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THE SENATE

TWELFTH PARLIAMENT

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14/9/2021

THE REPORT OF THE SENATE STANDING COMMITTEE ON LANDS,
ENVIRONMENT AND NATURAL RESOURCES

ON

THE PETITION CONCERNING THE ADVERSE EFFECTS OF ROCK
BLASTING AT THWAKE DAM, MAKUENI COUNTY

PAPERS LAID	
DATE	15/09/2021.
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COMMITTEE	Land
DATE FOR THE TABLE	14/09/2021

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List of Abbreviations/ Synonyms

CBS	- Chief of the Order of the Burning Spear
CEC	- County Environment Committee
CS	- Cabinet Secretary
CSR	- Corporate Social Responsibility
EACC	- Ethics and Anti-Corruption Commission
EGH	- Elder of the Order of the Golden Heart
NEMA	- National Environmental Management Authority
TAWSB	- Tanathi Water Services Board

PREFACE

Mr. Speaker Sir,

The Standing Committee on Land, Environment and Natural Resources is established pursuant to Standing Order 218(3) of the Standing Orders of the Senate. As set out in the Second Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

The Committee comprises of the following Members -

- | | | |
|------------------------------------|---|-------------------------|
| 1. Sen. Paul Mwangi Githiomi, MP | - | Chairperson |
| 2. Sen. Philip Mpaayei, MP | - | Vice-Chairperson |
| 3. Sen. George Khaniri, MGH, MP | | |
| 4. Sen. Gideon Moi, CBS, MP | | |
| 5. Sen. Njeru Ndwiga, EGH, MP | | |
| 6. Sen. (Dr.) Lelegwe Ltumbesi, MP | | |
| 7. Sen. Issa Juma Boy, MP | | |
| 8. Sen. (Arch.) Sylvia Kasanga, MP | | |
| 9. Sen. Johnes Mwaruma, MP | | |

At the Sitting of the Senate held on 21st July, 2020, the Hon. Speaker of the Senate, presented a Petition submitted by Mr. Robert Musyoka, acting Clerk, Makueni County Assembly, on behalf of the Sectoral Committee on Environment and Climate Change concerning the adverse effects of rock blasting at Thwake Dam, Makueni County.

The salient issues raised in the said Petition are as follows-

1. That, the Petitioners, Sectoral Committee on Environment and Climate Change, have concluded the matter of a request for a Statement regarding the adverse effects of rock blasting at the ongoing construction of Thwake Multipurpose Dam in Kalawa Ward, Makueni County and it has not been able to resolve the problem conclusively as the matter is affecting more than one county having been funded and implemented by the National Government.
2. That, the construction of the dam involves amongst other activities, blasting of rocks which has adversely impacted on the lives of the residents of nearby

villages such as houses and shops cracking, thus posing danger to the occupants of such structures. Other adverse effects of rock blasting in the area include noise pollution and respiratory problems to the residents.

3. That, the affected areas include but not limited to Ndindi, Syotuvali Market, Kamutinye, Kitoto, Unyeeo, Ngomano and Syongungi in Kathulumbi Location Ward and Kyusyani, Miangeni, Kaseve, Katithi, Miksi and Mathangathi in Mavindini Ward; and
4. That, the Committee recommended corrective measures to the contractor but the matter has not been addressed by the relevant contractor and other agencies.

Therefore, the petitioners humbly pray that the Senate intervenes to ensure that the contractor safeguards the residents living in the affected areas from devastating effects of the construction of the dam, not limited to the noise from the rock blasting.

Pursuant to standing order 232(1) and the Second Schedule to the Standing Orders of the Senate, the Petition was committed to the Standing Committee on Land, Environment and Natural Resources.

Pursuant to Articles 37 and 119(1) of the Constitution, section 5(2) of the Petition to Parliament (Procedure) Act and standing order 232 of the Senate Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioner within the prescribed period.

To enable a judicious disposal of the Petition, the Committee resolved to conduct an inquiry on the issues raised in the Petition. In this regard the Committee invited the Petitioner to a meeting of the Committee for the Petitioner to elaborate further on the issues raised in the Petition and to supply supporting evidence on the same.

The Committee proceeded to invite the Cabinet Secretary, Ministry of Environment and Natural Resources for an online meeting on the matter since the subject falls within the mandate of the Ministry of Environment and Forestry and further requested for written responses from the Ministry of Water, Sanitation and Irrigation.

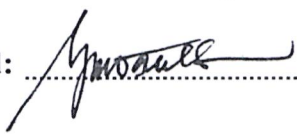
The Committee also undertook a site visit of the Thwake dam area in Makueni County and met with the community living around the Thwake dam accompanied by the area Senator, Makueni County, Sen. Mutula Kilonzo Junior, MP.

ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee extends its appreciation to the Petitioners and the County Assembly of Makueni, Stakeholders; the Cabinet Secretary, Ministry of Environment and Forestry, Mr. Keriako Tobiko, CBS, SC, and the Cabinet Secretary, Ministry of Water, Sanitization and Irrigation, Mrs. Sicily K. Kariuki, EGH, and Senator Mutula Kilonzo Junior, Makueni County for their submissions and contribution to the resolution of this matter.

Mr. Speaker Sir,

It is now my pleasant duty and privilege, on behalf of the Committee, to present the Report of the Standing Committee on Lands, Environment and Natural Resources on the Petition concerning the adverse effects of rock blasting at Thwake Dam, Makueni County.

Signed:  Date: 18/08/2021

SEN. MWANGI GITHIOMI, M.P.
CHAIRPERSON, SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES

CHAPTER I

INTRODUCTION

1. At the sitting of the Senate held on 21st July, 2020, the Hon. Speaker of the Senate, presented a Petition submitted by Mr. Robert Musyoka, acting Clerk, Makueni County Assembly, on behalf of the Sectoral Committee on Environment and Climate Change concerning the adverse effects of rock blasting at Thwake Dam, Makueni County.
2. The salient issues raised in the Petition are as follows-
 1. That, the Petitioners, Sectoral Committee on Environment and Climate Change, have concluded the matter of a request for a Statement regarding the adverse effects of rock blasting at the ongoing construction of Thwake Multipurpose Dam in Kalawa Ward, Makueni County and it has not been able to resolve the problem conclusively as the matter is affecting more than one county having been funded and implemented by the National Government;
 2. That, the construction of the dam involves amongst other activities, blasting of rocks which has adversely impacted on the lives of the residents of nearby villages such as houses and shops cracking, thus posing danger to the occupants of such structures. Other adverse 5 effects of rock blasting in the area include noise pollution and respiratory problems to the residents;
 3. That, the affected areas include but are not limited to Ndindi, Syotuvali Market, Kamutinye, Kitoto, Unyeeo, Ngomano and Syongungi in Kathulumbi Location Ward and Kyusyani, Miangeni, Kaseve, Katithi, Miksi and Mathangathi in Mavindini Ward; and
 4. That, the Committee recommended corrective measures to the contractor but the matter has not been addressed by the relevant contractor and other agencies.

3. The Petitioner, therefore, prays that –

The Senate intervenes to ensure that the contractor safeguards the residents living in the affected areas from devastating effects of the construction of the dam, not limited to the noise from the rock blasting.

4. Pursuant to Standing Order 232(1) of the Standing Orders of the Senate, the Petition was committed to the Land, Environment and Natural Resources Committee.

LEGAL BASIS FOR PETITIONS

5. Petitions to the Senate are governed by the Constitution, the Petition to Parliament (Procedure) Act, No. 22 of 2012 and the Senate Standing Orders.
6. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while Article 119(1) of the Constitution provides that “*every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.*”
7. Section 5(2) of the Petition to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House.* In this regard, Standing Order 232 of the Senate Standing Orders provides as follows-
 232. *Committal of Petitions*
 - (1) *Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.*
 - (2) *Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty (60) calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.*
8. Standing Order 233 requires the Clerk to, within fifteen (15) days of tabling of the report on a petition under Standing Order 232 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

CHAPTER 2

CONSIDERATION OF THE PETITION

Approach taken by the Committee

1. In considering the Petition, the Committee observed that it would be important to verify the facts alleged by the Petition. The Committee therefore resolved to conduct an inquiry on the issues raised in the Petition.
2. In this regard, the Committee received the Petition from the Petitioners through the House and further invited the Cabinet Secretary, Ministry of Environment and Forestry, together with his team from the National Environment Management Authority, NEMA, who virtually appeared before the Committee on 14th October 2020 and on 2nd December 2021 where he committed to further send written submissions. The Committee also later wrote to the Ministry of Water and Sanitation requesting for written submissions on the matter.

Petitioners Submissions

The Petitioner outlined the Petition as follows;

Public Petition

1. **THAT**, pursuant to article 119 (1) of the Constitution of Kenya, 2010, “Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation”.
2. **THAT**, the County Assembly Committee on Environment and Climate Change (hereinafter the Committee) has concluded the matter of a request for a Statement regarding the adverse effects of rock blasting at the ongoing construction of Thwake Multipurpose Dam in Kalawa Ward in Makueni County.
3. **THAT**, the Committee has not been able to conclusively resolve the problem, since the project is funded and implemented by National Government affecting more than one County, hence the resolution to petition the Senate.
4. **THAT**, the construction of the dam involves a number of activities including rock blasting to obtain stones and rocks for construction use.

5. **THAT**, the construction activities at the dam, more so the rock blasting, have brought about a plethora of challenges and adverse impacts on the lives of the residents of the nearby villages.
6. **THAT**, the noise arising from the rock blasting activities have caused house and shops to crack hence weakening the structures and posing danger to the occupants of such structures.
7. **THAT**, flying rocks from blasting site end up hitting roofs of the nearby homesteads a case in point is the house of Ms. Mary Mwikali Kyali who her homestead is located barely 200 metres from the site.
8. **THAT**, the affected areas include but not limited to; Ndingi, Syotuvali Market, Kamutonye, Kitoto, Unyeeo, Ngomano, and Syongungi in Kathulumbi Location. Kalawa ward and Kyusyani, Miangeni, Kaseve, Katithi, Miksi and Mathangathi in Mavindini ward.
9. **THAT**, the Committee and the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni carried out site visits to the project and to the areas affected on separate occasions on a fact-finding mission.
10. **THAT**, the contractor provided contradicting information from what was gathered during the said site visits by the two independent parties. For instance, the contractor indicated that rock blasting was never done at night and yet in actual sense it was done and the contractor did not have a license for night rock blasting.
11. **THAT**, the Committee, the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni, the project Coordinator, Thwake Multipurpose Dam Project, Community Liaison, (representatives of SMEC Kenya (Pty) Ltd. the project supervisors) and representative of the people from the two wards, held a consultative meeting at the project site on 1st November, 2019 to deliberate on the matter in which corrective measures to the effects of rock blasting were resolved and given timelines mostly to be undertaken by the contractor and others by the SMEC Community Liaison officer. The latest timeline was set to be 8th November, 2019 which has long passed and no efforts have been shown to effect the resolutions.

Response by the Cabinet Secretary, Ministry of Environment and Forestry

The Ministry vide a letter Ref. No. SEN/DCS/LENR/2/2020/(70) dated 17th November, 2020 was invited to make submissions on the Petition and appeared before the Committee on 2nd December, 2020 and presented as follows;

1.0 Background

Thwake Multipurpose Dam is a National Government Project undertaken by Tanathi Water Service Board (TAWSB) being constructing at confluence of Athi and Thwake rivers in Mavindini Division of Makueni District, Kalawa division in Mbooni East District and covering sections of southern part of Yatta division in Kitui West District. It is an embankment dam with an approximate maximum height of 84M covering an area of approximate 2,000ha, with a catchment spanning about 10,276km² spreading into among other locations Mavindini, Kanthuni, Kitise, Kithuki, Kathonzweni and Mbuvo. Part of the inundated area will be in Kanyangi locations in Yatta division (Kitui West District). The dam will store the flood flow from the Athi and the seasonal Thwake rivers and provide water supply for multipurpose use.

The environmental complaints and other issues were raised by the communities around the project area in 2019.

1. The Ministry through the National Environment Management Authority (NEMA) is aware of the issues raised. NEMA has coordinated other relevant stakeholders to address the issues and is continually doing so since the project is still ongoing.
2. **THAT** the issues raised by the petitioner were brought to the knowledge of the County Environment Committee (CEC) and deliberated accordingly.
3. **THAT** in a County Environment Committee meeting held on 3rd September, 2019 deliberated on the issues surrounding Thwake Dam, among them, complaints on blasting of rocks (**Minutes attached, Annex I MIN 2: 3/9/2019**) and established a technical committee to visit the site and investigate on the issues raised.
4. **THAT** the Technical Committee visited the site on 5th September, 2019 and prepared a report on that course (**Technical Committee Report Attached Annex II**).
5. **THAT** the technical committee which visited the site on 5th September, 2019 found that the contractor has acquired all the relevant documentation and also addressed issues of sanitation and safety.

6. **THAT** the committee **did not** also establish the cracks in buildings as claimed to have been caused by the blast and vibrations.
7. **THAT** another Environment Committee chaired by the County Commissioner was held on 18th September, 2019 and issues affecting workers and the community around the project area were discussed and addressed in the meeting (**Minutes Attached, Annex III**).
8. **THAT** on 1st November, 2019 a County Environment Committee meeting was held at Thwake Dam and the Hon. Members of the County Assembly Committee on Environment and Climate Change were invited and participated in the meeting (**Minutes Attached, Annex IV**).
9. **THAT** on 13th March, 2019 NEMA conducted a site inspection on the project site and issued an improvement notice to the proponent to undertake Environmental Audit which will provide more clarity on compliance level to the licensing condition. (**Copy attached Annex V**).
10. **THAT** the recommendations made by the Technical Committee on its report (**Annex II**) and the joint meetings held on 1/11/2019 (**Annex IV**) were not fully implemented due to COVID-19 Public Health Guidelines and Government directive on measures to control the spread of the pandemic and there were no other physical meetings held from December 2019 until 10 November, 2020 when the first CEC meeting for 2020/2021 was held.
11. **THAT**, the County Environment Committee, in a meeting held on 10th November, 2020 resolved to make a joint site inspection to monitor the compliance level on the issues jointly agreed with the proponent during the Technical Committee site visit on 5th September, 2019 (**Annex II**).
12. **THAT**, the Ministry through NEMA will continue to closely monitor the implementation of the Environmental Management Plan and compliance to Environmental Impact Assessment license conditions.
13. The Ministry will involve relevant lead agencies to ensure the ongoing project is implemented while ensuring sustainable environmental management.

Response by the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation

The Committee met the Cabinet Secretary, Ministry of Water, Sanitation and received the

following submission:

Hon. Chair, Thwake Multipurpose Dam is a National Government Project undertaken by Ministry of Water Sanitation and Irrigation (MWSI) being constructed at confluence of Athi and Thwake rivers in Mavindini Division of Makueni District, Kalawa Division in Mbooni East Sub-County. It is an embankment dam with an approximate maximum height of 80.5M covering an area of around 9,217 acres, with catchment spanning about 10,276 km², spreading into among other locations; Mavindini, Kanthuni, Kitise, Kithuki, Kathonzweni and Mbuvo. Part of the inundated area will be in Kanyangi locations in Yatta Division, Machakos County. The dam will store the flood flow from the Athi and the Thwake rivers and provide water supply for multipurpose use.

The Project is funded by GoK and development partners; and is supervised by an international firm of consulting engineers. The Contractor employed in the works is also an international contractor from China with wide experience in construction of such works. The construction process involves quarrying of rocks through drilling, blasting and transporting the same to the construction points.

