

EUROPEAN PARLIAMENT

1999



2004

Session document

FINAL
A5-0013/2004

22 January 2004

REPORT

on the work of the ACP-EU Joint Parliamentary Assembly in 2003
(2003/2007(INI))

Committee on Development and Cooperation

Rapporteur: Colette Flesch

PR_INI

CONTENTS

Page

PROCEDURAL PAGE4

DRAFT EUROPEAN PARLIAMENT RESOLUTION5

EXPLANATORY STATEMENT10

PROCEDURAL PAGE

At the sitting of 16 January 2004 the President of Parliament announced that the Committee on Development and Cooperation had been authorised to draw up an own-initiative report under Rule 163 on the work of the ACP-EU Joint Parliamentary Assembly in 2003.

The committee appointed Colette Flesch rapporteur at its meeting of 21 January 2003.

It considered the draft report at its meetings of 15 December 2003 and 20 January 2004.

At the last meeting it adopted the draft resolution unanimously.

The following were present for the vote: Margrietus J. van den Berg (acting chairman), Marieke Sanders-ten Holte (vice-chairwoman), Anders Wijkman (vice-chairman), Colette Flesch (rapporteur), Niall Andrews (for Isabelle Caullery), Jean-Pierre Bébéar, John Bowis, John Alexander Corrie, Nirj Deva, Michael Gahler (for Karsten Knolle), Karin Junker, Bashir Khanbhai (for Luigi Cesaro), Glenys Kinnock, Miguel Angel Martínez Martínez, Linda McAvan, Hans Modrow, Ulla Margrethe Sandbæk, Karin Scheele (for Wolfgang Kreissl-Dörfler), Maj Britt Theorin and Jürgen Zimmerling.

The report was tabled on 22 January 2004.

DRAFT EUROPEAN PARLIAMENT RESOLUTION

on the work of the ACP-EU Joint Parliamentary Assembly in 2003 (2003/2007(INI))

The European Parliament,

- having regard to the Agreement between the African, Caribbean and Pacific States on the one part, and the European Community and its Member States, on the other part, signed in Cotonou on 23 June 2000 (Cotonou Agreement)¹, which entered into force on 1 April 2003,
- having regard to the new Rules of Procedure of the Joint Parliamentary Assembly, adopted in Brazzaville on 3 April 2003²,
- having regard to the resolutions and the declaration adopted by the Joint Parliamentary Assembly at its 5th session in Brazzaville (Republic of the Congo) from 31 March to 3 April 2003³ and at its 6th session in Rome (Italy) from 11 to 15 October 2003⁴,
- having regard to the EU Guidelines on Children in Armed Conflict, adopted by the Council on 8 December 2003,
- having regard to the Council Common Position of 18 February 2003 (2002/145/CFSP) concerning restrictive measures against Zimbabwe⁵, the Council Common Position of 22 July 2003 (2003/600/CFSP) amending Common Position 2002/145/CFSP⁶, the Council Decision of 13 September 2002 (2002/754/CFSP) implementing Common Position 2002/145/CFSP⁷, the Council Common Position of 18 February 2003 (2003/115/CFSP) amending and extending Common Position 2002/145/CFSP concerning restrictive measures against Zimbabwe⁸ and the Council Decision of 18 February 2003 extending the period of application of the measures in Decision 2002/148/EC concluding consultations with Zimbabwe under Article 96 of the ACP-EC Partnership Agreement⁹,
- having regard to its resolutions of 14 March 2002¹⁰, 16 May 2002¹¹, 4 July 2002¹², 5 September 2002¹³, 13 February 2003¹⁴ and 5 June 2003¹⁵ on Zimbabwe,
- having regard to Rule 163 of its Rules of Procedure,

¹ OJ L 317, 15.12.2000.

² OJ C 231, 26.9.2003.

³ OJ C 231, 26.9.2003.

⁴ not yet published in OJ.

⁵ OJ L 50, 21.2.2002, p. 1.

⁶ OJ L 195, 24.7.2002, p.1.

⁷ OJ L 247, 14.9.2002, p. 56.

⁸ OJ L 46, 20.2.2003, p. 30.

⁹ OJ L 46, 20.2.2003, p. 25.

¹⁰ OJ C 47, 27.2.2003, p. 607.

¹¹ OJ C 180, 31.7.2003, p. 535.

¹² OJ C 271 E, 12.11.2003, p. 608.

¹³ P5_TA(2002)0412.

