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Report

drawn up on behalf of the Committee on Development and Cooperation

**on the outcome of the proceedings of the ACP-EEC Joint Committee
and Consultative Assembly**

Rapporteur: Mr V. SABLE

By letter of 4 June 1980 the Committee on Development and Cooperation requested authorization to draw up a report on the outcome of the proceedings of the ACP-EEC Joint Committee and Consultative Assembly.

By letter of 25 June 1980 the President of the European Parliament authorized the Committee on Development and Cooperation to draw up a report on the subject.

On 9 July 1980 the Committee on Development and Cooperation appointed Mr Sablé rapporteur.

The committee considered the draft report at its meeting of 21 October 1980.

It adopted the motion for a resolution unanimously at the same meeting.

Present: Mr Bersani, chairman; Mr Sablé, rapporteur; Mr Clément, Mr Enright, Mrs Focke, Mr Kellett-Bowman, Mr Lezzi, Mr Pearce and Mr Scott-Hopkins (deputizing for Mr Sherlock).

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A

The Committee on Development and Cooperation hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the outcome of the proceedings of the ACP-EEC Joint Committee and Consultative Assembly

The European Parliament,

- having regard to the report of the Committee on Development and Cooperation (Doc. 1-522/80),
 - drawing attention to the value of mutual exchanges of information between the ACP-EEC Consultative Assembly and the European Parliament on their respective decisions on subjects of concern to them,
1. Takes note of the resolutions adopted by the ACP-EEC Consultative Assembly on 25 and 26 September 1980;
 2. Instructs its committees responsible to consider those resolutions and invites them to endorse them if possible by incorporating them in their deliberations;
 3. Hopes that the Consultative Assembly and its Joint Committee will keep it regularly informed of their decisions;
 4. Instructs its President to forward this resolution to the ACP-EEC Consultative Assembly and Joint Committee.

EXPLANATORY STATEMENTINTRODUCTION

For the first time since the creation of EEC-ACP joint parliamentary bodies, a report is being submitted to the European Parliament on the outcome of their proceedings. This is being done at the initiative of the Committee on Development and Cooperation which felt that the present situation, in which the European Parliament is given no information on the positions adopted by the ACP-EEC Consultative Assembly and its Joint Committee, could no longer continue.

As has happened so often in the past and again very recently, this situation could lead to major differences in the policies followed by the two bodies, the European Parliament on the one hand and the ACP-EEC Consultative Assembly and its Joint Committee on the other. This is all the more serious as conflicting approaches could lead the ACP members to suppose that the undertakings given by their European counterparts in the Consultative Assembly and Joint Committee were a mere formality. The European Members and, in the long run, the ACP-EEC parliamentary body itself, would then lose all credibility.

Apart from the risk of divergence, the problem also arises of following up the proceedings of the Consultative Assembly in the Community, for which the European Parliament has a major role to play as instigator and monitor. When, in their resolutions or declarations, the Consultative Assembly and Joint Committee invite the Community to take specific action, it would be dangerous for matters to be left as they stood without the European Parliament intervening after considering the requests. Without such a follow-up, the positions adopted by the parliamentary bodies of the Lomé Convention would rapidly lose all political significance and degenerate into a ritual of exaggerated and irresponsible solidarity.

CHAPTER I - THE PROCEEDINGS OF THE ACP-EEC JOINT COMMITTEE AND CONSULTATIVE ASSEMBLY

At its meeting in Arusha (Tanzania) from 25 to 28 February 1980, the Joint Committee:

- considered (as the annual report of the ACP-EEC Council of Ministers was not available) an introductory report by the general rapporteur, Mrs Focke, on the results obtained under the First Lomé Convention in the light of the forthcoming entry into force of the Second Lomé Convention (CA/CP/133);

- adopted a report by Mr Jaquet on the new institutional provisions of the Lomé II Convention and amendments that might be made to the Rules of Procedure of the ACP-EEC Consultative Assembly (CA/CP/89/fin.);
- adopted a report by Mr Michel on the proposals designed to ensure respect for and protection of the rights of migrant workers, students and trainees who are nationals of one of the contracting parties and regularly resident in a Member State or an ACP State (CA/CP/96/fin.);
- adopted a final declaration on the results of Lomé I and the forthcoming entry into force of Lomé II (CA/CP/134/fin.);
- adopted a declaration on sugar (CA/CP/142/fin.);
- adopted a declaration on Southern Africa (CA/CP/141/fin.).

