to the World Health Organisation (WHO) report ‘Working together for health: The World Health Report 2006’,
- having regard to the WHO Global Code of Practice on the International Recruitment of Health Personnel (WHA63.16), adopted in May 2010 by the 63rd World Health Assembly,
- having regard to the OECD Policy Brief of 2010 entitled ‘International Migration of Health Workers: Improving International Co-operation to Address the Global Health Workforce Crisis’,
- having regard to the WHO report by C. Dolea et al., (2010), ‘Increasing access to health workers in remote and rural areas through improved retention’,
- having regard to the WHO report on ‘Task shifting: rational redistribution of tasks among health workforce teams, Global recommendations and guidelines’, Geneva, 2008,
- having regard to the Kampala Declaration, First Global Forum on Human Resources for Health, Kampala, Uganda, 2-7 March 2008,
- having regard to the African Union/European Union joint strategy on health, drawn up in Lisbon in December 2007,
- having regard to the pledges contained in the Abuja declaration of 27 April 2001 on HIV/AIDS, tuberculosis and other related infectious diseases,
- having regard to the report of the Committee on Social Affairs and the Environment (ACP-EU/101.294/13/A/fin.),

- A. whereas 4 million doctors, nurses, midwives and other health workers are required to carry out essential health interventions to reach the Millennium Development Goals (MDGs) and whereas these cannot be properly addressed without trained, supported and employed health workers who are properly paid in line with the difficult working conditions;
- B. whereas 38 ACP countries face severe shortages in their healthcare workforce, with the result that Africa is home to nearly 25% of the global burden of diseases, but only has 3% of the total global health workforce; whereas a heavy administrative burden or the use of outdated methods and procedures absorbs too much staffing capacity;
- C. whereas the right to health is a fundamental right enshrined in Article 25 of the United Nations Universal Declaration of Human Rights;
- D. whereas health workers should be retained in their rural and remote areas by creating and improving living and working environments, as well as education and providing financial incentives and personal and professional support;

- E. whereas the aging population in high-income countries demands an increase in health services; whereas many developing countries are facing critical shortages of health workers; whereas requirements to cut public spending as part of the structural adjustment programmes of the World Bank and the International Monetary Fund aggravate this problem in many countries;
- F. whereas targeted recruitment efforts, financial and other incentives from wealthy destination states combined with low wages, poor and unstable working environments and fragile health systems in many developing countries are contributing to the international migration of health workers;
- G. whereas the delegation of medical and health service responsibilities from higher to lower cadres of health staff, in some case to non-professionals (task-shifting and task-sharing), if carefully planned and implemented can improve access to quality health services and can reduce costs;
- H. whereas the integration into health systems without discrimination of community health workers (CHWs), and traditional health practitioners trained for the specific needs of targeted groups such as people living with HIV/AIDS, sex workers, young people and pregnant women is critical for reaching marginalised or hard-to-reach populations as well as presenting a solution to a shortage of health workers; whereas use of CHWs in community-level health programmes has proved successful and cost-effective;
- I. whereas information and communication technologies (ICTs) have a potential to be used as tools that advance equitable healthcare access, particularly with respect to diagnosis and treatment through telemedicine, improved dissemination of public health information and facilitated public discourse and dialogue around major public health threats in ACP countries;
 - 1. Believes that quality education, training and medical research within the ACP countries' health systems are currently underfunded;
 - 2. Calls on the ACP countries, even with limited public budgets, to develop stronger health systems and strategies aiming at:
 - (i) promoting the development of a human rights and gender-based approach,
 - (ii) expanding the human resources pool and leading to an effective use of human resources, in particular by increasing access to services via task shifting/sharing,
 - (iii) achieving universal health care with sufficient skilled health workers;
 - 3. Notes that the WHO has underlined that 'public health systems of ACP countries are not training and recruiting enough people'; also takes note of the significant internal migration to the private and the NGO sectors;
 - 4. Reaffirms that the crisis in human resources for health is an issue of fundamental importance which should be addressed as a matter of urgency and particularly in the framework of ACP-EU political dialogue; recognises that one

major reason for this difficult situation in developing countries is the migration of health workers who are recruited by developed countries; welcomes, as a first step, the WHO Global Code of Practice on the International Recruitment of Health Personnel and calls upon the EU Member States and other developed countries to respect it; is of the opinion that developed countries should invest in the training of their own health workforce;

5. Reiterates that the shortcoming of human resources in the health sector in ACP countries should be addressed without delay by both the ACP and developed countries according to the needs of the former, involving all relevant stakeholders and with the help of financial investment and technical assistance from donors;
6. Calls on the ACP countries to meet the 2001 Abuja target to commit 15% of their national budgets to health; urges that, in those countries where this commitment has been met, further concrete measures are taken for an equitable, long-term human resources for health (HRH) strategy, especially if no positive impact on morbidity and mortality has been achieved;
7. Calls on the European Union and its Member States to help the ACP countries to reach the health spending per capita recommended by the WHO through technical assistance, while in the case of the most fragile and least developed countries through official development assistance;
8. Recalls that the ACP countries' debt burden is a serious obstacle, which takes away the resources badly needed to finance the vital sectors such as health, and to promote economic development more generally; calls for debt relief, at least for LDC countries, as they are odious debts contracted by the governments against the interests of their population;
9. Considers that public services, which are chronically underfunded and understaffed, need to be consolidated and developed in order to serve the vast majority of the population; and observes that the wealthiest segment of the population uses the private system and is far better served;
10. Calls on ACP countries to involve all relevant stakeholders in drawing up health workforce plans that constitute a vital part of the national health plans;
11. Calls on the ACP countries to increase health workforce financing by investing in health worker recruitment, education and training on a non-discriminatory basis, to provide adequate incentives and create an enabling and safe working environment for effective health worker retention, especially in rural areas, and to ensure equitable distribution of the health workforce; calls in this connection for the health sector to be excluded from the structural adjustment programmes of the World Bank and International Monetary Fund;
12. Calls on the ACP countries to include in the national health workforce plans the principle of delegation of medical and health service responsibilities from higher

to lower cadres of health staff; calls on the ACP States, in planning their health services, to investigate the scope for improving the efficiency and quality of care in order to reduce the workload of existing staff;

13. Calls on developing countries to develop and/or restore their public and basic healthcare systems and services and calls on the EU to support this process through aid for the reinforcement of human and institutional capacities and infrastructures – including the improvement of working conditions for medical staff, the provision of suitable medical equipment and the transfer of technology;
14. Invites ACP countries' public health authorities to integrate CHWs and traditional health practitioners into formal health systems and increase financial and political support to CHWs and to community-owned solutions by providing training, supervision, incentives and ongoing support;
15. Stresses the importance of awareness-raising and preventive health campaigns in the fight against epidemics and pandemics; believes that it is essential for CHWs and traditional health practitioners to be fully involved in these campaigns;
16. Recognises the potential of information and communication technologies (ICTs) in the provision of healthcare services; therefore urges the ACP countries to put in place the appropriate policy and regulatory frameworks for the utilisation of ICTs in healthcare systems;
17. Recognises the important role of civil society, local authorities, communities and public health non-profit organisations and volunteers' organisations in complementing public health systems; therefore calls on the ACP countries to actively involve all relevant stakeholders in the improvement process of healthcare services;
18. Believes that the EU Member States should increase their support to the ACP countries financially and technically to develop national health plans and strategies which focus on matching the skills of health workers to local needs and providing tertiary education and training scaling-up of CHWs; considers that such plans should concentrate on ensuring the ongoing training and retention of CHWs, in particular in rural communities, and on promoting knowledge of and respect for their work, to improve their standing in the community;
19. Suggests that ACP States, with the support of the EU, should conduct a comprehensive training needs assessment to determine countries' needs in HRH;
20. Points out that health workers must be able to operate under appropriate working conditions, and calls therefore on the EU and the ACP countries to focus on developing high-quality medical and hospital infrastructure, particularly in rural and remote areas; encourages EU and ACP countries to set up partnerships between European hospitals and those in ACP countries;

21. Notes that ACP countries do not always have access to state-of-the-art treatments; calls on the EU and other donors to improve the conditions of access for ACP countries to the latest medicines, particularly those which can be used to provide treatment in the event of epidemics and pandemics;
22. Calls on EU Member States to implement and monitor actions outlined in the communication from the European Commission entitled 'EU Strategy for Action on the Crisis in Human Resources for Health in Developing Countries' COM(2005)0642), particularly with regard to supporting and financing national human resource plans;
23. Calls on the EU Member States and the European Commission as well as ACP governments to support integrated health services, such as HIV/AIDS and sexual and reproductive health programmes in order to increase effectiveness and efficiency also in the area of human resources;
24. Reiterates the call on EU Member States to implement and monitor measures in the European Commission communication entitled 'A European Programme for Action to tackle the critical shortage of health workers in developing countries (2007-2013)' (COM(2006)0870), especially to develop a joint implementation plan and a framework to monitor national and collective EU action on human resources;
25. Urges the EU Member States to implement and monitor properly the WHO Global Code of Practice on the International Recruitment of Health Personnel facilitating circular migration as a means to mitigate the brain drain from countries experiencing such difficulties;
26. Calls on the EU Member States to ensure that their migration policies, particularly those causing a brain drain, do not undermine the availability of health professionals in third countries, while respecting the individual freedom of movement and personal and professional aspirations;
27. Invites EU Member States and ACP States alike to promote temporary assignments for ACP health professionals living in EU countries and multi-entry visa arrangements for health professionals to enable them to pursue training in Europe while continuing to be based in their countries of origin and to foster networks accordingly;
28. Invites the EU to speed up progress towards the agreed commitments under the European Union Strategy for Action on the Crisis in Human Resources for Health in Developing Countries;
29. Calls on the EU to set the education and training of health workers as a priority in its future development policy, ensuring that at least 20% of EU aid is allocated to basic education and health;