¹⁴ P5_TA(2003)0066.

¹⁵ P5_TA(2003)0273.

- having regard to the report of the Committee on Development and Cooperation (A5-0013/2004),
- A. whereas the Joint Parliamentary Assembly's new Rules of Procedure were adopted and entered into force in 2003,
- B. whereas the main provision of these new Rules of Procedure is the setting-up of three standing committees, the Committee on Political Affairs, the Committee on Economic Development, Finance and Trade and the Committee on Social Affairs and the Environment,
- C. whereas these committees immediately began their work and drew up reports which were submitted to the Assembly at its 6th session,
- D. whereas, after the cancellation of the session in November 2002, a normal rhythm of work has now been restored,
- E. whereas twenty resolutions and a 'declaration on the war in Iraq' were adopted at the 5th session in Brazzaville (Republic of the Congo) and, under the regime of the new Rules of Procedure, four resolutions were adopted at the 6th session in Rome (Italy),
- F. whereas the Assembly, thanks in particular to the work of the standing committees, was able to adopt resolutions which were better prepared and based on more extensive discussions,
- G. whereas the possibility of adopting urgent resolutions enables the Assembly to take a stand on topical issues, in addition to the more long-term work carried out in committee,
- H. whereas the setting-up of standing committees is contributing to the Assembly's historic development into a genuine parliamentary assembly,
- I. whereas the JPA stands as a model of cooperation and development in the world and is making a major contribution to open North-South dialogue based on equal rights,
- J. whereas three joint missions have taken place in 2003,
- K. having regard to the JPA's important role in the implementation of the political dialogue provided for in Article 8 of the Cotonou Agreement, in particular with regard to upholding human rights,
- L. having regard to the mission carried out by the ACP Co-President and four ACP parliamentarians in Harare (Zimbabwe), the result of which is that the head of the Zimbabwean delegation is no longer a person concerned by the Council's restrictive measures for engaging in activities that seriously undermine democracy, respect for human rights and the rule of law,
- M. whereas this is the very first concession of this type ever to have been agreed to by Mr Mugabe's government,
- N. having regard to the ACP Co-President's personal commitment to ensuring that only the head of the Zimbabwean delegation spoke at meetings of the Committee on Political

affairs and the plenary Assembly during the 6th session in Rome,

- O. having regard to the participation of the Deputy Secretary-General of the United Nations and Special Representative for children in armed conflicts in the 6th session and the excellent cooperation in general between the JPA and the United Nations,
 - P. whereas the members of the JPA, in particular the ACP members, expressed the wish that the Assembly be allowed to hold its meetings also outside the European Parliament's places of work,
 - Q. having the regard to the success of the Women's Forum, both at the 5th session in Brazzaville and at the 6th session in Rome, and whereas this Forum has achieved its goal of initiating a dialogue with civil society and promoting greater involvement and visibility for ACP women parliamentarians,
 - R. having regard to the fact that ACP Parliamentarians can experience some difficulty receiving documents and other communications related to the JPA's work,
 - S. having regard to the debate on the International Criminal Court which took place at the 6th session in Rome,
 - T. having regard to the Question Time session which took place at the 6th session in Rome,
 - U. having regard to Commissioner Nielson's stated support for an increase in funds for the JPA,
1. Welcomes the adoption and implementation by the JPA of new Rules of Procedure aimed at rationalising its activities, in particular by setting up three standing committees - the Committee on Political Affairs, the Committee on Economic Development, Finance and Trade and the Committee on Social affairs and the Environment - thereby contributing to the Assembly's historic development into a genuine parliamentary assembly;
 2. Points out that these committees rapidly and smoothly got down to work and that each of them was thus able to present a report at the 6th session;
 3. Welcomes the JPA's return to a normal rhythm of work after the cancellation of the session scheduled for November 2002 and the strengthening of dialogue procedures between JPA partners;
 4. Welcomes the fact that the adoption of the new Rules of Procedure has, through the reports drawn up in committee and the urgent topics, caused the number of resolutions to drop, but that these are better prepared and have been discussed in greater detail;
 5. Calls on the political group coordinators and the ACP representatives to ensure better preparation of compromise urgent resolutions to avoid a final vote by separate houses;
 6. Welcomes the animated nature of the Question Time session with the Commission in Rome, and calls on the JPA Bureau to organise in future a similar and less formal Question Time with the Council and Commission; Suggests to this end, and in the interests of efficient use of time, that the initial answers should be distributed in advance in writing; stresses that the purpose of oral questions is to give the tabler of the question

and other Members of the JPA the opportunity to cross-question the Commission and Council representatives following the initial response to the tabled questions.

