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REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT
(Third Session)

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CLERK-AT THE-TABLE:	A- Shukuko

**REPORT OF THE KENYA DELEGATION TO THE EXTRAORDINARY
SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN
PARLIAMENT (PAP)**

Gallagher Convention Centre
Midrand, South Africa
20th to 27th March, 2024

Clerk's Chambers
Parliament Buildings
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ABBREVIATIONS

AfCFTA:	African Continental Free Trade Area
AU:	African Union
AUC:	African Union Commission
BOT:	Balance of Trade
CSOs:	Civil Society Organisations
CBOs:	Community-Based Organisations
CAIP:	County Aggregation and Industrial Park
GTI:	Guided Trade Initiative of the African Continental Free Trade Area
MOU:	Memorandum of Understanding
MP:	Member of Parliament
OLC:	Office of the Legal Counsel of the African Union
PAP:	Pan-African Parliament

EXECUTIVE SUMMARY

The Pan-African Parliament (PAP) convened an Extraordinary Session from 20th to 27th March, 2024 at its seat in Midrand, South Africa. The Extraordinary Session, which coincided with the celebration of the 20th anniversary of the PAP, was called in line with the decision of the Executive Council of the African Union (AU) concerning the state of affairs at PAP, adopted on 15th February, 2024.

The Kenya delegation to the Session comprised of the following –

1. Sen. Danson Mungatana, MGH, MP – **Leader of the Delegation;**
2. Sen. (Prof.) Margaret Kamar, EGH, MP;
3. Hon. Esther Muthoni Passaris, OGW, MP;
4. Hon. Joseph Kalasinga Majimbo, MP; and
5. Hon. Rahab Mukami Wachira, MP.

The delegation was supported by Ms. Halima Suleiman, First Clerk Assistant in the National Assembly and Mr. Faustine Rawlings, Third Clerk Assistant in the Senate.

During the Session, Honourable Members participated in the election of Members of the PAP to the vacant positions in the PAP Bureau of President, First Vice President and Fourth Vice President, which fell vacant following elections and unconstitutional changes of Government in some AU Member States. The elections were held on 25th March, 2024 and took the form of by-elections since they related to the July 2022 to June 2025 term of the Bureau of the PAP.

The elections observed the principle of geographical rotation, which is well-established within the AU and requires that the Union, its Organs and

institutions ensure that each of the five (5) regions takes different leadership roles within their respective bureaus on rotational basis.

The African Union Commission (AUC), as tasked by the Executive Council of the AU, oversaw the election process to ensure transparency, independence and adherence to the election modalities developed by the Office of the Legal Counsel of the AU (OLC).

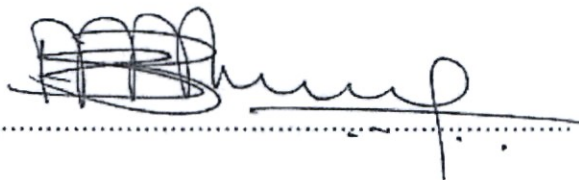
The successful conduct of the elections signalled the full resumption of Parliamentary activities, ensuring that PAP fulfils its crucial mandate in championing for the socio-economic advancement, overall prosperity and integration of the African peoples.

Forty-three (43) new Members of the PAP from twelve (12) countries were also sworn in at the first plenary sitting of the Extraordinary Session.

Other than participation in activities of PAP, the Kenya delegation paid a courtesy call on the High Commissioner of the Republic of Kenya to Pretoria on Tuesday, 26th March, 2024, where matters of concern to Kenyans were deliberated upon.

I wish to take this opportunity to thank the Speakers of the two Houses for allowing the delegation to attend the Session and for providing logistical and technical support in liaison with the offices of the Clerks of Parliament.

Hon. Speaker, it is now my humble duty and pleasure to submit this report of the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end, positioned above a dotted line.

Sen. Danson Mungatana, MGH, MP

Leader of the Delegation

INTRODUCTION

1. The Pan-African Parliament is established in the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament. Article 2 of the Protocol provides that –

“Member States hereby establish a Pan-African Parliament, the composition, functions, power and organization of which shall be governed by the present Protocol.”