30. Insists that a human resources for health strategy is mainstreamed into the Post-2015 Development Agenda;
31. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Parliament, the European Commission, the Presidency of the Council of the European Union, the African Union, the Pan-African Parliament and the UN Human Rights Council.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 101.377/13/fin

RESOLUTION¹

on the situation in the Republic of Guinea

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels (Belgium) from 17 to 19 June 2013,
 - having regard to Article 18(2) of its Rules of Procedure,
 - having regard to its previous resolutions,
 - having regard to Article 11(7) of the Revised Cotonou Agreement, which reaffirms the states parties' commitment to strengthening peace and international justice,
- A. whereas Professor Alpha Condé, the Head of State, is the first democratically elected President of the Republic of Guinea since the country achieved independence on 2 October 1958;
- B. whereas Guinea ratified the Rome Statute of the International Criminal Court on 14 July 2003;
- C. whereas the election procedure was approved by the EU electoral mission, ECOWAS, the African Union and the Organisation internationale de la Francophonie (OIF) and the results endorsed by the entire political spectrum in Guinea and by the international community;
- D. whereas the Guinean authorities, in order to respect the democratic process to the full, have decided, in cooperation with the Independent National Electoral Commission (CENI), to hold legislative elections, at a date to be fixed by agreement of all parties involved, following a number of postponements requested by the opposition political parties;
- E. whereas, on 29 March 2013, the CENI decided to monitor the situation by setting up, with the assistance of its financial partners – the European Union, the United States, the OIF, the UNDP and France – a ‘technical monitoring committee’, composed of members appointed by the CENI, on which the opposition and the presidential majority will be afforded equal representation;

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 June 2013 in Brussels (Belgium).

- F. whereas the CENI reshuffle to ensure equal representation, together with the composition of its executive, were agreed on in response to a request from the opposition and accepted by the entire political spectrum;
- G. whereas a tripartite 'framework for political dialogue' has been set up, consisting of a number of facilitators, including a UN representative;
- H. whereas the UN Special Representative for West Africa, Said Djinnit, has been appointed 'international facilitator' by the UN following objections by opposition members to Lamine Cissé, who had been nominated without formal consultation;
- I. whereas the opposition had called for a boycott of the election scheduled for 30 June 2013 by the President of the Republic, on the basis of a proposal by the CENI;
- J. whereas the 'consultation forum' which took place from 3 to 9 June focused on:
(1) the technical operator and the electoral roll;
(2) voting rights for Guineans abroad;
(3) the functioning of the CENI;
(4) the timetable for the election;
- K. whereas, during that consultation, the OIF, the European Union, the UNDP, ECOWAS, the United States and France guaranteed that the process of drawing up the electoral roll by the technical operator had been made secure, and declared their readiness to take any additional measures needed to further secure the process and to mobilise exceptional resources to support any decision taken by the Guinean parties;
- L. whereas the technical operator involved in the preparation of the electoral list will not be involved in other operations in the electoral process;
- M. whereas the international facilitator, on behalf of all the facilitators and the international community he represents, has appealed to the opposition, in light of all these guarantees and assurances, to agree to take part in the elections;
- N. whereas the participation in the elections by Guineans abroad has been accepted under the same conditions as those which applied to the 2010 presidential election, and on the basis of the lists drawn up at the time;
- O. having regard to the agreement on the measures to be taken to address the shortcomings of the CENI;
- P. whereas the High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the Commission congratulated President Condé on the significant progress made in political dialogue with the opposition, and stated that a procedure was underway in the Council to ensure

- funds allocated to Guinea under the 10th EDF would be maintained, provided that free and transparent elections were held before 31 October 2013;
- Q. whereas the UN Secretary-General said on 12 June 2013 that he was ‘encouraged by the progress made by the parties to the inter-Guinean political dialogue’, and that the positive atmosphere would ‘create the conditions for free, fair and peaceful elections’;
- R. whereas the political uncertainty is damaging the country’s economy;
- S. having regard to the violence in late February and early March 2013, and to the renewed violence in April and again in May, which followed opposition calls to demonstrate and left several people dead and hundreds injured;
- T. whereas the rule of law involves compliance by all institutions, the separation of powers and the free exercise of human rights and fundamental freedoms, criminal accountability, reparations to victims, and equality of all before the law;
- U. whereas the establishment of the Human Rights and Civil Liberties Ministry and the Truth and Reconciliation Commission, the first in the country’s history, is a step in the right direction towards solving the country’s problems peacefully and democratically;
- V. whereas political factionalism is proving a serious threat to stability in Guinea;
- W. whereas the President of the Republic has begun a reform of the security services;
1. Welcomes the prospect of the transition to democracy coming to an end, thanks to the decision by the Guinean authorities, with the agreement of the CENI and Guinean civil society, to complete the process of democratisation with free and transparent elections to the National Assembly very shortly;
 2. Welcomes the progress achieved in the dialogue and the agreement reached between the political parties on 9 June 2013, under the guidance of the Government and the three facilitators, concerning the technical operator and the electoral roll, voting by Guineans abroad, the internal functioning of the CENI and the principle of reopening and revising the electoral list; calls for this agreement to be respected and implemented;
 3. Welcomes the statement by the High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the Commission of 12 June 2013 on the progress made in the inter-Guinean political dialogue and the maintenance of the funds allocated to Guinea under the 10th EDF provided that free and transparent elections are held before 31 October 2013;

4. Welcomes the technical assistance provided by the EU and other bilateral and multilateral partners to safeguard and guarantee the transparency and credibility of the elections;
5. Calls on the European Union, the African Union, the OIF, ECOWAS and the United Nations to continue their close involvement in the electoral process;
6. Calls on Guinea's politicians to focus on dialogue and consultation in order to resolve their differences and to proceed with the elections with a view to strengthening the process of democratisation in Guinea;
7. Calls on the political forces to continue the democratic transition which has been underway since the election of Alpha Condé as President, and to respect democracy, institutions and the rights of the opposition; believes that, in order for the forthcoming elections to play a full part in this process of democratisation, they must be free and transparent;
8. Highlights the importance of a free opposition with established and respected rights and duties, including the right to demonstrate peacefully; notes that such an opposition constitutes one of the countervailing powers necessary for the proper working of democracy;
9. Expresses concern at the risks of intercommunal violence and calls on the political leaders, in the interests of stability, cohesion and social harmony within the country, to cease playing the factional card;
10. Calls on the political forces to shoulder their responsibilities by making the necessary effort to avoid jeopardising civil peace and by calling for a halt to provocations and violence; calls furthermore on the country's security forces to respect the right to demonstrate peacefully and to maintain the safety of civilian population groups while respecting human rights and the rule of law;
11. Welcomes the establishment of an on-going framework for dialogue involving three facilitators, including a UN representative, on the holding of legislative elections and the consolidation of the rule of law and democratic principles in Guinea;
12. Welcomes the commitment by the Head of State to ensuring the transparency and reliability of the electoral process, and his decision to grant amnesty to those arrested in the course of political party protests;
13. Welcomes the undertaking given on 24 April 2013 by the Government and the parties of the presidential majority and the opposition to settle their differences by peaceful means only; regrets that this has not been the case so far; presents its condolences to the victims' families; hopes that this undertaking is respected in future;
14. Insists that the judicial authorities investigate and deal fairly and diligently with all cases of human rights violations;

15. Notes the statement by the UN Secretary-General on 25 April 2013 welcoming progress in Guinea towards a resumption of the political dialogue, and in particular the Head of State's commitment to guaranteeing the transparency and reliability of the elections with the support of international partners, and his statement of 12 June 2013 highlighting the progress made in creating the conditions for free, fair and peaceful elections;
16. Welcomes the commitment by the President of the Republic of Guinea to respect the results of elections, whatever they may be, and hopes that the opposition leaders offer the same commitment;
17. Welcomes the establishment of the Human Rights and Civil Liberties Ministry and the Truth and Reconciliation Commission; stresses that these two institutions should be given all the necessary support to enable them to carry out their work; insists on the need for the Truth and Reconciliation Commission to be independent, so that the citizens' problems may be peacefully and democratically resolved;
18. Considers that an independent judiciary and media are essential in shaping and regulating the implementation of democratic practices aimed at reinforcing the rule of law, building democratic institutions, including a functioning parliament with political pluralism, and strengthening the role of civil society; calls on donors to provide support for a strengthening of the judicial system in Guinea;
19. Is of the view that careful management of Guinea's abundant natural resources, which should include the establishment of a transparent scrutiny mechanism to make public the amounts paid by mining and exporting companies the Government and the proportion of that revenue which is used for development programmes, should help lift Guinea's population out of persistent poverty and pave the way for sustainable development;
20. Welcomes the efforts by the Guinean authorities to improve macroeconomic management in Guinea, which have made it possible to renew relations with all bilateral and multilateral donors, including the Bretton Woods institutions and to reach completion point for the HIPC initiative;
21. Calls also on the political authorities not to lose sight of the other priorities which are vital to the country's sustainable development;
22. Calls on the Council, the Commission, the EU Member States, the ACP countries, the United Nations, ECOWAS, the OIF, the United States, France and the ACP Secretariat to continue their support for the Guinean authorities with a view to the holding of free and transparent legislative elections;
23. Expresses its solidarity with the people of the Republic of Guinea and supports their desire to see an end to the transitional period and the establishment of democracy;

