

Paper laid by Hon (Prof)
Margaret Kamar

[Signature]

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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT- SECOND SESSION

**AFRICAN CARIBBEAN PACIFIC- EUROPEAN UNION
(ACP-EU) DESK**

**REPORT OF THE 13th SESSION OF THE ACP
PARLIAMENTARY ASSEMBLY AND ACP-EU JOINT
PARLIAMENTARY ASSEMBLY (JPA) MEETINGS**

BRUSSELS, BELGIUM.

8-12 SEPTEMBER 2008

October, 2008

CLERKS CHAMBERS
PARLIAMENT BUILDINGS
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LIST OF ABBREVIATIONS

ACP	-	African, Caribbean and Pacific
ACP-EU	-	African Caribbean Pacific- European Union
EC	-	European Commission
EDF	-	European Development Fund
EPAs	-	Economic Partnership Agreements
EU	-	European Union
JPA	-	Joint Parliamentary Assembly

PREFACE

Mr. Speaker Sir,

The Kenya Delegation to the 13th Session of the African, Caribbean and Pacific and ACP - EU Joint Parliamentary Assembly meetings comprised;

- i. The Hon. Margaret J. Kamar, MP - leader of delegation,
- ii. The Hon. Musikari Kombo, MP and
- iii. Mr. Mohamed Ali, Clerk Assistant and the Secretary to the delegation.

The ACP-EU Joint Parliamentary Assembly (ACP-EU- JPA) brings together 37 Members of the European Parliament and 78 Members from the ACP Group of states.

The 13th Session of the ACP and the ACP-EU Joint Parliamentary Assembly (JPA) meetings took place in, Brussels, Belgium from 8th to 12th September 2008.

Mr. Speaker,

The ACP-EU JPA is an offspring of the Cotonou Agreement. Subsequently, amongst the most pertinent issues commonly and intensely discussed during JPAs are matters of Trade, Economic Partnership Agreements (EPAs) and the EDF programme. Despite the fact that Kenya is signatory to the Agreement and its subsequent Trading instruments, it is common knowledge that, save from a few who serve in *Line Ministries*, most members of this House **are not** conversant with these matters and as they relate to our country. One of the reasons may be that, despite its important place in the structure and functioning of Kenya and contrary to the practice in most other ACP-EU states, our National Assembly is invariably overlooked in the processes of endorsing international treaties and agreements.


This House has a duty to change this trend. This may involve passing legal instruments necessary to require that all international treaties and agreements need debate and endorsement of the National Assembly.

Moreover, it is important that *Line Ministries* liaise with the relevant House committees on matters of international agreements and treaties. In this regard, we recommend that, as practicably possible, representatives of the National Assembly in any international fora also serve, in the relevant Departmental Committee. Committees should also be involved in all related international matters including international trade issues like the WTO talks, Economic Partnership Agreements (EPAs) and European Development Funding (EDFs).

Mr. Speaker

The delegation is grateful to the Speaker for allowing it to attend the Session, for facilitating travel and providing logistical and technical support in liaison with the office of the Clerk.

It is now my pleasant duty, on behalf of the delegation, to present and commend this report for adoption by the House.


Hon. (Prof.) Margaret J. Kamar, MP.
LEADER OF DELEGATION.

EXECUTIVE SUMMARY

1. The 13th Session of the ACP and the ACP-EU Joint Parliamentary Assembly (JPA) meetings took place in, Brussels, Belgium from 8th to 12th September 2008. The ACP-EU Joint Parliamentary Assembly operates through three committees, namely; the Committee on Economic, finance and Trade, the Committee on Political Affairs and the Committee on social Affairs and the Environment.

2. **The Committee on Political Affairs** deliberated on the following;
 - a) Political situation in the ACP States;
 - i. The Members discussed the political situation in Mauritania, Zimbabwe and Fiji. It was noted that the coup in Mauritania should be intervened by the member states.
 - ii. On Fiji, it was reported that electoral reforms are being undertaken and elections are due to be held in March 2009 and that the Pacific Islands are making interventions in that regard.
 - iii. On Zimbabwe, it was noted that the Government of South Africa is making interventions to come up with a power sharing in the Government.
 - iv. On Sudan, it was reported that electoral law allowing for multiparty democracy has been passed and a general election is slated for 2009 despite the humanitarian situation in Darfur region.

