

ACP-EU JOINT PARLIAMENTARY ASSEMBLY

ACP-EU/100.460/09/fin.

RESOLUTION¹

on challenges to the democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries

The ACP-EU Joint Parliamentary Assembly,

- meeting in Prague (Czech Republic) from 6 to 9 April 2009,
- having regard to Article 17(1) of its Rules of Procedure,
- having regard to the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970,
- having regard to the American Convention on Human Rights of 1978,
- having regard to the Charter of the United Nations signed on 26 June 1945, and the establishment of the International Court of Justice,
- having regard to the Universal Declaration of Human Rights adopted by the UN General Assembly on 10 December 1948,
- having regard to the African (Banjul) Charter on Human and People's Rights of 1985 and the establishment of the African Court on Human and Peoples' Rights of 2004,
- having regard to the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the General Assembly on 18 December 1992,
- having regard to the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995,
- having regard to Chapter IV of the Declaration of the XII Non-Aligned Movement Summit held in Durban, in 1998,
- having regard to article 30 of the African Union Constitutive Act of 2000,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin²,
- having regard to the Universal Declaration on Cultural Diversity adopted by the General Conference of UNESCO on 2 November 2001,
- having regard to the 2001 World Conference against Racism and the 2002 World Summit on Sustainable Development,
- having regard to the 2003 Intangible Cultural Heritage Convention,
- having regard to the Protocol of the African Court of Justice of 2003,

¹ Adopted by the ACP-EU Joint Parliamentary Assembly on 9 April 2009 in Prague (Czech Republic).

² OJ L 180, 19.7.2000, p. 22.

- having regard to the Resolution on racism, racial discrimination, xenophobia and related intolerance adopted by the ACP-EU Joint Parliamentary Assembly on 3 April 2003 in Brazzaville,
 - having regard to its Resolution on the International Criminal Court (ICC) adopted on 3 April 2003 in Brazzaville¹,
 - having regard to the Dakar Declaration on the Promotion of ACP cultures and cultural industries adopted on 20 June 2003 at the first meeting of ACP Ministers of Culture,
 - having regard to Resolution 1334 of the Council of Europe on positive experiences of autonomous regions as a source of inspiration for conflict resolution in Europe adopted on 24 June 2003,
 - having regard to the UNDP Human Development Report 2004 on 'Cultural liberty in today's diverse world',
 - having regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005,
 - having regard to the European Parliament Resolution of 8 June 2005 on 'Protection of minorities and anti-discrimination policies in an enlarged Europe'²,
 - having regard to the Cotonou Agreement signed in June 2000 in Cotonou³ and revised in Luxembourg⁴ in June 2005, in particular to article 33 'Institutional development and capacity building' which calls for 'full respect for diversity within and among societies',
 - having regard to the African Charter on Democracy, Elections and Governance adopted by the African Union in Addis Ababa on 30 January 2007,
 - having regard to the Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly on 13 September 2007,
 - having regard to the Conventions of the International Labour Organization,
 - having regard to the African Union's 2003 Maputo Summit decision to include the African Diaspora as its 6th Region,
 - having regard to the report by the Committee on Political Affairs (ACP-EU/100.460/09/fin.),
- A. whereas the world's nearly 200 countries are home to some 5000 ethnic groups and two thirds have at least one substantial ethnic or religious minority,
 - B. whereas, therefore, all democracies need to design policies that explicitly recognise cultural differences, while ensuring inclusion and furthering common bonds and a sense of solidarity, which are necessary for the functioning of democratic society,
 - C. whereas a legal framework recognising the equal rights of ethnic, religious and linguistic groups is essential for promoting democratic governance, designing multicultural policies and fostering human development,
 - D. whereas cultural diversity has been an established feature of most ACP and EU countries and has been growing in the last decades as a consequence of the forces of globalisation; whereas the accommodation of additional cultures, religions and languages poses a new challenge for many societies, notably in Europe and the ACP world,

¹ OJ C 231, 26. 9.2003, p.20.