Hon. Chair, to respond to the issues raised by the petitioner, I wish to inform the Committee that the Ministry has been aware of the environmental concerns of the community around Thwake Dam construction site since the commencement of construction in March, 2017, and has continuously ensured the implementation of remedial actions in compliance with environmental regulations and guidelines. This particular petition first came before the County Government of Makueni in the year 2019, where the issues raised by the petitioner were brought to the knowledge of the County Environment Committee (CEC) and deliberated accordingly.

At a meeting of the County Environment Committee held on 3rd September, 2019, issues surrounding Thwake Dam, among them, complaints on blasting of rocks were discussed (*Minutes attached, Annex I, MIN 2: 3/ 9/ 2019*) and a Technical Committee formed to

visit the Dam site and undertake further investigations. The Technical Committee visited the site on 5th September, 2019 and prepared a report on their findings (*Technical Committee Report Attached Annex II*). Key observations of the report were that the contractor had acquired all environmental licenses and permits necessary for dam construction, cracks in buildings had not been caused by the blasts and vibrations. In addition, they found that issues of sanitation and safety have been adequately addressed.

Hon. Chair, the County Commissioner held an Environment Committee meeting on 18th September, 2019 to discuss issues affecting workers and the community around the project area (*Minutes Attached, Annex III*). A follow up meeting, which was attended by the County Assembly Committee on Environment and Climate Change was held at the Dam site on 1st November, 2019 (*Minutes Attached, Annex IV*). During the meetings, environmental issues were raised, key among which were lack of access to water, dusty roads, noise pollution, vibrations, blasting without adequate warning (sirens) and falling rock debris after blasting.

The Environment Committee recommended that the project undertake the necessary measures to address the above community concerns and that frequent site visits be conducted to ensure the contractors implement them. Shortage of water in the vicinity of the Dam site was to be addressed by constructing six (6) boreholes, two (2) at Mavindini, two (2) at Mbooni and two (2) at Kalawa Wards.

Towards this end, the Government through the CSR component of the project is implementing all the six (6) boreholes. Dust levels have been controlled by repairing road sections near schools and markets from the site to Kwa-Kamote Junction; approximately 3 km; in addition to watering haulage roads on site. The measured sound levels within 250 to 300 metres of the blast point had been found to be 108.1 dB(A) against a limit of 114 dB(A) in accordance with NEMA guidelines for mines and quarries.

Hon. Chair, Blasting is restricted to daytime hours only in accordance with the blasting license issued by the Government that limits blasting hours between 6am-6pm, while the measured vibration levels obtained from a seismograph installed on site are below the NEMA limit of 0.5 cm/sec. This is safe and is tolerated by nearby humans and animals and cannot damage structures. A baseline survey conducted on 16th December 2020, at UNYEEO area prior to commencing blasting in the quarry near the area, established that many structures have cracks, which could not be directly linked to vibrations and were attributed to improper construction methods leading the defects.

Hon. Chair, to minimize cases of falling debris on houses or even injuring members of the public, blasting sites have been clearly marked with visible tape and warning signs erected to warn people of the danger. Blasting timetable is shared with the community in good time before blasting and commencement of blasting is announced via sirens loud enough to warn every one of the impending blast. Residents very close to the quarries have been relocated to safer areas.

Hon. Chair, NEMA, while on its routine inspection mission, conducted a site inspection on the project on 13th March, 2020 and issued an improvement notice to the proponent to undertake Environmental Audit which will provide more clarity on compliance level to the licensing conditions.

The County Environment Committee, in a meeting held on 10th November, 2020 resolved to make a joint site inspection to monitor the compliance level on the issues jointly agreed with the proponent during the Technical Committee site visit on 5th September, 2019 (Annex II).

The Environmental Audit and the joint site inspection visit would have made very useful tools to verify the level of compliance on the environmental and safety measures, however, the activities are yet to take place due to challenges posed by implementation of COVID-19 Public Health Guidelines and Government directive on measures to control

the spread of the Pandemic.

In conclusion, Hon. Chair, the Government is very keen about the safety of its citizens during implementation of such projects and any deviation from this cardinal obligation is not tolerated and the Ministry of Water, Sanitation and Irrigation will not hesitate to sanction contractors who flout the rules. Further, in order to strengthen the implementation of the environmental and safety measures at Thwake Dam construction site, the project consultants under the guidance of this Ministry have prepared and ensured strict compliance with the Environment Health and Safety protocol on site. At the same time the Ministry, County Environment Committee, NEMA and other stakeholders will continue to closely monitor the implementation of the Environmental Management Plan and compliance to Environmental Impact Assessment license conditions.

Finally, the Ministry has established a Community Liaison position in the project that engages the community to ensure harmonious relations are maintained between the community and the project for smooth implementation.

Site Visit by the Senate Committee on Land, Environment and Natural Resources

The Committee undertook a Site Visit of Thwake Dam on Friday, 28th May, 2021. The Committee was accompanied by Senator Mutula Kilonzo Junior, MP, the Senator for Makueni County. The County Commissioner was also present at the Committees meetings with the residents neighboring Thwake Dam.

On visiting the Site, the Committee was able to visit the places where the contractor admitted to doing the blasts.

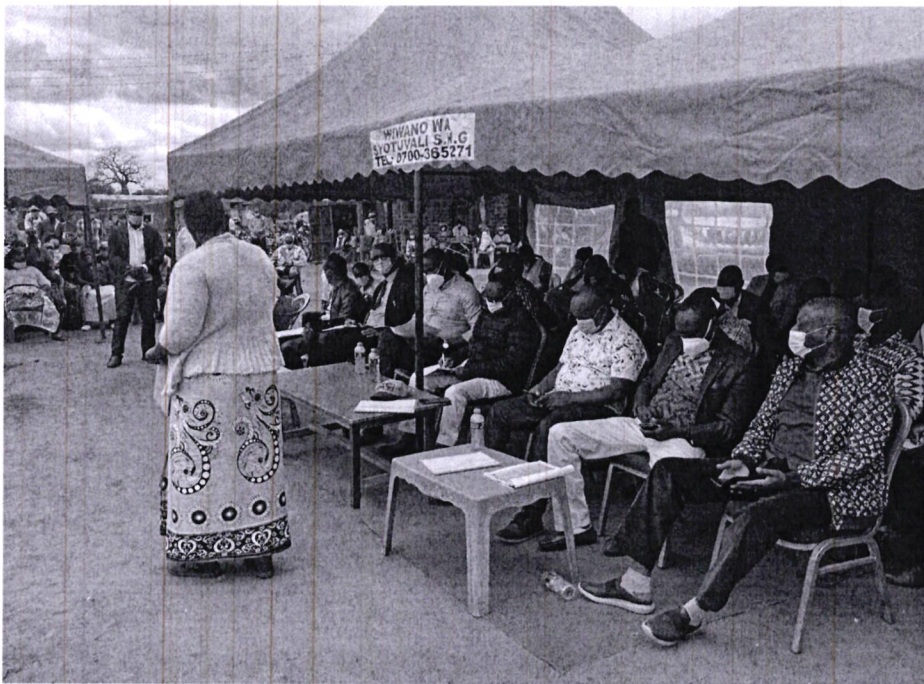
Submissions by Residents neighboring Thwake Dam, Makueni County

The Committee was informed as follows;

1. **Boundaries** – Demarcation of the boundaries was not clearly done. The residents informed the Committee that they needed to be shown the exact beacon boundaries and size of the land.
2. **Rock Blasting** – The Committee was informed that blasting was being done during the night and has caused damages and cracks to houses, physiological effects to the elderly and ailing residents residing next to the dam and school going children. Residents also raised the matter of dust from the blast affecting them and that considering it was being done at night, it was not visible during the day but the effects of the air pollution was greatly felt. The effects were also experienced in cattle with a lot of still births of calves.

Stones from the blasts hit houses that are far approximately 200M from the site with such an experience recounted by an elderly ailing lady who was at the Site meeting.

3. The Committee was also informed that as a result of the blasting, Ammonia gas is released to the air and to the streams nearby causing excessive pollution.
4. **Corporate Social Responsibility (CSR)** – The Community residing around the Dam was promised many CSR activities but they have since not received any. Some of these activities include; equipping of schools, a football field, bore holes, maintenance of roads being used by the Contractor and access to water. The only place with water in the area has a very deep gradient and the elderly and animals are unable to fetch water.
5. **Human Wildlife Conflict** – The area that the dam is situated in was a wildlife corridor and no buffer zone was created for wildlife and the residents fear that the effects will be felt by the locals with an increase in attacks by wildlife.
6. **Sanitation** – The Site workers don't dispose of masks safely despite the wake of the COVID-19 pandemic that is being experienced. School going children pick them and wear them posing a risk to them and the Community.
7. **Compensation to injured Workers** – Some of the community members who got hurt in the line of duty and were dismissed unfairly and haven't been compensated to date.





(Attached above are photos taken during the Committee's visit to Thwake Dam, Makueni County)

CHAPTER 5

COMMITTEE OBSERVATIONS

In accordance with the Prayers of the Petitioner the Committee observes that:

1. The Contractor on site confirmed that there is blasting going on at night and will continue for at least two more months.
2. The blasting is causing noise pollution and respiratory problems to the residents.
3. That National Environmental Management Authority indicated that the contractor on site had acquired all environmental licenses and permits necessary for dam construction. Further, NEMA informed the Committee that cracks in buildings had not been caused by the blasts and vibrations.
4. The Cabinet Secretary, Ministry of Water and Sanitation confirmed that blasting is restricted to daytime hours only in accordance with the blasting license issued by the Government that limits blasting hours between 6am-6pm while the measured vibration levels obtained from a seismograph installed on site are below the NEMA limit of 0.5 cm/sec.
5. The Committee noted that due to this, the Government through the CSR component of the project is implementing all the six (6) boreholes.
6. The Committee while at the site visit collecting views from the public observed that roads leading to the Dam have been severely damaged by the heavy trucks ferrying construction material to and from the Dam Construction site.

CHAPTER 6

COMMITTEE RECOMMENDATIONS

In accordance with the Prayers of the Petitioner the Committee that:

The Specific prayer by the Petitioner is that

The Senate intervenes to ensure that the contractor safeguards the residents living in the affected areas from devastating effects of the construction of the dam, not limited to the noise from the rock blasting.

The Specific prayer by the Petitioner is that:

The Senate intervenes to ensure that the contractor safeguards the residents living in the affected areas from devastating effects of the construction of the dam, not limited to the noise from the rock blasting.

The Committee therefore recommends as follows:

- 1. That all blasting occurs between 8.00 am – 6.00 pm in accordance with the blasting license issued by the Government. Further, NEMA ensures that the contractor on site adheres to all environmental licenses and permits necessary for dam construction.**
- 2. That the National Environmental Management Authority urgently investigates the houses around the dam to ascertain the level of environmental effects including the alleged cracked buildings caused by blasting in the dam and reports back to the Senate by 31st October, 2021. Should it be found that buildings were affected during the construction process, the Contractor be compelled upon to compensate all persons affected.**
- 3. That as per the Environmental Management and Co-ordination Act section 108, a restoration order to be issued once National Environment Management Authority (NEMA) ascertains the contractor on site to have caused any environmental damage during the construction process and a copy be sent to Senate within 30 days of tabling the Report in the Senate.**

4. The contractor on site ensures that they adhere to the Work Injuries and Benefits Act when dealing with all employees injured while on duty. Further, the Committee directs the Ministry of Water, Sanitation & Irrigation to find out whether anyone was hurt during the line of duty and that they are adequately compensated by the Company doing the Construction of the Dam.
5. The Committee urges the Ministry of Water, Sanitation and Irrigation to do follow ups and ensure that all the CSR activities promised for the Community is fulfilled.
6. NEMA require the Contractor to file Audit Reports on the blasts including and not limited to the level of noise and effects thereof.
7. NEMA causes an officer at Makueni County to be present during the blasts at the cost of the Contractor under the Polluter Pays Principle.
8. An urgent evaluation be undertaken, to confirm whether the Houses/ Residences along the periphery are affected by flying rocks, and urgent acquisition and relocation be done to forestall fatalities or injuries.
9. The Ministry of Water, Sanitation and Irrigation should ensure regular maintenance of the roads being used by the Contractor and watering of the earth roads is done continuously to reduce dust pollution. Further, at the end of the project, the Ministry should ensure that all roads that were used in the process are repaired and improved.

APPENDICES

ANNEX I: MINUTES OF THE MEETINGS

(Attached separately)

ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS

(Attached separately)

ANNEX I: MINUTES OF THE MEETINGS

MINUTES OF THE 53RD SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 18TH AUGUST, 2021 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Mwaruma Johnes, MP
4. Sen. Ndwiga Peter Njeru, EGH, MP
5. Sen. Boy Issa Juma, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- Chairperson
- Vice Chairperson
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. George Khaniri, MGH, MP
 2. Sen. Gideon Moi, CBS, MP
 3. Sen. Sylvia Kasanga, MP
- Member
 - Member
 - Member

IN ATTENDANCE

1. Mr. Victor Bett
2. Mr. Crispus Njogu
3. Ms. Mitchell Otoro
4. Ms. Lucianne Limo
5. Ms. Farida Kinyua
6. Mr. Erick Njogu
7. Mr. John Pere
8. Mr. James Kimiti
9. Mr. Naftali Ondiba

SECRETARIAT

- Clerk Assistant
- Clerk Assistant
- Legal Counsel
- Media Relations Officer
- Personal Secretary
- Clerk Assistant
- Sergeant-At-Arms
- Audio Recording
- Finance Officer

MINUTE SEN/SCLNR/303/2021: PRELIMINARIES

The meeting was called to order at 9:00 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLENR/304/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP as follows

1. Preliminaries
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Adoption of the following Petition Reports;**
 - (a) Draft Report of the Committee on the Petition regarding the adverse effects of rock blasting for the construction of Thwake Dam (Makueni Assembly Committee on Environment and Climate Change)
 - (b) Draft Report of the Committee on the Petition by residents of Utheri wa Lari on the alleged compensation of parcels of land acquired by the Government to pave way for the construction of the Standard Gauge Railway
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLENR/305/2021: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Committee differed the confirmation of Minutes.

MINUTE SEN/SCLENR/306/2021: ADOPTION OF THE FOLLOWING PETITION REPORTS;

- (a) **Draft Report of the Committee on the Petition regarding the adverse effects of rock blasting for the construction of Thwake Dam (Makueni Assembly Committee on Environment and Climate Change)**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby **adopted its report** with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee therefore recommended as follows:

- 1. That all blasting occurs between 8.00 am – 6.00 pm in accordance with the blasting license issued by the Government. Further, NEMA ensures that the contractor on site adheres to all environmental licenses and permits necessary for dam construction.**
- 2. That the National Environmental Management Authority urgently investigates the houses around the dam to ascertain the level of environmental effects including the alleged cracked buildings caused by blasting in the dam and reports back to the Senate by 31st October, 2021. Should it be found that buildings were affected during the construction process, the Contractor be compelled upon to compensate all persons affected.**
- 3. That as per the Environmental Management and Co-ordination Act section 108, a restoration order to be issued once National Environment Management Authority (NEMA) ascertains the contractor on site to have caused any environmental damage during the construction process, and a copy be sent to Senate within 30 days of tabling the Report in the Senate.**
- 4. That the contractor onsite ensures that they adhere to the work injuries and benefits act when dealing with all employees injured while on duty. Further, the Committee directs the Ministry of Water, Sanitation & Irrigation to find out whether anyone was hurt during the line of duty and that they are adequately compensated by the Company doing the Construction of the Dam.**
- 5. The Committee urges the Ministry of Water, Sanitation and Irrigation to do follow ups and ensure that all the CSR activities promised for the Community is fulfilled.**
- 6. NEMA to require the Contractor to file Audit Reports on the blasts, to include and not limited to level of noise and effects thereof.**
- 7. That NEMA causes an officer at Makueni County to be present during the blasts at the cost of the Contractor under the Polluter Pays Principle.**
- 8. An urgent evaluation be done, to confirm whether the Houses/ Residences**

along the periphery are affected by flying rocks, and urgent acquisition and relocation be done to forestall fatalities or injuries.