- v. Progress report on the Kenyan situation was also noted including the progress of the two commissions have been formed to address root causes of the post election disturbances and to investigate the disputed election results.
- b) Challenges to democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries;
- c) The protection of civilians during peace keeping operations by the UN and regional organizations;

3. **The Committee on Economic Development, finance and Trade**

addressed the following topics:-

- i. Consideration of a report on effectiveness of aid and definition of public development aid;
- ii. Update on the situation regarding the Economic Partnership Agreements,
- iii. The EPAs and their potential impact on ACP states- State of play from the EU Commission;
- iv. The harmonisation of EDF rules and procedures with those of the general budget of the European Communities;
- v. The Committee noted that 35 out of the 78 ACP countries initialed the agreement by end of 2007. The five Caribbean countries have concluded a full EPA while the rest initialed interim EPAs with a provision to continue negotiating for a comprehensive EPA.
- vi. The Committee noted a challenge of maintaining regional cohesion at regional and sub regional levels of ACP countries particularly in terms of ensuring an all inclusive approach in addressing the interest of those who initialed the agreement and those who did not.

4. **The Standing Committee on Social Affairs, and the Environment** deliberated on the following issues:-

- i. The social and environmental consequences of climate change in the ACP countries;
- ii. European Year of Intellectual Dialogue: ACP corporation in the area of culture ;
- iii. Report on social consequences of child labour and the strategies to combat the child labour ;

5. The 13th ACP Assembly meeting deliberated on the following issues;

- i. Adoption of the record of proceedings of the 12th Session
- ii. Exchange of views on the Committee reports
- iii. Legal opinion on interim EPAs
- iv. Communication from the Bureau of the ACP-EU JPA
- v. Secretariat Note on the 1st Regional Meeting (Southern Africa) on the ACP – EU JPA held in Windhoek, Namibia, 28-30 April 2008.
- vi. Brief on the financial situation of the Secretariat
- vii. Presentation by the programme management unit of the ACP Science and Technology programme.

6. Non-Parliamentary representatives from Ethiopia, Cuba, Zimbabwe and Trinidad were accredited since their respective Members were not able to attend the session.

7. The President informed the Meeting that the ACP Secretariat is making the necessary arrangements for the forthcoming 16th JPA . The meeting was further informed that the European Parliament had organized an African Cultural Week with a theme of intercultural dialogue coinciding with this session.

8. The Secretary General gave a key note statement on the activities of the ACP Secretariat and related matters. In his Speech the Secretary General briefed the Assembly on EPA negotiations, Doha Round and ACP-EU cooperation in particular the review of the Cotonou Agreement and Intra ACP programming under the 10th EDF.
9. The record of proceedings of the 12th Session of the ACP Assembly was adopted.
10. The meeting Secretariat informed the meeting of a communication from the Bureau regarding resolution for the forthcoming 16th JPA. The Bureau noted those issues such as rising food prices, response to national disasters, respect for human rights in EU migration and the political situation in Zimbabwe.
11. The date and venue of the 14th Session of the ACP Parliamentary Assembly: Saturday, 22nd November 2008, Port Moresby, Papua Guinea.
12. The JPA held a minute's silence to pay tribute to the late Zambian President, Levy Mwanawasa, who died recently in France.
13. The 16th Session of the JPA will be held in Port Moresby, Papua New Guinea, from 22 to 28 November 2008.

REPORT OF THE PROCEEDINGS OF THE 13TH SESSION OF THE ACP PARLIAMENTARY ASSEMBLY AND AC-EU JOINT PARLIAMENTARY ASSEMBLY (JPA) MEETINGS

BACKGROUND

The ACP group of states was created by the Georgetown Agreement of 6 June 1975 and by the first Lome Convention, signed in the same year. It was founded on principle of solidarity and unity the group of countries had in spite of their diversities. The Assembly brings together representatives of 78 Member States.

2. The ACP-EU joint Assembly was also created out of a common desire to bring together the elected representatives of the European Community - the Members of the European Parliament - and the elected representatives of the African, Caribbean and Pacific states that are signatory to the Cotonou Agreement. It is the only international assembly in which the representatives of various countries sit together regularly with the aim of promoting the interdependence of North and South.

The ACP-EU Joint Parliamentary Assembly (ACP-EU- JPA) brings together 78 Members of the European Parliament and 78 Members from the ACP Group of states. The JPA holds its Sessions twice a year.

3. The 13th Session of the ACP and the ACP-EU Joint Parliamentary Assembly (JPA) meetings took place in, Brussels, Belgium from 8th to 12th September 2008.
4. Since the entry into force of the Treaty on European Union and EU enlargement it has acquired a more prominent role. A substantial part of the work of the Joint Parliamentary Assembly is directed towards promoting human rights and democracy and the common values of humanity, and this

has produced joint commitments undertaken within the framework of the UN conferences.

