



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Notice to Members

Members will find attached the five resolutions and two declarations adopted by the ACP-EU Joint Parliamentary Assembly at its 21st session held in Budapest (Hungary) from 16-18 May 2011

- Resolution on challenges for the future of democracy and respecting constitutional order in ACP and EU Countries
(ACP-EU/100.919/11/fin.)
- Resolution on budgetary support as a means of delivering official development assistance (ODA) in ACP countries
(ACP-EU/100.900/11/fin.)
- Resolution on Water Pollution
(ACP-EU/100.915/11/fin.)
- Resolution on the situation in Côte d'Ivoire
(ACP-EU/100.957/11/fin.)
- Resolution on the democratic upheavals in North Africa and the Middle East: consequences for the ACP countries, for Europe and for the world
(ACP-EU/100.958/11/fin.)
- Declaration on the Fourth High Level Forum on Aid Effectiveness in Busan, South Korea, 2011.
- Declaration on Uniting for Universal Access in view of the 2011 High Level Meeting on AIDS in June

The Co-Secretariat

26.05.2011

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ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.919/11/fin.

RESOLUTION¹

on challenges for the future of democracy and respecting constitutional order in ACP and EU Countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Budapest (Hungary) from 16 to 18 May 2011,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to the African Charter on Democracy, Elections and Governance and in particular to Articles 3(2), 3(10), 10, 14, 15, 18-21 and 23-26 thereof,
- having regard to the African Union Declaration on the Principles Governing Democratic Elections in Africa (2002),
- having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
- having regard to the ACP-EC Partnership Agreement ('Cotonou Agreement') and in particular to Articles 9(1), 9(2) par. 2, 9(3), 20(d) and 33(a),
- having regard to the Treaty of the European Union, in particular to Articles 2, 10 (which states that the functioning of the Union shall be founded on representative democracy), 11(4), 21(1) and 21(2),
- having regard to the EU-SADC Cooperation Treaty of 1994,
- having regard to the SADC Protocol on Politics, Defence and Security Cooperation, in particular to Articles 4 and 5,
- having regard to the CARICOM Charter of Civil Society of 19 February 1997, in particular Article VI,
- having regard to the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII) – and the AU Guidelines for African Union Electoral Observation and Monitoring Missions – X/CL/35 (III) Annex II,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 18 May 2011 in Budapest (Hungary).

- having regard to the resolution on challenges to the democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries (ACP-EU/100.460/09/fin),
 - having regard to the resolution on elections and electoral processes in ACP and EU countries (ACP-EU/100.123/07/fin),
 - having regard to the Global Political Agreement of 15 September 2008 concerning Zimbabwe,
 - having regard to Council Decision 13283/10 amending and extending the period of application of Decision 2007/641/EC concluding consultations with the Republic of Fiji Islands under Article 96 of the ACP-EU Partnership Agreement and Article 37 of the Development Cooperation Instrument,
 - having regard to the report of the Committee on Political Affairs (ACP-EU/100.919/11/fin.),
- A. whereas democracy does not equate to a level of economic development, whereas the ACP countries and the EU have shared universal values and principles in the area of democracy, good governance and human rights, and whereas democracy is a common objective at the core of EU-ACP cooperation,
 - B. whereas democracy is a political system in which sovereignty comes from the people,
 - C. whereas democracy is not solely about fulfilling the theoretical conditions for freedom but also about a workable system providing just and available means for all citizens to improve their day-to-day lives; whereas the European Union should be aware of the frequently levelled criticism that when assessing situations in third countries it at times focuses too much on the theoretical aspects of democracy while forgetting to review to what extent a genuinely democratic society is being achieved,
 - D. whereas democratic principles must not be overshadowed by the search for economic and social stability,
 - E. whereas free and fair elections are vital, but insufficient for true democracy, since democracy is a permanent quest, requiring respect for pluralism, majority rule and minority rights, the rule of law and a legal framework within which no party can amend the constitution to its own benefit,
 - F. whereas the constitutional rules on succession of power and fundamental rights should never be ambiguous or a potential subject of haphazard interpretation,
 - G. whereas post-election government formation often poses significant democracy challenges, in particular when power-sharing deals are established,

- H. whereas both EU and ACP countries have a strong common interest in the continued development of democracy and the establishment of properly functioning constitutionalism,
- I. whereas human, economic and social development enables parliamentary democracy to function more easily,
- 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; whereas political leaders must be held accountable politically and legally for the private appropriation of public funds,
- K. whereas the same principles must apply across the board and not be subject to specific national or regional ‘standards’,

I. Democratic principles

1. Stresses that the foundation for a solid democracy consists in universality of rights, equality for all citizens before the law and freedom of the individual; points out that it is fundamental that all cultures, religions and ethnic groups within a country must be respected;
2. Recalls that all democratic systems are based on a constitution and the accompanying jurisdiction, and stresses the importance of ensuring respect for the principle of the independence of the judiciary;
3. Stresses that the balance of powers (executive, legislative, judicial) is a *sine qua non* for the exercise of democracy;
4. Underlines the importance of regularly consulting the people through free, fair and undistorted elections and referenda, preceded by extensive information campaigns and debates;
5. Emphasises the importance of a pluralist political party system and the clear definition of an opposition status;
6. Emphasises the common values and objectives of the EU and the ACP countries in terms of democracy and good governance; stresses, however, that all countries have their own cultural and historical particularities and that these differences must be respected;
7. Stresses that a society cannot be truly democratic without independent, free and pluralist media;
8. Calls for vigilance regarding electoral systems in both EU and ACP member states; warns against practices such as gerrymandering, manipulating electoral lists, bias on the part of judges of constitutionality or election disputes, and moulding or amending a constitution to answer to the aspirations of those in power;

9. Stresses that elections and representative democracy must not be a problem but a solution, which means that:
 - they must be free and fair;
 - the loser must accept the results and contest them only by constitutional means;
 - the majority must respect minorities, the separation of powers and the independence of the judiciary;
10. Stresses the pressing need to tackle everyday problems, such as poverty, lack of accessible health services and corruption, which contribute to the population's perception that democracy has not improved their day-to-day lives;

II. Democratic institutions

11. Highlights the importance of a clear balance and separation of powers;
12. Recommends that constitutions define clearly the rules on the separation of powers and specify the corresponding institutional framework; expresses reservations about flexible constitutions that are subject to frequent amendments;
13. Underlines the role that parliaments must play in monitoring the executive;
14. Hopes that the ACP-EU Joint Parliamentary Assembly (JPA) will play a key role in the exchange of opinion, experience and practice in the field of parliamentary work;
15. Advocates the introduction of institutions and mechanisms that prevent monopolies of wealth and corruption;
16. Recommends that rules for political succession be clearly defined, while warning about easily amendable constitutions;
17. Advocates that constitutional fundamental rights be drafted in such a way that any permitted restrictions are clearly defined and limited and strictly subject to the general interest;
18. Recognises that although power-sharing agreements can prove useful in the event of grave crises, these measures should only be taken in highly exceptional circumstances and for a limited period; stresses that power-sharing can lead to the absence of a true, critical opposition, as is apparent for example in Zimbabwe and Kenya; underlines that power-sharing is quite different from coalition government;
19. Warns that the division of power under power-sharing agreements is never clearly defined, creating even more conflict, with the risk that the opinion of civil society is overlooked, since such agreements are often agreements between political party elites;
20. Stresses that an opposition status is essential for the exercise of democracy, as are strict rules on the funding of political parties;

21. Recalls that during election campaigns the allocation of state resources must be strictly controlled;
22. Emphasises that all elections must be free, fair and undistorted and that the results must be scrupulously respected; stresses that attempts to use elections as a tool pose a threat to democracy;