9. The Ministry of Water, Sanitation and Irrigation should ensure regular maintenance of the roads being used by the Contractor and watering of the earth roads is done continuously to reduce dust pollution. Further, at the end of the project the Ministry should ensure that all roads that were used in the process is repaired and improved.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Johnes Mwaruma, MP and Sen. Philip Mpaayei, MP respectively.

(b) Draft Report of the Committee on the Petition by residents of Utheri wa Lari on the alleged compensation of parcels of land acquired by the Government to pave way for the construction of the Standard Gauge Railway

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby **adopted its report** with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows:

1. The Kenya Railways Corporation submits to the Committee an updated compensation status report on the Nairobi - Naivasha SGR line traversing through the Utheri Wa Lari Land Registered as *Longonot/Kijabe Block 2 (Utheri wa Lari)* within Nakuru County by 31st October, 2021;
2. The National Land Commission submits to the Committee an updated report on the status of all compensations done during the construction of the SGR from Nairobi to Naivasha including pending payments that haven't been done to the Utheri Wa Lari Land Registered as *Longonot/Kijabe Block 2 (Utheri wa Lari)* with reasons thereof if any by 31st October, 2021.

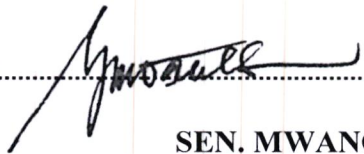
The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Philip Mpaayei, MP respectively.

MINUTE SEN/SCLENR/307/2021: ANY OTHER BUSINESS;

There was no other business discussed.

MINUTE SEN/SCLENR/308/2021: DATE OF NEXT MEETING;

The meeting was adjourned at 1.00 pm and the next meeting was scheduled for 18th August, 2021 at 2:00 pm

Signed: 

Date: 20/8/2021

SEN. MWANGI PAUL GITHIOMI, MP

**CHAIRPERSON, STANDING COMMITTEE ON LAND, ENVIRONMENT
AND NATURAL RESOURCES**

MINUTES OF THE 30TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY, 28TH MAY, 2021 AT MAVINDINI WARD, MAKUENI COUNTY AT 12.00 NOON.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Ndwiga Peter Njeru, EGH, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- **Chairperson**
- **Vice Chairperson**
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Gideon Moi, CBS, MP
 2. Sen. Boy Issa Juma, MP
 3. Sen. George Khaniri, MGH, MP
 4. Sen. Sylvia Kasanga, MP
- Member
 - Member
 - Member
 - Member

IN ATTENDANCE

A. SENATORS

1. Sen. Mutula Kilonzo Jnr., CBS, MP
- Senator, Makueni County

B. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Mr. Rodney Omari
 2. Dr. John Chumo
 3. Mr. Leonard Tambushi
 4. Mr. Eric Kavutsi
- Ministry Parliamentary Liaison
 - CEO, NECC
 - County Director, NEMA-Makueni
 - Ag. Environment Secretary

C. LOCAL ADMINISTRATION

1. Ms. Catherine Njue
 2. Mr. Martin Kangala
- DCI
 - Sub-County Police Commander

D. PETITIONERS

1. Hon. Joseph Muema, - MCA, Mukaa Ward, Chair CA Environment Committee
2. Hon. Muthoka Mutunga Kyalo, - MCA, Kalawa Ward
3. Hon. Jonathan Kimongo - MCA, Mavundini Ward

(Members of the Public)

E. SECRETARIAT

1. Mr. Victor Bett
 2. Mr. Mitchell Otoro
 3. Mr. James Kimiti
 4. Mr. John Pere
- Clerk Assistant
 - Legal Counsel
 - Audio Recording
 - SAA

MINUTE SEN/SCLNLR/166/2021: PRELIMINARIES

The meeting was called to order at 12.30 pm by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLNR/171/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Gideon Moi, CBS, MP as follows –

1. Preliminaries – *Prayer and Introductions*
2. Adoption of the Agenda;
3. **Petition concerning the adverse effects of rock blasting for the construction of Thwake Dam, Makueni County.**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLNR/172/2021: PETITION CONCERNING THE ADVERSE EFFECTS OF ROCK BLASTING FOR THE CONSTRUCTION OF THWAKE DAM, MAKUENI COUNTY;

• **Submissions by Residents neighboring Thwake Dam, Makueni County**

1. **Rock Blasting** – The Committee was informed that a lot of blasting is being done in the night and has since caused damages and crack to houses, physiological effects to the elderly and ailing residents residing next to the dam and school going children. The effects are also experienced in cattle with a lot of still births of calves.

The committee was also informed that Ammonia gas is as a result released to the Air and to the streams nearby causing excessive pollution.

Stones after blasting travel far, hitting houses that are approximately 200M from the site with such an experience experienced by an elderly and unwell lady who was at the meeting.

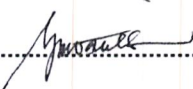
2. **CSR** – The Community residing around the Dam was promised many CSR activities and they have since not received any. Some include; maintenance of Roads being used by the Contractor and access to water. The only place with water has a very deep gradient the elderly and animals are unable to fetch water.
3. **Sanitation** – The Site doesn't dispose of Masks safely, especially during the wake of COVID period that is experienced; school going children pick them and wear them posing a risk to them and the Community.
4. **Compensation to injured Workers** – The Community has some persons who got hurt in the line of duty and were dismissed unfairly and haven't been compensated to date.

MINUTE SEN/SCLNR/173/2021: ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/SCLNR/174/2021: DATE OF NEXT MEETING

The meeting was adjourned at 2.00 pm and the date of the next meeting was to be held on 3rd June, 2021.

Signed: 

Date: **23/6/2021**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

MINUTES OF THE 29TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON FRIDAY, 28TH MAY, 2021 AT SYOTUVALI MARKET, MAKUENI COUNTY AT 10.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Ndwiga Peter Njeru, EGH, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- Chairperson
- Vice Chairperson
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Gideon Moi, CBS, MP
 2. Sen. Boy Issa Juma, MP
 3. Sen. George Khaniri, MGH, MP
 4. Sen. Sylvia Kasanga, MP
- Member
 - Member
 - Member
 - Member

IN ATTENDANCE

A. SENATORS

1. Sen. Mutula Kilonzo Jnr., CBS, MP
- Senator, Makueni County

B. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Mr. Rodney Omari
 2. Dr. John Chumo
 3. Mr. Leonard Tambushi
 4. Mr. Eric Kavutsi
- Ministry Parliamentary Liaison
 - CEO, NECC
 - County Director, NEMA-Makueni
 - Ag. Environment Secretary

C. LOCAL ADMINISTRATION

1. Mr. Maalim Mohammed
 2. Ms. Catherine Njue
- County Commissioner
 - DCI

D. PETITIONERS

1. Hon. Joseph Muema, - MCA, Mukaa Ward, Chair CA Environment Committee
2. Hon. Muthoka Mutunga Kyalo - MCA, Kalawa Ward
3. Hon. Jonathan Kimongo - MCA, Mavundini Ward

(Members of the Public)

E. SECRETARIAT

1. Mr. Victor Bett
 2. Mr. Mitchell Otoro
 3. Mr. James Kimiti
 4. Mr. John Pere
- Clerk Assistant
 - Legal Counsel
 - Audio Recording
 - SAA

MINUTE SEN/SCLNLR/166/2021: PRELIMINARIES

The meeting was called to order at 11.13 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLENR/167/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Gideon Moi, CBS, MP as follows –

1. Preliminaries – *Prayer and Introductions*
2. Adoption of the Agenda;
3. **Petition concerning the adverse effects of rock blasting for the construction of Thwake Dam, Makueni County.**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/168/2021: PETITION CONCERNING THE ADVERSE EFFECTS OF ROCK BLASTING FOR THE CONSTRUCTION OF THWAKE DAM, MAKUENI COUNTY;

• **Submissions by Residents neighboring Thwake Dam, Makueni County**

The Committee was informed as follows;

1. **Boundaries** – Demarcation of the boundaries was not clearly done. The residents informed the Committee that they need to be shown the exact beacons where the Dam's land reaches and the size.
2. **Rock Blasting** – The Committee was informed that a lot of blasting is being done in the night and has since caused damages and crack to houses, physiological effects to the elderly and ailing residents residing next to the dam and school going children. Residents also raised the matter of dust, affecting them and since it's done at night, one wouldn't see but the pollution to the air is greatly felt.
3. **CSR** – The Community residing around the Dam was promised many CSR activities and they have since not received any. Some include; equipping of schools, football field, bore holes and access to water.
4. **Human Wildlife Conflict** – The area the dam is situated in was a wildlife corridor and no buffer zone was created for wildlife and residents fear that the effects will be felt by the locals with increase in attacks by wildlife.

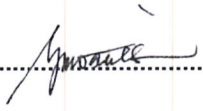
On visiting the Site the Committee was able to see the places where the contractor admitted to doing the blasts.

MINUTE SEN/SCLENR/169/2021: ANY OTHER BUSINESS

There was no other business discussed.

MINUTE SEN/SCLENR/170/2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.49 pm and the date of the next meeting was to be held on thereafter at a different location.

Signed:.....

Date:.....**23/6/2021**.....

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

MINUTES OF THE 22ND SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 8TH APRIL, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. Ndwiga Peter Njeru, EGH, MP
4. Sen. Mwaruma Johnes, MP
5. Sen. Sylvia Kasanga, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP

PRESENT

- **Chairperson**
- **Vice Chairperson**
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. George Khaniri, MGH, MP
 2. Sen. Gideon Moi, CBS, MP
 3. Sen. Boy Issa Juma, MP
- Member
 - Member
 - Member

IN ATTENDANCE

A. SENATORS

1. Sen. Mutula Kilonzo Jnr.
- Senator, Makueni County

B. MINISTRY OF WATER, SANITATION AND IRRIGATION

1. Mrs. Sicily Kariuki, EGH
 2. Eng. SAO Alima
 3. Eng. David Onyango
 4. Eng. Augustine Makau
- Cabinet Secretary
 - Water Secretary in the Ministry
 - Project Expert
 - Environmental Health Expert

C. SECRETARIAT

1. Ms. Veronica Kibati
 2. Mr. Victor Bett
 3. Mr. Mitchell Otoro
 4. Ms. Clare Kidombo
 5. Mr. Wilson Bosmet
 6. Ms. Lucianne Limo
 7. Mr. James Kimiti
- Clerk Assistant
 - Clerk Assistant
 - Legal Counsel
 - Research Officer
 - SAA
 - Media Relations
 - Audio Recording

MINUTE SEN/SCLENR/118/2021: PRELIMINARIES

The meeting was called to order at 10.20 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLENR/119/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Sylvia Kasanga, MP and seconded by Sen. Ndwiga Peter Njeru, MP as follows –

1. Preliminaries – *Prayer*
2. Adoption of the Agenda

3. Confirmation of Minutes of Previous Sitzings;
4. **Consideration of the Petition concerning the adverse effects of rock blasting for the construction of Thwake Dam, in Makueni County**
 - Presentation by the Cabinet Secretary, Ministry of Water, Sanitation & Irrigation
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLENR/120/2021: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The confirmation of Minutes was differed to the next housekeeping meeting.

MINUTE SEN/SCLENR/121/2021: CONSIDERATION OF THE PETITION CONCERNING THE ADVERSE EFFECTS OF ROCK BLASTING FOR THE CONSTRUCTION OF THWAKE DAM, IN MAKUENI COUNTY

Presentation by the Cabinet Secretary, Ministry of Water, Sanitation & Irrigation;

Hon. Chair, Thwake Multipurpose Dam is a National Government Project undertaken by Ministry of Water Sanitation and Irrigation (MWSI) being constructed at confluence of Athi and Thwake rivers in Mavindini Division of Makueni District, Kalawa Division in Mbooni East Sub -County. It is an embankment dam with an approximate maximum height of 80.5 m covering an area of around 9,217 acres, with catchment spanning about 10,276 km², spreading into among other locations; Mavindini, Kanthuni, Kitise, Kithuki, Kathonzweni and Mbuvo. Part of the inundated area will be in Kanyangi locations in Yatta Division, Machakos County. The dam will store the flood flow from the Athi and the Thwake rivers and provide water supply for multipurpose use.

The Project is funded by GoK and development partners; and is supervised by an international firm of consulting engineers. The Contractor employed in the works is also an international contractor from China with wide experience in construction of such works. The construction process involves quarrying of rocks through drilling, blasting and transporting the same to the construction points.

Hon. Chair, to respond to the issues raised by the petitioner, I wish to inform the Committee that the Ministry has been aware of the environmental concerns of the community around Thwake Dam construction site since the commencement of construction in March, 2017, and has continuously ensured the implementation of remedial actions in compliance with environmental regulations and guidelines. This particular petition first came before the County Government of Makueni in the year 2019, where the issues raised by the petitioner were brought to the knowledge of the County Environment Committee (CEC) and deliberated accordingly.

At a meeting of the County Environment Committee held on 3rd September, 2019, issues surrounding Thwake Dam, among them, complaints on blasting of rocks were discussed (*Minutes attached, Annex I, MIN 2: 3/ 9/ 2019*) and a Technical

Committee formed to visit the Dam site and undertake further investigations. The Technical Committee visited the site on 5th September, 2019 and prepared a report on their findings (*Technical Committee Report Attached Annex II*). Key observations of the report were that the contractor had acquired all environmental licenses and permits necessary for dam construction, cracks in buildings had not been caused by the blasts and vibrations. In addition, they found that issues of sanitation and safety have been adequately addressed.

Hon. Chair, the County Commissioner held an Environment Committee meeting on 18th September, 2019 to discuss issues affecting workers and the community around the project area (*Minutes Attached, Annex III*). A follow up meeting, which was attended by the County Assembly Committee on Environment and Climate Change was held at the Dam site on 1st November, 2019 (*Minutes Attached, Annex IV*). During the meetings, environmental issues were raised, key among which were lack of access to water, dusty roads, noise pollution, vibrations, blasting without adequate warning (sirens) and falling rock debris after blasting.

The Environment Committee recommended that the project undertake the necessary measures to address the above community concerns and that frequent site visits be conducted to ensure the contractors implement them. Shortage of water in the vicinity of the Dam site was to be addressed by constructing six (6) boreholes, two (2) at Mavindini, two (2) at Mbooni and two (2) at Kalawa.

Towards this end, the Government through the CSR component of the project is implementing all the six (6) boreholes. Dust levels have been controlled by repairing road sections near schools and markets from the site to Kwa-Kamote Junction; approximately 3 km; in addition to watering haulage roads on site. The measured sound levels within 250 to 300 metres of the blast point has been found to be 108.1 dB(A) against a limit of 114 dB(A) in accordance with NEMA guidelines for mines and quarries.