Role of the Joint Parliamentary Assembly

5. The role of the JPA, as a consultative body, is to;
- (i) Promote democratic processes through dialogue and consultation
 - (ii) Facilitate greater understanding between the peoples of the EU and those of the ACP States and raise public awareness of development issues
 - (iii) Discuss issues pertaining to development and the ACP-EU Partnership
 - (iv) Adopt resolutions and make recommendations to the Council of Ministers with a view to achieving the objectives of this Agreement

Composition and working methods of the JPA

6. The representatives of the 78 ACP states, who, under the Cotonou Agreement, must be members of Parliament, meet their 37 European Parliament counterparts in plenary session for one week twice a year. The Joint Parliamentary Assembly meets alternately in an ACP country and EU country. The institution is governed by common, democratic rules.
7. Two co-presidents who are elected by the Assembly direct its work. Twenty-four vice-presidents (12 European and 12 ACP) who are also elected by the Assembly constitute the Bureau of the Joint Parliamentary Assembly, together with the two co-presidents. The Bureau, in which Kenya was a Member in the year 2005/06, meets several times a year in order to ensure the continuity of the work of the Joint Parliamentary Assembly and to prepare new initiatives aimed at reinforcing and improving cooperation. It also considers topical political questions and adopts positions on all human rights cases.

On Zimbabwe, it was noted that the Government of South Africa is making interventions to come up with a power sharing in the Government.

On Sudan, it was reported that electoral law allowing for multiparty democracy has been passed and a general election is slated for 2009 despite the humanitarian situation in Darfur region.

Progress report on the Kenyan situation was also noted including the progress of the two commissions that have been formed to address root causes of the post election disturbances and to investigate the disputed election results.

ACP Committee on Economic Development, Finance and Trade

11. Kenya was a member of this committee during the last 4 years. The Committee is responsible for matters relating to:-
- i. economic development and trade cooperation, as well as capacity building for development and partnership;
 - ii. macroeconomic and structural reforms, economic sector development and tourism;
 - iii. new ACP-EC trading agreements, market access and the gradual integration of ACP states into the world economy;
 - iv. trade and labour standards rural development, fisheries and food security; and,
 - v. All issues concerning development finance including follow-up of the implementation of the European Development Fund(EDF).

2. The Committee addressed the following:-

- i. Aid effectiveness and definition of development aid;
- ii. Update on the situation regarding the Economic Partnership Agreements,
- iii. The Committee noted that 35 out of the 78 ACP countries initialed the agreement by end of 2007. The five Caribbean countries have concluded a full EPA while the rest initialed interim EPAs with a provision to continue negotiating for a comprehensive EPA.

ACP Standing Committee on Social Affairs and Environment

13. The Committee, is responsible for matters relating to: -

- (i) Social and human development;
- (ii) Social infrastructure and service, including health and education issues;
- (iii) Youth and cultural issues;
- (iv) Gender Issues; and,
- (v) Environment and natural resources.

14. The Committee deliberated on the following;

- (i) The social and environmental consequences of climate change in the ACP countries;
- (ii) European Year of Intellectual Dialogue: ACP corporation in the area of culture ;

- (iii) Consideration of a draft report on social consequences of child labour and the strategies to combat the child labour ;

SUMMARY OF PROCEEDINGS OF THE 13TH SESSION OF THE ACP PARLIAMENTARY ASSEMBLY

15. The ACP Assembly meeting deliberated on the following issues;

- i. Adoption of the Agenda (**Annexed**)
- ii. Accreditation of non parliamentary representatives
- iii. Statement from the president
- iv. Statement from the Secretary General (**Annexed**)
- v. Adoption of the record of proceedings of the 12th Session
- vi. Exchange of views on the Committee reports
- vii. Legal opinion on interim EPAs
- viii. Communication from the Bureau of the ACP-EU JPA
- ix. Secretariat Note on the 1st Regional Meeting (Southern Africa) on the ACP – EU JPA held in Windhoek, Namibia, 28-30 April 2008
- x. Brief on the financial situation of the Secretariat
- xi. Presentation by the programme management unit of the ACP Science and Technology programme.
- xii. Date and venue of the 1^{4th} Session of the ACP Parliamentary Assembly

16. Non-Parliamentary representatives from Ethiopia, Cuba, Zimbabwe and Trinidad were accredited since their respective Members were not able to attend the session.

17. The President informed the Meeting that the ACP Secretariat is making the necessary arrangements for the forthcoming 16th JPA . The meeting was further informed that the European Parliament has organized an African

Cultural Week with a theme of intercultural dialogues coinciding with this session.