24. Instructs its Co-Presidents to forward this resolution to the EU institutions, the African Union, the ACP Group, ECOWAS, the OIF, the United States, France, the UN Secretary-General and the Guinean authorities.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 101.376/13/fin

RESOLUTION¹

on the situation in the Central African Republic

The ACP-EU Joint Parliamentary Assembly,

- meeting in Brussels (Belgium) from 17 to 19 June 2013,
- having regard to Article 18(2) of its Rules of Procedure,
- having regard to the 1948 Universal Declaration of Human Rights, the 1966 Covenant on Civil and Political Rights and the 1979 Convention on the Elimination of all Forms of Discrimination against Women,
- having regard to Article 3 and Protocol II of the 1949 Geneva Convention, ratified by the Central African Republic (CAR), which prohibit summary execution, rape, forced recruitment and other abuses,
- having regard to the 1998 Rome Statute of the International Criminal Court (ICC), ratified by the CAR in 2001, as amended in Kampala in 2010, which defines the most serious international crimes, such as crimes against humanity and war crimes, including murder, attacks against civilian populations, torture, pillaging, sexual violence, the recruitment and use of children in armed forces and enforced disappearance, and which affirms the primary obligation of all national jurisdictions to investigate and punish, and thereby prevent, the perpetration of such crimes,
- having regard to the Optional Protocol on the Involvement of Children in Armed Conflict to the Convention on the Rights of the Child, which has been signed by the CAR,
- having regard to the African Charter of Human and Peoples' Rights, ratified by the CAR in 1986,
- having regard to Partnership Agreement 2000/483/EC between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou (Benin) on 23 June 2000 and revised successively in 2005 and 2010,
- having regard to the Libreville Comprehensive Peace Agreement between the Government of the CAR and the Central African politico-military movements of

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 19 June 2013 in Brussels (Belgium).

the People's Army for the Restoration of Democracy (APRD), of the Democratic Front for the People of the CAR (FDPC) and of the Union of Democratic Forces for Unity (UFDR) of 21 June 2008,

- having regard to the Final Communiqué of the Extraordinary Summit of the Heads of State and Government of the Economic Community of Central African States (ECCAS), held in N'Djamena (Chad) on 21 December 2012,
- having regard to the statement of 21 December 2012 by the European Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, on the new outbreak of conflict in the CAR,
- having regard to the Libreville (Gabon) Agreement of 11 January 2013 on the resolution of the politico-military crisis in the CAR, signed under the aegis of the Heads of State and Government of the Economic Community of Central African States (ECCAS), which sets out the conditions for ending the crisis in the CAR,
- having regard to the resolution of the European Parliament of 17 January 2013 on the situation in the Central African Republic¹,
- having regard to UN Security Council Resolution 2088(2013) of 24 January 2013, and to the UN Security Council declarations on the CAR,
- having regard to the statements by UN Secretary-General Ban Ki-moon, by the spokesperson of the UN Secretary-General and by the UN envoy in the CAR on the political situation in the CAR and on the deterioration in the security and humanitarian situation,
- having regard to the declarations and decisions of the African Union (AU) on the situation in the CAR,
- having regard to the statements by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on the situation in the CAR,
- having regard to the statement of 16 April 2013 by the UN High Commissioner for Human Rights, Navanethem Pillay, in which she called for an end to the violence and for the restoration of the rule of law in the country,
- having regard to the extraordinary summits of the Heads of State and Government of the Economic Community of Central African States (ECCAS), held in N'Djamena (Chad) on 3 April 2013 and 18 April 2013, and to their decisions to establish a National Transitional Council (CNT) with legislative and constituent powers and adopt a roadmap for the transition process in the CAR,

¹ Texts adopted: P7_TA(2013)0033.

- having regard to the resolution on the coup in the CAR adopted by the National Congress of the Dominican Republic on 25 April 2013, which condemns the coup, refuses to recognise the actions carried out by the Seleka rebel coalition and calls on the ICC and all the relevant states, including the CAR, to investigate and bring to court the international crimes which continue to be committed in the context of the coup,
 - having regard to the meeting of the International Contact Group of 3 May 2013 in Brazzaville (Republic of the Congo), which validated the roadmap for the transition and set up a Special Fund to assist the CAR,
 - having regard to the various factions making up the Seleka coalition, namely the Convention of Patriots for Justice and Peace (CPJP), the Union of Democratic Forces for Unity (UFDR), the Democratic Front for the People of the CAR (FDPC), the Kodro Salute Patriotic Convention (CPSK) and the Alliance for the Renaissance and the Refoundation (ARR),
- A. whereas clashes took place between the Seleka rebel movement and the Government between December 2012 and March 2013 owing to the failure by President François Bozizé to honour the commitments undertaken in 2008 in the Libreville Comprehensive Peace Agreement;
 - B. whereas a peace agreement was signed between the Government of President Bozizé and the rebels and other protagonists on 11 January 2013 in Libreville (Gabon), which provided for a ceasefire and the establishment of a transitional Government of National Unity in which opposition figures were given key posts;
 - C. whereas, in late March 2013 the rebels complained that the Government was not complying with its obligations under the January 2013 Libreville Agreement, and whereas they took control of the capital, Bangui, on 24 March, and of the rest of the country, forcing President Bozizé to flee the country;
 - D. whereas on 24 March 2013 the rebel leader Michel Djotodia took power and on 26 March declared himself President of the Republic, suspended the national constitution, dissolved the National Assembly, declared a three-year period of transitional rule and vowed to run the CAR until elections in 2016;
 - E. whereas the ECCAS summit on 3 April 2013 established a National Transitional Council (CNT), which is representative of all the active forces in the country and intended to exercise legislative and constituent powers; whereas that summit also instructed the CNT to elect, from among its number, an interim president and two vice-presidents, the first of whom would hold the presidency of the CNT;
 - F. whereas free, democratic, transparent and lawful elections are to be held at the end of the 18-month transitional period, but whereas the Head of State, the Prime Minister, members of the transitional government and members of the Bureau of the CNT will not be allowed to stand;

- G. whereas the ECCAS summit on 18 April 2013 in N'Djamena (Chad) adopted a roadmap for the composition and functioning of the CNT, and increased its membership to 135 to improve opposition and civil society representation;
- H. whereas ECCAS decided at its summit on 18 April 2013 in N'Djamena (Chad) to quadruple the size of the Central African Multinational Force (FOMAC), increasing the number of soldiers from 500 to 2 000;
- I. whereas Prime Minister Nicolas Tiangaye enjoys the support and recognition of the international community for having helped to establish a framework likely to be accepted by all and an environment conducive to bringing peace and stability to the CAR; whereas he is calling for the roadmap for the composition and functioning of the CNT, agreed at the ECCAS summit on 18 and 19 April 2013, to be respected;
- J. whereas the CNT has appointed Michel Djotodia as the interim president;
- K. whereas the International Contact Group meeting on 3 May 2013 in Brazzaville (Republic of the Congo) adopted the roadmap for the transition and set up a Special Fund to assist the CAR;
- L. whereas the situation in the CAR continues to be extremely worrying, with serious human rights violations and international crimes being committed by armed groups, including killings, rapes – including the rape of underage girls – arbitrary detention, enforced disappearance, torture, abuse and the use and forcible or voluntary enlistment of children in armed groups; whereas sexual violence and the frequent use of rape as a weapon of war have tragic consequences and must be regarded as war crimes; whereas Prime Minister Nicolas Tiangaye has publicly condemned the violence and pillaging; whereas a commission of inquiry into the crimes has been set up; and whereas the ICC has decided to launch an investigation into allegations of crimes falling under its jurisdiction;
- M. whereas, notwithstanding the gradual implementation of the security measures agreed in N'Djamena, the situation remains fragile;
- N. whereas the CAR is confronted with a social and economic challenge as the public and private sectors have been pillaged and destroyed, seriously undermining the country's administration and its economic fabric and causing social turmoil;
- O. whereas hospitals have also been plundered on a massive scale, creating a disastrous health situation in the country;
- P. whereas, as a result of the food crisis and of past and present violence, tens of thousands of Central Africans have sought refuge in neighbouring countries or have been internally displaced; whereas the UN estimates that there are 1.5 million CAR nationals in need of humanitarian assistance, in addition to the 17 000 Congolese and Sudanese who have taken refuge in the CAR to escape the fighting in their own countries;