Hon. Chair; Blasting is restricted to daytime hours only in accordance with the blasting license issued by the Government that limits blasting hours between 6 am-6pm, while the measured vibration levels obtained from a seismograph installed on site are below the NEMA limit of 0.5 cm/sec. This is safe and is tolerated by nearby humans and animals and cannot damage structures. A baseline survey conducted on 16th December 2020, at UNYEEO area prior to commencing blasting in the quarry near the area, established that many structures have cracks, which could not be directly linked to vibrations and were attributed to improper construction methods leading the defects.

Hon. Chair, to minimize cases of falling debris on houses or even injuring members of the public, blasting sites have been clearly marked with visible tape and warning signs erected to warn people of the danger. Blasting timetable is shared with the community in good time before blasting and commencement of blasting is announced via sirens loud enough to warn everyone of the impending blast. Residents very close to the quarries have been relocated to safer areas.

Hon. Chair, NEMA while on its routine inspection mission, conducted a site inspection on the project on 13th March, 2020 and issued an improvement notice to the proponent to undertake Environmental Audit which will provide more clarity on compliance level to the licensing conditions.

The County Environment Committee, in a meeting held on 10th November, 2020 resolved to make a joint site inspection to monitor the compliance level on the issues jointly agreed with the proponent during the Technical Committee site visit on 5th September, 2019 (Annex II).

The Environmental Audit and the joint site inspection visit would have made very useful tools to verify the level of compliance on the environmental and safety measures, however, the activities are yet to take place due to challenges posed by implementation of COVID-19 Public Health Guidelines and Government directive on measures to control the spread of the Pandemic.

In conclusion, Hon. Chair, the Government is very keen about the safety of its citizens during implementation of such projects and any deviation from this cardinal obligation is not tolerated and the Ministry of Water, Sanitation and Irrigation will not hesitate to sanction contractors who flout the rules. Further, in order to strengthen the implementation of the environmental and safety measures at Thwake Dam construction site, the project consultants under the guidance of this Ministry have prepared and ensured strict compliance with the Environment Health and Safety protocol on site. At the same time the Ministry, County Environment Committee, NEMA and other stakeholders will continue to closely monitor the implementation of the Environmental Management Plan and compliance to Environmental Impact Assessment license conditions.

Finally, the Ministry has established a Community Liaison position in the project that engages the community to ensure harmonious relations are maintained between the Community and the project for smooth implementation.

The Committee proceeded to make the following resolutions

1. The Committee noted that the Presentation by the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation was an exact replica of what was presented by the Cabinet Secretary, Ministry of Environment and Forestry that was earlier presented to the Committee;
2. Conduct a site visit once the COVID-19 containment measures are relaxed; and
3. Request for the Noise Licensing and the ESIA Report so as to cross check whether they are in compliance.

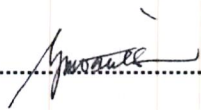
MINUTE SEN/SCLNR/122/2021: ANY OTHER BUSINESS

- Sen. Johnes Mwaruma, informed the meeting that in 2018, he had requested for a statement on all projects being undertaken by the Ministry of Water, Sanitation and Irrigation. The Ministry was to get back with a more updated list with clearly projects per County but has since not returned any feedback. Further the CS, at the time assured the Senator that a Kshs. 300,000,000 project was in the Pipeline on Mzima 1, Taita Taveta County and he has since not received an update on the matter.

- The Committee asked the Ministry to share the information that has been raised by Sen. Johnes Mwaruma and a copy of the response shared with his office.

MINUTE SEN/SCLNR/123/2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.17 pm and the date of the next meeting was to be held on Thursday, 15th April, 2021.

Signed:.....

Date: 30/6 /2021

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

**STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES**

ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS



MINISTRY OF ENVIRONMENT AND FORESTRY

MINISTERIAL RESPONSE BY THE CABINET SECRETARY TO A PETITION BY HON. MEMBERS OF THE MAKUENI COUNTY ASSEMBLY SECTORAL COMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE REGARDING ADVERSE EFFECTS OF ROCK BLASTING AT ONGOING CONSTRUCTION OF THWAKE DAM IN KALAWA AND MAVINDUNI WARDS IN MAKUENI COUNTY.

The Senate Standing Committee on Land, Environment and Natural Resources through letter Ref. No. SEN/DCS/LENR/2/2020/(70) dated 17th November, 2020 by the Clerk of the Senate invited the Cabinet Secretary, Ministry of Environment and Forestry to a meeting to respond to a Public Petition as follows:-

Public Petition

1. **THAT**, pursuant to article 119 (1) of the Constitution of Kenya, 2010, " Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation".
2. **THAT**, the County Assembly Committee on Environment and Climate Change (hereinafter the Committee) has concluded the matter of a request for a statement regarding the adverse effects of rock blasting at the ongoing construction of Thwake Multipurpose Dam in Kalawa Ward in Makueni County.

 02/12

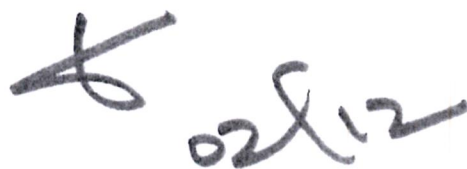
3. **THAT**, the Committee has not been able to conclusively resolve the problem, since the project is funded and implemented by National Government affecting more than one County, hence the resolution to petition the Senate.
4. **THAT**, the construction of the dam involves a number of activities including rock blasting to obtain stones and rocks for construction use.
5. **THAT**, the construction activities at the dam, more so the rock blasting, have brought about a plethora of challenges and adverse impacts on the lives of the residents of the nearby villages.
6. **THAT**, the noise arising from the rock blasting activities have caused house and shops to crack hence weakening the structures and posing danger to the occupants of such structures.
7. **THAT**, flying rocks from blasting site end up hitting roofs of the nearby homesteads a case in point is the house of Mary Mwikali Kyali who her homestead is located barely 200 metres from the site.
8. **THAT**, the affected areas include but not limited to; Ndingi, Syotuvali Market, Kamutonye, Kitoto, Unyeeo, Ngomano, and Syongungi in Kathulumbi Location. Kalawa ward and Kyusyani, Miangeni, Kaseve, Katithi, Miksi and Mathangathi in Mavindini ward.
9. **THAT**, the Committee and the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni carried out site visits to the project

and to the areas affected on separate occasions on a fact finding mission.

10. **THAT**, the contractor provided contradicting information from what was gathered during the said site visits by the two independent parties. For instance, the contractor indicated that rock blasting was never done at night and yet in actual sense it was done and the contractor did not have a license for night rock blasting.
11. **THAT**, the Committee, the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni, the project Coordinator, Thwake Multipurpose Dam Project, Community Liaison, (representatives of SMEC Kenya Ltd. the project supervisors) and representative of the people from the two wards, held a consultative meeting at the project site on 1st November, 2019 to deliberate on the matter in which corrective measures to the effects of rock blasting were resolved and given timelines mostly to be undertaken by the contractor and others by the SMEC Community Liaison officer. The latest timeline was set to be 8th November, 2019 which has long passed and no efforts have been shown to effect the resolutions.

1.0 Background

Thwake Multipurpose Dam is a National Government Project undertaken by Tanathi Water Service Board (TAWSB) being constructed at confluence of Athi and Thwake rivers in Mavindini Division of Makueni District, Kalawa division in Mbooni East Sub-

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County, and covering sections of southern part of Yatta division in Lower Yatta Sub-County. It is an embankment dam with an approximate maximum height of 84 m covering an area of approximate 2,000 ha, with a catchment spanning about 10,276km² spreading into among other locations Mavindini, Kanthuni, Kitise, Kithuki, Kathonzweni and Mbuvo. Part of the inundated area will be in Kanyangi locations in Yatta division (Lower Yatta Sub-County). The dam will store the flood flow from the Athi and the seasonal Thwake rivers and provide water supply for multipurpose use.

The environmental complaints and other issues were raised by the communities around the project area in 2019.

Response to the Issues raised by the petitioner

Hon. Chair, I take note of the issues raised by the County Assembly (hereafter the petitioner) and I wish to respond as follows:-

1. The Ministry through the National Environment Management Authority (NEMA) is aware of the issues raised. NEMA has coordinated other relevant stakeholders to address the issues and is continually doing so since the project is still ongoing.
2. **THAT** the issues raised by the petitioner were brought to the knowledge of the County Environment Committee (CEC) and deliberated accordingly.
3. **THAT** in a County Environment Committee meeting held on 3rd September, 2019 deliberated on the issues surrounding Thwake Dam, among them, complaints on blasting of rocks

✓ 02/12

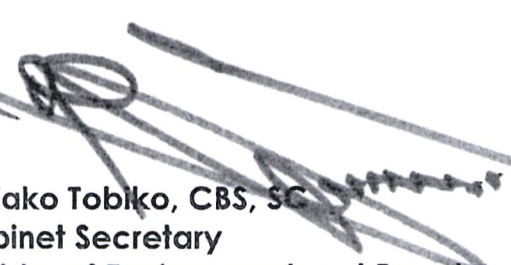
(Minutes attached, Annex I MIN 2: 3/9/2019) and established a technical committee to visit the site and investigate on the issues raised

4. **THAT** the Technical Committee visited the site on 5th September, 2019 and prepared a report on that course **(Technical Committee Report Attached Annex II)**.
5. **THAT** the technical committee which visited the site on 5th September found that the contractor has acquired all the relevant documentation and also addressed issues of sanitation and safety.
6. **THAT** the committee **did not** also establish the cracks in buildings as claimed to have been caused by the blast and vibrations.
7. **THAT** another Environment Committee chaired by the County Commissioner was held on 18th September, 2019 and issues affecting workers and the community around the project area were discussed and addressed in the meeting **(Minutes Attached, Annex III)**.
8. **THAT** on 1st November, 2019 a County Environment Committee meeting was held at Thwake Dam and the Hon. Members of the County Assembly Committee on Environment and Climate Change were invited and participated in the meeting **(Minutes Attached, Annex IV)**.
9. **THAT** on 13th March, NEMA conducted a site inspection on the project site and issued an improvement notice to the proponent to undertake Environmental Audit which will provide more clarity on compliance level to the licensing condition. **(Copy attached Annex V)**.

 02/12

10. **THAT** the recommendations made by the Technical Committee on its report (**Annex II**) and the joint meetings held on **1/11/2019 (Annex IV)** were not fully implemented due to COVID-19 Public Health Guidelines and Government directive on measures to control the spread of the pandemic and there were no other physical meetings held from December 2019 until 10 November, 2020 when the first CEC meeting for 2020/2021 was held.
11. **THAT**, the County Environment Committee, in a meeting held on 10th November, 2020 resolved to make a joint site inspection to monitor the compliance level on the issues jointly agreed with the proponent during the Technical Committee site visit on 5th September, 2019 (**Annex II**).
12. **THAT** the Ministry through NEMA will continue to closely monitor the implementation of the Environmental Management Plan and compliance to Environmental Impact Assessment license conditions.
13. The Ministry will involve relevant lead agencies to ensure the ongoing project is implemented while ensuring sustainable environmental management.

Thank you, Chair.


Keriako Tobiko, CBS, SC
Cabinet Secretary
Ministry of Environment and Forestry


02/12/2020

Annex I

MINUTES OF THE COUNTY ENVIRONMENT COMMITTEE MEETING HELD ON TUESDAY 3RD SEPTEMBER 2019 AT HOTEL LE PANDA, AT 10: 00 AM.

PRESENT

1. Hon.bob kisyula - CE, Nrm, Environment and Climate Change- Chairman
2. Mary M. Mbenge Co, Nrm, Environment And Climate Change
3. Abdishakur Abdisalan Sheikh - Nema /Environment officer –Secretary
4. J.M. Muthaisu Director Sand authority
5. Jaffereson Kittu KFS
6. Faith Moses Adminstrator Seku
7. Fred Wakaba CDA/Ndma
8. Lydia Muithya ADSE--Program Officer
9. Rodgers S. Wahungu Director Housing
10. Raphael Maundu county co-ordinator,Tarda
11. Jackline kamusa ED
12. Alice kwamboka Lands.
13. Patrick Nyakundi Information
14. Ruth Mwongeli MCG, economist
15. Constance Mwasho County warden KWS.
16. Joseph Otieno Judiciary.
17. Henry Kivuva DPT of health.
18. Halinish Yussuf Managing Director, Sand Authority.
19. Kelvin Mutua EIA/EA officer.
20. Daniel Ngoka CEC member
21. Anastasia Nelanu Cec Member
22. Paul Mbulu Cec Member
23. Jeremiah Ngaya Cec Member
24. James Mukoti Cec Member

	BY WHO	BY WHEN
Agenda 1. Preliminaries 2. Compliance of Thwake multipurpose dam. 3. Way forward. Min 1: 1/9/2019 : Preliminaries The Chair called the meeting to order and the meeting started with a word of prayer by Lydia Muithya at 10:05 AM. Self-introduction of the new members followed. The chair thanked all members for their attendance followed by a briefing on the issues that the committee needs to address. Min 2: 2/9/2019: Environmental Compliance of Thwake multipurpose dam The chair mentioned the issues that were surrounding Thwake dam in the past as follows:- • Dust issues affecting communities and schools surrounding the site • Waste management/lack of sufficient sanitation facilities for workers. • Blasting issues in Kalawa and Mavindini not complying with standards. • Athi-river pollution. The chair informed the members that he had constituted a technical committee led by Jackline to visit the site and make a report on the issues. He then invited Jackline to brief the committee on their findings and recommendations.	Chairman	

b u

Min 3: 3/9/2019: Findings and recommendations by the technical committee. It was found that the contractor:- • Has a license for blasting activities from the ministry of petroleum and mining. • Has a license from NEMA. • Has done an environmental audit. • Blasting is taking place in four areas, the quarries, the spill way, approach and outlet channels and the guard hole. • Interview with HSE manager also revealed that they had done approximately 500 blasting's. The manager also claimed the noise produced to be at 110 dB but this can't be confirmed since there was no record. • The HSE has also done two community awareness. • No accidents were reported according to the HSE manager. • Community participation carried by EIA team at Syotuvali revealed discrepancies between HSE manager and the communities. i) The communities claimed the blasting was taking place at night also contrary to the license conditions but the HSE manager denied those claims. ii) The communities also claimed the sirens were not sounded to warn them of the impending blasts. • The team also confirmed crack on the structures of communities living 2 kilometres away from the blast site. • Reports of weak and elderly people falling from the blast and vibrations were also noted. • There was also emission of noxious gases. • The technical team also learnt that the proponent was not monitoring:- ▪ The level of the noxious fumes ▪ The level of noise and vibrations ▪ The pre-blasting conditions survey of structures was not conducted in Kalawa ward. ▪ All concerned and affected parties were not consulted during the public participation for the EIA process. ▪ Proponent was not adhering to the time frame given in the license condition. ▪ The contractor was not adhering to the air quality regulations indicated in the license conditions. Recommendations that were given by the technical team:- ➤ To have a meeting with the project consultant and the contractor. ➤ Contractor to carry pre-blasting conditions survey of all structures that are surrounding the site. ➤ The contractor to carry out community awareness blasting for all communities. ➤ Contractor to map levels of noise and vibrations. ➤ Contractor to monitor levels of noise and noxious gases. ➤ Contractor to adhere to the time schedule for blasting ➤ Directorate of environment and NEMA to carry out subsequent monitoring.	Jackline County EIA officer 	

Min 4: 4/9/2019: Members comments on the findings. The members raised concerns on the findings and requested the chair to revitalize the responsibility of the committee and take an immediate cause of action. One of the member from the county also pointed out that these kinds of national projects posed to them serious challenges as they are were overlooked by the contractors. They complained that the Chinese were neglecting their concerns and telling county officers to disengage from national projects. Some members also accused Nema of negligence on Thwake issues and failing to monitor the adherence of the project contractors to the license conditions. The chair asked Nema officer to respond to this matter. The officer stated that the Authority was following on Thwake issues and was never negligent to the concerns of the communities affected. He mentioned that the Nema director of environment was constantly engaged with the project steering committee and advised them on the improvement of their compliance. He also stated that the project monitoring required a multi-agency approach as some of the mentioned issues such as noise and solid waste were devolved and therefore fell within the mandate of the county government. After along deliberation, the chair urged Members to come to consensus and also proposed to create a new technical committee to make a visit and come with a fact based report for discussion on Wednesday 09/09/2019.	All members	
Min 5: 5/9/2019: Way forward The committee agreed to Form a technical committee to visit the site on Thursday 5th 2019 and will:- ➤ Establish all the provisions on the environmental documentation and confirm if there are violations. ➤ Inspect the sanitation standards. ➤ Ensure whether Safety measures such as the PPE's, sirens and warning posts and signals are adopted and kept in place. ➤ Identify the cracks resulting from the blasting and vibration activities. After creating the technical committee and pointing out the TORs, the chair asked madam Lydia to conclude the meeting with a word of prayer and the meeting was adjourned at 2.00 pm.	All members	

Approved for circulation Date: 5th Sep 2019

Chairman

Confirmed during meeting Date: 5th Sep 2019

Secretary



Annex II**SITE VISIT REPORT BY TECHNICAL COUNTY ENVIRONMENT TECHNICAL COMMITTEE ON THWAKE MULTIPURPOSE DAM ON 5TH SEPTEMBER, 2019****Background & Objectives:**

Following a County Environment Committee meeting held on 3rd September 2019, a technical committee was formed to carry out inspection on the Environmental Compliance of Thwake Multipurpose Dam and report back the findings by 11th September 2019 to the main committee.