² OJ C 124E, 25.5.2006, p. 405.

³ OJ L 317, 15.12.2000, p. 3.

⁴ OJ L 209, 11.8.2005, p. 27.

- E. whereas in a globalised world, respect for diversity becomes even more vital, both for states and the international community, in order to prevent social, ethnic and religious conflicts,

Political and legal aspects

1. Stresses the importance of respect for and adherence to regional and inter-regional legal instruments and structures and the important role of human rights courts, as well as of the International Criminal Court;
2. Acknowledges the key role of the Universal Declaration of Human Rights (UDHR) in the protection of the rights of all peoples and the elimination of discrimination of all kinds;
3. Calls on all EU and ACP member states to ratify and implement international and regional human rights conventions, including the specific legal instruments for the protection of minority rights, and to develop effective anti-discrimination legislation aligned with these international conventions; draws attention, in this context, to the plight of groups of persons in need, such as persons infected with HIV/AIDS, albinos, internally displaced persons, refugees and migrant workers;
4. Acknowledges the role of the International Labour Organization in the protection of the rights and the elimination of discrimination against all labourers and calls on the ACP and EU member states to uphold these rights,
5. Calls on all EU and ACP states to ratify as a matter of urgency International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples;
6. Believes that, where diversity has resulted in violent conflicts or threatens to do so, standing mediation mechanisms should be established which can tackle conflicts before escalation;
7. Calls on EU and ACP governments to involve civil society organisations, including those representing marginalised and minority groups, in the political dialogue, in accordance with article 8 of the Cotonou Agreement;
8. Believes that development cooperation between regional and local actors is particularly suited to exchanging best practices on the accommodation of diversity and to responding to specific needs of certain communities; therefore invites EU and ACP governments to support joint development initiatives at local and regional level and provide them with the necessary political space to flourish independently from governmental cooperation;
9. Believes that a multilateral peer review, similar to the African Peer Review Mechanism Process, could be undertaken to assess conditions in states and set down benchmarks for democratic accommodation of diversity;
10. Underlines the fact that democratic representation of minority groups, as well as their ability to participate in political, social and cultural debates, are a central necessity to ensure the implementation of good governance principles;
11. Stresses that it is not necessary for a citizen to be a member of a religious group in order to be granted full civil and social rights;

The cultural dimension

12. Acknowledges that there are different policies and constitutional solutions for accommodating cultural diversity; believes, however, that designing multicultural

policies requires, first and foremost, a legal framework recognising the equal rights of ethnic, religious and linguistic groups, and protecting citizens from any form of discrimination;

13. Stresses, in particular, that all ACP and EU states must respect freedom of religion, as enshrined in article 18 UDHR, articles 1 and 2 of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (Minorities Declaration) and other international human rights treaties;
14. Underlines that cultural and religious practices themselves have to adhere to international human rights standards, including the rights of minorities, women's rights and the rights of children, as advocated, for example, in articles 5 and 16(2) UDHR and 4(2) of the Minorities Declaration, and that freedom of choice of the members of religious or cultural communities must be ensured;
15. Stresses that traditional, cultural or religious rights of a group cannot undermine internationally agreed human rights standards available to all persons;
16. Recalls that religious practice is a personal choice pertaining to the private sphere and believes that in diverse societies religious organisations and state institutions should remain clearly separate;
17. Calls on all ACP and EU countries to ensure that the right of all minority linguistic groups to use their mother tongues is respected, in accordance with article 2 UDHR; recalls the obligation of states, under article 4(3) of the Minorities Declaration, to take appropriate measures so that, wherever possible, persons belonging to minority groups have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue and to ensure that separation in educational systems along ethnic, religious or linguistic lines is avoided; stresses the necessity also to promote and to ensure learning of other languages;
18. Encourages ACP and EU countries to invest in their education systems, as education is a fundamental human right (article 26 UDHR) and provides one of the most effective tools for promoting tolerance and integration (article 4(4) Minorities Declaration); calls in this context on the European Commission to respect its commitment to allocate at least 20% of funds under the Development Cooperation Instrument's geographic programmes to health and education, and invites it to extend this commitment to the European Development Fund;
19. Calls on all ACP and EU governments to ensure that, in line with article 19 UDHR, all citizens have access to media so as to fully express their ethnic, religious or linguistic identity, including targeted support to minority language media and fair and balanced representation of all groups within society; diverse voices should be able to exercise these rights through adequate representation in the media and through access to the media as a benefit of living in a democratic state; underlines the importance of widespread access to nationwide media in order to secure a certain level of information;
20. Believes that where exclusion and prejudices pose a major problem, ACP-EU cooperation should support specific programmes in the media and education sectors to promote tolerance and understanding;
21. Calls on ACP and EU countries to adopt proactive policies to promote the fair representation of different ethnic, cultural and linguistic groups in public offices, electoral systems, administration, the police and security sector, by fighting any form of discrimination and developing targeted recruitment policies, including, where appropriate, affirmative action;