- Q. whereas the majority of these people are in areas where they have no access to basic services, and whereas the insecurity in the country and the danger of attacks make it difficult for humanitarian organisations to provide effective aid;
- R. whereas, following the seizure of power in the country by the rebels, the AU suspended the CAR on 25 March 2013 and imposed travel bans and asset freezes on insurgent leaders;
- S. whereas the Permanent Council of the Francophonie decided on 8 April 2013 to suspend the CAR temporarily, pending an assessment of the undertakings made by all parties in the CAR;
- T. whereas the European Union is engaged in a regular political dialogue with the CAR under the Cotonou Agreement and is the country's main donor, providing it with development aid amounting to EUR 137 million up to 2013 under the 10th European Development Fund (EDF 2008-2013), in addition to the EUR 14.3 million provided to it in 2012 under the African Peace Facility for the MICOPAX peace-building mission;
- U. whereas the European Commission, through its humanitarian aid and civil protection department (ECHO), also contributed EUR 8 million in 2012 to help people affected by conflict and displacement in the CAR, through the provision of emergency health services, food and non-food supplies, clean water and sanitation;
- V. whereas the recent attacks by the LRA, in particular in the Bria region in the north-east of the country and near the diamond mines, have resulted in more than a dozen deaths;
1. Regrets the seizure of power by coup; calls for the constitutional order to be restored and calls on all parties to refrain from any acts of violence, fully to respect human rights and to restore public order, public security and stability in the country;
 2. Reaffirms its support for the sovereignty, unity and territorial integrity of the CAR;
 3. Notes with satisfaction that the CAR joined the Extractive Industries Transparency Initiative (EITI) in 2008; believes that the management of central Africa's abundant natural resources should be subject to transparent controls, particularly with regard to payments made to governments by mining and exporting companies and the proportion of that revenue which is used for development programmes;
 4. Notes the establishment of the National Transitional Council, its election of a Head of State, and the establishment of a transitional government; notes that the

transition will last for a period of 18 months, by the end of which constitutional legality and order must be fully restored;

5. Calls on the transitional government and the CNT to ensure respect for the rule of law and to protect the civilian population; welcomes the efforts made so far by the transitional authorities, and in particular by Prime Minister Nicolas Tiangaye, and urges the entire international community to support him and his actions through all appropriate means;
6. Welcomes the mediation efforts of the President of the Republic of the Congo and the active role of the UN, the AU, the EU, ECCAS, the Organisation internationale de la Francophonie (OIF), South Africa, Benin, France and the United States, which contributed to the signing of the Libreville Accords;
7. Calls on the VP/HR, the UN Security Council and the Peace and Security Council of the AU actively to support the implementation of the roadmap, and welcomes the security measures (grouping and cantonment, joint patrols, etc.) already taken by the Government of National Unity;
8. Supports the Government of National Unity in its desire to bring all perpetrators of crime to justice; congratulates the Government of National Unity on having established a commission of inquiry into the crimes;
9. Calls for the perpetrators of human rights violations, war crimes, crimes against humanity, sexual violence against women and the recruitment of child soldiers to be reported, identified, prosecuted and punished in accordance with national and international criminal law; points out in this regard that the situation in the CAR has already been brought before the ICC and that, under the Court's Statute, there is no prescription for genocide, crimes against humanity or war crimes;
10. Is worried about the humanitarian situation in the country, particularly for those CAR nationals who have been displaced or have become refugees in neighbouring countries; urges all parties to respect international humanitarian law and the work of human rights defenders and journalists;
11. Welcomes the humanitarian aid provided, in particular, by the EU, the AU and the UN to the people affected by the conflict and by displacement in the CAR, and calls on those institutions and on other international and regional partners actively to support the CAR's reconstruction and the peace-building process;
12. Welcomes the action taken by the Government of National Unity in collaboration with the World Food Programme (WFP) to provide food supplies, protection and distribution of food to displaced populations within the country; appeals urgently to the international community to provide massive financial support to enable the authorities to restore the services of the state;
13. Condemns the war crime of the use and recruitment, whether forcibly or not, of child soldiers in breach of international law; welcomes the Government's desire to

implement, as part of the reform of the security sector, a process to re-establish the defence and security forces; supports the Government's willingness to select Seleka combatants and to train them with a view to integrating them into the armed forces of the CAR and the gendarmerie and police forces; supports action for the disarmament, demobilisation, reintegration and repatriation of combatants in order to guarantee security during the transition; calls for the Government to take similar measures to provide support and redress to the victims of violence and international crimes;

14. Welcomes the ECCAS decision to increase the number of troops of the Central African Multinational Force (FOMAC) from 700 to 2000, and calls for the FOMAC mandate to be exercised under the auspices of the UN;
15. Calls for international and regional operations to arrest members of the LRA to be resumed and intensified, with the consent of the CAR, in order to bring an end to the devastation which this criminal group has wreaked on the people of the CAR;
16. Notes that the CAR is endowed with many natural resources (uranium, crude oil, gold, diamonds, etc.); stresses that transparency and democratic control in the mining sector are more vital than ever for the country's development;
17. Considers it necessary, furthermore, to address the consequences of the conflicts, particularly by reform of the armed forces and security forces, demilitarisation, the demobilisation and reintegration of ex-combatants, the repatriation of refugees, the return of internally displaced persons to their homes, and the implementation of viable development programmes;
18. Calls on all political parties and stakeholders to address the structural causes of this recurrent crisis, and believes that decisions concerning the political, economic and social future of the CAR, based on a peaceful and democratic transition founded on respect for the rule of law, the separation of powers and the full exercise of human rights and fundamental freedoms, as well as on fair access to resources and redistribution of income, through the national budget, are for the people of the CAR and all those who represent them;
19. Welcomes the fact that since 10 June 2013 around 40 religious leaders have been holding discussions in Bangui aimed at preventing tension;
20. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the Council of EU, the European Commission, the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the UN, the UN Security Council, the UN Human Rights Council, the AU, the President of the Economic Community of Central African States and the Organisation Internationale de la Francophonie, and to the President of the National Transitional Council and the Government of the Central African Republic.



ACP-EU

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

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

The Co-Presidents of the ACP-EU Joint Parliamentary Assembly, Louis Michel (MEP, ALDE) and Joyce Laboso (Kenya) welcome the report of Sheila B. Keetharuth, the UN Special Rapporteur on the situation of human rights in Eritrea, and call on the EU, the ACP and the international community to exert pressure on the government of Eritrea to implement the recommendations contained in the report.

The Co-Presidents express their deep concerns as to the continuing human rights violations in Eritrea, as reported by the UN Special Rapporteur, including cases of extrajudicial killing, enforced disappearance and incommunicado detention, arbitrary arrest and detention, torture, inhumane prison conditions, indefinite national service, and lack of freedom of expression and opinion, assembly, association, religious belief and movement.

The Report of the UN Special Rapporteur recalls that Eritrea has one of the worst human rights records in the world, with routine human rights violations taking place every day and no improvement recorded in recent years.

The Co-Presidents call on the EU to closely monitor the situation on the ground and to include the findings of the Special Rapporteur in its political dialogue with government of Eritrea. The Co-Presidents believe that the EU and the international community should insist with the government of Eritrea that those responsible for committing past human rights violations should be held accountable and brought to justice.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

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

The Co-Presidents of the ACP-EU Joint Parliamentary Assembly, Joyce Laboso and Louis Michel, are closely monitoring the situation in Madagascar. Since the coup d'état in March 2009 the country has been immersed in political uncertainty and deep socioeconomic crisis.

The Co-Presidents stress that a diffusing of the tension will require the full implementation of the roadmap, including the release of all political prisoners, an end to the persecution of political opponents, the opening of all media and the return of all political exiles.

The Co-Presidents recall that, in order to break the political deadlock, the major political figures in the country – former President Marc Ravalomanana and interim President Andry Rajoelina – agreed in January this year not to stand as candidates in Madagascar's presidential election.

The Co-Presidents note that, unfortunately, this agreement has been undermined by the decision of Andry Rajoelina, and to a lesser extent of Lalao Ravalomanana and former President Didier Ratsiraka, to stand as candidates.

The Co-Presidents stress that only the rule of law will ensure the credibility of the electoral process and the acceptance of the results by the Madagascan people. The Co-Presidents deplore the fact that the institutions responsible for organising and monitoring the electoral process (the Special Electoral Court (CES) and the Independent National Electoral Commission for the Transition (CENI-T)) have not acted with all the independence and neutrality required.

They stress that the validation of the candidature of interim President Andry Rajoelina by the CES is contrary to the letter and spirit of the agreement of January 2013. They note that the validation of the other two candidatures is the subject of controversy.

The Co-Presidents note that maintaining these candidatures would be contrary to the position of the Southern African Development Community (SADC), the African Union (AU), the European Union (EU), the Organisation Internationale de la

Francophonie (OIF) and the United Nations, among others, which have unanimously expressed their concern at the latest developments, and may lead to the non-recognition of the elected authorities, as urged by SADC in its most recent communiqué of 15 June 2013, thus prolonging the country's political crisis.

The Co-Presidents call, therefore, for the withdrawal of these candidatures, in particular that of Andry Rajoelina, which is contrary to the spirit and letter of the Cotonou Agreement, so as to ensure that the elections in Madagascar are peaceful, lawful and credible. They regret that the elections initially scheduled for 24 July 2013 have been postponed, and stress that having a legitimate government in place as soon as possible is essential to ending the crisis in the country.

The Co-Presidents call on all political players to put aside their personal grievances and power aspirations in order to restore the constitutional order and the rule of law, so that the growing poverty and deteriorating socioeconomic conditions in Madagascar, including the destruction of its natural resources, can be addressed. They also call on the authorities to take all necessary measures to tackle the widespread corruption in the country.

The Co-Presidents support the tireless mediation efforts of the SADC, and call for the continued engagement of the international community, including in the context of the forthcoming meeting of the International Contact Group on Madagascar in Addis Ababa. The Co-Presidents will continue to monitor developments in Madagascar.