Technical Committee Members are as follows;

- Faith Moses – representative SEKU / NEMA lead Expert
- Daniel Ngoka- CEC gazetted Member
- Henry Kivuva- County Public Health Officer
- Abdishakur Abdisalan sheikh- County Environment Officer NEMA
- James Mukosi- CEC gazetted Member
- Jackline Kamusa- EIA officer – Makueni County Government
- Rodgers Wakhungu- Director National Housing
- Alice Kwamboka- Planning Officer – Makueni County Government

The Terms of Reference for the assignment are as follows;

- Visit to the proposed Thwake Multipurpose Dam construction site.
- To check all Environmental Documents and licenses
- To establish compliance to relevant legal instruments
- To evaluate safety measures that have been put in place
- To evaluate sanitation and Health measures that have been put in place
- To check Environmental impacts and mitigation measures
- Check on the measures put in place to ensure a healthy and safe Environment for workers and people living around the site.

Site visit

The team visited the site Thursday 4th September 2019 and come up with the following findings;

1. Documentation

- The contractor has conducted an Environmental Impact Assessment for blasting activities; NEMA/PR/5/2/19956(PSR/11429) and consequently issued with a license (No; NEMA/EIA/PSL/6858).
- The contractor obtained has obtained Authority to conduct blasting permit from Ministry of Petroleum and Mining.
- An Effluent Discharge License is available.
- An initial Environmental Audit for the project was prepared and submitted to NEMA (Copies attached)

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Technical team having discussions with the HSE department Thwake Dam

2. Compliance with Legal framework

a) Environment Management and monitoring Plan

- The proponent does not monitor the level of noxious fumes
- The contractor does not monitor the levels of vibrations
- From the records availed the contractor started monitoring the levels of noise from 24th July 2019 to date. (After the strike)
- Pre blasting conditions survey of structures was conducted for 6 households in Mavindini Ward. A post-assessment will be done after the blasting period to the surrounding household structures to ascertain the destruction by blasting vibrations and if need be compensation will be done. Report attached.
- Workers around the site have Personal Protective gear
- All affected parties and communities were not consulted during the public participation

b) Blasting License conditions

- The proponent has not adhered to Air quality regulations by not monitoring the level of noxious fumes.
- The contractor is mitigating the dust impacts by watering the site and up to 800m from the barrier.

c) Noise and excessive vibration pollution regulations (2009)

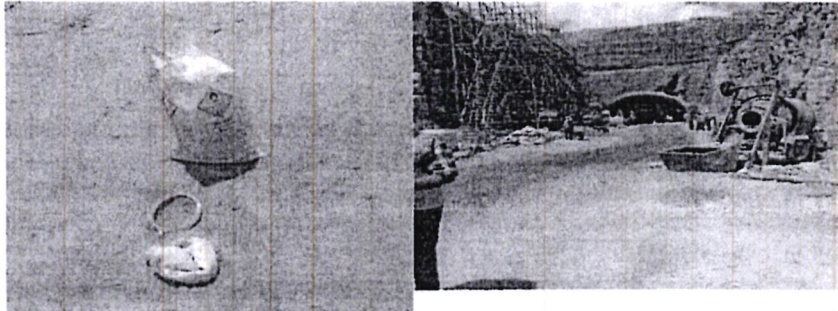
Some household are less than 2 Kilometers from Quarries and designated areas for blasting

3. Environmental Impacts

a) Blasting and Vibrations

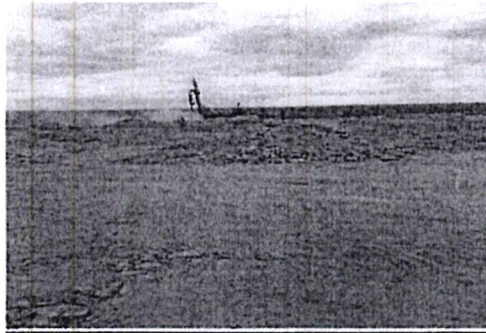
- Blasting is conducted at the quarries, spillway, approach and outlet channels, guide hole, dam's toe plate etc.
- The blasting lasts approximately 2 seconds.
- All blasters at the site are licenced by the Ministry of Mining and Petroleum

- Since January, 2019 they have blasted approximately 500 times covering over 2000 holes.
- The blaster keeps records indicating the amount of explosives used, no of holes and date. The records does not include actual time,
- The blasting noise ranges from 84.6- 112.5 decibels within a distance ranging from 150M and 216M according to blasting records from HSE department dated 24th July 2019 to 4th September 2019.



Materials used for blasting.

Blasting is taking place majorly around the tunnels.



Drilling holes for blasting

b) Dust

The nearby schools along the transportation routes to the site for example katithi secondary school have been affected by dust.

c) Defects on housing structures

From the mapped houses report by the contractor, there is evidence of cracked houses. The cracks cannot be ascertained if they are as a result of blasting. The contractor was to conduct a visit to monitor the cracks after a month (from 3rd July 2019). The visit was not done.

Mapped houses

- i. Samson Ngoma
- ii. Kwa Katilu
- iii. Kwa Katheu
- iv. Kwa Ngovi
- v. Kwa Sila home
- vi. kwa sila rentals

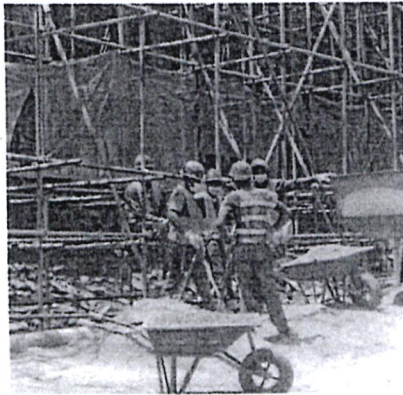
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4. Community Awareness

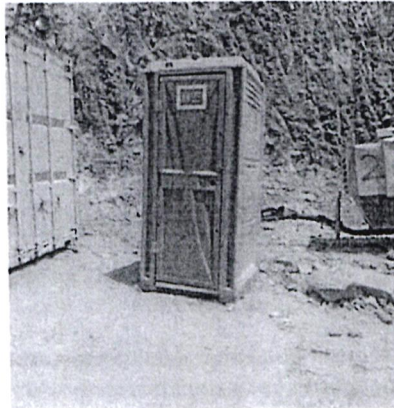
- Two community sensitization forums on impacts of blasting were undertaken for residents of Mavindini ward on 5th December 2018 and 13th December 2019. (Copies of attendance lists attached below)
The awareness was inadequate.

5. Safety

- No accidents so far have been recorded regarding blasting operations at the site
- The contractor conducts a revolving siren at three different areas (at the gate barrier, the exact place the blasting is been done and bridge 1). From the visit on 11th September by the CEC committee, the siren was not audible from a distance of approximately 800M.
- The blasters at the site, restrict movement of people, machines, animals and vehicles at all entry roads for the period the blasting is taking place.
- All working personnel at the site are restricted to stay away at least 200 metres from the blasting points which is the safe radius.
- The contractor has displayed safety rules at the various places at the site.



Workers with PPEs



Sanitation

6. Sanitation

- The site has approximately 7 blocks of toilets with different compartments and 8 mobile toilets (where it is inconvenient to construct)
- They have provided portable drinking water points at strategic locations.
- The site has resting shades strategically located.
- The site has dustbins in different locations.
- The site has designated septic tanks in different location for liquid waste management to safeguard that no effluent has been discharged to the river.

Recommendations

- The contractor to map out the vibration levels; the data presented should include; number of people located in the exposed area, number of structures, health facilities, education facilities exposed, vibration level and extent and mitigation measures starting from 9th September 2019.

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- The contractor to carry Pre blasting conditions survey of structures within the radius established during mapping and any other area that impacts may be identified and periodic monitoring of structures.
- The contractor to carry out frequent community awareness for all the three wards (Mavindini, Kalawa and Kanyangi) for blasting and any other Environmental issue that may arise starting from 9th September 2019. Share the schedule with Environment Directorate.
- The contractor to start monitoring of noxious gases of every blast and ensure the levels is within the standards set in Air quality regulations first schedule.
- The noise and vibration monitoring report should include; location of blast within the site, distance to affected structures and boundary of noise sensitive areas, meteorological conditions(temperature, relative humidity, wind speed and direction), peak particle velocity, air blast overpressure level, maximum instantaneous charge, time and date.
- The contractor to adhere to the time scheduled in the license for blasting.
- Environment Directorate and NEMA to conduct monitoring at least once per month on Environmental Compliance.
- Dust minimization on the roads along the 2 schools that heavily affected by dust from the transportation routes to the site by watering or applying murram.
- Set a date before end of October to meet the consultant to discuss the recommendations and timelines.

6cs

- Environment Directorate and NEMA to conduct monitoring at least once per month on Environmental Compliance.
- Dust minimization on the roads along the 2 schools that heavily affected by dust from the transportation routes to the site by watering or applying murram.
- Set a date before end of October to meet the consultant to discuss the recommendations and timelines.

Report prepared by the technical team

Name.....FAITH MOSES..... Date.....11/09/2019..... Signature.....[Signature].....

Team leader

Adopted by the County Environment Committee on 11th September 2019

[Signature]

ANNEX III

Annex III

COUNTY ENVIRONMENT COMMITTEE MEETING	LOCATION OF MEETING: COUNTY COMMISSIONER'S BOARDROOM.
Date of Meeting 18 TH Sep, 2019.	Meeting chaired by: County Commissioner: Makueni county Minutes by: Abdishakur Abdisalan/ EO -NEMA
PURPOSE OF MEETING: ATTENDED BY:-	
65 1. M.A MAALIM - CC- MAKUENI - CHAIRING 2. MARY MBENGE - CO ENV. & CC 3. FLORENCE OBUNGA -INTERIOR 4. CHARLES K. LABOSO - INTERIOR 5. J.G. KAMAU - INTERIOR 6. H.A HUSSEIN - INTERIOR 7. ORAMBUI NYAKWARA -DCC -KIBWEZI 8. ENOCK NYARANGO - DCC -KATHONZWENI 9. KIBE MAGUTA - DCC MBOONI WEST 10. REBECCA NDIRANGU - DCC -KILUNGU 11. RICHARD OGWOKA - DCC MBOONI EAST 12. DANIEL MBUVI -CDC - NDMA 13. JACKLINE KAMUSA - GMC 14. KITTI JAFFERESON -EC-KFS 15. ODHIAMBO DOUGLAS - NIS 16. SOUD R. SOUD - CPC-PRISONS 17. PATRICK M. NYAKUNDI -INFORMATION 18. GREGORY IMUU - HOUSING 19. RAPHAEL MAUNDU -TARDA 20. MIRIAM MUTUKU - RC- KWTA 21. WILSON K. MWALILI -CI-CIPU MKN 22. JAMES M. GACHUNGI -CDE- MKN 23. ABDISHAKUR ABDISALAN - NEMA - SECRETARY.	

Agenda

1. Opening Remarks
2. Confirmation of previous minutes.
3. Environmental impact assessment compliance.
4. Thwake multi-purpose dam.
5. RRI on EDL
6. Plastic ban enforcement progress.
7. Protection of riparian areas
8. Reports from sub-counties.
9. A.O.B

NOTES OF MEETING: DESCRIPTION OF DISCUSSION

MIN.1: 1/18/09/2019: OPENING REMARKS.

The meeting was called to order at 9:30 am and the chair requested one of the members to open with a word of prayer. A brief introduction from the members followed. The chair stated that we had our first meeting after the executive order on 1st February which ordered Minimum meetings be held quarterly. The order also required DCC's to form sub-county environment committees. He mentioned that the county environment committee has been reconstituted and synergy is required between the two levels of government for the good of Makueni county and the country in general. He referred to the difficult situation in Makueni county currently as a result of the prevailing drought and the need to look into issues of environment and conservation as priority.

The Chair also referred to EMCA 1999 and the right of citizens to a clean and healthy environment.

He mentioned environmental and social issues surrounding Thwake dam in the recent past but maintained that progress is going well and over 25 % achievement realized. He also stated that the workplace environment for the workers has been improved, Noise pollution and odd hours of blasting were the main issues and the concern was taken seriously to be addressed.

The CC also raised an issue of contaminated bottled water served to them at Emali and urged members to take measures on the quality and safety of consumer product in the absence of KEBS as the government machinery is in place.