2. The vision and purpose of the Pan-African Parliament (PAP) can be traced to the Pan-African ideals of cooperation and unity among African States. These ideals inspired the signing of the Treaty establishing the African Economic Community (Abuja Treaty) on 3rd June, 1991 and the adoption of the Sirte Declaration of 1999. The Sirte declaration called for speedy implementation of the provisions of the Abuja Treaty to establish nine (9) institutions of the African Union which include-

- a) The Assembly of the Union
- b) The Executive Council
- c) The Pan-African Parliament
- d) The Court of Justice
- e) The Commission
- f) The Permanent Representatives Committee
- g) The Specialized Technical Committees
- h) The Economic, Social and Cultural Council
- i) The Financial Institutions

3. The purpose of the PAP, as set out in Article 17 of the Constitutive Act of the African Union (AU), is to ensure the full participation of African peoples in the development and economic integration of the continent. Also known as the African Parliament, the PAP is the legislative body of the African Union. The PAP held its inaugural session in March 2004 in Addis Ababa, Ethiopia. The seat of the Pan-African Parliament is in Midrand, South Africa. The

Parliament is intended as a platform for people from all African states to be involved in discussions and decision-making on the problems and challenges facing the continent.

Objectives of the Pan-African Parliament

4. The objectives of the Pan African Parliament are set out in Article 3 of the PAP Protocol and include, to –
 - a) Facilitate effective implementation of the policies and objectives of the OAU/AEC and ultimately, of the AU.
 - b) Promote the principles of human rights and democracy in Africa.
 - c) Encourage good governance, transparency and accountability in Member States.
 - d) Familiarise the peoples of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the African Union.
 - e) Promote peace, security and stability.
 - f) Contribute to a more prosperous future for the people of Africa by promoting collective self-reliance and economic recovery.
 - g) Facilitate co-operation and development in Africa.
 - h) Strengthen continental solidarity and build a sense of common destiny among the peoples of Africa.
 - i) Facilitate co-operation among Regional Economic Communities and their Parliamentary fora.

5. Other objectives of the Pan-African Parliament include, to –
 - a) Give a voice to the African peoples and the Diaspora.
 - b) Encourage National and Regional Parliaments to ratify and integrate treaties adopted by the AU into their legal systems.
 - c) Cooperate with National and Regional Parliaments and similar bodies within and outside Africa as well as Civil Society Organisations

(CSOs), Community-Based Organisations (CBOs) and grassroots organisations.

- d) Invite and encourage the full participation of the African diaspora as an important part of the African peoples in the building of the African Union in accordance with the modalities approved by the Assembly.

Members of the Pan-African Parliament

6. The PAP is presently composed of 275 Members, with each of the 55 AU Member States that have ratified the PAP Protocol represented by five (5) Members. The representatives are elected by the legislatures of AU Member States, rather than being directly elected in their own capacity. The Protocol on the Constitutive Act of the African Union relating to the Pan-African Parliament (the Malabo Protocol) has, however, proposed for election of PAP Members through universal suffrage. Once ratified, membership to the PAP will be through election in respective countries similar to the election of Members of Parliament (MPs) to the European Parliament. PAP MPs will also be barred from serving as MPs in their respective national legislatures as is the current situation. These are some of the changes, including the transformation of the PAP to a fully legislative organ once the protocol is ratified by the requisite membership. Kenya has signed but not ratified this protocol.
7. The protocol stipulates that the composition of a country's delegation reflects the diversity of political opinions of the member state's legislature, with at least one of the members being a woman.