Brussels, 19 June 2013



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

19 July 2013

**10th REGIONAL MEETING (WEST AFRICA) OF THE
ACP-EU JOINT PARLIAMENTARY ASSEMBLY**

**Abuja, Nigeria
17-19 July 2013**

Abuja Communiqué

Website of the ACP-EU Joint Parliamentary Assembly
<http://www.europarl.europa.eu/intcoop/acp>

Introduction

In accordance with Article 17 of the Cotonou Agreement and Article 6 of the Rules of Procedure of the ACP-EU Joint Parliamentary Assembly (JPA), Members of the Assembly from the Caribbean Region of the ACP Group and their European Parliament counterparts held a regional meeting in Abuja, Nigeria from 17 to 19 July 2013. Members expressed gratitude to the Government and House of Representatives of Nigeria for hosting the meeting and the facilities put in place for the success of the meeting.

Their discussions focused on the following subjects:

State of Play of EPA Negotiations

Members were informed of the state of play of the EPA negotiations in the region and in this regard, expressed concern at the divergent views from the EU and the West African negotiators on the level of market opening; financing of the EPA Development Programme (EPADP); tariffs dismantling calendar, adjustments costs: the Most Favored Nation clause; and the impact of EU agricultural subsidies on West African agriculture and the Rules of Origin.

With Ghana and Cote d'Ivoire having signed interim agreements, the existing different trade regimes in the region could affect on-going integration efforts. For this reason, Members emphasized the need to conclude the negotiations with the West African region as one entity, rather than bilaterally with individual countries. Members stated that the specificities of the region, in particular the political and economic challenges faced by a number of countries, needed to be taken into account.

Although there has been some progress in the negotiations, Members were of the view that, with political goodwill on both sides, these issues could be amicably resolved.

Members acknowledged the need to protect infant and sensitive industries, and took note of the assurances from the Commission that this provision is part of the EPAs negotiations and that EPAs should not be viewed as a threat to industrialization and agriculture.

Misunderstandings and misconceptions over EPAs were highlighted as some of the main obstacles for the conclusion of the negotiations. Therefore negotiations must be conducted in a more transparent and participatory manner. Raising awareness among stake-holders at national and regional levels, including parliamentarians and Non-State Actors, must be addressed.

Energy resources and development

Members noted that West Africa has great potential in the energy sector. Unfortunately, it was also recognised that up to 70% of its population do not have access to energy to meet their basic daily needs. Therefore, Members called on the respective governments of West Africa to develop effective energy policies and legal frameworks that would attract public-private partnerships. Members also underlined the urgent need for energy infrastructure and see the EU as an important partner in this respect.

Moreover, Members agreed that that 'Energy for All' should be considered one of the global development goals in the post-2015 agenda. This should also take into account renewable sources of energy for sustainable development.

With particular regard to the Nigerian oil industry, Members stressed the need to ensure that the revenues generated from the extractive industry are distributed transparently and equitably through the national budget in order to contribute to sustainable development and poverty reduction.

Members also expressed concern at the high rates of oil thefts, wastage and illegal bunkering which lead to substantial revenue losses and environmental degradation. Members called on the Nigerian government to put in place appropriate mechanisms and measures to fight against this organized crime.

Impact of climate change and desertification on agriculture and food security

Members recognized the universal challenge that climate change poses for developed and developing countries alike and the urgency for global collective action to address this problem.

In the context of West Africa, climate change causes desertification, rural exodus, rising sea levels and an increase in natural disasters. The overall impact has been devastating in terms of livelihoods and human development. Members expressed concerns on the impact of climate change on agriculture and food security notably due to extreme weather variations. Loss of livelihoods and declining ecosystems could on their part create conditions for the emergence of social and political extremism such as terrorism and insurgencies.

Members urged developed countries to make additional efforts to assist developing countries in their climate change mitigation efforts through appropriate funding and transfer of knowledge and technology. African countries were reminded of the environmental dangers associated with the adoption of certain models of agricultural and industrial production systems. Members stressed the need to implement commitments made in international conventions and stressed that it was up to each country to formulate appropriate policies at local level.

Demographic policies and youth unemployment

Members noted the demographic challenges faced by some countries in the region arising, amongst others, from high fertility rates and rising youth unemployment. Appropriate policies to equip the youths with proper education, skills and opportunities could transform these challenges into opportunities and advantages. Otherwise, the demographic explosion is likely to worsen current social and economic challenges. With a large number of youths engaged in informal economic activities, the challenge is to further increase their productivity in view of the limited opportunities in the formal labour market.

The link between poverty, lack of education and access to affordable health services as well as high fertility levels was recognized. Members called for increased investment in maternal and child health programmes in order to reduce child and maternal mortality. Further, Members called for the application of the principle of gender equality in educational and

health policies as well as for economic opportunities for rural populations in order to avoid urban drift. Members also called for effective policies to address demographic challenges whilst taking into account diverse cultural traditions.

Members agreed that a drive towards the eradication of illiteracy is paramount to solving social and economic problems. They underlined the importance of an education system geared towards the provision of the right skills and qualifications required by the market and industry alike. Therefore it is of utmost importance that there is a match between what the education system offers and the requirements of the job market. The importance of encouraging entrepreneurship and self-employment and the access to affordable finance was also mentioned as a solution to solve youth unemployment.

Members highlighted the importance of genuine democracy, good governance and rule of law for economic growth and job creation, especially for young people. They noted that lack of employment opportunities for young people can contribute to social and political instability.

Challenges and opportunities for the fishing industry

Members noted that most of the commercial fishery stocks are nearly over exploited. Illegal Unregulated and Underreported (IUU) fishing, poor statistics on stocks, inefficiencies in sanitary controls, lack of cooperation and coordination as well as security threats are major challenges for the fishing industry in the region.

Despite the above challenges, there are still opportunities due to the considerable biodiversity in the waters in West Africa, the region's proximity to the markets of Europe and the comparative advantages of some of the ports such as Dakar, Abidjan or Tema. In order to exploit these opportunities, Members stressed the need to improve and increase storage capacities, modernize ageing fleets and enhance maritime security. In addition to contributing to employment, fisheries, including inland fisheries, should also be considered as part of food and nutrition security policies.

The fight against terrorism and piracy

Members expressed concern about the extent of terrorism, piracy and drug trafficking in the region and in Nigeria in particular. It was noted that the menace of terrorism was linked to the general state of insecurity in the Sahelo-Saharan region, where there is now a large proliferation of weapons following the fall of the Gaddafi regime in Libya. Members welcomed the comprehensive approach adopted by the Nigerian authorities to fight terrorist activities perpetrated by Boko Haram, which includes an appropriate legal framework, military operations, dialogue and inter-agency cooperation among the security forces. However, Members underlined the importance of addressing the root causes of terrorism, which can be attributed, among others, to poverty, youth unemployment and high income disparities.

Given the transnational nature of terrorism threats, and the link between Boko Haram and extremist groups in other countries, Members called for strengthened bilateral and multilateral cooperation in the region and with the wider international community, which must now anticipate problems before they escalate.

Concern was expressed about the economic, political and security dimensions of piracy in the Gulf of Guinea, and the threats posed to oil shipments and maritime trade. In this regard, Members acknowledged the maritime security initiatives of ECOWAS Commission, the Economic Commission of Central African States (ECCAS) and the Gulf of Guinea Commission. Members regretted the tendency of the international community to respond late to such threats, usually only when their own interests were threatened. The international community was therefore urged to support these regional processes with a view to achieving common maritime security architecture for the entire Gulf of Guinea region.

Members also highlighted the growing threat of oil theft and illegal oil bunkering in the ACP states, particularly in Nigeria. They stressed the implications of this threat on global supplies, safety, environment and governance.

Members expressed the need to establish a traceability system of oil in order to prevent its diversion. They also called for international cooperation to fight against the criminal activities of oil companies and foreign vessels involved

The attainment of the MDGs in the area of Gender and the empowerment of women

Members recognized the crosscutting importance of gender in all countries of the region. Although some progress has been achieved in this area, poverty and lack of economic opportunities that still militate against the attainment of the MDGs relating to gender and women empowerment.

Members emphasized that in order to overcome the challenges in this domain, there is need to reinforce targeted measures such as education and training, economic and political empowerment of women, elimination of all types of violence against women and national strategies to take into account the principle of gender equality in all political decision-making spheres. Members expressed support for affirmative action programmes and gender quotas to support the advancement of women.

The role of women in conflict resolution and in the economic and social development of ACP countries was highlighted. In this regard, the creation of an ACP-EU network of women, associated to a gender parity observatory, in the framework of the Joint Parliamentary Assembly, was proposed as one of the means to effectively contribute to the attainment of gender parity and women empowerment. Members called on the UN to include gender parity and the fight of violence against women as a specific goal in the post-2015 development agenda.

Members called on the Co-Presidents to present the conclusions of the regional meeting to the next Bureau meeting to the 26th session of the Joint Parliamentary Assembly to be held in Addis Ababa (Ethiopia) in November 2013, and to forward them to the ACP Parliamentary Assembly, the European Parliament, the European Commission, the ECOWAS Commission, the West African Economic and Monetary Union (UEMOA), the ACP Group of States, the Governments and National Parliaments of the West African region of the ACP Group of States and to the EU Member States.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

BUREAU

5 August 2013

REPORT ON THE PRESIDENTIAL ELECTION OBSERVATION MISSION TO MALI OF 28 JULY 2013

(first round)

26-30 JULY 2013

Joyce LABOSO (Kenya), Co-President, co-chair of the delegation
Patrice TIROLIEN (S&D, FR), Vice-President, co-chair of the delegation

and

Abdourahamane CHEGOU (Niger), Vice-President,
Bruno LENGKON (Vanuatu), Vice-President,
Nicole KIIL-NIELSEN (Greens/EFA, FR), Member of the European Parliament,
Niccolò RINALDI (ALDE, IT), Member of the European Parliament.