BY WHO

Chairman

BY WHEN



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MIN.2: 2/18/09/2019: CONFIRMATION OF PREVIOUS MINUTES.	Chairman	
The chair took members through the previous minutes. He then asked Nema and the county government to brief members on the progress achieved in the implementation of the ten minimum points.		
Chief officer- environment and climate change		
Solid waste management		
• Mentioned that the management of solid waste was transferred to the county government late last year from the department of health as the directorate was not functional until then. • Since its formation, the directorate has employed a total of 454 market cleaners in 84 markets. Only salaries were instituted and they didn't have equipment's to do the clean-up. They relied on basic equipment's transferred from old county council of Wote. • There were no skips and skip loaders. • Proposal to acquire the resources were submitted to the county assembly but financial resources to address this not acquired still. • County government is also engaging other donors and the proposal is still under review. CO to submit details of the proposals to the committee members for review. • Cleaning is currently done in 84 markets but there are still more markets not cleaned due to budget restraint, but awareness will be done for monthly clean up to address other markets that were not considered. • Strategic plan for solid waste management is being undertaken currently and it's on the final stages for submission to the county assembly for sensitization and approval. • Audit is being done to assess the quantity of solid waste produced in the county which will help in the creation of a plan for recycling and number of dumpsites requiring demarcation.	CO	
Liquid waste management		
❖ The is no proper sewage system in place currently ❖ But feasibility study for a sewer system was done and donor funding being sought since the project is expensive. ❖ A design for a decentralized fecal treatment facility was done last year but resources still not acquired for implementation.		
Members reactions and clarification		

➤ Clarification on a political statement purporting that the UK government was funding a sewage system for Wote at the cost of 600 million. ➤ Some markets like Matiliku lacked absolutely most basic measures for waste management. ➤ Dumping sites in Wote town affecting river Kaiti when it rains. ➤ Proposed asbestos disposal site in Kibwezi disrupted by the local community. CHIEF OFFICER ↓ Department of land tasked to do a plan on the dumpsites ↓ Public community in Matiliku have also prioritized a dumpsite and contributed a budget of one million. County government will be transferring the 1 million to the department of land for demarcation of the dumpsites. ↓ County government have not received the 600 million shillings claimed to be set for Wote and the CG cannot approve credibility of the source. ↓ On the issue of dumping waste into the river, the county government doesn't have trained inspectors but is coordinating with NEMA to organize for a training and also help in prosecution. Kivale forest progress ↓ Community forest association was initiated for Mbooni forest station. ↓ The association was registered and it is planned and expected to be launched officially by the CS environment and forestry. ↓ There is a plan to create CFA's for the remaining four forest stations (Makuli, Nthangu, Kilungu and Kibwezi forest stations). Harmonizing the CEC Meetings The chair mentioned that CEC meetings were previously a county domain until the presidential directive came into order. He requested the chief officer on how the two committees can be harmonized for the public good. The CO agreed to the suggestion of the chair. Chief officer also mentioned problems of noise pollution from Matatu's and churches, she requested the help of the committee in the prosecution of legal matters. Food Security and Water. The chair read to the members on the status of food security and water.	CO WRA	24
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In July and August, relief food was given to all the sub-counties in Makueni county. 700 bags of maize, 350 bags of beans, 200 bags of rice and 50 cartons of cooking oil were delivered. All the stock were not received but the sub-counties have reported getting the food.	KPC	
MIN 3: 3/18/09/2019: ENVIRONMENTAL IMPACT ASSESSMENT COMPLIANCE. The secretary mentioned that it is a requirement for all projects specified in the second schedule of EMCA 1999 to be subjected to EIA. He requested the county government to cooperate and comply in the projects carried out in their name.	WRA	
Members also requested NEMA to monitor the proponents on the implementation of EMP (environmental management plan) and adherence to license conditions. CC- With scarcity of water in the county, requested the county government to initiate a policy of water harvesting be included in development project. CO- replied that the issue is addressed through a committee called land processing committee which will not approve for projects that don't have water harvesting, green space and how waste is managed. DCC's – requested copies of EIA reports to be shared/dispatched on time so as to ascertain if the projects are meeting the obligations. DCC Kilungu- asked follow up on compliance be done especially with the lifting of the ban on mining, NEMA to ensure restoration is done to avoid further degradation.		
MIN.4: 4/18/09/2019: THWAKE MULTI-PURPOSE DAM The chair stated that; ⚡ There were concerns on the part of the workers and the community. ⚡ He visited the site on 30th of July 2019 with a Multi-agency team to meet the stakeholders to discuss the concerns of the workers and the community. ⚡ Issues addressed include; • Provision of drinking water and sanitation facilities to the workers. • Watering the roads to reduce the dust. • Providing access roads to athi-river for the community. • Safety issues such as PPE'S and erection of bumps to reduce speed of vehicles.	KPC	

The secretary was then asked to brief members on the findings made by the technical committee that visited Thwake on 5th Sep 2019. It was found that the contractor has acquired all the relevant documentation and also addressed issues of sanitation and safety (details provided in annex 1). However, it was also established that the contractor was not monitoring the levels of noxious fumes and vibration levels. Based on the aforementioned observations, the committee then gave recommendations to the contractor to upgrade their compliance (also available in annex 1). Secretary – • The committee did not also establish the cracks in buildings claimed to have been caused by the blast and vibrations. • Mentioned the lack of awareness to the community and requested the county and national government structures to help in awareness. CG ▪ Contractor already started organizing for community awareness ▪ Complaints were coming from Kalawa side as the communities there were not sensitized and the contractor is mobilizing sensitization for Kalawa community. DCC Mbooni ○ Allowed chiefs and assistant chiefs of Kalawa and kathulumbi to include awareness in their barazas. ○ Also requested MCA's to attend this kind of big meetings since they are the one's influencing the community in some aspects. The chair; • Said that no one will be allowed to compromise the welfare, health and safety of Kenyans • Told members that Thwake issues were also addressed in the county development implementation coordination committee chaired by himself which was formed January this year (2019). • Advised people not to undermine projects that are coming to benefit the people. Stated that 5 years down the line, the project will be having significant positive socio-economic impacts on the people of Makueni County. • Promised to continue resolving the concerns of the people. MIN.5: 5/18/09/2019: RRI On Effluent Discharge License	CO-ECC	 Chairman
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RRI was launched to increase the compliance of facilities and institutions to the water quality regulations of 2006. Several facilities have been inspected and brought to compliance. The target facilities for the RRI was mentioned as follows:-

- Hospitals and dispensaries
- Filling stations
- Slaughter houses
- Large agro-chemical farms
- Residential apartments
- Hotels and lodges etc.

NEMA mentioned that many facilities have complied since the inception of the RRI and many are in the process of acquiring the EDL. However, it requested the help of the committee in enforcement areas.

DCC Nzai- Nema to visit the slaughter house of Emali and inspect the disposal system.

MIN.6: 6/18/09/2019 Plastic ban enforcement

Plastic ban enforcement progress has been going well in the county. Nema requested the administrative structures of the government to provide support in realizing full eradication of plastics in Makueni county.

CC- all members have a role to play in enforcing this ban. DCCs to inform the chiefs to enforce the government policies to the latter.

CO- requested that more sensitization be made so that people can become aware of the policies in place. Nema can use county government media- NFA to sensitize the public before the crackdown.

Secretary

MIN.7: 7/18/09/2019: PROTECTION OF RIPARIAN AREAS Threats of desertification currently facing Makueni county and there is need to increase cooperation in conservation matters. Tree felling along river banks reported last week in kilala area. EC- Investigation and follow-up will be done. MIN.8: 8/18/09/2019: REPORTS FROM SUB-COUNTIES DCC-Mbooni east ○ Sub-county environment committee has been constituted. ○ Three forest blocks in Mbooni easts and CFA's are managing the blocks. ○ Mentioned problems of waste disposal, slaughter house and conflict of land use in the town. ○ No enough personnel in public health. ○ Sanitation issues and water scarcity in Mbooni. DCC- Mbooni west ○ Sub-county environment committee not wholly constituted. ○ Ad hoc meetings held on Kivale issues. ○ To fully constitute the committee by next week. DCC- Kilungu ○ Committee was constituted but membership was a challenge. DCC- Kathozweni ○ Sub-county environment committee was formed. ○ There are sanitation issues at Kathonzweni markets ○ Problem of water as the main source of the water for the town is running out. DCC- Kibwezi ○ Encroachment on water sources leading to dry up of streams. ○ Problems of Noise pollution in Kibwezi especially from churches. ○ Back-up required in terms of food security due to the long rains felling short.	Secretary	52
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DCC- Mukaa. ▪ Committee fully constituted ▪ One meeting was held and the only issue was sand harvesting which is well regulated now. DCC- Makindu ▪ Committee fully formed and four meetings were held since. ▪ Committee was very instrumental during the county tree planting season and the world day to combat desertification. ▪ Issues of sanitation, public health and environmental degradation were discussed. ▪ Noise pollution from the SGR disrupting community comfort. DCC- Nzai ▪ Committee has been formed. ▪ Meeting held in April and the committee composition is full. ▪ Waste management issues were discussed, Matiliku doesn't have waste management systems. ▪ Plastic bags still a problem coming all the way from Tanzania. ▪ Encroachment on Nzai hill. DCC- Makueni ▪ Committee inaugurated but membership was a challenge. ▪ Participated in a tree planting as a committee. ▪ Requested CFA to be formed for Makueni sub-county. Kenya water towers ▪ Concerned with forest fires in Chyulu hills. ▪ Fires mainly caused by poaching and burning of grass for regeneration.		
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A.O.B

CO stated that working relationship is required between the county government and KFS to address forest issues. The chair also stressed on the need for multi-agency approach in handling the business of the country. He urged members to work as a team and avoid unnecessary bureaucracy to deliver quality and timely service to the citizens. He then thanked all members for availing themselves and invited Mr. H.A. Hussein to close the meeting with a word of prayer. The meeting adjourned at 12:30 pm.

59

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Approved for circulation

Chairman

Date:

Confirmed during meeting

Secretary

Date:

COUNTY COMMISSIONER
MARUENI COUNTY
P.O. BOX 1-90306
MARUENI

Annex IV

COUNTY ENVIRONMENT COMMITTEE MEETING		LOCATION OF MEETING: CGGC BOARDROOM.
Date of Meeting 1 ST NOV, 2019.		Meeting chaired by: ECM FOR WESCC: Makueni county Minutes by: Abdishakur Abdisalan/ EO -NEMA
PURPOSE OF MEETING:		
ATTENDED BY:-		
24. ROBERT KISYULA	CECM FOR WSECC - CHAIRING.	
25. ENG. MUMA JOSEPH	CHAIRMAN COUNTY ASSEMBLY	
26. JANET M. KITUNGA	MCA	
27. MUTHOKA MUTUNGA	MCA	
28. JONATHAN KUMUNGO	MCA	
29. ROSE MBITHE MUTETI	CLERK ASSISTANT	
30. GRACE K. NDUNDA	A. CLERK	
31. JOSEPH M. KIMANTHI	S.A.A	
32. IBRAHIM MWAKARE	E.H.S	
33. FRANCIS MUEMA	EHS- CGGC	
34. FAITH MOSES	CEC-SEKU	
35. DANIEL NGOKA	CEC MEMBER	
36. SHADRACK KINGWAA -	CHIEF KATHULUMBI	
37. RODGERS WAKHUNGU	CDH- HOUSING	
38. OBADIAH M. KITHOME-	WARD ADMIN.	
39. NANCY MUMBI SIMON -	SCEO	
40. KELVIN MUTUA KING'OO-	EIA/EA OFFICER GMC	
41. JACKLINE KAMUSA-	EIA OFFICER GMC	
42. APOPO CONTANA -	HSE MANAGER	
43. QIU FENG	TRANSLATOR	
44. CHEN BI ZHEN	DPM	
45. RHODA MUENI	CLO	
46. FELISTAR WAIRIMU -	SMEC CLO	
47. DOMINIC M. KYENZA	SNR CLO	
48. OCTPOLO KIVA	SMEC	

49. ABDISHAKUR ABDISALAN – NEMA 50. MIRIAM MUTUKU S/W ADMIN 51. ALII-WA KINONGO WARD ADMIN 52. MBITHE MUTIO C.M 53. JACKLINE M. KYANIA CHAIRLADY 54. RODAN K. KELLI VILLAGE MANAGER 55. JUSTINA K. MUTUKU VILLAGE MANAGER 56. MARY M. KYALILI MEMBER 57. BERNARD K. MUTINDA WDC 58. FAITH M. NZIMBI CGGC HSE 59. SACHO K. BINAN SME- EHS 60. YUJINGIAO CGGC HSE 61. ALEX TAROS SMEC –EHS 62. KANDU MULIKO MCA 63. OCTOVIO ----- 64. MBENGE MARY CO- ENV. & CC 65. ERICK MUTISO SENATORS OFFICE 66. JOSHUA MUTUA PC & EC OFFICER					
Agenda 10. Opening remarks 11. Thwake multi-purpose dam environmental compliance. 12. AOB					
NOTES OF MEETING:DESCRIPTION OF DISCUSSION					
MIN.1:01/09/2019: OPENING REMARKS. The chair called the meeting to order at 11:30 am and asked one of the members to lead us with a word of prayer. He requested members to introduce themselves and thanked all parties for the attendance. MIN 2:01/09/2019: THWAKE MULTIPURPOSE DAM ENVIRONMENTAL COMPLIANCE The chair stated that this meeting was necessitated by environmental issues surrounding Thwake dam. He mentioned that; The constitutional rights of Kalawa community with respect to environmental and safety issues have been infringed by CGGC in their endeavor to develop Thwake multipurpose dam.	<table> <tr> <th>BY WHO</th><th>BY WHEN</th></tr> <tr> <td>Chairman</td><td></td></tr> </table>	BY WHO	BY WHEN	Chairman	
BY WHO	BY WHEN				
Chairman					

- That a technical team was formed in our last CEC meeting to visit the project site and make a report.
- That the report was presented to the county assembly in which they felt the report was insufficient and formed an assembly committee to come to the ground and make their own investigations.
- That the committee also developed a different perspective contradicting the report of the technical committee.
- That the above mentioned issues necessitated this meeting so that we understand and have a shared position on this matter.
- The chair also declared that they don't have any negative intentions against the project and stressed on the importance of the project to the people of Makueni, however, he also maintained that the project should not undermine the safety and well-being of the people.
- The chair then requested Jackline to brief members on the findings made by the technical team (copy of the report is annexed).

After the presentation, the chair invited the chairman of the county assembly committee for environment (CACE) to present their report.

The chairman of CACE stated;

- That the residents of Kalawa ward petitioned their Hon. MCA about problems of noise, vibration and air pollution.
- That the speaker directed the county assembly committee for environment to establish facts on the ground and make a response and the assembly found through the Hon. Member of Kalawa that the response was not adequate. He said that the residents of Kalawa were suffering even though they needed the project so much.
- That they as county assembly members are obliged to defend and listen to their people.
- He invoked few articles of the constitution as follows.
 - (Art. 195) powers of the county assembly – the county assembly has equal powers of high court.
The assembly can enforce attendance and compel production of information.
The assembly can cross examine witnesses of persons to do that.
 - (Art. 42) any person who feels or alleges his/her right to a clean and healthy environment is infringed can seek for a redress in a court of law.
- He said that the differences in findings made by different teams revealed something wrong somewhere. The Hon. chairman Further invoked the penal code; CAP 63 (art 129) which reads:
- Whoever gives to any person employed in the public service any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, the person employed in the public service—

CACE
CHAIR

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(a) To do or omit anything which the person employed in the public service ought not to do or omit if the true state of facts respecting which such information is given were known to him; or CAP. 63 Penal Code [Rev. 2014] 54

(b) to use the lawful power of the person employed in the public service to the injury or annoyance of any person, is guilty of a misdemeanor and is liable to imprisonment for three years.

- He stated that it is not necessary to take along route if we can finalize our issues together and requested the contractors to be honest in matters raised.

Specific issues that the CACE felt were cheated on

- ↓ Blasting schedules not adhered to.
- ↓ Fly rocks landing on homesteads of people quite far from the project.
- ↓ Sirens not reaching the communities before blasting take place.
- ↓ Blasting at night.
- ↓ The chairman also enquired on issues of compensation for homesteads that were very close to the blasting area.

The chair of the meeting then asked the community to talk their grievances

The community members gave their comments as follows;

- Cracking of their structures due to vibrations.
- Some people very close to the site were not compensated and relocated.
- Small children and elderly people running on prescription now doubling their dosage due to effects believed to be associated to the project.
- A case of twin children getting amazed and shocked when blasting happens.
- No drinking water was provided still as was promised to the community.
- Siren volume too low to be heard before blasting happens.

MCA Mavindini.

The honorable member;

1. Thanked and appreciated the contractors for putting Murram in some roads nearby schools.
2. Praised the contractor for improving the sanitation conditions for the workers.
3. Mentioned four nearby schools on the verge of being closed up (mixed pri. Katithi pri. Katithi sec & mumbeni) due to huge cracks developing in their classrooms.