III. Democratic Challenges

23. Welcomes the increase in democratic elections on the African continent, while urging the continuation of close election monitoring, not only during and before, but also, and above all, after elections, and reiterates the central role played by independent national election committees, including financial support; stresses that the latter are often under-resourced; underlines the importance of ensuring that the competent national and international authorities monitor the elections;
24. Recommends, in order to promote democracy, measures to ensure the emergence of citizenship in all of its political, economic and social dimensions, through a set of specific rules and a high-quality education system;
25. Stresses the positive role played by the army in Guinea and Niger in ensuring the transition towards democracy; hopes that all the members of the transition authorities refrain from standing as candidates in the elections for the return to democracy;
26. Condemns the poor commitment among some leaders of ACP countries to democratic values, often reflected in the dominance of the sacred sovereignty of tradition;
27. Deplores the lack of EU observation teams in past elections, for example the last Rwandan elections, and calls for an increase in autonomous joint ACP-EU missions in the future, combining the extensive and varied experience of the two sides; stresses the considerable added value of the cooperation between national representatives of the ACP countries and the EU during these missions;
28. Deplores the threat to democracy posed by corruption, also within the EU;
29. Warns against constitutional reforms or electoral changes introduced at legislative level just before upcoming elections, and stresses the risk that these changes may influence voting results;
30. Commends, on the other hand, the increasingly stronger position of parliaments in several nations, the outstanding resistance of the Parliament of Nigeria to modifying the constitution for a third presidential term in 2006 being a prominent example; encourages regular consultation and consideration of the positions expressed by national parliaments;
31. Welcomes the peaceful presidential election in Niger in March 2011 and stresses that this is a milestone in the process of transition to democracy; likewise

welcomes the well-organised and peaceful referendum on independence for Southern Sudan in January 2011, which showed the will of the two parties to resolve the issue of independence in a peaceful manner;

32. Condemns the refusal by the outgoing President of Côte d'Ivoire, Laurent Gbagbo, to accept the results proclaimed by the Independent Electoral Commission and certified by the UN;
33. Supports the right of citizens to express their will for political change through peaceful demonstrations and supports the democratic movements of mass demonstration by people living under dictatorship; condemns any disproportionate use of armed force to crack down on these demonstrations;

IV. Concrete measures

34. Welcomes the entry into force of the Lisbon Treaty, which extends the powers of the European Parliament with a view to enhancing the democratic dimension of its actions;
35. Calls on all countries to ratify the International Covenant on Civil and Political Rights and deplores the fact that freedom of thought and cultural rights are not sufficiently guaranteed in several ACP countries; encourages joint discussions on these topics between the EU Member States and the ACP countries;
36. Supports the efforts, and recognises the importance, of the work of the AU, Caricom, Comesa, the Intergovernmental Authority on Development (IGAD) and the Southern African Development Community (SADC), and applauds initiatives such as PIANZEA¹; points to the need for concrete measures such as additional training of election observers in the IGAD and SADC framework;
37. Stresses the need to strengthen, through training and retraining, the intrinsic capacity of those called upon to lead the democratic institutions and bodies (constitutional court, independent national election committees) involved in running the elections, with a view to streamlining, where possible, the various operations in the electoral process and avoiding the pitfalls that often lead to major post-election crises;
38. Calls for an increase in education on the concept of democracy in ACP and EU countries; undertakes to investigate possible measures within the framework of the JPA;
39. Encourages the EU and ACP member states to make efforts to share best practice in the area of constitutional law, for example by organising reciprocal exchange missions at expert level;
40. Undertakes to continue monitoring democratic trends, and reaffirms the need to adopt appropriate measures under Article 96 of the Cotonou Agreement when an

¹ Pacific Islands, Australia and New Zealand Electoral Administrators' Network.

EU or an ACP member state has failed to fulfil its obligations, as recently done by the Council of the EU with regard to Madagascar and Fiji;

41. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council, the European Commission, the Commission of the African Union, and the Pan-African Parliament.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.900/11/fin.

RESOLUTION¹

on budgetary support as a means of delivering official development assistance (ODA) in ACP countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Budapest (Hungary) from 16 to 18 May 2011,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to the ACP-EU Partnership Agreement signed in Cotonou on 23 June 2000 and revised in 2005 and 2010, and in particular Articles 1, 2, 9, 33 and 61 thereof,
- having regard to the UN Millennium Declaration of 18 September 2000, which sets out the Millennium Development Goals (MDGs) as objectives established jointly by the international community for the elimination of poverty,
- having regard to the Resolution of the United Nations General Assembly entitled ‘Keeping the promise: united to achieve the Millennium Development Goals’, adopted at the Summit on the Millennium Development Goals held in New York from 20 to 22 September 2010,
- having regard to the Paris Declaration on Aid Effectiveness of 2 March 2005 and the Accra Agenda for Action of 4 September 2008,
- having regard to the European Consensus on Development,
- having regard to the Annual Report 2010 on the European Community’s development and external assistance policies and their implementation in 2009,
- having regard to the Commission Green Paper on ‘The Future of EU Budget Support to Third Countries’ of 19 October 2010,
- having regard to the Court of Auditors’ Annual Report on the activities funded by the eighth, ninth and tenth European Development Funds (EDFs) of 9 November 2010²,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 18 May 2011 in Budapest (Hungary).

² OJ C 303, 09.11.2010, p. 243.

- having regard to Special Report No 11/2010 of the European Court of Auditors entitled ‘The Commission’s management of general budget support in ACP, Latin American and Asian Countries’,
 - having regard to the study by the Policy Department of the Directorate-General for External Policies of the European Parliament on ‘Monitoring budget support in developing countries: A comparative analysis of the national control mechanisms over budget support in developing countries’ of 15 July 2010,
 - having regard to its resolution on aid effectiveness and defining official development assistance, adopted in Port Moresby on 28 November 2008¹,
 - having regard to the report of the Committee on Economic Development, Finance and Trade (ACP-EU/100.900/11/fin.),
- A. whereas ACP-EU development finance cooperation is a partnership based on the development strategies of the ACP States and on mutual rights and obligations ensuring aid efficiency and coordination,
 - B. whereas donor and partner countries alike wish to respond to emerging aid effectiveness issues, so that Official Development Assistance (ODA) translates fully into positive impacts on people’s lives by eradicating poverty and promoting peace and prosperity,
 - C. whereas budget support has become an increasingly important aid modality, and whereas the European Commission aims to increase budget support from 25 % of programmable funding under the 9th EDF to almost 50 % of programmable aid under the 10th EDF,
 - D. whereas budget support has contributed to increasing the level of commitment and disbursement of EDF resources in many ACP States,
 - E. whereas in 2009 budget support represented 28 % (EUR 2.32 billion) of all commitments from the EU budget and the EDF, and whereas General Budget Support (GBS) amounted to EUR 860 million and accounted for 35 % of all new budget support operations (all beneficiaries were ACP countries), while Sector Budget Support (SBS) represented 33 % of new budget support commitments for the ACP; whereas the amount and orientation of budget support delivered bilaterally by EU Member States varies considerably,
 - F. whereas one of the aims of budget support is to improve policy dialogue between donors and recipients, as it is conducted within the framework of a donor-recipient partnership in terms of priority-setting and evaluation, which helps to align donors’ contributions to the country’s own needs and preferences, with the goal of promoting nationally owned poverty reduction strategies or sector strategies,

¹ OJ C 61, 16.03.2009, p. 26.