The reports by Mr Jaquet and Mr Michel were forwarded to the Consultative Assembly which adopted them at its meetings of 25 and 26 September 1980¹.

At its meeting in Luxembourg from 22 to 24 September 1980, the Joint Committee considered the report by Mrs Focke on the annual report of the ACP-EEC Council of Ministers and on an analysis of the results obtained under the First Lomé Convention in the light of the forthcoming entry into force of the Second Lomé Convention (CA/CP/153). The Joint Committee adopted the motion for a resolution at its meeting of 24 September 1980.

The report and resolution were forwarded to the Consultative Assembly which adopted the resolution at its meeting of 26 September 1980¹.

(a) The new institutional provisions of Lomé II and the amendments to the Rules of Procedure of the ACP-EEC Consultative Assembly

The resolution adopted by the Consultative Assembly following the presentation of Mr Jaquet's report deals mainly, if not entirely, with institutional provisions and relations under Lomé II and with the amendments to the Rules of Procedure of the Consultative Assembly. As the resolution does not directly affect the European Parliament, there is no need to deal exhaustively with it in this report.

It should however be noted that Article 175(7) of Lomé II states explicitly that 'the Consultative Assembly may, on an ad hoc basis, establish such contacts as it considers desirable in order to obtain the views of the economic and social circles on cooperation under this Convention'.

¹ See minutes of the ACP-EEC Consultative Assembly of 25 and 26 September 1980 (CA/113 and CA/114)

As they are convinced of the need to involve economic and social circles in the Community and the ACP States in the implementation of Lomé, the Consultative Assembly and Joint Committee have already organized three meetings with representatives of those circles.

It is essential that the ACP-EEC Council should do likewise. Unfortunately, the new Lomé Convention, like the preceding one, contains no firm undertaking in this respect. Article 168(6) merely states that 'the Council of Ministers may make all the arrangements that are appropriate for ensuring the maintenance of effective contacts, consultations and cooperation between the economic and social sectors of the Member States and of the ACP States'. Given such non-binding provisions, it is to be feared that the ACP-EEC Council of Ministers will consult economic and social circles as infrequently as it did under Lomé I, i.e. never. This would be a particularly serious matter as proper implementation of Lomé II depends on various choices being made by the Community, but it might prove difficult to do so without the participation of the economic and social circles directly involved.

The European Parliament should therefore use all the means at its disposal for exerting pressure on the Council to ensure that it:

- pursues a policy of consulting economic and social circles on the measures to be taken under the development aid policy,
- and, in the ACP-EEC Council of Ministers, comes out in favour of organizing consultations with the economic and social sectors of the Member States and the ACP States.

As Commissioner Cheysson said in Arusha, there will be no industrialization in the ACP countries unless we Europeans reorganize our industries accordingly, unless we embark on a systematic, forward-looking and concerted policy in Europe, and unless the trade unions are drawn into our discussions at European level.

(b) The problem of migrant workers, students and trainees who are nationals of the ACP States

Even though the report by Mr Michel recognizes the extent of the problem (in that it also deals with the case of migrant Community workers resident in an ACP State), it is nevertheless clear that the Joint Committee and the Consultative Assembly are primarily concerned with ACP migrant workers resident in the Community.