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CS

The chair mentioned that there were improvements in some issues and there are still some things that need to be done. He stressed that there are no political motives behind these complaints but insisted that if the issues are not resolved, the politicians will be forced to take all measures to defend their people.

The chair then requested the contractor to respond to these allegations by asking the following questions (Q – question by the chair: A – answer by the contractor & SMEC);

Q 1. Whether there is a siren, and if there is any, what coverage does it make?

A. The contractor responded by saying that there is a siren and the coverage is approximately 1.6 kilometers, however, the community members objected to the claim. The contractor then agreed to verify the communities concerns and promised to install sirens with larger volumes from tomorrow. A team was selected to establish if the improvements were implemented or not.

Q 2. Whether blasting is being conducted at night?

A. Tunnel blasting was carried out some times at night which is crucial for the project but there is no permit granted yet for all night blasting activities. The contractor agreed to acquire the permit the soonest possible beginning from Monday.

The chair also stated that the sensitization meetings that were done by the contractor were too inadequate and urged them to include more people in the next sensitization so that the concerns and views of more people are captured and addressed. The contractor agreed to the suggestion and stated that the sensitization schedules will be ready from next Tuesday.

Q 3. Whether pre-blasting assessment was done for the structures surrounding the project to establish if the cracks were already there or resulting from project activities?

A. Pre-blasting survey was done for 6 structures which were very close to the site and were expected to be the most affected. There were no reported cracks or damages observed in these structures and therefore could not establish the claims of faraway structures cracking from project activities. However, the contractor was advised to do vibration mapping in all areas that are deemed to be affected by the vibration and also sensitize the communities on the objective of the assessment.

Q 4. Issues on twins and elderly people affected by the blast?

The committee took this case as a unique case which the technical team will commit to make a follow up and study to see how their reactions are related to the blasting. Both physical and mental examination will be done to the victims to establish the claims. Q 5. Whether temporal relocation were considered for the households that are very close to the project and were not compensated for relocation? The ministry is handling the issue of compensation very well but further information will be provided from the people involved in the issue and feedback will be given from Monday. Q 6. Whether noxious gases believed to be resulting from the blasts were monitored? The gases were not noxious as were described and their effects were negligible especially in open areas like the project site, however, monitoring of these gases will be done in the tunnels where the space is confined. Q 7. Frequency of sensitization to communities? A schedule will be developed by Tuesday on awareness issues to address the concerns of the community and sensitize them on the project and its activities. Honorable members also requested themselves and other ward representatives be involved in such sensitizations. Q 8. Issues on boreholes and drinking water that were promised to be supplied to the community?		
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Hydrological surveys were done and reports were submitted and the contractor is waiting for approval from the PS to implement. A total of 4 boreholes are to be drilled. 2 in Mavindini and 2 in Kalawa, pumping and storage systems will be installed.

Q 9. Access to the river, communities not able to access the river because of the project fence.

There is a road outside the dumping area that communities can use to get water from Thwake River. An access road was also developed on the other side of the Athi River. However the senior resident engineer expressed his concern on allowing people to access the river through the project area due to safety issues.

It was also agreed that unique cases such as the households affected by flying rocks be visited and the damages assessed and the report submitted to the committee by Friday next week.

Way forward

The chair reminded members once again that their visit was of good intentions and expressed the need for such kind of meetings be conducted frequently to address arising issues well and help one another in achieving our goals. He thanked all members for their contributions and also requested the contractors to deliver on the commitments that were made on time. He finally requested one of the members to close the meeting with a word of prayer. The meeting finally adjourned at 4:11 pm.

Approved for circulation

Chairman

Date: 10/11/2020

Confirmed by

Secretary

Date: 10/11/2020

ANNEX V

12/11/10

NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY

INSPECTION NOTICE (FORM 1) SECTION 111(2) (a)

REMAIN SPINACU

Facility details

Facility Name: REMAIN SPINACU

Facility Address: 100/101, 102/103, 104/105, 106/107, 108/109, 110/111, 112/113, 114/115, 116/117, 118/119, 120/121, 122/123, 124/125, 126/127, 128/129, 130/131, 132/133, 134/135, 136/137, 138/139, 140/141, 142/143, 144/145, 146/147, 148/149, 150/151, 152/153, 154/155, 156/157, 158/159, 160/161, 162/163, 164/165, 166/167, 168/169, 170/171, 172/173, 174/175, 176/177, 178/179, 180/181, 182/183, 184/185, 186/187, 188/189, 190/191, 192/193, 194/195, 196/197, 198/199, 200/201, 202/203, 204/205, 206/207, 208/209, 210/211, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 244/245, 246/247, 248/249, 250/251, 252/253, 254/255, 256/257, 258/259, 260/261, 262/263, 264/265, 266/267, 268/269, 270/271, 272/273, 274/275, 276/277, 278/279, 280/281, 282/283, 284/285, 286/287, 288/289, 290/291, 292/293, 294/295, 296/297, 298/299, 300/301, 302/303, 304/305, 306/307, 308/309, 310/311, 312/313, 314/315, 316/317, 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REPUBLIC OF KENYA

MINISTRY OF WATER, SANITATION AND IRRIGATION

**MINISTERIAL RESPONSE BY THE CABINET SECRETARY TO A PETITION BY
HON. MEMBERS OF THE MAKUENI COUNTY ASSEMBLY SECTORAL
COMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE
REGARDING ADVERSE EFFECTS OF ROCK BLASTING AT ONGOING
CONSTRUCTION OF THWAKE DAM IN KALAWA AND MAVINDINI
WARDS IN MAKUENI COUNTY.**

The Senate Standing Committee on Land, Environment and Natural Resources through letter Ref. No. SEN/DCS/LENR/2/2021/(16) dated 23rd March, 2021 invited the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation to a meeting to respond to a Public Petition regarding environmental impacts at the construction site of Thwake Dam in Makueni County. The Public Petition is: -

- 1. THAT, pursuant to article 119 (1) of the Constitution of Kenya, 2010, " Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation ".*
- 2. THAT, the County Assembly Committee on Environment and Climate Change (hereinafter the Committee) has concluded the matter of a request for a statement regarding the adverse effects of rock blasting at the*

ongoing construction of Thwake Multipurpose Dam in Kalawa Ward in Makueni County.

- 3. THAT, the Committee has not been able to conclusively resolve the problem, since the project is funded and implemented by National Government affecting more than one County, hence the resolution to petition the Senate.*
- 4. THAT, the construction of the dam involves a number of activities including rock blasting to obtain stones and rocks for construction use.*
- 5. THAT, the construction activities at the dam, more so the rock blasting, have brought about a plethora of challenges and adverse impacts on the lives of the residents of the nearby villages.*
- 6. THAT, the noise arising from the rock blasting activities have caused house and shops to crack hence weakening the structures and posing danger to the occupants of such structures.*
- 7. THAT, flying rocks from blasting site end up hitting roofs of the nearby homesteads a case in point is the house of Mary Mwikali Kyali who her homestead is located barely 200 metres from the site.*
- 8. THAT, the affected areas include but not limited to; Ndingi, Syotuvali Market, Kamutonye, Kito to, Unyeeo , Ngomano, and Syong un g i in Kathulumbi Location. Kalawa ward and Kyusyani, Miangeni, Kaseve, Katithi, Miksi and Mathangathi in Mavindini ward.*
- 9. THAT, the Committee and the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni*

carried out site visits to the project and to the areas affected on separate occasions on a fact-finding mission.

10.THAT, the contractor provided contradicting information from what was gathered during the said site visits by the two independent parties. For instance, the contractor indicated that rock blasting was never done at night and yet in actual sense it was done and the contractor did not have a license for night rock blasting.

11.THAT, the Committee, the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni, the project Coordinator, Thwake Multipurpose Dam Project, Community Liaison, (representatives of SMEC Kenya Ltd., the project supervisors) and representative of the people from the two wards, held a consultative meeting at the project site on 1st November, 2019 to deliberate on the matter in which corrective measures to the effects of rock blasting were resolved and given timelines mostly to be undertaken by the contractor and others by the SMEC Community Liaison officer. The latest timeline was set to be 8th November, 2019 which has long passed and no efforts have been shown to effect the resolutions.

Hon. Chair, Thwake Multipurpose Dam is a National Government Project undertaken by Ministry of Water Sanitation and Irrigation (MWSI) being constructed at confluence of Athi and Thwake rivers in Mavindini Division of Makueni District, Kalawa Division in Mbooni East Sub -County. It is an embankment dam with an approximate maximum height of 80.5 m covering an area of around 9,217 acres, with catchment spanning about 10,276 km², spreading into among other locations; Mavindini, Kanthuni, Kitise, Kithuki, Kathonzweni and Mbuvo. Part of the inundated area will be in Kanyangi locations in Yatta

Division, Machakos County. The dam will store the flood flow from the Athi and the Thwake rivers and provide water supply for multipurpose use.

The Project is funded by GoK and development partners; and is supervised by an international firm of consulting engineers. The Contractor employed in the works is also an international contractor from China with wide experience in construction of such works. The construction process involves quarrying of rocks through drilling, blasting and transporting the same to the construction points.

Hon. Chair, to respond to the issues raised by the petitioner, I wish to inform the Committee that the Ministry has been aware of the environmental concerns of the community around Thwake Dam construction site since the commencement of construction in March, 2017, and has continuously ensured the implementation of remedial actions in compliance with environmental regulations and guidelines. This particular petition first came before the County Government of Makueni in the year 2019, where the issues raised by the petitioner were brought to the knowledge of the County Environment Committee (CEC) and deliberated accordingly.

At a meeting of the County Environment Committee held on 3rd September, 2019, issues surrounding Thwake Dam, among them, complaints on blasting of rocks were discussed (*Minutes attached, Annex I, MIN 2: 3/ 9/ 2019*) and a Technical Committee formed to visit the Dam site and undertake further investigations. The Technical Committee visited the site on 5th September, 2019 and prepared a report on their findings (*Technical Committee Report Attached Annex II*). Key observations of the report were that the contractor had acquired all environmental licenses and permits necessary for dam construction, cracks in buildings had not been caused by the blasts and vibrations. In addition, they found that issues of sanitation and safety have been adequately addressed.

Hon. Chair, the County Commissioner held an Environment Committee meeting on 18th September, 2019 to discuss issues affecting workers and the community around the project area (*Minutes Attached, Annex III*). A follow up meeting, which was attended by the County Assembly Committee on Environment and Climate Change was held at the Dam site on 1st November, 2019 (*Minutes Attached, Annex IV*). During the meetings, environmental issues were raised, key among which were lack of access to water, dusty roads, noise pollution, vibrations, blasting without adequate warning (sirens) and falling rock debris after blasting.

The Environment Committee recommended that the project undertake the necessary measures to address the above community concerns and that frequent site visits be conducted to ensure the contractors implement them. Shortage of water in the vicinity of the Dam site was to be addressed by constructing six (6) boreholes, two (2) at Mavindini, two (2) at Mbooni and two (2) at Kalawa.

Towards this end, the Government through the CSR component of the project is implementing all the six (6) boreholes. Dust levels have been controlled by repairing road sections near schools and markets from the site to Kwa-Kamote Junction; approximately 3 km; in addition to watering haulage roads on site. The measured sound levels within 250 to 300 metres of the blast point has been found to be 108.1 dB(A) against a limit of 114 dB(A) in accordance with NEMA guidelines for mines and quarries.

Hon. Chair; Blasting is restricted to daytime hours only in accordance with the blasting license issued by the Government that limits blasting hours between 6 am-6pm, while the measured vibration levels obtained from a seismograph installed on site are below the NEMA limit of 0.5 cm/sec. This is safe and is tolerated by nearby humans and animals and cannot damage structures. A baseline survey conducted on 16th December 2020, at UNYEEO area prior to commencing

blasting in the quarry near the area, established that many structures have cracks, which could not be directly linked to vibrations and were attributed to improper construction methods leading the defects.

Hon. Chair, to minimize cases of falling debris on houses or even injuring members of the public, blasting sites have been clearly marked with visible tape and warning signs erected to warn people of the danger. Blasting timetable is shared with the community in good time before blasting and commencement of blasting is announced via sirens loud enough to warn everyone of the impending blast. Residents very close to the quarries have been relocated to safer areas.

Hon. Chair, NEMA while on its routine inspection mission, conducted a site inspection on the project on 13th March, 2020 and issued an improvement notice to the proponent to undertake Environmental Audit which will provide more clarity on compliance level to the licensing conditions.

The County Environment Committee, in a meeting held on 10th November, 2020 resolved to make a joint site inspection to monitor the compliance level on the issues jointly agreed with the proponent during the Technical Committee site visit on 5th September, 2019 (Annex II).

The Environmental Audit and the joint site inspection visit would have made very useful tools to verify the level of compliance on the environmental and safety measures, however, the activities are yet to take place due to challenges posed by implementation of COVID-19 Public Health Guidelines and Government directive on measures to control the spread of the Pandemic.

In conclusion, Hon. Chair, the Government is very keen about the safety of its citizens during implementation of such projects and any deviation from this cardinal obligation is not tolerated and the Ministry of Water, Sanitation and

Irrigation will not hesitate to sanction contractors who flout the rules. Further, in order to strengthen the implementation of the environmental and safety measures at Thwake Dam construction site, the project consultants under the guidance of this Ministry have prepared and ensured strict compliance with the Environment Health and Safety protocol on site. At the same time the Ministry, County Environment Committee, NEMA and other stakeholders will continue to closely monitor the implementation of the Environmental Management Plan and compliance to Environmental Impact Assessment license conditions.

Finally, the Ministry has established a Community Liaison position in the project that engages the community to ensure harmonious relations are maintained between the Community and the project for smooth implementation.

Hon. Chair, I submit.