- G. whereas budget support, in accordance with the ownership principle, uses country systems (rather than duplicating structures and institutions in the partner country), with a view to increasing predictability and avoiding aid fragmentation, bureaucracy and transaction costs for both donor and partner countries,
 - H. whereas closer cooperation among donors is still needed and whereas budget support allows for better harmonisation of donors' actions,
 - I. whereas budget support is seen as politically sensitive, but is an aid instrument that should not be overburdened with political demands,
 - J. whereas budget support should not be provided where there is proven corruption,
 - K. whereas budget support can contribute to building institutional capacity and to improving accountability and scrutiny by domestic stakeholders; whereas, however, its success is determined by governments' capacity to plan, execute and account for their public spending; whereas domestically driven demands for accountability are crucial to governance,
 - L. whereas civil society needs to be sufficiently involved in the budget support dialogue, the implementation of budget support programmes and the assessment of budget spending, and whereas parliaments must play a full role in terms of monitoring and assessment, both bottom-up and top-down; whereas audit institutions have an important role in monitoring and auditing budget support,
1. Stresses that budget support, as a means of financial assistance for development, should focus on reducing poverty and achieving the MDGs through sustainably increasing public expenditure, and can only be effective if both partners assume their responsibilities in a true partnership;
 2. Asks donor countries to increase the aid going through country budget systems to the 50 % promised, taking account of the eligibility criteria; invites the European Commission and the interested ACP countries to work towards concluding MDG-type contracts;
 3. Calls on the Commission to use budget support as its main aid modality, provided the eligibility criteria laid down in the Cotonou Agreement are met, and to encourage a collective EU target for budget support;
 4. Calls on the Commission to carry out, and share with donors and recipients, country-level assessments of the potential risks and benefits of budget support, allowing for choices about the scope, scale, design and role of budget support in any given partner country; notes, in this context, that significant volumes of budget support might be problematic if macroeconomic stability and elementary fiscal discipline have not been established;
 5. Calls on the EU to adopt a dynamic and incremental approach to budget support as capacity in partner countries improves;

6. Calls on the EU to develop and manage budget support by seeking to exploit complementarities with other aid modalities and promoting alignment and coordination among the various general and sector budget support instruments; calls on the Commission to examine the implications of decentralising part of budget support;
7. Calls on donors to increase coordination and aid predictability and to simplify procedures; stresses that budget support donors should be prepared for lengthy engagement with partner countries in a spirit of policy coherence for development;
8. Encourages the Commission to maintain its dynamic approach on eligibility criteria; calls for performance indicators to be agreed with the ACP countries on the basis of in-depth dialogue and to be measured against results on poverty eradication and the achievement of the MDGs, as well as in other priority areas jointly agreed by the donor and recipient countries;
9. Stresses that budget support should not be linked to political conditionality and that political dialogue is to take place at the level of overall cooperation and partnership and not in the framework of individual aid instruments such as budget support; stresses, however, the importance of high-level policy dialogue for efficient use of budget support;
10. Calls on the EU to raise systematically the issue of parliamentary oversight of budget support in the framework of the policy dialogue; recalls that including aid in budgets is a key step towards increasing parliamentary scrutiny of aid; calls on the governments of the recipient countries to provide their parliaments with the information necessary in order to hold the executive to account, and calls on parliamentarians to make use of their existing powers;
11. Calls on partner countries to base budget support on sound, detailed national poverty-reduction plans, and on recipient countries to use funds to improve universal access to basic public services and reduce the incidence of poverty;
12. Calls for capacity building in all ministries in order to ensure greater empowerment of the poorest and increased effectiveness in strategic spending, essentially in the areas of health, education, employment, agriculture and infrastructure;
13. Calls on the EU to apply gender mainstreaming by using gender-disaggregated indicators, and on partner countries to include a gender perspective in the budgetary process and to promote dialogue with women's organisations;
14. Stresses that budget support should not be linked to the fulfilment of economic conditions that are likely to hamper ACP countries' development;
15. Recalls that systemic strengthening of public finance is an important part of a broad anti-corruption strategy, which requires regular supervision by the beneficiary countries;

16. Calls on both donor and recipient governments to focus on ensuring full budget transparency and accountability, as these are key to good economic and political governance; emphasises the need for consistently engaging with national parliaments, local government and non-state actors and increasing parliaments' and audit institutions' capacity building in order to strengthen domestic accountability, public financial management systems and monitoring mechanisms;
17. Calls on donor and recipient countries to accompany budget support with measures to strengthen public financial management systems and audit capacity, to increase parliaments' capacity building and to support non-state actors; calls on the ACP countries and the Commission to implement, in the context of the mid-term review of the Intra-ACP and RIP under the 10th EDF, an Intra-ACP programme to support capacity building in interested ACP countries through a peer learning and support programme with a view to improving the public financial management necessary to sustaining rapid and ambitious reforms;
18. Stresses that more information on budget support in donor and partner countries will enhance transparency and accountability and contribute to greater effectiveness of this instrument; calls for a systematic assessment of evaluation studies with a view to identifying possible shortcomings and thus improving implementation;
19. Recommends that the partners standardise as far as possible the assessment criteria for budget support in order to ensure better monitoring and an assessment of this aid modality;
20. Calls on the Commission, the EU Council and the EU Member States to provide adequate resources to the 11th EDF, building on the resources of the 10th EDF, in accordance with their commitment to allocating 0.7 % of their GNI to ODA by 2015, and taking account of the need for financing of new obligations agreed in the recently completed second review of the Cotonou Agreement;
21. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Commission, the European Parliament, and the national and regional parliaments of the ACP and EU Member States.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.915/11/fin.

RESOLUTION¹

on Water Pollution

The ACP-EU Joint Parliamentary Assembly,

- meeting in Budapest (Hungary) from 16 to 18 May 2011,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to United Nations General Assembly Resolution 64/292 entitled ‘The human right to water and sanitation’,
- having regard to United Nations Human Rights Council Resolution 15/9 entitled ‘Human rights and access to safe drinking water and sanitation’,
- having regard to the United Nations Millennium Declaration of 8 September 2000, which sets out the Millennium Development Goals (MDGs) as criteria established jointly by the international community for the elimination of poverty, and particularly to Goal 7,
- having regard to the report of July 2009 by the UN Secretary-General on the implementation of the Millennium Declaration,
- having regard to the United Nations Development Programme (UNDP) report entitled ‘Beyond the Midpoint: Achieving the Millennium Development Goals’, published in January 2010,
- having regard to the UNDP, UNFPA, UNICEF and WFP report entitled ‘Stocktaking on the Millennium Development Goals’, published in January 2010,
- having regard to the UNDP Human Development Report 2006, entitled ‘Beyond scarcity: power, poverty and the global water crisis’,
- having regard to the annual report (2010) entitled ‘UN-Water global annual assessment of sanitation and drinking water (GLAAS)’,
- having regard to the UNICEF report entitled ‘Progress for children – achieving the MDGs with equity’, published in September 2010,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 18 May 2011 in Budapest (Hungary).