22. Invites the ACP and EU countries to consider re-designing their electoral systems so as to encourage fair representation of minority interests, while preventing ethnicity from becoming the main point of cleavage;
23. Calls on ACP and EU countries to promote appropriate Intellectual Property laws – as prescribed by recognised international bodies such as the World Intellectual Property Organization - in relation to the exchange and transfer of cultural property or cultural and natural heritage resources;

Social and economic issues

24. Calls on ACP and EU countries to recognise the importance of economic diversification and to implement policies to that end, given that socio-economic factors can generate or exacerbate ethnic and cultural tensions, as well as to promote regional integration in the interest of development;
25. Calls on the ACP and EU countries to promote the social inclusion of minorities and to adopt active policies to ensure equal access to employment, education and social services;
26. Calls on the EU member states to fulfil their commitments to assist the ACP countries in their task of achieving the Millennium Development Goals;
27. Recognises that factors such as globalisation, conflict over natural resources or climate change are likely to produce further migration flows and considers that migration within the ACP group and between ACP and EU countries should not only be viewed from an economic perspective but should also take account of political, social and cultural exchange; firmly believes that it is essential to respect fully the rights and dignity of all migrants;
28. Insists that revenues from natural resources of ACP and EU countries should be used to the benefit of the development of all sectors of society within those countries; calls on governments to ensure that all communities are consulted so that they may benefit from any commercial revenue and that environmental and cultural concerns are taken into account; recognises the need to create mechanisms in order to secure the distribution of these benefits;

International and regional cooperation and development policy

29. Calls on the EU and the ACP governments to analyse, when drawing up and reviewing country and regional strategy papers, problems relating to the inclusion and equality of ethnic, cultural, religious and emerging minorities, and to involve representatives of the groups concerned in the consultation process; stresses that specific programmes should be designed and funded which promote equal access to social services and political participation;
30. Calls on the EU member states and the Commission to ensure that the rights of minorities, including indigenous peoples and emerging minorities, are mainstreamed in all programmes and projects, specifically in the human rights, democracy and governance sector;
31. Recalls the EU's positive experience regarding the protection of minority rights and the peaceful solution of border conflicts;
32. Calls on ACP and EU countries to recognise the positive impact of the African Union Constitutive Act which stipulates that governments which come to power through

unconstitutional means shall not be allowed to participate in the activities of the African Union;

33. Believes that the African Peer Review Mechanism effectively enhances democratic institutions which foster diversity and responsible governance; urges ACP regional and subregional organisations to give greater consideration to minority issues in such frameworks;
34. Instructs its Co-Presidents to forward this resolution to the ACP-EU Council of Ministers, the Commission of the African Union, the Pan-African Parliament and national and regional parliaments, the European Commission, the UN and regional organisations, and the EU and African Union Presidencies.