The working party on migrant workers set up following a decision taken by the Joint Committee at Maseru (Lesotho) in December 1977 submitted a first interim report on the problem of ACP migrant workers at the meeting in

Bordeaux at the end of January 1979. After considering and discussing the report, the Joint Committee adopted a declaration 'on respect for and protection of the rights of citizens, students, trainees and migrant workers originating in the ACP countries and regularly resident in the countries which are signatories to the Convention' (see Annex I to CA/CP/96/fin.).

In paragraph 2 of this joint declaration, the Joint Committee requested that 'in the negotiations on the future ACP-EEC Convention, the signatory parties should undertake to conclude, within a given time limit, an agreement on the protection of the rights and improvement of the living conditions of ACP migrant workers resident in the Member States of the Community'.

Subsequently, the negotiators of the new Convention annexed to Lomé II a 'joint declaration on workers who are nationals of one of the contracting parties and are residing legally in the territory of a Member State or an ACP State' (Annex XV to Lomé II).

In that declaration, the Member States of the Community confined themselves to according to workers who are nationals of an ACP State legally employed in their territory treatment free from any discrimination in relation to their own nationals:

- as regards working conditions and pay,
- as regards social security benefits linked to employment; this provision also applies to members of migrant workers' families living with them.

The declaration also contains a reciprocal clause according nationals of a Community Member State legally employed in the territory of an ACP State treatment free from discrimination as regards working conditions and pay.

At its meeting in Luxembourg at the end of September 1980 the Consultative Assembly considered a draft report drawn up by Mr Michel on behalf of the Joint Committee that dealt not only with the problem of workers but also with the problem of ACP migrant students and trainees. This draft report had been adopted by the Joint Committee at its meeting in Arusha (Tanzania) in February 1980. The resolution finally adopted by the Consultative Assembly on 26 September 1980 contains various recommendations as regards protection of the rights of migrant workers, students and trainees which can be summarized as follows:

- (1) ACP migrant workers should be given priority when the proposals contained in the Consultative Assembly resolution are implemented;
- (2) the Community and the Member States should, on the basis of the undertakings given in the Joint Declaration annexed to Lomé II, coordinate and harmonize their national policies towards ACP migrant workers;

- (3) the ACP-EEC Council should extend the provisions of Lomé II with the objective of:
 - recognizing the economic, social and trade union rights of ACP migrant workers,
 - recognizing their individual rights and those of their families,
 - improving their working conditions,
 - guaranteeing the actual exercise of their recognized rights;
- (4) the EEC Council of Ministers should adopt the proposal for a directive on clandestine immigration;
- (5) the Member States of the Community should, after conducting a study, define a comprehensive and coherent policy towards students and trainees from the ACP States. To this end, the Community should promote the coordination and harmonization of national policies;
- (6) a policy of informing and educating public opinion with regard to the problems of third world citizens, and particularly ACP citizens, should be pursued through the NGOs;
- (7) lastly, Member States that do not as yet possess legislation to combat racism should adopt such legislation as soon as possible.

The main objective of the Joint Committee and Consultative Assembly in setting up the working party to deal with these problems and adopting the resolution tabled by Mr Michel was:

- to denounce the situation of migrants originating in the ACP and resident in the Community,
- and at the same time to draw up proposals to guarantee respect for their fundamental rights and improve their material, social and cultural situation.

Responsibility for following up this resolution will obviously lie with the ACP-EEC Consultative Assembly and its Joint Committee. But the European Parliament is also involved to the extent that some of the objectives laid down in the resolution depend to a large extent on the goodwill of the Community, but first and foremost the Commission and the Council.

The European Parliament must therefore, through its responsible committees (Committee on Social Affairs and Employment and Committee on Youth, Culture, Education, Information and Sport), keep track of developments so that it can endorse the recommendations of the Consultative Assembly and monitor the policy pursued.

(c) The report on the annual report of the ACP-EEC Council of Ministers and an analysis of the results obtained under Lomé I in the light of the entry into force of Lomé II

The general rapporteur, Mrs Focke, submitted to the Joint Committee and subsequently to the Consultative Assembly a summary of the results obtained under Lomé I and of the new provisions in the Second Lomé Convention. Although very critical, the report met with general approval in the Joint Committee and Consultative Assembly.