- having regard to the twelve-point European Union (EU) action plan in support of the Millennium Development Goals, which was issued by the European Commission on 21 April 2010,
 - having regard to the UN High-Level Plenary Meeting of the General Assembly on Millennium Development Goals held in New York on 20-22 September 2010,
 - having regard to the G8 Water Action Plan, adopted in Evian in 2003, and the subsequent reports pertaining thereto,
 - having regard to the assessment reports of the Intergovernmental Panel on Climate Change (IPCC) published in 1990, 1995, 2001 and 2007,
 - having regard to the resolution on water in developing countries adopted by the ACP-EU Joint Parliamentary Assembly on 23 November 2006 in Bridgetown (Barbados),
 - having regard to the report by the Committee on Social Affairs and the Environment (ACP-EU/100.915/11/fin.),
- A. whereas the UN General Assembly and Human Rights Council have recognised that access to safe drinking water and sanitation is a fundamental right,
 - B. whereas water is an essential resource for life and health and a public good, and not solely a commodity, and whereas although access to water is a fundamental right, society and individuals bear the responsibility for managing it in a sustainable way,
 - C. whereas MDG 7 includes the specific target of halving, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation; whereas, despite all the progress that has been made, the countries of sub-Saharan Africa will not, as matters currently stand, achieve this Millennium Development Goal; whereas drinking water supplies and sanitation continue to be problems, particularly outside of towns,
 - D. whereas according to the latest UN figures, almost 900 million people in the world today do not have access to safe drinking water, 2.6 billion people do not have access to basic sanitation, and contaminated water is the second most frequent cause of infant mortality in the world,
 - E. whereas achieving MDG 7 would create an extra 322 million additional working days and would allow the health sector to save USD 7 billion per year; whereas, in addition, for every dollar invested in sanitation and safe drinking water, the return in terms of economic development is between USD 3 and USD 34,
 - F. whereas women and girls, who are responsible for collecting water and caring for the sick, are the first to suffer from the lack of safe drinking water, and whereas access to safe water is essential for maternal health; whereas, in addition, the distances that need to be covered in order to have access to clean water and the

lack of sanitation in schools have an adverse effect on access to education for girls in particular,

- G. whereas EU Member States are among the principal donors in the water sector and can draw on a wealth of experience in international development cooperation and water management,
- H. whereas the EU Water Initiative launched at the World Summit on Sustainable Development (Johannesburg, September 2002) was designed as an integrated approach to water resource management, in order to meet the MDGs and sustainable development targets for drinking water and sanitation,
- I. whereas 70% of untreated industrial waste in developing countries is disposed of in water, polluting the water supply,
- J. whereas, because of the length of river courses and associated water systems, the problem of water pollution is a cross-border issue that requires common action,
- K. whereas in 2002 the EU adopted the Water Framework Directive in order to rationalise its approach to water-related issues and to introduce a general obligation to protect the environment and a minimum standard for all surface waters,
- L. whereas climate change has an influence on access to safe water and sanitation, and the 2007 IPCC report concluded that climate change would reach dramatic proportions by 2050,
 1. Takes the view that, given the importance of water as a vital resource, access to clean water is a fundamental human right and must be guaranteed, particularly for food preparation and hygiene; adds that access to water is also essential to production; believes that access to water must be used as a human development indicator;
 2. Points out that water pollution prevention makes greater economic sense than any form of water treatment and purification after domestic and other use;
 3. Stresses that the problem of water and water pollution is a cross-cutting issue and should be tackled with a multidisciplinary and multilateral approach that combines economic viability, social solidarity, employment protection, ecological responsibility, the precautionary principle and rational use, so as not to compromise the needs of future generations;
 4. Regards any investment in water infrastructure and services as a catalyst for development, since improved water services will provide jobs for local communities, free up time for other productive activities and foster the social dimension at a local level;
 5. Stresses the importance of dialogue between institutions and the local population throughout the decision-making process concerning water resources with a view to facilitating the participation of all interested parties, fulfilling the real needs of

users and choosing solutions which take account of the climate, the environment and the skills available for the installation and maintenance of drinking water supply systems; stresses the need for a proper communication strategy, education and advocacy measures on the importance of clean water;

6. Stresses the importance of financing micro- and small projects in order to bring about a sustainable improvement in local conditions, and underlines the need for better information on possible sources of support;
7. Stresses the need to have an appropriate legal framework guaranteeing access to water, including drinking water, its quality and its responsible use; recommends the implementation of the 'polluter pays' principle; recalls that the adoption of legislation on the protection of drinking water must be a priority for governments;

Waste water pollution

8. Stresses that safe access to clean water, proper disposal of waste water and water sanitation are important prerequisites for public health, because they help to reduce mortality rates from diseases linked to the quality of water, especially among children; notes that the United Nations has recognised the right of access to sanitation as a human right on the same footing as the right to safe drinking water;
9. Stresses, however, that the provision of widespread safe access to drinking water through networks supplying drinking water and disposing of waste water is expensive and will be a burden on the limited financial capacities of many ACP countries; recalls, nevertheless, that this should be one of the priorities of the authorities; recommends greater use of boreholes in villages and shanty towns with very rapidly increasing populations and the use of innovative solutions, for example chlorine tablets to combat diseases such as cholera, which are caused by increasingly frequent flooding;
10. Stresses the need to combat waste wherever there is a risk of water shortage, and to optimise water usage, in particular through re-use, while bearing in mind water's manifold purposes and fostering a sense of responsibility among users;
11. Believes that innovative approaches to balancing the water cycle, such as alternative technologies adapted to the local situation and the use of organic matter as a fertiliser, must be encouraged;
12. Stresses that an adequate, safe water supply can be secured only through long-term strategies and that, to achieve this, the least expensive and most innovative, efficient and sustainable treatment technologies must be encouraged, if necessary through technology transfer, without neglecting the environmental dimension and taking into account the local situation, in consultation with the local population;
13. Stresses the importance of the Second ACP-EU Water Facility and supports its projects, which have been allocated EUR 200 million from the 10th European Development Fund, in ensuring water supply and basic sanitation for the most

disadvantaged populations, helping to improve water governance and management of water resources and contributing to the sustainable development and maintenance of water infrastructure; recalls, however, that any decision to this effect must be taken as close as possible to the people concerned;

Industrial and agricultural pollution

14. Takes note of increasing agricultural production, mining, industrial production, power generation, forestry and other economic activities in ACP countries, which are bringing about changes in the chemical, biological and physical characteristics of water in ways that can threaten human health, ecosystems and biodiversity;
15. Calls on the ACP countries and the EU Member States to tackle the pollution of rivers by toxic chemicals and heavy metals, which are a major source of water pollution in EU countries, as well as in some ACP countries; asks that all possible measures be taken to prevent industry, deforestation, mining, chemical production and the extensive use of pesticides in agriculture and horticulture from affecting water quality and purity, in accordance with the precautionary principle; calls for standards to be introduced and for analyses to be carried out in at-risk areas with penalties for polluters, in order to combat the pollution of surface waters (rivers, lakes, run-offs) and the water table by fertilisers, pesticides, toxic chemicals and heavy metals;

Climate and demographic change

16. Underlines the need to study further the links between the rising global population and climate change, and in particular their potential impact on access to essential natural resources such as safe drinking water and on coastal waters;
17. Notes the increasing urbanisation in ACP countries, which triggers a need for major investment in infrastructure to deliver water and process waste water; therefore encourages investment in recovery and reuse of water with a view to saving water and, consequently, energy;
18. Urges the international community to recognise the importance of tropical forest protection and to start tackling this as a priority issue, calling on all parties concerned, including emerging countries, to fulfil the commitments entered into the Copenhagen Agreement to mitigating and transferring clean technologies in order to preserve the planet's water resources and deal with climate change and the restrictions that it could impose on drinking water resources;
19. Calls on the European Commission to transfer the best legislative and technological water protection practices to the ACP countries and to create an online platform to collect examples of best practice in water protection;
20. 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 EU and the African Union.

ACP-UE JOINT PARLIAMENTARY ASSEMBLY

ACP-EU 100.957/11/fin.