7. Urges the JPA Bureau to re-balance the agenda for future JPAs so that there is time for more contributions from the floor and fewer and shorter contributions from the platform;
8. Welcomes the effectiveness of the Standing Committees but regrets the inadequacy of the facilities for these and the fact that the timing of them, two days before the opening of the JPA, precluded some Members from attending;
9. Welcomes also the new opportunity opened up within the Committee on Political Affairs for discussion of the situation in the various countries and regions;
10. Calls on the JPA and its component bodies to continue their work on human rights and thereby contribute to the political dialogue provided for in Article 8 of the Cotonou Agreement; calls for a greater involvement of civil society, particularly when the JPA meets in ACP countries, in the work of the JPA and its Standing Committees;
11. Welcomes the speed with which JPA documents are made available on the Internet, an essential tool for the smooth functioning of any assembly like the JPA, characterised by the extreme geographic distance between its members;
12. Calls on the JPA and the two co-secretariats to make systematic use of e-mail and the Internet for the forwarding of documents to Members of the European Parliament and the parliaments of the ACP countries and actively to encourage use of the Internet, where it is available;
13. Approves the regular monitoring work carried out by the Committee on Economic Development, Finance and Trade with regard to the ACP-EU Economic Partnership Agreements, in cooperation with the Commission, the Economic and Social Committee and representatives of civil society;
14. Congratulates the JPA on its report on children's rights, and child soldiers in particular, which has had a considerable impact and has contributed to the adoption by the Council of strategic guidelines on children in armed conflicts; totally supports and takes on board the recommendations of this report and asks ACP Members States to do likewise.
15. Congratulates the JPA also on its report on the use of the European Development Fund and the discussions initiated on its budgetisation;
16. Congratulates the JPA for having established greater consistency and continuity between the various sessions and urges it to continue along these lines;
17. Welcomes the initiative of the ACP Co-President and four ACP parliamentarians of travelling to Harare (Zimbabwe) to prepare a joint mission and ensure that the Zimbabwean delegation to the JPA no longer includes anyone concerned by the Council's restrictive measures for engaging in activities that seriously undermine democracy, respect for human rights and the rule of law;
18. Regrets that the Zimbabwean delegation to the 6th session included one person concerned

by these restrictive measures, but welcomes the fact that the head of delegation was replaced by a person not covered by the sanctions, and thanks the ACP Co-President for ensuring that the latter was the only one to speak at meetings;

19. Calls on the JPA Bureau to make practical arrangements for the sending of the joint delegation to Zimbabwe, provided that membership of the delegation is decided freely by the JPA Bureau, and that it is able to move around freely and meet anyone it wishes;
20. Congratulates the JPA Bureau on sending a mission to Côte d'Ivoire jointly with that of the European Parliament, which met the Government of National Unity and encouraged it to continue to work towards reconciliation; also congratulates the Bureau for having sent a mission to the Caribbean to look into trade issues, especially the Sugar Protocol;
21. Approved the increased cooperation between the JPA and the United Nations and its various bodies, and calls on the JPA to continue in this direction;
22. Considers that, following the failure of the WTO Ministerial Conference in Cancún, the JPA could play a more effective role as a forum for dialogue on this issue which is vital to the developing world; endorses the JPA's involvement in the WTO Parliamentary Conference;
23. Notes with satisfaction the success of the Women's Forum and the fact that this Forum achieved its goal of initiating a dialogue with civil society and promoting greater involvement and visibility for ACP women parliamentarians;
24. Reminds the EP Bureau that when the JPA is held in Europe the arrangements and hospitality for Delegates from the ACP countries should be no less efficient and generous than those traditionally provided by ACP countries when the JPA is there and that consideration should be given to visits to local sites of good practice linked to subjects under debate at the Assembly;
25. Confirms that the debate in Rome on the International Criminal Court was positive and well-informed;
26. Welcomes the animated nature of the Question Time session in Rome, and believes that provision should be made in future for similar participation, particularly by the ACP members, in Question Time;
27. Welcomes Commissioner Nielson's stated support for an increase in funds for the JPA to an amount of around € 6 million, in accordance with Article 8 of the Financial Protocol;
28. Instructs its President to forward this resolution to the ACP-EU Council, the ACP-EU Joint Parliamentary Assembly, the parliaments of the ACP countries and the Commission.