Operations of the Pan-African Parliament

8. The PAP is made up of three (3) main bodies, i.e. the Plenary, the Bureau and the Secretariat. There are also ten (10) Permanent Committees which deal with different sectors aligned to the agencies of the African Union (AU).

a) The Plenary

9. The Plenary is the main decision-making body of the PAP and passes resolutions which are then transmitted for implementation by relevant agencies of the AU and by Member States. It brings together all the elected Members, and is chaired by the President (Speaker), assisted by four (4) Vice Presidents.

b) The Bureau

10. The Bureau is the leadership organ of the PAP and comprises the President and the four (4) Vice Presidents. Each member of the Bureau represents a different region of Africa. The Bureau of the PAP is ultimately responsible for the organisation and operations of the Parliament as an institution. It is composed of the President and four Vice Presidents representing the five regions (North, Central, Eastern, Western and Southern) of the African continent.

c) The Secretariat

11. The Secretariat provides technical support to and assists in the day-to-day running of the Parliament. The Secretariat is headed by a Clerk assisted by two Deputy Clerks.

d) Committees of the Pan-African Parliament

12. The PAP has eleven Permanent Committees whose mandates and functions are set out in Rules 22 to 27 of the Rules of Procedure of the Pan-African Parliament. The functions of the committees correspond to those of the African Union Specialised Technical Committees.

13. The PAP Committees are –

- a. Committee on Rural Economy, Agriculture, Natural Resources and Environment.
- b. Committee on Monetary and Financial Affairs.

- c. Committee on Trade, Customs and Immigration Matters.
 - d. Committee on Cooperation, International Relations and Conflict Resolutions.
 - e. Committee on Transport, Industry, Communications, Energy, Science and Technology.
 - f. Committee on Health, Labour and Social Affairs.
 - g. Committee on Education, Culture, Tourism and Human Resources.
 - h. Committee on Gender, Family, Youth and People with Disability.
 - i. Committee on Justice and Human Rights.
 - j. Committee on Rules, Privileges and Discipline.
 - k. Committee on Audit and Public Accounts
14. The general membership and composition of Committees of the PAP are regulated by the Rules of Procedure. Under Rule 22(5), a committee of the PAP comprises of up to thirty (30) Members.

e) Calendar of the Pan-African Parliament activities

15. The key annual activities of the PAP are as follows –
- a. Meetings of the Permanent Committees and Bureau – *held in March;*
 - b. Meetings of the Plenary, Permanent Committees and the Bureau – *held in May;*
 - c. Meetings of the Permanent Committees and Bureau – *held in August;*
 - d. Meetings of the Forum of Clerks and Secretaries General of Member Parliaments – *held in August;* and
 - e. Meetings of the Plenary, Permanent Committees and the Bureau – *held in October.*
16. Additionally, the PAP from time to time organizes seminars and workshops on areas of interest to Members falling within the objectives of

the PAP. The PAP also nominates Members to participate in AU election observation and fact-finding missions to Member States.

17. The President of PAP may also, upon receipt of a request submitted pursuant to Rule 29, call for an Extraordinary Session.

**RECORD OF THE PROCEEDINGS OF THE EXTRAORDINARY SESSION OF
THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT**

Official Opening of the Extraordinary Session

18. The Acting President of PAP, the **Honourable Lucia Dos Passos**, presided over the official opening and the plenary sitting of the Extraordinary Session held in the Idriss Ndele Plenary Room on Friday, 22nd March, 2024. The sitting was attended by the Legal Counsel of the AU and Members of Pan African-Parliament.
19. In her communication at the opening of the Session, the Acting President reflected on the achievements of the Parliament, noting that the Extraordinary Session coincided with the celebration of its 20th anniversary.
20. Hon. Passos highlighted the multifaceted role of the PAP in advancing Pan-Africanism and urged the Honourable Members to rally behind the commitment and vision of the PAP under the theme “*reflecting on the journey and charting the path forward.*”
21. The Acting President further encouraged Member States to ratify the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament (the Malabo Protocol) adopted by the AU Assembly of Heads of State and Government in 2014, which she explained would, among other things, elevate PAP to have full legislative powers, increase citizen participation in PAP affairs and help resolve the institutional challenges currently being faced by the Parliament.
22. Hon. Passos applauded the initiatives taken to enhance economic integration in Africa and expressed optimism at the renewed push exhibited by Member States, particularly in the signing of the agreement on the African Continental Free Trade Area (AfCFTA).
23. In conclusion, the Acting President noted and acknowledged the strides made in upholding democratic governance, welfare, solidarity and unity of the

African peoples, despite the challenges and hurdles the Parliament had to overcome including legal complexities associated with the protocol in force, institutional challenges and resource constraints.