RESOLUTION¹

on the situation in Côte d'Ivoire

The ACP-EU Joint Parliamentary Assembly,

- meeting in Budapest (Hungary) from 16 to 18 May 2011,
 - having regard to Article 17(2) of its Rules of Procedure,
 - having regard to the United Nations Security Council resolutions and the decisions and declarations of the African Union, the Economic Community of West African States (ECOWAS) and the European Union on Côte d'Ivoire,
 - having regard to the United Nations Human Rights Council resolution of 25 March 2011 establishing an international commission of inquiry to investigate human rights violations in Côte d'Ivoire since the presidential election of November 2010,
 - having regard to the declaration submitted by the Ivorian Government on 1 October 2003 accepting the jurisdiction of the International Criminal Court (ICC) for the crimes committed in its territory as from 19 September 2002,
 - having regard to its Co-Presidents' statements of 3 December 2010 and 18 March 2011 condemning the violence and human rights violations in Côte d'Ivoire,
 - having regard to the European Parliament's resolutions of 16 December 2006 and 7 April 2011 on the situation in Côte d'Ivoire,
- A. whereas the sole source of legitimacy is universal suffrage, which means having incontestable election results,
- B. having regard to the seriousness of the political crisis that arose after the results of the second round of the Ivorian presidential election of 28 November 2010 were challenged,
- C. whereas the objective of the election was to bring an end to a political crisis that had divided the country for a decade,
- D. whereas, for the first time in Africa, the UN was entrusted, through two of its resolutions, and with the agreement of the then President, Laurent Gbagbo, with certifying the results of the presidential election, and whereas those certified results designated Mr Alassane Ouattara President-elect of Côte d'Ivoire,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 18 May 2011 in Budapest (Hungary).

- E. whereas Law 2001-303 and Article 64 of the Ordinance of 2008 do not give the Ivorian Constitutional Council the power to proclaim results different from those of the Independent Electoral Commission,
- F. whereas the outgoing President, Laurent Gbagbo, had the responsibility of ensuring a peaceful handover to his successor in order to maintain civil peace,
- G. whereas as early as 7 December 2010 ECOWAS called on the outgoing President to ‘yield power without delay’,
- H. whereas on 8 December 2010 the African Union called on the outgoing President to ‘respect the will of the people as expressed through the ballot box and surrender power peacefully in order to avoid a bloodbath’; having regard to its numerous mediation efforts,
- I. whereas all attempts at mediation to persuade former President Gbagbo to hand over power to the democratically elected President failed,
- J. whereas former President Gbagbo’s refusal to hand over power to the democratically elected president has taken Côte d’Ivoire to the brink of civil war,
- K. whereas the violence against civilians has resulted in several thousand deaths, over one million people being internally displaced and over 100 000 people seeking refuge in neighbouring countries,
- L. whereas atrocities have been committed in Côte d’Ivoire, including cases of sexual violence, enforced disappearances, extrajudicial executions and the excessive and indiscriminate use of force against civilians, which constitute crimes against humanity,
- M. whereas these abuses, looked into by three UN-appointed international investigators, were probably committed by different parties to the conflict on the mere suspicion that the victims belonged to an ethnic group different from that of the perpetrators,
- N. whereas attacks intentionally directed against UN peacekeepers and institutions also constitute war crimes,
- O. having regard to the application to the International Criminal Court forwarded to The Hague on President Ouattara’s behalf on 9 March 2011,
- P. whereas this violence will have incalculable repercussions on the life of the population,
- Q. whereas President Ouattara has called for an end to the violence, for reconciliation and for the establishment of a Commission for Truth, Reconciliation and Dialogue,
- R. whereas this period of crisis has had extremely negative economic, social and humanitarian effects, with young people facing a lack of job prospects,

5. having regard to the more favourable prospects opening up for Côte d'Ivoire following the arrest of former President Gbagbo,
1. Welcomes the fact that the elected President of Côte d'Ivoire, Mr Ouattara, has now taken office;
2. Condemns the attempts by former President Gbagbo and his supporters to violently usurp power against the will of the Ivorian people;
3. States that it has full confidence in the UN staff responsible for certifying the election results;
4. Commends the efforts deployed by ECOWAS, the African Union and the UN to find a diplomatic solution, which could have prevented the widespread suffering caused by the use of armed force, and regrets the failure of these efforts;
5. Deplores the high price the Ivorian people have had to pay to ensure that their democratically expressed will is respected;
6. Condemns wholeheartedly all of the brutality, repeated campaigns to incite hatred, reprisals, pillaging, settling of scores and serious human rights violations; condemns in particular the violence that has occurred, especially the use of heavy weapons against civilians, the attacks on UN personnel, the sexual violence and the massacres confirmed by the UN and humanitarian organisations;
7. Welcomes the United Nations Security Council decision to authorise the United Nations Mission in Côte d'Ivoire (ONUCI) to use force in order to protect the civilian population, inter alia by preventing further use of heavy weapons; calls for ONUCI, with the assistance of the French Force 'Licorne', to continue to provide effective protection of civilians in Côte d'Ivoire for as long as they are requested to do so by the Ivorian authorities;
8. Condemns the failure to comply with the arms embargo; welcomes the UN decision of 28 April 2011 to maintain this embargo for another year and urges the Member States of the European Union and the African Union to do everything possible to render it effective;
9. Calls on Côte d'Ivoire's neighbours to take every possible step to ensure that they do not serve as a refuge for forces seeking to destabilise the country, thus helping the Ivorian Government to improve the security of its borders;
10. Deplores the massive loss of human life and the targeted acts of destruction of property; expresses its condolences to the injured and the families of the victims and those who have disappeared; sends its heartfelt condolences to the Ivorian people and government, and urges the parties on the ground to do all in their power to prevent further human rights violations and to ensure the safety of the population;
11. Welcomes President Ouattara's commitment to restoring the rule of law, calls on the Ivorian authorities to ensure that all their actions respect the rule of law, which means that appropriate recourse to legal prosecution should be used against all those who have used, or continue to use, violence and against all those who have

diverted State resources into private hands, but stresses that those accused should be afforded a full right of defence in an impartial and non-selective judicial framework; welcomes the EU's decision to provide immediate aid of EUR 18 million for the purpose of modernising the Ivorian judicial system;

12. Hopes that the truth about all the massacres and crimes will be brought to light; welcomes the UN's decision to establish an independent international commission of inquiry to investigate allegations of human rights violations, war crimes and crimes against humanity; calls on all the parties concerned to cooperate fully;
13. Welcomes the decision by the Prosecutor of the ICC to request authorisation from the Pre-Trial Chamber to launch an investigation into the 'widespread and systematic killings', given that the ICC can determine its jurisdiction on the basis of Article 12(3) of the Rome Statute;
14. Recalls that there is no statute of limitations for war crimes and crimes against humanity and that those responsible should not have any temporal, geographical or political impunity;
15. Welcomes President Ouattara's calls for an end to violence and for reconciliation, and hopes that these calls will be heeded across the country, especially within the administration and the armed forces; welcomes the establishment of a Commission for Truth, Reconciliation and Dialogue and stresses the importance of social cohesion in the country;
16. Reiterates its support for President Ouattara, his government and the people of Côte d'Ivoire in their task of reconciliation, recovery and sustainable development; calls for the initiation of talks to restore order and peace and to establish stability and security in the country while promoting national unity;
17. Recalls President Ouattara's proposal to form a government of national unity in order to promote a democratic and peaceful political transition and enable all political opinions in the country and each of the regions to be represented;
18. Hopes that this restoration of civil peace will allow a parliament to be elected as soon as possible;
19. Congratulates the European Union on its effective humanitarian aid, which amounts to more than EUR 54 million, and encourages it to continue its efforts until the refugees and displaced persons return; recalls that more than 100 000 refugees have fled Côte d'Ivoire, mostly to Liberia, and that over one million have been internally displaced; calls on the international donors to support the action of the European Union, which has released EUR 180 million in aid with effect from April 2011;
20. Welcomes the end of the cocoa export ban by the Ivorian authorities and the lifting of the EU's sanctions on economic entities, which has enabled cocoa exports to be resumed;
21. Hopes that Côte d'Ivoire can benefit from the external debt relief totalling USD 3 billion that it was granted under the Heavily Indebted Poor Countries

(HIPC) initiative, from EDF projects, aid from the World Bank and the IMF, and, where necessary, the additional funds from the European Union, in order to relaunch the Ivorian economy as quickly as possible;

22. Looks forward to its fact-finding mission to Côte d'Ivoire;
23. Instructs its Co-Presidents to forward this resolution to the Ivorian President, Alassane Ouattara, the institutions of the European Union, the African Union and ECOWAS, and to the UN Secretary-General and the ICC Prosecutor.