EXPLANATORY STATEMENT

2003 was marked by the entry into force of the JPA's amended Rules of Procedure, a return to a normal rhythm of work following the cancellation of the November 2002 session and the holding of two sessions, one in Brazzaville, Republic of the Congo, and the other in Rome, Italy.

Standing committees

The main feature of the revision of the Rules of Procedure is the setting-up of standing committees.

The three committees are:

- the Committee on Political Affairs,
- the Committee on Economic Development, Finance and Trade,
- the Committee on Social Affairs and the Environment.

These committees were set up at the time of the 5th session in Brazzaville. They immediately got down to work by electing a Bureau, drawing up a work programme and appointing co-rapporteurs for the first set of reports. They met again in Brussels for a one-day meeting on 7 July, at which they discussed current reports, and in Rome on 11 October to adopt the first set of reports and discuss the second.

On the whole, committee business has gone smoothly. Discussions have been lively and of a high standard, and have been well attended by European and ACP members. The committees invited external experts to contribute to the discussions, and this has proved valuable.

What proved more difficult was the adoption of the first report in committee. The procedure, based on that used by the European Parliament's committees, was familiar to MEPs but not to the ACP members. Moreover the ACP members had not received amendments until the actual voting day. Distribution of documents in paper form by the ACP secretariat via the Brussels embassies is inappropriate in view of the deadlines which apply in a parliamentary institution such as the JPA. It would be more appropriate to send documents directly to the parliaments of the ACP countries, preferably by electronic means, and to encourage regular consultation of the Assembly's web site in order to gain access to these documents.

In addition to discussions on reports,

- the Committee on Political Affairs held brief discussions or points of information on the situation in various countries,
- the Committee on Economic Development, Finance and Trade regularly monitors the Economic Partnership Agreements in cooperation with the Commission, the Economic and Social Committee and representatives of civil society.

The quality of the work carried out by the committees has been highlighted both by their members and by people outside. The media coverage given to the report on children's rights and child soldiers in particular, drawn up by the Committee on Political Affairs, with excellent cooperation from various United Nations bodies, the Italian Presidency and civil society, was quite exceptional for the JPA. The European Union then adopted its strategic

guidelines on children in armed conflicts on 8 December 2003.

Implementation of the Rules of Procedure in plenary

The main novelty as regards the plenary Assembly is the introduction of 'urgent topics', which may give rise to no more than two resolutions. This is a significant innovation compared to the plethora of resolutions adopted previously. No less than 20 resolutions and a 'declaration on the war in Iraq' had been adopted at the 5th session in Brazzaville. Three related to the Johannesburg Summit, two to trade and four to basic products, without any work having been done to synthesise positions and give the Assembly a clear and intelligible political line. Prior to the reform, resolutions on regions had gradually become routine and were systematically adopted even when the political, economic or social situation did not actually justify their adoption.

The provisions of the Rules of Procedure on 'urgent topics' were first implemented at the 6th session in Rome. The two topics were selected by the Bureau on the Friday before the session, the resolutions were drawn up on that same evening and the following morning and the compromise meetings took place on the Sunday.

One of the urgent topics was the situation in West Africa, in view of the political developments and conflicts taking place in the region. The other urgent topic concerned the follow-up to the WTO Conference in Cancún, which had taken place only a few weeks previously.

The two topics therefore were genuinely related to a burning political issue. They gave rise to extremely rich debates in plenary. The resolution on Cancún was not adopted in the end because the Assembly adopted an amendment which disrupted the balance sought by the compromise. This decision to reject the resolution, following a vote by separate Houses, is not a failure in itself. It forms part of the process of dialogue and reflects real differences of approach on trade issues.

Repercussions of the cancellation of the November 2002 session

The context of and reasons for the decision not to hold the session scheduled for 25-28 November 2002 are well known (see report by Mr Miranda and European Parliament resolution of 13 May 2003). Two of the people appointed by the Zimbabwean authorities to form part of their delegation were covered by Council restrictive measures on the issuing of visas on grounds of serious violations of human rights and freedom of opinion, association and peaceful assembly. These two persons were nevertheless allowed into Belgium after being granted exemptions by the Belgian authorities to take part in the JPA session in November 2002. The Conference of Political Group Chairmen of the European Parliament considered that European citizens would not be able to accept the EU saying one thing and doing another and therefore decided to declare them *personae non gratae* within the European Parliament's premises. The ACP group then decided not to take part in the session, thereby causing it to be cancelled *de facto*.