Your rapporteur cannot, in this report, deal with all the criticisms and arguments put forward by Mrs Focke and contained in the resolution adopted by the Consultative Assembly on 26 September 1980. He will merely, for the sake of information, draw attention to the positions adopted on matters that are also dealt with by the European Parliament and its responsible committees.

Trade cooperation

Mrs Focke's report and the Consultative Assembly resolution both stress the need to promote ACP exports to the Community. With this in mind, the resolution requests

- that quantitative, administrative and other restrictions to exports, especially of textiles and milled rice, be lifted,
- the Community and its Member States to refrain from having recourse to the safeguard clause. The case of ACP textile exports will test the readiness of the Community and its Member States to honour their commitments in this area.

Lastly, the resolution warns against protectionist trends and practices that have disastrous effects not only for the ACP countries but also for the Community itself.

Your rapporteur would also draw Parliament's attention to Annex II of the Lomé Convention on the arrangements governing access to the markets of the French Overseas Departments for products originating in the ACP States.

Annex II provides that the trade and trade promotion arrangements in Lomé II will also apply to the French Overseas Departments. It does specify, however, that the Community 'shall have the right during the life of the Convention to amend, in the light of the economic development requirements of the French Overseas Departments the arrangements governing access to the latter's markets for products originating in the ACP States'.

Sugar

This is a very significant example of the danger of successive contradictory declarations by the Consultative Assembly and its Joint Committee and the European Parliament, and their disastrous effects on the credibility of the European members of the parliamentary bodies of the Lomé Convention.

On 28 February 1980 in Arusha the Joint Committee unanimously adopted a declaration on sugar¹, one of whose recitals stated 'that the Commission's proposals announced in December 1979 on revised quotas for EEC sugar producers for 1980/85 represent a significant step towards reducing the surpluses of beet sugar in the EEC and are fully compatible with the Community's access commitments for ACP sugar'.

In paragraph 1 of the declaration the Joint Committee approved the proposals of the Commission of the European Communities on Community sugar quotas.

Less than a month later, these Commission proposals were rejected by the European Parliament during the agricultural price debates (26 March 1980). In her report, Mrs Focke stated that 'your rapporteur declines to comment on this change of course between 28 February (Joint Committee's adoption of the declaration on sugar) and 26 March 1980 (European Parliament's adoption of the resolution on farm prices)'.

Such 'developments' or rather contradictions obviously reflect very unfavourably on the European members of the Consultative Assembly as well as on the European Parliament. We must therefore again stress the need for a mutual and regular exchange of information to ensure that the positions adopted are consistent.

The resolution adopted by the Consultative Assembly on 26 September 1980 obviously makes allowance for the situation that has arisen since Arusha.

Noting the fact that the Council of the European Communities has rejected the Commission's proposals, the Assembly feels that in so doing, the Community has merely avoided the problem, which must again be brought up for consideration. It considers in fact that 'despite the economic fluctuations in the world sugar market, the reduction of surpluses of beet sugar in the EEC is essential in view of the Community's binding historical obligations towards the ACP countries' (paragraph 13).

Lastly, the Consultative Assembly calls on the ACP-EEC Council and the Community
- to participate in the very near future in the International Sugar Agreement as a supplementary measure to ensure the stability of world prices of this product,

¹ CA/CP/142/fin.

- to look for ways of further increasing ACP sugar quotas and encouraging EEC sugar beet farmers to produce crops which will not compete with ACP production.

Industrial cooperation

While deploring the limited results achieved under Lomé I, the Consultative Assembly's resolution draws attention to the new industrial cooperation measures introduced in Lomé II. Of all the aspects dealt with in the resolution, the following are particularly relevant to Community policy and thus of interest to the European Parliament.