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.958/11/ fin.

RESOLUTION¹

on the democratic upheavals in North Africa and the Middle East: consequences for the ACP countries, for Europe and for the world

The ACP-EU Joint Parliamentary Assembly,

- meeting in Budapest (Hungary) from 16 to 18 May 2011,
- having regard to Article 17(2) of its Rules of Procedure,
- having regard to the Universal Declaration of Human Rights adopted on 10 December 1948 in Paris by the United Nations General Assembly,
- having regard to Article 2, paragraph 7, of the UN Charter, which establishes non-interference in the internal affairs of a state as a peacemaking principle in international relations, and to exceptions to the principle of non-interference, which apply only in the event of a threat to collective security and are determined exclusively by the Security Council of the United Nations (Chapter VII),
- having regard to the development of the European Neighbourhood Policy since 2004, in particular the Commission's progress reports of 12 May 2010 on its fulfilment of the objectives aimed at strengthening prosperity, stability and security in neighbouring countries²,
- having regard to the joint communication 'A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean'³, which introduces a new approach to the European Union's policy towards its southern neighbours,
- having regard to the European Parliament resolutions of 3 and 17 February, 24 March and 7 April 2011, respectively on the situation in Tunisia and in Egypt, EU relations with the Gulf Cooperation Council, the review of the European Neighbourhood Policy – Southern Dimension⁴, and the situation in Syria, Bahrain and Yemen⁵,
- having regard to the 1975 United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Bahrain, Syria and Yemen are parties,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 18 May 2011 in Budapest (Hungary).

² COM(2011)207.

³ COM(2011)200 final.

⁴ Not yet published in the OJ.

⁵ Not yet published in the OJ.

- having regard to the Declarations of the Bureau of the Parliamentary Assembly of the Union for the Mediterranean adopted at its meetings in Paris (12 July 2008), Cairo (20 November 2009), Rabat (22 January 2010), Palermo (18 June 2010) and Rome (12 November 2010),
 - having regard to previous UN resolutions on Libya, including Resolution 1973(2011) of March 17 2011, whereby member states and regional organisations are allowed to participate in a no-fly zone over Libya to protect the civilian population and to ‘take all necessary measures to protect civilian populations and areas at risk of attack in the Libyan Arab Jamahiriya’,
 - having regard to the contradictory interpretations surrounding the application of this Resolution,
 - having regard to the reservations expressed by the African Union about the implementation of that resolution,
 - having regard to the statements made by the High Representative/Vice-President of the Commission, on behalf of the European Union, on Libya, Egypt, Tunisia, Syria, Yemen and Bahrain between February and May 2011,
 - having regard to the negotiation initiative undertaken by the African Union with the aim of putting an end to the fighting between the Libyan opposition and the government of Muammar Gaddafi,
- A. whereas the victory of the Tunisian and Egyptian people represents a new wind of hope, freedom, solidarity, democracy and real change, desired by both those populations and by all oppressed peoples,
 - B. whereas through peaceful demonstrations the people of the southern Mediterranean and numerous Middle Eastern countries have clearly expressed their legitimate aspirations for democratic reform,
 - C. whereas these upheavals have resulted in the loss of human lives, and have left thousands of displaced people and refugees both within and outside the countries concerned,
 - D. whereas these democratic uprisings are largely motivated by an unequal distribution of wealth, lack of freedoms, corruption and nepotism; whereas they reflect the general discontent of the population with the regimes in power and their desire for a combination of economic growth, respect for democratic values and social welfare,
 - E. whereas most of the regimes that have been toppled or challenged in the regions have been supported by the European Union and its Member States, primarily for geo-strategic, military, commercial and economic reasons,
 - F. whereas it is important to consider the risk of dissemination of weapons of war and the consequent threats to the safety of humanity,

- G. having regard to the interdependence of the world's regions and the inevitable consequences – positive or negative – that these movements may have on neighbouring regions in Africa and in the European Union,
- H. whereas the evolution of the European Neighbourhood Policy (ENP) since 2004 has revealed numerous shortcomings in terms of defence of human rights and democratic principles and has not succeeded in bringing about the necessary political, social and institutional reforms, notably because of insufficient dialogue with civil society and the forces of democracy,
- I. whereas the democratic uprisings of the people of Tunisia, Egypt, Libya, Syria, Algeria, Morocco, Jordan and other Middle Eastern countries mean that the European Union must adapt the ENP with a view to providing effective support for the process of political, economic and social reform, while categorically condemning the use of force to suppress peaceful demonstrations,
- J. whereas, according to the United Nations High Commissioner for Refugees (UNHCR), more than 450 000 people have fled from Libya to neighbouring Tunisia, Egypt, Niger, Mali and Chad and to Europe, and whereas hundreds of thousands more refugees and foreign workers face a desperate struggle to escape the conflict or leave Libya; whereas this is creating a humanitarian emergency that calls for a quick EU reaction and solidarity among Member States and neighbouring countries,
- K. whereas on Monday, 16 May 2011 the International Criminal Court (ICC) at the Hague requested arrest warrants for Libyan leader Muammar Gaddafi, his son Saif al-Islam Gaddafi and his military intelligence chief, accusing them of crimes against humanity,
1. Applauds the courage and determination of the people of the Middle East and North Africa, and strongly supports their legitimate democratic aspirations, which could be an inspiration for democratic change in countries in Africa, the Caribbean, the Pacific, Europe and the rest of the world; reiterates its strong support for people who are demonstrating peacefully against authoritarian repressive regimes, especially for the young people and women acting as key agents and catalysts for democratic reform in the Arab world;
 2. Notes that the recent developments in North Africa and the Middle East have political, economic and social repercussions, above all in the countries themselves, but also in the ACP states and in Europe;
 3. Calls on the European Union to lend strong support to the political and economic reforms in the region; stresses that in order to best support the democratic transition, it is essential to mobilise all existing instruments in the framework of the ENP and development policy; calls for special attention to be paid to respect for fundamental freedoms, good governance, an independent judiciary and the fight against corruption in order to respond to the needs and expectations of the people;