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1. Introduction

Over the last few months, the consequences of the war in Libya for Mali and Sahel-Saharan Africa have captured the attention of the ACP-EU Joint Parliamentary Assembly (ACP-EU JPA), which has devoted a number of resolutions and declarations to the issue. In addition, the Bureau of the JPA sent a fact-finding mission to Mali in March 2013. It was therefore perfectly natural for the JPA to decide to take part in the joint election observation effort, not only by the EU and the European Parliament but also by a host of national and international observers and NGOs.

Accordingly, on 16 June 2013, the ACP-EU JPA Bureau decided to accept the invitation of the Malian authorities to send an observation mission for the presidential election of 28 July. The mission observed the first round of voting, a second round having been scheduled for 11 August 2013 if a single candidate did not obtain an absolute majority in the first round.

2. Background to the election

The nascent democracy in Mali was weakened by a situation of conflict between the state and a part of the population of the three northern provinces. This conflict was then exploited by extremist groups linked to Al Qaeda and opportunistic criminals so that it escalated into an open conflict that eventually led to the coup of 22 March 2012. Under pressure from the international community, the coup stalled and a roadmap for transition was approved by the National Assembly. A new attempt at destabilisation in January 2013 was thwarted by the intervention of the French military Operation Serval, supported by several partners in the region. Amongst other things, the roadmap stipulated that presidential and parliamentary elections had to be held throughout the national territory and take place in a calm atmosphere guaranteed by a certain level of security.

Meanwhile, the establishment of the UN mission MINUSMA on 1 July 2013, taking over from MISMA, and the Ouagadougou agreements of 18 June 2013 laid the necessary groundwork for a **presidential election to be held on 28 July 2013**. It is too soon to plan the **parliamentary elections** – which were supposed to be held in April 2012 – as the Ouagadougou agreements first need to be implemented in order to create the necessary trust to enable a large part of the population to return to the three northern provinces. Indeed, under these agreements, a negotiated solution needs to be found to the dispute in the north within 60 days following the election of the President of the Republic, in order to pave the way for parliamentary elections before the end of the year.

The first round of the presidential election saw 27 competing candidates, only one of whom a woman. A 28th candidate withdrew after a few days, expressing the view that under current conditions, inclusive elections throughout the land could not be guaranteed.

3. Preperation of the mission

As in the past, the ACP-EU JPA election observation mission (6 Members) joined forces with the EU election observation mission, which managed to gather around 100 observers. The mission received strong support from the latter, from both a logistical and planning point of view. In addition, it worked hand in hand with the European Parliament election observation mission (also 6 Members).

The mission began its work in Bamako on Thursday, 26 July. Its aim was to attend a series of information and coordination meetings before polling day.

A meeting was held with the Minister of Territorial Administration, Decentralisation and Regional Planning (MATDAT), Moussa Sinko Coulibaly, who was in charge of all the practical aspects of organising the elections. The mission also met the Delegate General for the Elections, General Siaka Sangare, and the President of the Constitutional Court, which had a very important role to play as the body responsible for validating the election results.

The mission had talks with the representatives of three of the four main candidates – Soumaila Cissé (URD), Modibo Sidibé (FARE) and Dramane Dembélé (ADEMA-PASJ). A representative of Ibrahim Boubacar Keïta (RPM) cancelled his meeting. The mission also had interesting discussions with six important NGOs.

As regards the international community, the mission had an exchange of views with General Lecointre, head of the EU Training Mission (EUTM), responsible for rebuilding the Malian army. A meeting was also held with international and national observers and another with a number of diplomatic missions, including seven EU missions, the United States, Canada, China, Mauritania, Algeria, Burkina Faso and the head of the EU delegation, Richard Zink. Michel Reveyrand-de Menthon, EU Special Representative for the Sahel, also attended the latter meeting.

4. Election Day

On election day (28 July), one team was sent into action in Segou while the other two focused their observation on the capital Bamako and surrounding areas, and Koulikoro.

The three teams agreed that the population was calm, eager to vote and that turnout was high (estimated at around 50%, whereas in the past, maximum turnout had been 34%). This was confirmed by the EP election observation delegation, which was deployed in the same regions but visited other polling stations. People were friendly towards the observers, and even grateful, because they appeared to understand the observers' role.

On election day, the JPA election observation mission (EOM) cooperated closely with the EU EOM and in particular with its long-term observers, and with the European Parliament EOM. From an operational point of view, the JPA EOM contributed to the EU's joint effort by filling in the same observation forms as all the other EU short-term observers.

5. Observations and conclusions

In the polling stations observed, a number of administrative errors were committed due to the inexperience of the polling station presiding officers or, sometimes, the illiteracy of voters. Generally speaking, voting secrecy was respected. Some difficulties in finding the right polling station were noted, in certain cases.

Women were well represented among returning officers and delegates accredited by the political parties in the polling stations observed. The delegates were highly motivated and attentive throughout the day, until the votes were counted after 18.00, despite the constraints of Ramadan.

The overall impression was that of a ballot that was well organised by the Ministry of Territorial Administration, Decentralisation and Regional Planning (MATDAT), with some inevitable imperfections, the nature and extent of which certainly did not call into question the legitimacy of the results.

The Preliminary Statement of the JPA Election Observation Mission is attached hereto as Annex 2. Detailed recommendations will be made in the final report of the EU EOM on the basis of the remarks made by all short-term EU observers.

6. Days after the ballot

On 30 July, the day of the mission's departure, the Minister of Territorial Administration announced that after almost 30% of the ballots had been counted, Ibrahim Boubacar Keita (IBK) was well ahead and that, if this trend were to continue, a second ballot might not be necessary.

This initial trend, however, was not confirmed at the announcement of the provisional official results on Friday, 2 August, which were as follows: turnout: 51.5% ; Ibrahim Boubacar Keita came in first with 39.2% of the vote, followed by Soumaila Cisse, with 19.4%.

According to the final results of the first round, as proclaimed by the Constitutional Court on 7 August 2013, a second round of the presidential election, on 11 August 2013, would see Ibrahim Boubacar Keita (39.79%) run against Soumaila Cisse (19.70%). Other interesting figures: registered voters: 6 829 696; voters: 3 345 253; spoilt ballot papers: 389 876; votes cancelled: 113; valid votes cast: 2 955 264; absolute majority: 1 477 633, and turnout: 48.98%.

Annexes: 1. Programme
 2. Statement to the press (31 July 2013)



ACP-EU JOINT PARLIAMENTARY
ASSEMBLY

BUREAU

24 February 2014

REPORT OF THE FACT-FINDING AND STUDY VISIT BY THE BUREAU OF THE
ACP- EU JOINT PARLIAMENTARY ASSEMBLY TO HAITI

6 - 8 NOVEMBER 2013

Joyce Laboso (Kenya), Co-President, co-chair of the delegation
Patrice TIROLIEN (S & D, FR), Vice-President, co-chair of the delegation

and

Dambert René NDOUANE (Congo), Vice-President
Filip Kaczmarek, MEP (EPP, PL)
Slavi BINEV MEP, (EFD , BG)

1. Introduction

In March 2013, the Bureau of the ACP-EU Joint Parliamentary Assembly (JPA) decided to organise a fact-finding and study visit to Port-au-Prince (Haiti) to follow up the work of the visit in August 2010. Its objective was to gather first-hand information to assist the JPA in its assessment of the reconstruction of the country following the earthquake of 12 January 2010, the transition from humanitarian aid to development and the strengthening of democracy in Haiti.

The visit took place from 6 to 8 November 2013, and frank and in-depth discussions were held with members of the House of Representatives and the Senate, representatives of the government, the political parties, civil society and non-state players and the United Nations.

2. The political situation

Institutional reform is necessary because the current situation involves costly elections almost every year. The President of the Republic is elected for 5 years and President Michel Martelly has been in office since 14 May 2011.

The Senate consists of 30 senators elected for six years, but one third of seats are up for re-election every two years. However, one third of Senate seats are currently vacant. The mandates of these ten senators expired in 2012 and Haiti has not yet held, or even scheduled, elections to replace them. This has forced the Senate to work with only two-thirds of its full complement, which makes it much more difficult to obtain a quorum and conduct legislative business. A second group of ten senators took office in 2009, and their six-year term is due to expire in 2015. However, a 2008 electoral law apparently means that their term of office will end in January 2014; if implemented, this law will make the country ungovernable, because the budget has to be approved by a majority of both chambers.

The visit took place against the background of a political trial of strength between the executive and the legislature to solve this institutional problem.

The Chamber of Deputies is composed of 99 Members who are elected for 4 years. The next elections should take place during the second half of 2014.

Municipal elections should have been held in 2012 and they could probably be held during the second half of 2014. Incumbent mayors about to reach the end of their term of office have been replaced by 'interim executive officers' appointed by the executive.

Political demonstrations against the government are regularly held in Port-au-Prince, indeed one took place during the visit.

On the day of the group's arrival, 5 November 2013, three senior government ministers were subjected to a vote of no-confidence by the Senate which they only survived because the Senate is working with just two-thirds of its complement.