The Consultative Assembly stresses the importance of the development of the energy sector in the ACP countries as part of industrial cooperation. It requests that aid be granted to the ACP States to develop their energy sources and, more particularly, calls on the Community to finance oil prospecting studies and drilling operations.

As regards the compatibility of the industrial development of the ACP States and the EEC's objectives on the subject, the resolution expresses the hope that the consultation procedures provided for in Lomé II will induce the Community 'after consulting the economic and social groups, to take greater account of the needs of the ACP economies in determining its internal restructuring measures' (paragraph 29).

The resolution also stresses the need to encourage the influx of private capital in the industrial development process of the ACP countries, and particularly in respect of small and medium-sized undertakings, whose role is of considerable importance.

Agricultural cooperation

Analyzing the results obtained under Lomé I and the provisions of Lomé II, Mrs Focke's report attaches particular importance to attaining the objective of 'security of food supplies' in the ACP countries. Most of the paragraphs devoted to agricultural cooperation in the Consultative Assembly's resolution also reflect this concern. In paragraph 43 for instance the Consultative Assembly calls on the Community to investigate ways in which it might contribute, on special terms, to the food security of the developing countries by providing itself with appropriate resources under the Common Agricultural Policy.

The Consultative Assembly is also convinced that an adequate solution to this problem can only be found in the longer term if the Community

- formulates an agricultural trade policy compatible with its development aid policy,

- and at the same time guarantees imports of agricultural products and processed agricultural products from the poorest developing countries priority on the Community market,
- reduces its present structural surpluses for certain agricultural products (paragraph 44).

The Consultative Assembly calls on the Commission of the European Communities to enter in the 1981 budget a special appropriation of 250 m ECU and 2 million tonnes of cereals as emergency food aid for refugees from war or natural disasters in the ACP countries. Even though the resolution adopted on 26 September 1980 cites these figures, your rapporteur wonders whether a mistake has been made and whether the authors of the text intended 25 m ECU and 200,000 tonnes of cereals to be entered instead.

As the conclusion to this section of the resolution, the Consultative Assembly condemns any recourse to food as a weapon against any country under whatever pretext.

Political provisions

Before turning to the more political aspects of the resolution, it should be noted that the Consultative Assembly demanded that the Commission should at last be provided with the staff necessary to implement the Convention of Lomé. In her analysis, Mrs Focke clearly showed that there were too few staff to cope with the tasks involved in implementing the Lomé Convention.

The Consultative Assembly first of all stressed the need for a rapid ratification of the new Convention so that it could enter into force on 1 January 1981. The stage now reached by the Member States in the ratification procedure is as follows:

- procedure completed : Denmark, France, Ireland and FRG
- procedure almost completed : Luxembourg and United Kingdom
- procedure under way : Belgium, Italy and the Netherlands

The resolution also deals with the problem of the enlargement of the Community and, in view of the concern felt by the ACP States, requests that they be duly informed, and regrets that the negotiations for an adaptation and transition protocol for Lomé II, following the enlargement of the Community to include Greece, have opened so late in the day.

As regards the international context of Lomé II, the Consultative Assembly stresses the need for the industrialized countries, including the Member States, to attain as soon as possible the objective of allocating 0.7% of their GNP to development aid and to raise this to 1% as quickly as possible (paragraph 66). The resolution also calls for rapid steps to be taken to reduce or write off the debts of the developing countries.

Lastly, after pointing out that increased disarmament would make additional funds available for development aid, the Consultative Assembly points out that Lomé II can become fully effective only if it forms part of a world-wide system of North-South relations. It therefore urges the Community and the Member States to make every effort to ensure that the dialogue achieves some concrete results.

CHAPTER II - OTHER RESOLUTIONS ADOPTED BY THE CONSULTATIVE ASSEMBLY

(a) Resolution on Zimbabwe

Stressing the political importance of the forthcoming accession of Zimbabwe to the Second Lomé Convention, the Consultative Assembly

- calls for the current negotiations to be brought to a rapid conclusion,
- invites the Community to grant substantial aid to Zimbabwe to enable it to revive its economy as quickly as possible,
- calls for quotas for sugar and beef and veal to be granted to Zimbabwe to supplement those already guaranteed for the present ACP States under the Second Lomé Convention.