4. Calls on the European Union to consider a temporary suspension of repayment of the debts of the countries in question, and stresses the need to carry out an audit of those debts; calls for the property of the corrupt leaders to be frozen and returned to the public exchequers of the countries concerned;
5. Calls for greater attention to be paid to cooperation with civil societies, as they are the main catalyst for the popular uprisings throughout the region; calls also for every effort to be made to ensure that the aid from the European Union and the international community actually reaches them;
6. Regrets the selective indignation of the international community in response to the violence in Yemen, Syria and, especially, Bahrain, where troops of the joint force of the Gulf Cooperation Council (GCC) came from Saudi Arabia to crush protests;
7. Calls on the authorities to refrain from the use of violence against demonstrators, to respect their freedom of assembly and expression, and to guarantee their security; calls for independent inquiries into the events leading to deaths, injuries and imprisonments of peaceful protesters in these countries and for those responsible to be brought to justice; calls for the immediate and unconditional release of all persons arrested during the demonstrations as well as of all political prisoners, human rights defenders and journalists;
8. Takes the view that closer sub-regional cooperation between the EU Member States, the African Union (AU) and the countries covered by the ENP that share common interests, values and problems could give rise to a dynamic for the entire Mediterranean region;
9. Denounces the arms sales and largesse granted for the benefit of economic-strategic interests, and the friendly relations maintained with dictators for many years by some EU and ACP countries; applauds the self-determination of these peoples and condemns the violence they suffer;
10. Calls on the European Union to carry out an in-depth evaluation and reform of both its diplomatic policy and the nature of its political, trade and cooperation relations with the countries of North Africa and the Middle East;
11. Together with the Pan-African Parliament, calls on all members of the African Union to ratify the African Charter on Democracy, Elections and Governance;
12. Recalls that any armed intervention must be undertaken with the sole aim of protecting civilians and must be impartial, and that its initiators may under no circumstances assume the right to determine who can govern and who must be excluded;
13. Encourages the African Union, the Arab League and the European Union to make all necessary financial and human resources available to support a robust international humanitarian operation in the countries concerned, in order to assist the UNHCR and other relevant humanitarian agencies in providing protection and emergency assistance to all those in need;

14. Reiterates the importance of respecting and accepting the choice of the people and the results of elections, regardless of who wins, provided that the elections are democratic, free, fair and transparent;
15. Welcomes the progress made by the African Union's Peace and Security Council and the Tunisian and Egyptian authorities, and encourages the continuation of the efforts to put in place a process of democratic stabilisation and to guarantee freedom, fundamental and human rights, peace and justice;
16. Calls on the European Commission and the countries concerned to continue their efforts, while ensuring that a common strategy, including adequate financial, human and technical resources, is put in place to guarantee that the EU can respond appropriately in the event of any mass migratory movement, in accordance with Article 80 TFEU;
17. Calls for strict compliance with United Nations Security Council Resolution 1973(2011), aimed at protecting the civilian population;
18. Urges the leaders concerned to show restraint in the use of force and to engage in talks aimed at reaching a positive outcome to the crisis, and deplors any collateral loss of human life;
19. Insists that the African Union be involved in the search for solutions that are acceptable to all parties;
20. Calls on the United Nations, the African Union, the European Union, the Arab League and the coalition to hold a round table with a view to finding a way out of the crisis that will bring about lasting peace and the establishment of democracy in Libya;
21. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the European Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the EU Member States, the institutions of the African Union, the Secretary-General of the United Nations, the General Assembly of the United Nations, the President of the Pan-African Parliament, the governments and parliaments of the countries of the Middle East and the countries covered by the European Neighbourhood Policy, and the Secretary-General of the Union for the Mediterranean.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Budapest Declaration

on the Fourth High Level Forum on Aid Effectiveness in Busan, South Korea, 2011

The 21st Session of the ACP-EU Joint Parliamentary Assembly, meeting in Budapest (Hungary) from 16 to 18 May 2011:

- A. whereas aid effectiveness is about improving lives, cutting poverty and achieving the MDGs,
- B. whereas the Fourth High Level Forum (HLF-4) on Aid Effectiveness, due to take place in Busan, South Korea, from 29 November to 1 December 2011, will conclude the OECD/DAC-led process on aid effectiveness that was launched by the Paris Declaration in 2005 (PD) and followed by the Accra Agenda for Action of 2008 (AAA),
- C. whereas HLF-4 will also chart future directions for more effective development aid and contribute to a new international aid architecture up to the MDG deadline of 2015 and beyond,
- D. whereas the EU and its Member States provide more than half the world's Official Development Assistance (ODA), and thus constitute a significant player in the aid effectiveness agenda,
- E. whereas Article 208 of the Treaty on the functioning of the European Union commits the EU to striving for policy coherence in relation to development,
- F. whereas the Second Revision of the Cotonou Agreement, signed in Ouagadougou, Burkina Faso, on 23 June 2010, subscribes to the aid effectiveness agenda (Preamble, paragraph 12a and Part 1, Article 2) as committed to in the PD on Aid Effectiveness and the AAA; whereas the primary objective of the Cotonou Agreement is the reduction and eventual eradication of poverty,
- G. whereas substantial improvements have been made with respect to aid effectiveness, but whereas there is still a long way to go; whereas the continuation of the aid effectiveness agenda is indispensable for ensuring the implementation of existing commitments, particularly in light of the financial

crisis, and for considering different and new dimensions of aid and development effectiveness,

1. Stresses that HLF-4 should go beyond a stocktaking exercise and move from pledges to tangible achievements on the implementation of the aid effectiveness agenda, and expects the EU and ACP countries to play a leadership role in achieving this;
2. Recalls the importance of policy coherence for development and of actively promoting common values such as human rights, social justice, the fight against corruption, accountability and gender equality within the aid effectiveness agenda;

I. Predictability of aid

3. Calls on donors to take immediate action on PD and AAA commitments that are hampered only by political will and bureaucracy, e.g. untying aid, predictability of aid, conditionality and transparency;
4. Calls on donor countries to uphold their commitment to providing 0.7 % of GDP/GNI for development aid and to tightening up the definition of ODA;
5. Calls on donors to increase the predictability of aid through reliable multiannual timetables of their financial flows and long-term development agreements with partner countries, based on mutual accountability for development;
6. Recalls the need, in order to achieve the MDGs, to use innovative financing methods, such as the levying of a tax on financial transactions,
7. Calls on donors to better coordinate and harmonise their actions, and to simplify their procedures;

II. Alignment of aid, use of country systems and country ownership

8. Recognises the importance of alignment of aid and use of country systems for the distribution of development aid and in building partner country capacity, promoting ownership, increasing transparency and mutual accountability, and facilitating partner country parliamentary scrutiny;
9. Calls on partner countries to implement a legal framework for the incorporation of aid into the national budget, in order to allow parliamentary scrutiny of aid spending and increased accountability;
10. Calls on donors to increase the proportion of country programmable aid in order to develop country capacity and ownership;
11. Stresses that budget support is one of the best ways to increase aid effectiveness, but that it should be based on national development funding and poverty

reduction plans; encourages the Commission to maintain its dynamic approach on eligibility criteria and to promote a collective EU target for budget support;

12. Calls on donors and partner countries to rapidly implement transparency actions for country-level aid, as ownership is not possible without knowledge;
13. Takes the view that taxation guarantees an independent financial source for sustainable development and constitutes an important link between the governments and citizens of developing countries; calls for the introduction of a viable form of fiscal administration based on taxpayers' ability to pay; recommends that the fight against tax havens – as distinct from jurisdictions with low rates of tax –, tax evasion and illegal transfer of capital be intensified, and that natural resources be transparently managed;

III. The role of Parliaments

14. Emphasises the leading role that national parliaments should play, given that they are in the best position to identify priority sectors, check Country Strategy Papers and audit budget appropriations; calls for the national parliaments to adopt Country Strategy Papers and the annual budget after consulting civil society in advance of the political dialogue with the donor countries, with a view to giving full force to democratic control;
15. Urges parliaments to provide for checks and balances through the scrutiny of budgets, policies and their outcomes and by involving citizens in decision-making through the democratic process;
16. Recalls that parliaments in developing countries lack basic capacities to exercise their role fully; calls on donors, therefore, to provide assistance for capacity building and development at national and regional levels;
17. Proposes that parliamentary capacity be adopted as an indicator of aid and development effectiveness and measured over time in the knowledge that it contributes to sound financial management, sustainable political stability and economic success;
18. Recalls that ownership should allow partner countries to define their own political priorities;