Swearing-in of Newly Elected Members of the Pan African Parliament

24. In line with Rule 9 of the Rules of Procedure, newly elected Members were sworn-in during the first plenary sitting. Honourable Members from the following twelve (12) countries were sworn-in as Members of the Pan-African Parliament –

- | | |
|-----------------------------------|--------------------------------------|
| 1) Republic of Benin | 8) Federal Republic of Nigeria |
| 2) Central African Republic | 9) Saharawi Arab Democratic Republic |
| 3) Republic of Côte d'Ivoire | |
| 4) Kingdom of Eswatini | 10) Republic of Sierra Leone |
| 5) Republic of Ghana | 11) Republic of Uganda |
| 6) Kingdom of Lesotho | 12) Republic of Zimbabwe |
| 7) Islamic Republic of Mauritania | |

Meetings of Regional Caucuses

25. Following the plenary sitting on Friday, 22nd March, 2024, Members retreated to meetings of their respective regional caucuses to –

- a) designate a caucus representative to the Ad-hoc Committee on the Election of the President and Vice Presidents;
- b) nominate candidates for election to the offices of President, 1st Vice President and 4th Vice President; and
- c) designate newly sworn-in Members to Permanent Committees.

a) Designation of Caucus Representatives to the Ad-hoc Committee on the Election of the President and Vice Presidents

26. Rule 16 (3) of the Rules of Procedure provides that –

“An Ad-hoc Committee of five (5) members constituted by an elected representative from each representative from each Regional Caucus shall organise and preside over the election of the President of the PAP.”

27. In line with the Rule, each of the five (5) Regional Caucuses elected a Member to constitute the Ad-hoc Committee.

b) Nomination of Candidates for Election to the Offices of President, 1st Vice President and 4th Vice President

28. In the nomination of candidates for election to the offices of President, 1st Vice President and 4th Vice President, Regional Caucuses were guided by the well-established principle of geographical rotation.

29. Additionally, and cognizant that the vacancies related to the July 2022 to June 2025 term of the Bureau, Regional Caucuses would be eligible to present nominees for the respective positions held in July 2022. In this regard, the Southern, Northern and Central caucuses nominated candidates for President, 1st and 4th Vice Presidents, respectively.

30. In line with Rule 15 (1) of the Rules of Procedure, the caucuses nominated candidates as follows –

a. Southern Africa Regional Caucus (Candidate for President)

Hon. Chief Fortune Zephania Charumbira – Zimbabwe

b. Northern Africa Regional Caucus (Candidates for 1st Vice President)

i. Hon. Prof. Massouda Mohamed Laghdaf – Mauritania

ii. Hon. Abdessalam Horma – Mauritania

c. Central Africa Regional Caucus (Candidates for 4th Vice President)

i. Hon. Djidda Mamar Mahamat – Chad

ii. Hon. Anita Ndayizeye – Burundi

c) Designation of Newly Sworn-In Members to Permanent Committees

31. At their respective meetings on Friday, 22nd March, 2024, Regional Caucuses designated the membership of newly sworn-in Members in their caucuses to Permanent Committees.

Second Plenary Sitting of the Extraordinary Session

32. In the second plenary sitting of the Session held on Monday, 25th March, 2024, Honourable Members of the Pan-African Parliament participated in the elections of the President, 1st Vice President and 4th Vice President.
33. Preceding the elections, the Vice Chairperson of the Ad-hoc Committee on the Election of the President and Vice Presidents, Hon. Joseph Majimbo Kalasinga, MP, presented the report of the Committee.

a) Report of the Ad-hoc Committee on the Election of the President and Vice Presidents

34. The Committee, in considering the nominees to the offices of President, 1st and 4th Vice Presidents of the PAP, relied on the counsel of the OLC and was further guided by –
- a. the Protocol to the Treaty establishing the African Economic Community relating to PAP;
 - b. the Rules of Procedure of PAP;
 - c. the Executive Council of the AU Decision of 9th February, 2024;
 - d. the Guidelines for the Election of Bureau Members of the Sixth Pan-African Parliament, issued by the Chairperson of the AUC; and
 - e. the lists of nominees submitted by the Southern, Northern and Central caucuses.