During its discussions the Bureau agreed, inter alia, to the principle of sending a JPA mission to Zimbabwe. Given the state of relations between the EU and Zimbabwe, it was decided that a delegation of ACP members would visit Zimbabwe to prepare a joint mission, among other

things. This delegation, comprising five parliamentarians, was led by the ACP Co-President, Mr Adrien Hounbédji. The delegation visited Zimbabwe from 8 to 11 September 2003 and reported to the joint Bureau. The main criticism to be made of this mission is that it took too much account of government views and failed to meet representatives of civil society and farmers' organisations. However, it was also a success in that it obtained the Zimbabwean Government's agreement that the head of the delegation to the JPA should be replaced with another parliamentarian, not covered by the Council's restrictive measures. The ACP Co-President undertook personally to ensure that only the head of delegation spoke to the Assembly.

Admittedly, it would have been preferable for the Zimbabwean delegation not to include anyone on the Council's list. However, the result of the mission is nevertheless a significant success when one considers that the Mugabe regime has, for the first time, agreed to make this kind of concession.

It is to be hoped that a joint delegation can visit Zimbabwe, that its composition will be chosen freely, that it can move around freely and that it can meet whomever it chooses. Its credibility is dependent on these conditions being met.

Holding of the 6th session outside Parliament's places of work, in Italy

The Assembly was, for the first time in several years, able to meet outside the European Parliament's place of work, in Italy, the country holding the EU Council Presidency. This was in response to a request repeatedly made by members of the Assembly, especially the ACP members, that there be a rotation between European countries, just as there was between their own countries. Owing to the budget debate taking place at that time, the Chamber of Deputies was unable to host the session on its premises. The session was therefore held at the Auditorium di Roma. It was, as a result, a little shorter than usual, which made for a heavy agenda.

Cooperation with the Italian Government was good. Members of the Government attended two debates, in addition to their institutional obligations as representatives of the Council Presidency. However, although the Italian authorities welcomed the holding of the 6th session in Rome in their statements to the Assembly, it is regrettable that they did not take a more active part in its practical organisation.

Discussions also involved Italian civil society, in particular through the Women's Forum, which dealt with the theme of migrant women and which certainly resulted in a more interesting discussion than if it had been held in one of the European Parliament's normal places of work.

The JPA's rotation among EU Member States will need to be maintained in future, either on the basis of the rotating Presidency of the Council or on some other basis if the European Constitution is adopted.

Enhanced cooperation with the United Nations

The degree and quality of cooperation between the Joint Parliamentary Assembly and the United Nations reached unprecedented levels.

Not only did the Deputy Secretary-General and Special Representative for children and armed conflicts take part personally in the 6th session, but his staff also collaborated beforehand throughout the process of drafting of the report on children's rights and child soldiers in particular. For the first time, the JPA was mentioned in the report of the Secretary-General's Special Representative for children and armed conflicts (A/58/328 of 29 August 2003).

The Director-General of the Food and Agriculture Organisation also spoke to the plenary Assembly at the 6th session. It should be possible to continue cooperation with the FAO through the drafting of a report on food security and food aid.

Lastly, the Co-Presidents are due to visit New York in order to meet the Secretary-General of the United Nations and representatives of specialised agencies.

Four joint missions in 2003

In addition to the joint mission to the United Nations headquarters, three other joint missions took place in 2003. Mrs Concepcio Ferrer and Mr Rob Davies, member of the South African Parliament, represented the JPA at the **WTO Parliamentary Conference**, which took place in Geneva on 17 and 18 February 2003. Another took place in the **Caribbean** (Haiti, Jamaica and Saint Lucia) from 3 to 9 February. The delegation comprised Mrs Glenys Kinnock, Co-President, Mr Thierry Cornillet, Vice-President, and Mr Youssouf Dawaleh (Djibouti). Finally, a third mission visited **Côte d'Ivoire** from 4 to 7 May. The delegation comprised Mrs Glenys Kinnock, Co-President, Mr Bernard Makaya (Republic of the Congo), acting Co-President, Vice-Presidents Mr John Alexander Corrie and Mr Fodé Sylla, and Mr Kilontsi Mporogomyi, member of the Tanzanian Parliament.