IV. Engagement of non-state actors and local authorities

19. Calls on the EU and the partner countries to deepen and broaden the structured dialogue process for civil society organisation (CSO) and local authority engagement so as to ensure their full and meaningful participation in the planning, implementation, monitoring and assessment of budgets and programmes;
20. Stresses that the territorial approach and multi-level governance are key elements in more effective development strategies; calls therefore on the EU and

the partner countries to take better account of territories as a sphere of public action;

21. Calls on donors and partner countries to fully evaluate and deepen the Paris and Accra commitments through reforms based on democratic ownership and support for CSOs and local authorities;
22. Also underlines the role of independent legal systems and free media in fostering good governance and accountability;

V. New development partnerships

23. Recognises that 72 % of the world's poorest people live in middle-income countries (MICs)¹; recognises that MICs require a different form of development partnership that focuses more on inclusive growth, economic diversification, redistribution of wealth, and the promotion of development effectiveness through South-South cooperation and of peer learning and sharing of development experience;
24. Recalls the need for aid adapted to the specificities and needs of fragile states, lower-income post-conflict countries and small island developing states (SIDs), and for strengthened efforts to cooperate with the poorest countries;
25. Calls for aid to target the poorest people and not just the poorest countries;
26. Emphasises that aid should be looked upon as a catalyst, and not a means, of development; recognises that the ultimate purpose of aid is to attain a state where aid is no longer necessary;

VI. Division of labour

27. Calls on the EU to take a leading role on division of labour (DoL) in the context of HLF-4 and to step up its efforts to increase donor coordination and DoL, accompanied by measures in favour of democratic ownership, the assumption of responsibility and better aid quality;
28. Stresses the need to solve the problems of so-called 'darling' and 'orphan' countries and neglect of crucial sectors such as health, education, social cohesion and gender equality;
29. Welcomes the adoption of the EU Code of Conduct on Division of Labour in Development Policy by the General Affairs and External Relations Council on 15 May 2007 and points out that the EU's failure to fully implement the principles contained in the Code of Conduct on Division of Labour (DoL) misses the opportunity to make savings of up to EUR 6 billion²;

¹ Sumner, A (2011) 'The New Bottom Billion: What If Most of the World's Poor Live in Middle-Income Countries?', *Center for Global Development, CGD Brief March 2011*, [Online] Available at: www.cgdev.org Accessed on 7 April 2011.

² European Commission (2009) *Aid Effectiveness Agenda: Benefits of a European Approach*, A Study Prepared by HTSPE for the EC.

30. Calls for the EU to revise its DoL policies to ensure that non-sector-specific, cross-cutting issues such as human rights and gender equality are not neglected;

VII. Private sector as a development actor

31. Recognises the growing involvement of private sector stakeholders in development partnerships; recognises the benefits of incorporating private sector development aid into aid effectiveness agreements, but also the need to clarify what roles the private sector could and should play and to link them to the achievement of MDGs and to sustainable development, as well as to the primary responsibility of the public sector; underlines the importance of not moving back to tied aid in this context;
32. Emphasises the importance of transparency and assessment of the impact of private sector development actors on development outcomes;
33. Calls on donors to utilise aid to catalyse development of the domestic private sector, improve domestic regulatory institutions for the private sector and promote private sector development that incorporates the poorest populations and contributes to development objectives;

VIII. Beyond Busan

34. Emphasises the importance of sustaining momentum on aid and development effectiveness beyond Busan;
35. Recommends continuing to monitor and evaluate the implementation of, and progress towards, the commitments of the PD and the AAA; recommends that the next survey be conducted to coincide with the deadline of the MDGs in order to complement global reviews of development progress at this time;
36. Emphasises the importance of embedding aid effectiveness in a development effectiveness framework that prioritises overall development outcomes and includes policy coherence for development and the involvement of Regional Economic Communities (RECs) in order to better take into account the regional dimensions of aid and development effectiveness;
37. Requests that an inclusive 'Busan Compact' be launched at HLF-4, which brings together specific time-bound commitments and initiates fundamental reforms in the global governance of development cooperation;
38. Notes the emergence of new development actors, including individual countries whose approach is not governed by European cooperation standards, and calls for a political, inclusive approach to those countries with a view to achieving a transparent overall development-cooperation dynamic.



ACP-EU JOINT PARLIAMENTARY ASSEMBLY

Declaration

Uniting for Universal Access in view of the 2011 High Level Meeting on AIDS in June

Having regard to the United Nations General Assembly High Level Meeting on AIDS, New York, 8-10 June, the ACP-EU Joint Parliamentary Assembly meeting in Budapest (Hungary) from 16 to 18 May:

1. Recalls that the goal of scaling up towards and sustaining universal access to HIV/AIDS prevention, treatment, care and support is enshrined as a key development priority in Article 31bis of the revised Cotonou Agreement;
2. Stresses that, thirty years into the AIDS epidemic, the AIDS response has demonstrated its value as a high impact investment which has yielded returns for HIV, as well as for larger goals of health, development and human rights, and over the last 10 years the rate of new HIV infections fell in many countries, the number of people on antiretroviral treatment has increased, as well as the coverage of services to prevent mother-to-child transmission. Still the gains are insufficient and fragile;
3. Therefore calls on the ACP and EU governments to step up efforts in their cooperation to support the ACP States in scaling up and sustaining universal access to HIV prevention, treatment, care and support as a key condition to meet the Millennium Development Goals (MDGs) by 2015;
4. Calls upon the ACP and EU Parties – governments of the ACP States and the EU Member States as well as the European Commission and the European External Action Service – to be represented at the highest level at the 2011 High Level Meeting on AIDS, to support the recommendations of the UN Secretary-General report and adopt his proposal of the six global goals for 2015;
5. Calls on the EU to uphold its leadership role in the AIDS response, notably by initiating a broad and consultative process with all stakeholders, including EU Member States, Parliamentarians, the Civil Society, for the preparation of a geographically comprehensive European Programme for Action to Confront HIV/AIDS, Malaria and Tuberculosis through External Action for 2012 and beyond;

6. Calls on ACP and EU governments to promote the inclusion of anti-stigma strategies into national AIDS programmes, also through community systems strengthening; to remove punitive laws, policies, practices, stigma and discrimination that undermine human rights and increase vulnerability to HIV/AIDS; to commit to the provision of comprehensive care and support services for adults and children living with and affected by HIV, including caregivers;
7. Calls on the EU and ACP governments to redouble allocations for HIV prevention, and focus prevention investments on integrated and evidence-based prevention programmes targeting the populations who are most at risk and most vulnerable, as one of the most cost-effective interventions, as well as to intensify investment in the research;
8. Stresses that treatment is a high impact investment that reduces HIV transmission, tuberculosis and maternal and child deaths. Therefore calls on the ACP and EU government to support innovation in treatment access, eliminate legal barriers and ensure universal and reliable access to safe, high quality and more affordable medicines, build the capacity of health and community systems to deliver and support integrated treatment services, and coherently address HIV and TB co-infections;
9. Calls on the EU and ACP governments to promote the integration of HIV and reproductive, maternal and new born health services as a key measure to achieving the MDGs by 2015, notably through the EU MDG Initiative. In that regard, particular attention should be paid to strengthening health and community systems to deliver effective integration of HIV and sexual and reproductive health programmes and linking programmes to support stronger inter-related outcomes across all health-related MDGs;
10. Calls upon ACP and EU governments to meet fair-share commitments to reach the investment needs for health in general and the global AIDS response in particular, whereby the EU Member States realise their long-term predictable financing commitments, while domestic investment in developing countries is significantly scaled up to allow for the implementation of the Abuja Declaration Call for 15% of the National Budget to health, emerging powers are encouraged to assume their share, and innovative financing mechanisms are expanded.