18. The Secretary General gave a key note statement on the activities of the ACP Secretariat and related matters. In his Speech the Secretary General briefed the Assembly on EPA negotiations, Doha Round and ACP-EU cooperation in particular the review of the Cotonou Agreement and Intra ACP programming under the 10th EDF. **(The Statement is annexed herein).**

19. The record of proceedings of the 12th Session of the ACP Assembly was adopted.

20. The meeting Secretariat informed the meeting of a communication from the Bureau regarding resolution for the forthcoming 16th JPA. The Bureau noted that issues such as rising food prices, response to national disasters, respect for human rights in EU migration and the political situation in Zimbabwe.

21. The date and venue of the 14th Session of the ACP Parliamentary Assembly: Saturday, 22nd November 2008, Port Moresby, Papua Guinea.

**SUMMARY OF THE PROCEEDINGS OF THE SESSIONS OF THE JOINT
ACP – EU PARLIAMENTARY MEETINGS**

STANDING JOINT COMMITTEE ON POLITICAL AFFAIRS

22. The Joint ACP-EU Standing Committee on Political Affairs deliberated on the following topical issues:-

- i. Challenges to democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries;
- ii. Exchange views on the political situation in ACP – EU countries;

- iii. The protection of civilians during peace keeping operations by the UN and regional organizations;

23. Experts on the area of democratic accommodation of ethnic, cultural and religious diversity made presentations to the Committee. In the presentations, the experts stated that within the ACP states such diversity is faced with major challenges such as political exclusion, laws excluding others, homogeneous elite and skewed development among. It was also stated that the EU countries were able to institutionalise devolution, education and employment opportunities and minority laws to safeguard minority rights.

24. The Committee also debated on a report and a resolution on the protection of civilians during peace keeping operations by the UN and regional organizations. The resolution underscores the need to develop specific rules of engagements and training, involvement of the ACP-EU contact team in such operations and the need to prioritise the protection of civilians during peace keeping missions. The Committee adopted the resolution instructing its co-Presidents the resolution to the ACP-EU Council of Ministers, the African Union Commission, the Pan-African Parliament, national and regional parliaments, the European Commission, the UN and regional organizations.

**STANDING JOINT COMMITTEE ON ECONOMIC DEVELOPMENT,
FINANCE AND TRADE**

25. The Joint ACP-EU Standing Committee on Economic, Finance and Trade deliberated on the following :-

- (i) Consideration of a report on effectiveness of aid and definition of public development aid;

- (ii) Information on the harmonisation of EDF rules and procedures with those of the general budget of the European Communities;
- (iii) The EPAs and their potential impact on ACP states- State of play from the EU Commission;

26. The joint Committee considered its report on effectiveness of aid pursuant to Rule 2(8) of the rules of procedures of the Bureau of the ACP-EU Joint parliamentary Assembly. The Committee considered the resolution calling for the ensuring democratic ownership and accountability, scaling up aid, improving alignment with country priorities, and effective donor coordination. The Committee made the following recommendations on how to improve aid effectiveness;

- i. Official Development Assistance should be properly defined to avoid accounting of funds that do not reach developing countries;
- ii. In order to be able to plan for the effective use of allocated resources, proper mechanisms should be put in place to ensure that information is communicated in a timely, comprehensive and accessible manner;
- iii. Donors should give clear indications on the amount and purpose of aid both within a given year and over multi-year frameworks, improving the predictability of aid;
- iv. The conditions set on developing countries by donor agencies when allocating must be reduced.
- v. Donor coordination must be improved by aligning multilateral and bilateral aid to national processes and strategies on democratic governance and using country systems and procedures to the maximum extend possible;

- vi. The concept of ownership needs to be reviewed. Democratic ownership requires full involvement of parliaments and civil societies.

STANDING JOINT COMMITTEE ON SOCIAL AFFAIRS AND THE ENVIRONMENT

27. The Joint ACP-EU Standing Committee on Social Affairs, Finance and Trade deliberated on the following topical issues:-

- (i) The social and environmental consequences of climate change in the ACP countries;
- (ii) European Year of Intellectual Dialogue: ACP corporation in the area of culture ;
- (iii) Consideration of a draft report on social consequences of child labour and the strategies to combat the child labour ;

28. The Committee considered the draft report on social consequences of child labour and noted the recommendations on strategies for combating child labour, stating that is important to;

- i. Strengthen the capacity of the national and local authorities in coordination with social partners and civil society in the formulation, implementation and enforcement of policies to tackle child labour;
- ii. Improve the legal frameworks on child labour and integrate child labour concerns in education policies and plans;
- iii. Have an advanced knowledge base and networks on child labour through advocacy and dissemination of good practices.

OTHER BUSINESS

29. The JPA held a minute's silence to pay tribute to the late Zambian President, Levy Mwanawasa, who died recently in France.

DATE OF NEXT MEETINGS:

30. The 16th Session of the JPA will be held in Port Moresby, Papua New Guinea, from 22 to 28 November 2008.

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