3. Exchanges of views with government officials

A meeting on the last day of the visit with Michel Martelly, President of the Republic, together with the Prime Minister, Laurent Salvadore Lamothe, and the Minister of Foreign Affairs and Worship, Pierre-Richard Casimir, helped put into perspective a number of comments heard by members of the delegation during their visit. The constitution and the 2008 Electoral Law, with all their contradictions, had existed long before the current government came to power in 2011. President Martelly demonstrated a strong commitment to finding a solution to the political crisis through dialogue in the days following our visit.

He also highlighted his government's achievements over the last two and a half years. He emphasised the progress made in education, the re-housing of one million, three hundred and thirty thousand people who had been homeless since the earthquake, the significant progress in developing the country's electricity grid and the fight against corruption, but he admitted to sometimes having a lot of trouble in convincing the opposition in Parliament to back his plans. In the social field, he also mentioned the creation of reception centres for street children.

Regarding bilateral relations with the Dominican Republic and the recent decision of that country's Constitutional Court, President Martelly preferred not to respond, because that might be interpreted as interference.

4. Meetings with other government bodies and local authorities

Joseph Pierre-Richard Duplana had been appointed interim executive officer of the city of Port-au-Prince by the government until local elections were held. He appreciated the predictable nature of EU funding for operational expenses and also the financing of several major construction projects currently under construction funded by NGOs. He expressed the hope that the political situation would calm down in the following weeks. According to him, the social situation was improving, and much had been done to increase resilience to deal with the consequences of a new earthquake, but he acknowledged that there was no master plan for the city and so there were many illegal constructions, in particular on hillsides, because of the politicisation of the public services.

As far as housing was concerned, 175 000 people were still living in camps out of the original 1.5 million after the earthquake. This had been achieved through the construction of new housing, by the subsidisation of construction work by the population itself and subsidised lease contracts. The Minister of Public Works, Harry Adam, recognised that the existence of too many illegal constructions had also helped get people out of the camps.

Some priority had been given to projects that created jobs and to the construction of public buildings in the social field, such as schools and hospitals. EU funds had been used for one of the most neglected areas of the country, the Plateau Central region. The 10th EDF had provided for EUR 520 million over 5 years, while the 11th EDF would provide EUR 420 million for 5 years from 2014, including for food security and governance.

In order to generate economic growth, the Minister of Public Works was prioritising the construction sector and agriculture. Port infrastructure had to be strengthened after its shortcomings had been revealed when aid had to be delivered in 2010. Agriculture was an absolute priority, for the country had been self-sufficient in rice production until 1989,

whereas today it had to import 50 % of its needs. Other areas were security, energy and tourism.

5. Meetings with the President and representatives of the Parliament and the main political opposition parties

According to the President of the Senate, the substantial and targeted assistance from the European Union was the only aid not to come via the multitude of NGOs that operated outside the country's control. Direct support also meant that the funds remained in Haiti and did not flow back to their country of origin through domestic contracts.

At a political level, while the executive tended to concentrate the powers necessary to optimise its work to rebuild the country, its attitude had become hostile towards the legislature, civil society and even the press. Since May 2012, the political class had been calling for elections, but it was the executive that had rejected any compromise to reach a political agreement. In the meanwhile the country was facing a multiple crisis relating to unemployment (60 %!), housing and the food supply.

The replacement of elected mayors at the end of their mandates with interim executive officers, in the absence of fresh new local elections, was strongly criticised. He called on the EU to refuse to cooperate with these agents.

Members of Parliament feared that direct aid to the government might be used for other purposes, in particular to increase the oppression of opposition parties. They called upon the EU to set up mechanisms to ensure the transparent management and control of funds, as the Court of Auditors was dysfunctional.

Finally, according to the President of the Chamber of Deputies, the government should oppose the action of the Dominican Republic that had made citizens of Haitian descent who had been born in the Dominican Republic since 1929 stateless.

All opposition parties insisted in particular on the political and institutional crisis that needed to be solved urgently through dialogue that should lead to free elections.

They accused the international community of supporting President Martelly who lurched from one crisis to the next: other grievances were his failure to respect procedures to change the Constitution, the postponement of various elections and the appointment of non-elected mayors.

Other recurring criticisms related to human rights, the police which was apparently not up to the task, an unreliable legal system and a flawed democracy based on political parties that were merely launching pads for individual political personalities.

Peaceful protests against these violations of the law were repressed by the tear gas. Meanwhile the real problems facing the country remained unsolved: the famine that still affected a large part of the population, the unemployment rate of 60% and education. For the 30 000 young people who completed secondary school every year, there are only 8 000 university places, and only one vocational training school.

6. Meetings with representatives of civil society and human rights organisations

According to representatives of civil society, the lack of an adequate consultation forum for civil society forced organisations to issue declarations.

They accused the international community of interfering in their choice of leaders and of only offering lukewarm support for civil society which criticised the authorities for their scant respect for human rights and democracy.

They denounced the corruption and lack of effort by the government to fight corruption. Furthermore, they pleaded for reforms and a strengthening of the judiciary so as to establish a fair system of justice which was accessible to all.

7. Meeting with the Special Representative of the UN Secretary General (SRSG), head of the UN Stabilisation Mission in Haiti (MINUSTAH)

MINUSTAH has been present in Haiti since the departure of President Aristide in 2004 and operates with a mandate under Chapter 7 of the UN Charter. Sandra Honoré, SRSG and Head of Mission, explained that MINUSTAH, consisting of 6 200 soldiers (being reduced to 5 000 under the mandate of October 2014) and 2 600 police officers, was engaged primarily in national security and training the Haitian police. The objective was to increase the size of the Haitian police force which currently had 10 500 officers to 15 000 in 2016. In addition, the mission also supported the functioning of the Supreme Judicial Council and was implementing a number of rapid impact projects.

8. Meeting with representatives of UNDP, ECHO and UNICEF

Sophie de Caen (UNDP) presented the four main achievements of the UNDP, undertaken with funds from the EU in particular: the removal of approximately 85 % of the debris in the streets by a system of 'cash for production'; the closing of 16 IDP camps through the construction of new homes; the creation of a civil defence force; and the construction of a new town of 100 000 inhabitants to the east of Port-au-Prince. The problems of humanitarian aid remained as pressing as ever: despite increased agricultural production in 2013, 1.5 million people still faced extreme food insecurity and 6 million food insecurity. Water supply and sanitation programmes had greatly reduced the scale of the cholera epidemic, but the incidence of the disease was still too high.

Edouard Beigbeder (UNICEF) noted that some indicators had actually improved since the earthquake, in particular the rate of primary school attendance which had increased from 47% to 77%, while malnutrition had fallen from 10% to 5%, and sanitation in rural areas, which had reached 30%. He pointed out that the greatest challenge concerned local human resources for managing the programmes and projects. He also wondered how lasting these results would prove, given a national budget deficit of 20%.

Nicolas Louis explained that ECHO had spent € 883 million between 2008 and 2013, mainly to combat what had been the largest cholera epidemic worldwide, food insecurity and the extreme poverty that prevented children from going to school. The most important conditions for a successful transition from the humanitarian aid to the development phase were political and security stability. He noted the failure of Bill Clinton's 'build back better' programme which had cost US\$ 6 billion, but also acknowledged that definite progress had been made, particularly in the health sector.

9. Conclusions

Members of the JPA delegation heard clearly articulated views on a variety of topics, in particular on the economic and social situation following the 2010 earthquake.

They would like to pay tribute to the government and the international community for the assistance given to the people of Haiti through the post-earthquake reconstruction effort. All the roads have been cleared in Port-au-Prince and there remain only 170 000 IDPs in the camps, down from 1.5 million in 2010. In addition to the results in the field of emergency and humanitarian assistance achieved with international aid, considerable progress has been made in a number of key areas to effect the transition from emergency aid to development: national education, the renovation and construction of roads and bridges, the start of work on buildings intended to serve as the key ministries and the reconstruction of ports and airports.

They recognise that, despite the work that has been done or is under way, solving the many challenges facing the country requires a long-term, multi-sectoral vision.

They are concerned about the pre-election political polarisation that dominates the thinking of a majority of the political players. In particular, the obsession about which electoral law should be applied and constitutional reform seem to paralyse the debate. They consider that the only way to overcome the impasse is through dialogue and a consensus based on compromise. They had met, on the one hand, a President of the Republic very open to dialogue and, on the other, political parties acting in good faith: there is therefore hope that an honourable solution to the crisis can be found which will be in the interests of the people of Haiti who expect their leaders to get down to work addressing economic and social priorities.

Members of the JPA delegation believe that free and transparent elections are the foundation of democracy, and that only they provide the necessary legitimacy to undertake major reforms.

Furthermore, they believe that constitutional reform is needed to harmonise laws and institutions to meet the current and future challenges facing the country. In particular, the excessive number of elections seems to prevent the state working properly.

Members of the delegation are of the opinion that, despite the other priorities, the government could take more care to comply with the international principles and standards of human rights and civil liberties, which have broader implications for the state of democracy, good governance and development.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

BUREAU

23 January 2014

**REPORT OF THE ELECTION OBSERVATION MISSION TO
THE PRESIDENTIAL ELECTIONS (SECOND ROUND) AND
LEGISLATIVE ELECTIONS IN MADAGASCAR
18-22 DECEMBER 2013**

Fitz A JACKSON (Jamaica) Co-President, co-chair of the delegation
Patrice TIROLIEN (S&D, FR), Vice-President, co-chair of the delegation

and

Mukhtar AHMED (Nigeria), Vice-President
Ana Rita SITHOLE (Mozambique), Vice-President
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Introduction

At the invitation of the authorities in Madagascar, the Bureau of the ACP-EU Joint Parliamentary Assembly (ACP-EU JPA) decided to send an election observation mission to the Presidential Elections (second round) and legislative elections held on 20 December 2013. The mission took place under the aegis of the European Union Election Observation Mission which was led by Ms. Maria Muñoz de Urquiza as Chief Observer.