35. The Committee vetted the lists of nominees submitted by the Regional Caucuses and were satisfied that the lists complied with the eligibility criteria for the respective positions.
36. Hon. Miles Sampa (from Zambia) also submitted his candidature for election to the office of President. The Committee, however, noted that the Rules of Procedure only allowed for nomination of candidates by Regional Caucuses, in essence, disallowing independent candidates.
37. The Committee also noted the withdrawals of candidature by –
 - a. Hon. Abdessalam Horma (candidate for 1st Vice President); and
 - b. Hon. Anita Ndayizeye (candidate for 4th Vice President).
38. The Committee, therefore, presented the nomination of the following Members for election –
 - a. Hon. Chief Fortune Zephania Charumbira – Zimbabwe (candidate for President)
 - b. Hon. Prof. Massouda Mohamed Laghdaf – Mauritania (candidate for 1st Vice President)
 - c. Hon. Djidda Mamar Mahamat – Chad (candidate for 4th Vice President)

b) Election of the President

39. The election of the President was supervised by Prof. Hajer Gueldich, the Legal Counsel of the African Union, assisted by the Ad-hoc Committee.
40. The election was conducted through secret ballot, with one hundred and twenty-seven (127) Members out of the one hundred and seventy-two (172) Members present voting in favour of Hon. Chief Fortune Zephania Charumbira.
41. Hon. Chief Fortune Zephania Charumbira (from Zimbabwe – Southern Africa Regional Caucus) was declared validly elected and took the oath of office as the President of the PAP for the period March 2024 to June 2025.

c) **Election of the Vice Presidents**

42. The election of the Vice Presidents was presided over by the President, Hon. Chief Fortune Zephania Charumbira.
43. Hon. Prof. Massouda Mohamed Laghdaf (from Mauritania – Northern Africa Regional Caucus) was declared validly elected, having received one hundred and forty-nine (149) votes, and took the oath of office as the 1st Vice President of the PAP for the period March 2024 to June 2025.
44. Hon. Djidda Mamar Mahamat (from Chad – Central Africa Regional Caucus) was declared validly elected, having received one hundred and fifty-three (153) votes, and took the oath of office as the 4th Vice President of the PAP for the period March 2024 to June 2025.

The Bureau of the Sixth Parliament of the Pan-African Parliament

45. Following the elections, the Bureau of the PAP was fully reconstituted as follows –
- a) **President:** Hon. Chief Fortune Zephania Charumbira
(Zimbabwe – Southern Africa Regional Caucus)
 - b) **1st Vice President:** Hon. Prof. Massouda Mohamed Laghdaf
(Mauritania – Northern Africa Regional Caucus)
 - c) **2nd Vice President:** Hon. (Dr.) Ashebir Woldegiorgis Gayo
(Ethiopia – Eastern Africa Regional Caucus)
 - d) **3rd Vice President:** Hon. Lucia Dos Passos
(Cabo Verde – Western Africa Regional Caucus)
 - e) **4th Vice President:** Hon. Djidda Mamar Mahamat
(Chad – Central Africa Regional Caucus)

OTHER ACTIVITIES OF THE KENYA DELEGATION TO THE EXTRAORDINARY SESSION OF THE SIXTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT

Courtesy Call on the High Commissioner of the Republic of Kenya to Pretoria, South Africa

46. Upon invitation, the Kenya delegation paid a courtesy call on Amb. Jane Wairimu Ndurumo, the High Commissioner of the Republic of Kenya to Pretoria, South Africa, on Tuesday, 26th March, 2024.



(Left to Right) H. E. Amb. Jane Wairimu Ndurumo, Sen. (Prof.) Margaret Kamar, MP, Sen. Danson Mungatana, MGH, MP and Hon. Esther Passaris, MP at the High Commission of the Republic of Kenya in Pretoria.

47. The delegation appreciated the cordial relations Kenya had enjoyed with South Africa in the 30 years since the restoration of full diplomatic ties in 1994 when resident Diplomatic Missions were opened in the respective capitals.