(b) Resolution on the situation in Southern Africa

In this resolution, the Consultative Assembly reiterates its condemnation of South Africa for its apartheid policy and its present activities in Namibia. It also calls for the release of all political prisoners and the respect for the right of defence as well as fundamental freedoms, both individual and social.

The resolution of 26 September 1980 differs however from those previously adopted on the subject by the Consultative Assembly. It no longer calls on the EEC Council of Foreign Ministers to report on the results of the application of the Code of Conduct for companies operating in South Africa. Instead, for the first time it considers (see paragraph 4) 'that the so-called fair employment measures such as the Community Code of Conduct and the Sullivan principles jeopardize the struggle for freedom despite the argument that these measures may be intended to help promote foreign investment in South Africa'. In an earlier paragraph, the Consultative Assembly considered that the measures adopted by South Africa following the embargo on arms decreed by the United Nations meant that the foreign countries operating in the country provided virtually all its oil, computers and advanced technology and that therefore only total withdrawal on their part would have any effect.

All the other points made in this resolution are identical with those previously adopted by the Consultative Assembly and therefore often conflict to some extent with the new positions adopted (paragraphs 3 and 4).

In these other paragraphs the Consultative Assembly:

- condemns EEC companies which continue to encourage the apartheid regime,
- stresses the need for the Council of Ministers to provide details of the activities of the multinationals and of the measures it intends to take to ensure that the commitments given at the United Nations are fulfilled,
- condemns countries that support South Africa,
- notes that a number of cultural agreements between the EEC and South Africa have been suspended,
- urges that special measures be taken to help the 'front line' countries.

(c) Resolution on cocoa

The ACP-EEC Consultative Assembly expresses concern at the fall in the price of commodities, particularly cocoa, because of the lack of an international cocoa agreement. As the Community is the world's major consumer of cocoa, the Consultative Assembly requests it to assume its full responsibilities so that negotiations for the conclusion of a new international cocoa agreement can be resumed and completed. The resolution adopted on 26 September 1980 therefore calls on the Community

- '- to agree to the fixing of a minimum price for cocoa, taking account of the overriding need to guarantee a fair level of remuneration and to protect the interests of the ACP producer states,
- to agree to the fixing of a guaranteed seasonal price for cocoa and to accept the principle of a periodic review of cocoa prices' (paragraph 2).

(d) Resolution on the development of fisheries in the ACP States

On the initiative of Mr Kanu, representative of Sierra Leone, the Joint Committee forwarded a motion for a resolution on fisheries in the ACP States to the Consultative Assembly which adopted it on 26 September 1980.

After recalling the provisions of Lomé II on fisheries, the resolution stresses the urgent need for increased ACP-EEC cooperation in this area. Such cooperation should enable the ACP States to turn their fishery resources to the best account and keep control over those resources which are vital to ensure a balanced system for the fishing and conservation of fish stocks in the ACP States (paragraph 1).

The Consultative Assembly also invites the Community and the ACP States to investigate without delay the problems caused by opening Community markets to fishery products from the ACP States.

CONCLUSIONS

As mentioned earlier, the principal objective of this report is to fill a gap by providing the European Parliament with information on the positions adopted by the ACP-EEC Consultative Assembly.

Your rapporteur is however of the opinion that more is required than mere information. He feels that the various parliamentary committees concerned should consider the positions adopted by the ACP-EEC Consultative Assembly in order to establish to what extent they can not only approve them but also give them their active support.

Lastly, in the longer term, steps should be taken to prevent any difference of opinion on fundamental problems between the European Parliament and its representatives on the Consultative Assembly and Joint Committee. Unless this is done, the parliamentary bodies set up under the Lomé Convention will suffer.