The JPA has been closely following political, social and economic developments in Madagascar during the past decade. The Bureau of the JPA has undertaken fact-finding missions to Madagascar on two previous occasions: in 2007 during the Presidency of Marc Ravalomanana, and in 2010 after the overthrow of Marc Ravalomanana. The JPA has adopted a Resolution on the situation in Madagascar during its plenary session in Luanda on 3 December 2009, in addition to Statements by the Co-Presidents, expressing concern on various aspects of the political situation in the country.

Background to the election

Madagascar has been without an elected government since 17 March 2009 when President Marc Ravalomanana was forced to resign, after which the military handed over the Presidency to his rival, Andry Rajoelina. The international community, including the European Union, the African Union, the Southern African Development Community (SADC) condemned this action and suspended development cooperation with the Rajoelina's government. Under international mediation by the African Union and SADC, the leaders of the four political movements (the three former presidents and Rajoelina) agreed to an inclusive transitional government at meetings in Maputo and Addis-Ababa in 2009, which President Rajoelina later unilaterally cancelled, and instead, initiated a unilateral process of transition, stating that the crisis would be better resolved at national level. There were several national reconciliation initiatives which Rajoelina organised at national level, but which were not recognised by the international community. In 2009, an agreement among political parties set up a 15 month transition roadmap for transition to democratic government, under which a new Constitution was passed by Referendum on 14 November 2010.

On 17 September 2011, SADC mediation efforts under by Former President Joachim Chissano of Mozambique led to the signing of a roadmap to exit from the crisis signed by 10 political parties. On 21 September 2011, a transitional government was established. A new Congress for the Transition which included representatives from all the signatory parties to the Agreement, and an independent National Elections Commission of the Transition (CENI-T) were established by February 2012. Following these developments, the international community and Madagascar's partners started a gradual re-engagement with the transitional authorities to support the roadmap for the return to democracy, in particular, to ensure that elections would take place in a credible and transparent manner, and eventually, resumption of international aid.

The first round of the Presidential election was held on 25 October 2013, while the second round and the legislative elections were held on 20 December 2013. Due to the lack of an outright winner in the first round, the Presidential run-off was between Jean-Louis Robinson and Hery Rajaonarimampianina who had obtained 21 and 16% of the votes respectively, in the first round.

The elections were observed by a large number of international observers, including the European Union (with the European Parliament and the ACP-EU JPA), the African Union, SADC, the Indian Ocean Commission, COMESA, the OIF, IGAD and the Carter Center.

Preparation for the mission

The 6 Members ACP-EU JPA mission participated in observing the elections in conjunction with European Union Election Observation Mission, which had deployed a long-term mission since September 2013 for the purpose of observing the both rounds of the Presidential elections as well as the Legislative elections. The ACP-EU JPA mission benefited from the logistical and planning support of the EU mission. The mission commenced its work in Antananarivo on 18 December 2013, with a series of information, coordination and consultative meetings prior to Election Day.

The mission participated, together with the European Parliament, in joint meetings organised by the EU Mission and the Chief observer with a number of stakeholders. Members met Mrs Beatrice Atallah, the Chairperson of the CENI-T and her team; Mr Hery Rajaonarimampianina, one of the two Presidential Candidates, and a representative of Mr Jean-Louis Robinson, the other Presidential candidate. Members also met with representatives of some of the major political parties in the country, as well as civil society representatives. These meetings were meant to give Members an overview of the political situation and the main concerns over the electoral process.

The recurrent theme among most stakeholders, in particular civil society organisations, were serious concerns about the poor culture of democracy in Madagascar, in particular, lack of grassroots support for political parties and an absence of clear ideological and policy orientation; the pervasiveness of personalisation of political issues; the extent of corruption, nepotism and cronyism; weak institutions; and the precarious state of social and economic conditions.

However, two issues need to be emphasised: the lack of rules and transparency regarding election financing and expenses, leading to an obvious imbalance among the candidates; the partisanship of the transitional President, which was manifested by the late cancellation of a decree allowing the participation in electoral campaigns of certain personalities. However, as regards the electoral process, while there were misgivings about certain aspects, and allegations of fraud about the first round of the Presidential elections, there was cautious optimism that elections would be the start of national reconciliation and permanent exit from the four yearlong crisis, as well as restoration of confidence in the country on the part of international partners.

The Chairperson of the CENI-T gave a comprehensive account of preparations for the elections, especially as regards the preparation of the electoral list, the training of electoral officers, establishment of 20,001 polling stations all over the country, printing of ballot papers and public sensitisation campaigns. The disenfranchisement of a good number of voters in the first round of Presidential elections because of errors in the electoral list had been addressed by the CENI-T, and all those that were eligible to vote had now been added to the new list.

Election Day

Polling stations scheduled to be open from 06.00 to 17.00. The CENI-T had indicated that the results of the Presidential Elections would be announced on 7 January 2014 and legislative elections in the first week of February 2014.

On Election Day, 20 December 2013, the ACP-EU JPA mission was split into three teams: one team led by the Co-Heads of the mission was assigned to observe polling stations in Antananarivo, while the other two teams were deployed to two towns about 40-60 kilometres outside the capital. The ACP-EU JPA mission observed the elections according to the methodology and materials provided by the EU mission. In this regard, the ACP-EU JPA mission contributed to the EU efforts since all the questionnaires for the elections were submitted to the EU mission.

All the teams concurred that the elections were held in a calm and free atmosphere in the polling stations visited. There were some challenges in certain areas, largely due to difficulties of running Presidential and Legislative elections on the same day, especially given the number of legislative candidates in certain areas – as many as 25. The observers were well received in all the polling stations and readily responded to questions over certain aspects of the process.

On 22 December 2013 at 12:00hrs, the Chief Observer addressed a press conference of local and international media at the Ibis Hotel in the presence of representatives of political parties and the presidential candidates, the President of the CENI-T, as well as local and international observers. Mr Jean-Jacob Bicep also made a statement on behalf of the European Parliament election observation mission. There was no agreement between the Co-Heads of the JPA Mission and the EU Chief Observer on the participation of the JPA mission in the press conference, and therefore no Statement from the JPA at the conference.

Observations and conclusions

The JPA mission's observations are limited to the electoral process observed on polling day in the polling stations visited, as well as impressions garnered in the meetings with local and international stakeholders on 17 and 18 December 2014. Nevertheless, the JPA mission wishes to place on record its support for the long-term election observation machinery deployed by the EU from September 2013. The JPA

missions' technical observations on polling day, which were based on the EU mission's methodology, would therefore be incorporated in the finalisation of the EU's final report.

In general, the JPA mission was of the view that the elections took place without major difficulties, and would like to congratulate the CENI-T and the people of Madagascar, who were well cognisant of the challenge and went to the polls in the same numbers as in the first round of the elections, and in a calm and peaceful manner. The mission appreciated the seriousness and commitment demonstrated by all the actors in the electoral process – the voters, electoral officials and party agents. There was a high representation of women among electoral officials and party agents, which was perhaps an indication of the desire for change.

In the polling stations where the mission observed the counting of the ballots, it was gratifying to see how seriously electoral officials and party agents were about the process. There was no sign of tension or animosity among opposing parties. The counting was conducted in a professional manner according to the applicable rules. There was a very small number of spoilt ballots, which could be attributed to the good efforts of the CENI-T. Many of the shortcomings observed were due to the double challenge of conducting Presidential and legislative elections at the same time, and as has been mentioned before, there were more than 25 Legislative candidates in some constituencies.

Nevertheless, the mission was of the view that special attention should have been paid to the physical preparation of polling stations before the start of polling, because in some places, the small size of polling stations prevented the smooth conduct of the processes. The mission also regretted not being able to monitor the transfer of ballot papers and results to collation centres after the counting process, which ended late at night. There was no indication as to the modalities or schedule for this transfer process.

An issue of particular concern was the late publication of official results. Given the efficiency with which the counting was done, the mission was of the view that preliminary results could have been announced shortly after polling day pending the resolution of electoral petitions and the validation of final official results by the electoral tribunal.

It is worth noting that all the international observers' opinions were that the elections were free and fair. None of them, in their preliminary assessments and press releases, spoke of any incidence of electoral malpractice, violence or intimidation. However, even before the counting and collation process was going on, Mr Jean-Louis Robinson was reported to have stated that the elections were marred by massive rigging and fraud and that he would therefore not accept the outcome.

Given the preponderant role of the army in the political history of the country, it was gratifying to note that the general command had taken the decision to be neutral, and be seen to be so, in the entire process. It made clear that its role would be limited to ensuring law and order during and after polling day.

The mission hopes that these elections did indeed mark a turning point in the political, social and economic situation of Madagascar, and among others, lead to the full restoration of development cooperation with the European Union, and resumption of full membership in SADC and the African Union.

Post-script

The final results of Presidential elections were finally validated by the electoral tribunal on 17 January 2013. Hery Rajaonarimampianina had won with 53.5 per cent of the vote, with Jean-Louis Robinson getting 46.5 per cent.

Annexes

- Programme of the mission
- Press statement