48. Officials at the Mission apprised the Honourable Members of the strides made in the Kenya-South Africa relations, outlining the following specific achievements –
- a) Institution of a visa-free regime between Kenya and South Africa, which came into effect on 1st January, 2023 and had evidently enhanced travel between the two countries.
 - b) Signing, by South Africa, of AfCFTA's Guided Trade Initiative (GTI), which Kenya was already party to, on 31st January, 2024. This, the Mission noted, was set to bolster trade and open new avenues for trade between Kenya and South Africa.
 - c) The two nations had signed the Agreement on the Joint Commission for Cooperation (JCC) in 2007, which established a framework for political consultation.
49. The delegation was informed that twelve (12) bilateral instruments that had been signed were at various stages of implementation and that, a number of instruments were still under negotiation. The Mission identified fisheries, agriculture and livestock sectors as the priority areas where bilateral instruments were still under negotiation. The matters under negotiation included the longstanding mutual ban on the importation of meat and meat products.
50. The Mission expressed optimism at the signing of more Memoranda of Understanding (MOUs) and bilateral agreements at an upcoming State Visit. The State Visit would be preceded by a meeting of the JCC, where consensus would be reached on the bilateral instruments.
51. The Mission highlighted that the Balance of Trade (BOT) between the two countries substantially favoured South Africa. This was because South Africa primarily exports higher-value manufactured goods while Kenya exports lower-value goods that have undergone minimal value addition.

52. Prevalence of Xenophobia in South Africa also created apprehension and deterred Kenyan traders from fully exploiting trade opportunities in South Africa, further exacerbating the trade imbalance.
53. The Honourable Members noted the need for a multiagency approach, to involve the Ministries of Foreign and Diaspora Affairs; Investments, Trade and Industry; Tourism and Wildlife; and Agriculture and Livestock Development, in developing and implementing strategies necessary to tilt the BOT to equilibrium. The strategies would encompass –
- a) sensitization of the Kenyan populace on the trade opportunities available in South Africa, such as the ready market for coffee and tea.
 - b) the ramping up of manufacturing and value addition in Kenya.
 - c) promotion of Kenyan products in South Africa through expos, trade fairs and exhibitions.
 - d) incentivizing export by Kenyan traders e.g. through establishing warehouses for Kenyan products in South Africa to serve as links between industries in Kenya, including the County Aggregation and Industrial Parks (CAIPs), and the South African market.
 - e) leveraging on digital, social and other media to market Kenya as a tourist destination.
54. The Mission, in showcasing the ingenuity of Kenyans and Kenyan institutions, highlighted the following collaborations between Kenyan and foreign institutions –
- a) Engagement between the Kenya Meat Commission (KMC) and the Botswana Meat Commission (BMC), where BMC benchmarked and emulated the structure and processes at KMC. BMC, thereafter, rose to prominence as one of the leading meat commissions globally.
 - b) Engagement between Zetech University and the Wholesale and Retail Sector Education and Training Authority (W&RSETA) in South Africa, where Zetech

University trains informal traders from South Africa on entrepreneurship skills with a focus on technology and innovation.

55. The delegation applauded the Kenyan institutions and emphasised the need to nurture and fully tap into such ingenuity to build the capacity of Kenyan institutions back home.
56. The Mission expressed concern over a trend of fraudulent activities targeting Kenyans residing in the diaspora, specifically perpetrated by some real estate companies. The Mission committed to engaging the relevant Government agencies and aid the verification of validly licenced companies by Kenyans in the diaspora.
57. The Mission also explained that a number of Kenyans remained undocumented in South Africa and did not wish to go back home for various reasons. The delegation recommended that the Mission –
 - a) engages the Kenyans, other Government agencies and Missions abroad to facilitate the relocation of the Kenyans to other countries where Kenya had bilateral labour agreements; or
 - b) provides support, including counselling, to facilitate the reintegration of the Kenyans into their communities back home.
58. In conclusion, the delegation urged the Mission to develop strategies to enhance the registration of all Kenyans residing in the Southern Africa Region and to be readily available and accessible.

RECOMMENDATION BY THE KENYA DELEGATION

59. The Kenya delegation to the Pan-African Parliament urges the two Houses of Parliament to note this report.

... **END** ...