**Sicily K. Kariuki (Mrs), EGH
Cabinet Secretary**

RESOLUTION ON THE PEACE AND SECURITY STATUS ON THE AFRICAN
CONTINENT

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament (PAP) to ensure the “full participation of the African people in the development and economic integration of the continent”;

CONSIDERING ALSO Article 3 (a), (f) and (k) of the Constitutive Act of the African Union outlining the objectives of the Union to achieve greater unity and solidarity between the African countries and the people of Africa, to promote peace, security and stability on the continent and to promote co-operation in all fields of human activities to raise the living standards of African peoples;

CONSIDERING FURTHER that Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, which facilitates the effective implementation of the policies and objectives of the African Union; the promotion of the principles of human rights and democracy in Africa; and promotes peace, security and stability;

RECALLING Article 20 of the Constitutive Act also referred to as Article 9 of the Protocol on Amendments to the Constitutive Act 2003; and Article 2 of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union as “the standing decision-making organ for prevention, management and resolution of conflicts”;

RECALLING Aspiration 4 of Agenda 2063, which envisages a fully functional and operational African Peace and Security Architecture (APSA) for the preservation of peace, security and stability in Africa;

NOTING that Article 18 of the Protocol relating to the Establishment of the Peace and Security Council of the African Union prescribes for a close working relation with the Pan-African Parliament in the furtherance of peace, security and stability in Africa and mandates it to submit to the Pan-African Parliament reports that will enable the latter to discharge its responsibilities relating to the maintenance of peace, security and stability in Africa;

NOTING WITH CONCERN that terrorism and radicalisation continue to be fuelled by illicit proliferation, circulation and trafficking of small arms and light weapons, which

threatens peace and security in the continent and undermines efforts to improve the living standards of African peoples;

MINDFUL that the African continent has a long history of armed conflicts and the commitment of the African Union Member States to silence the guns by 2020;

APPRECIATING the efforts and collaboration of the Peace and Security Council with the PAP to end conflict on the African continent;

CONVINCED that the challenges of peace and security can only be resolved through collective efforts by all Organs of the African Union;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

5. **REQUEST** the Bureau of Pan African Parliament through the President of the PAP to engage with the Peace and Security Council to strengthen collaboration and cooperation on peace and security issues, including the undertaking of joint fact-finding missions with the Committee on Cooperation, International Relations and Conflict Resolution to conflict areas;
6. **REQUEST ALSO** the Committee on Cooperation, International Relations and Conflict Resolution to undertake independent fact-finding missions to enrich their understanding of the causes of conflict on the continent.
7. **REQUEST FURTHER** the Committee on Cooperation, International Relations and Conflict Resolution to undertake activities aimed at promoting the silencing of guns by the African Union Member States;

Done in Midrand, South Africa
17 October 2019

RESOLUTION ON THE PEACE AND SECURITY SITUATION IN THE SAHEL
REGION

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the “full participation of the African people in the development and economic integration of the continent”;

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament (PAP) to ensure the “full participation of the African people in the development and economic integration of the continent”;

CONSIDERING ALSO Article 3 (a), (f) and (k) of the Constitutive Act of the African Union outlining the objectives of the Union to achieve greater unity and solidarity between the African countries and the people of Africa, to promote peace, security and stability on the continent and to promote co-operation in all fields of human activities to raise the living standards of African peoples;

CONSIDERING FURTHER that Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, which facilitates the effective implementation of the policies and objectives of the African Union; the promotion of the principles of human rights and democracy in Africa; and promotes peace, security and stability;

RECALLING Article 20 of the Constitutive Act also referred to as Article 9 of the Protocol on Amendments to the Constitutive Act 2003; and Article 2 of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union as “the standing decision-making organ for prevention, management and resolution of conflicts”;

RECALLING Aspiration 4 of Agenda 2063, which envisages a fully functional and operational African Peace and Security Architecture (APSA) for the preservation of peace, security and stability in Africa;

NOTING that climate change is one of the major challenges faced by countries in the Sahel with an estimate of 80 percent of agricultural areas in the Sahel belt affected by climate change thereby impacting on the socio-economic livelihood of the people in the Region;

NOTING WITH CONCERN that the rise in temperature in the Sahel is one and a half times faster than the global average which has a great impact on the availability of water

in the Sahel region causing the transitional semi-arid eco-region to face major and persistent challenges including adverse climate change effects, regular rainfall patterns and recurrent droughts that have resulted in reduced harvests and that the impact of depleting water resources due to high temperatures in the region impacts the environment negatively;

NOTING ALSO WITH CONCERN that terrorism and radicalisation continue to be fuelled by illicit proliferation, circulation and trafficking of small arms and light weapons, which threatens peace and security in the continent and undermines efforts to improve the living standards of African peoples;

NOTING ALSO the complex and multifaceted factors contributing to illegal migration, human trafficking and constant terrorist attacks by AQIM, Boko Haram and other terrorist groups in the Sahel region;

NOTING FURTHER the number of small arms circulating within the Sahel region; and the effects to peace and stability posed by outbreaks of repeated violent conflicts, terrorism and extremist acts on the continent;

APPRECIATING the efforts being made by the governments of the Sahel and the role played by the Peace and Security Council in the Region;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

UNDERTAKE a fact-finding mission to the Sahel region in order to assess the refugee and humanitarian situation on the ground and their impact to peace, security and stability in the region.

Done in Midrand, South Africa
17 October 2019

RESOLUTION ON THE CONSIDERATION OF THE ACTIVITY REPORT OF THE PAN-
AFRICAN PARLIAMENT

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

TAKING NOTE of the Activity Report of the Pan-African Parliament for the period May_ September 2019 as presented by the President of the Pan-African Parliament, and the Plenary discussions thereon;

IN ACCORDANCE WITH Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES to:

1. **ADOPT** the Activity Report of the Pan-African Parliament for the period May _ September 2019;
2. **URGE** the President and the Bureau of the Pan-African Parliament to engage with the African Union in particular the PRC for an improved working relationship with a view to addressing the budget of the Pan-African Parliament and the challenges faced by the Pan-African Parliament as a result of the reduction in its budget for 2019;
3. **FURTHER URGE** the Bureau of the Pan-African Parliament to engage the policy organs of the African Union to reinstate the benefits and allowances of the Parliamentarians of the Pan_African Parliament to enable them better execute their functions and duties;
4. **REMIND** the Bureau to ensure that Permanent Committees are provided with the required support for the implementation of their planned activities;

5. **COMMENDS** the Bureau and the Secretariat for improving the working conditions of the Parliamentarians of the African Union particularly with regards to translation and documentation facilities

Adopted at Midrand, South Africa
17 October 2019

**RESOLUTION ON THE TERMINAL REPORT OF THE COMMITTEE ON AUDIT AND
PUBLIC ACCOUNTS OF THE PAN-AFRICAN PARLIAMENT**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

TAKING NOTE of the terminal report of the Committee on Audit and Public Accounts, October 2019, including the recommendations formulated therein, as well as the various observations made by the PAP Members during the Plenary discussions;

NOTING WITH CONCERN the instability in the position of Clerk, the vacancy in the Office of the Clerk and the need for an independent Secretariat by complying with Rules 17 and 21 of the Rules of Procedure of the Pan-African Parliament vis-à-vis the relationship between the Bureau and the Office of the Clerk;

NOTING WITH CONCERN ALSO the continued lack of implementation of several audit recommendations previously made by the external auditors, the AU Board of External Auditors as well as the Committee on Audit and Public Accounts;

IN ACCORDANCE WITH Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO :

1. **ADOPT** the terminal report of the Committee on Audit and Public Accounts, October 2019 and all the recommendations formulated therein;
2. **DIRECT** the Secretariat to fully operationalize the Internal Audit Progress Committee which will engage all Heads of Units to facilitate and ensure timely implementation of all Audit and CAPA recommendations as well as providing for the organisational audit of the PAP to be carried out under the supervision of the CAPA;

3. **URGE** the Bureau of the Pan-African Parliament to ensure that qualified professional persons are appointed to vacant positions for the effective and efficient management of the Secretariat;
4. **FURTHER URGE** the Bureau of PAP to address issues relating to the high turnover in the Office of the Clerk by expediting the appointment of a Clerk to ensure stability and give strategic direction and coordination to the Staff, departments and for the smooth operations of PAP;
5. **CONSIDER** reviewing Rule 17 (a & b) of the PAP Rules of Procedures relating to the management and administration of the affairs and facilities of the Parliament;
6. **ENCOURAGE** the Bureau to remind the AU Policy Organs to take steps to expedite the revision of the annexes to the Host agreement between the AU and South African Government relating to the PAP;
7. **REQUEST** the Bureau to ensure that all audit recommendations are complied with so that the image of the Pan-African Parliament can improve vis-à-vis the AU Policy Organs;
8. **FURTHER REQUEST** the Bureau take the necessary measures to deal with issues relating to non-implementation of audit recommendations and budget implementation in order to avoid the sanctions;
9. **REQUEST ALSO** the Bureau to engage with the Policy Organs of the AU to get the 50% cut in the budget for MPs' medical insurance restored and to ensure that the relevant AU regulations, rules and policies provide to PAP Members benefits and entitlements due to "Elected Officials", including in relation to the travel class and allowances;
10. **REQUEST** the Bureau to hold personally and/or jointly accountable for USD140,143 the three individuals who were the trustees to the PAP Trust Fund.

Adopted at Midrand, South Africa
17 October 2019

RESOLUTION PAYING TRIBUTE TO HIS EXCELLENCY ROBERT GABRIEL
MUGABE, FORMER PRESIDENT OF THE REPUBLIC OF ZIMBABWE

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

NOTING that His Excellency Robert Gabriel Mugabe, former President of the Republic of Zimbabwe, a fervent Pan-Africanist, defended his country and Africa on the world stage;

NOTING ALSO his quest for the dignity of Africa and equal treatment of African countries in the comity of nations;

NOTING FURTHER his determination to promote and protect the human rights of women, youth and children;

ACKNOWLEDGING his advocacy for women as potential and essential partners in developing the African continent;

ACKNOWLEDGING ALSO the legacy left by him, not only to Zimbabwe and Africa, but also to the rest of the world;

ACKNOWLEDGING FURTHER the important lessons learned from him in terms of solidarity and commitment to Africa;

RECOGNIZING the firm commitment and determination of His Excellency Robert Gabriel Mugabe to ensure the financial independence of the African Union Commission to enable the African continent to take ownership of its programmes and destiny;

IN ACCORDANCE WITH Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. Join African leaders, the people of Zimbabwe, Africans and the rest of the world in paying a well-deserved tribute to this African hero who recently passed away at the age of ninety-five;
2. Name the PAP Committee room number three after former President, H.E Robert Mugabe.

Adopted at Midrand, South Africa
17 October 2019

RESOLUTION ESTABLISHING THE ADOPTION OF THE MODEL LAW ON
POLICING IN AFRICA

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING the provisions of Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament that enjoins the PAP to ensure the “full participation of the African people in the development and economic integration of the continent”;

RECALLING Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan African Parliament, which empower PAP to facilitate regional cooperation, development and promotion of “collective self-reliance and economic recovery” as well as the implementation of the policies, objectives and programmes” of the African Union;

CONSCIOUS of Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of African Union Member States, inter alia through proposing and developing model laws;

CONSIDERING FURTHER the African Charter on Human and Peoples’ Rights and AU agenda 2063, the African charter on democracy, the AU Security Sector Reform Policy Framework that promotes harmonisation and consistency in reforms across the continent, and, the African Commission on Human and Peoples Rights African interpretive documents on policing.

RECALLING FURTHER the PAP Resolution on the Model Police Law in Africa, which was adopted during the Sixth Ordinary Session of the Fourth Parliament, in May 2017;

NOTING that the development of a Model African Law on Policing in Africa by the Pan-African Parliament will make a significant normative contribution to improving policing in Africa, and will complement other African Union and regional efforts to promote safety, security, democratic governance and human rights.

FURTHER NOTING that a Model Law on Policing in Africa is an effective way to promote review by Member States of existing policing legislation and bi lateral treaties, and to encourage legislative reform, that governs the mandate, organisational structure, and performance of law enforcement agencies in African Union Member States.

CONFIRMING that model police legislation in Africa must be based on democratic and civilian control, adherence to rule of law, and human rights compliant standards of policing.

RECALLING that the Pan-African Parliament's legislative mandate makes it well placed to develop a Model African Law on Police and Model Treaty for Mutual Legal Assistance for police co-operation in Africa.

FURTHER NOTING that the Model Law and Model Treaty for Mutual Legal Assistance for police co-operation in Africa can be adopted in whole or in part by African Union Member States, or used as a template to establish or review existing policing laws

WELCOMING of the partnership between the Pan-African Parliament and Africa Policing Civilian Oversight Forum (APCOF) by promoting and mainstreaming policing matters within the African Union Member States through the development of a Model Policing Law;

APPRECIATING the contributions from the regional consultations on the Draft Model Police Law which provided an opportunity for African citizens, the grassroots organizations and other interested stakeholders to engage with the draft Model Law;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

8. **ADOPT** the Model Law on Policing in Africa;

9. **REQUEST** the Bureau of PAP to submit the Model Law on Policing to the AU Policy Organs for endorsement and use by the AU Member States;

10. **STRENGTHEN** the collaboration and exchanges among regional and national parliamentary bodies, with a view to enhancing the capacity of parliamentarians to monitor and promote policing mainstreaming in national policies and programmes, as well as the budgetary and legislative instruments.

Adopted at Midrand, South Africa
17 October 2019

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



PARLEMENT PANAFRICAIN

PARLAMENTO PAN-
AFRICANO

Ref: PAP.5/PLN/RECOMS/1-5/OCT.19

Original: French

Fifth Parliament

Third Ordinary Session

6 to 18 October 2019

DRAFT RECOMMENDATIONS

Theme for 2019: "The Year of Refugees, Returnees and Internally Displaced Persons: Pan-African Parliament's Contribution Towards Finding Durable Solutions to Forced Displacement in Africa"

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RECOMMENDATION ON UNIVERSAL ACCESS TO ENERGY

The Pan-African Parliament,

CONSIDERING Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent,

CONSIDERING ALSO Article 3 of the Constitutive Act of the African Union, whose objectives are, among others, to: accelerate the political and socioeconomic integration of the continent; promote international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights; promote sustainable development at the economic, social and cultural levels, as well as the integration of African economies; coordinate and harmonize the policies between the existing and future Regional Economic Communities, for the gradual attainment of the objectives of the Union,

CONSIDERING FURTHER Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament,

NOTING the importance of energy for inclusive growth, to promote development in Africa,

NOTING ALSO the low level of investment in the energy sector in most African States,

NOTING FURTHER the lack of an integrated energy policy and the absence of a continental legal framework,

CONVINCED of the need to implement UNIDO programmes on industrial development in Africa,

IN ACCORDANCE WITH Rule 5(d) of the Rules of Procedure of the Pan-African Parliament conferring on it powers to make recommendations and take resolutions on any matters relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions,

NOW HEREBY RECOMMENDS:

1. To the African Union Member States to:

- i. Declare universal access to low-cost energy, diversify the energy sector and make renewable energies accessible to all by 2040;
- ii. Develop local human resources in energy, support their development, raise awareness among people on the benefits of renewable energies;

- iii. Allocate a significant share of their budgets to renewable energies and set up a fund-raising mechanism for renewable energies;
 - iv. Encourage any renewable energy-related investment and to grant tax exemptions for renewable energy kits and accessories;
 - v. Develop an integrated energy policy in African countries and to encourage and support regional energy initiatives;
 - vi. Emphasize the need to implement Goal 5 of the Sustainable Development Goals (achieve gender equality and empower all women and girls);
 - vii. Promote public-private partnership for investment in energy;
2. To the National Parliaments to establish a network of Parliamentarians on the implementation of renewable energies.

Done at Midrand, South Africa

17 October 2019

**RECOMMENDATION ON THE SOCIAL RESPONSIBILITY OF PARLIAMENTARIANS
TO FIGHT CHILD LABOUR IN MINING AREAS**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament;

CONSIDERING FURTHER the provisions of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, which most African countries have ratified and incorporated in their respective laws on prohibition of child labour;

NOTING the findings of the report of the fact-finding mission on the responsibility of Parliamentarians to fight child labour in mining areas, carried out by the Committee on Health, Labour and Social Affairs, from 16 to 18 September 2019 in Abidjan, Côte d'Ivoire;

RECOGNIZING ALSO that the mining sector is one of the largest industries in Africa, but appears among the most hazardous activities in the world, particularly for children;

CONCERNED by the exploitation of children in economic activities, exposing them to all forms of abuse and a very high risk of damage to their health and growth;

CONCERNED ALSO by the overwhelming figures of a 2016 UNICEF study, stating that, in Côte d'Ivoire, 1 622 140 (73.3%) of the 2 213 708 economically active children were exposed to hazardous work;

NOTING that the agricultural sector increasingly employs children (56.2%), as well as the services sector (41.9%). In Côte d'Ivoire, 21.5% of children aged 5 to 17 years perform hazardous work, such as crushing and transporting stones, blasting rocks, underground work, sieving and extracting gold with mercury and cyanide;

WELCOMING the efforts of the African Union to strengthen the protection of the rights of children through the draft ten-year continental Action Plan towards eradication of child labour, forced labour, human trafficking and modern slavery in Africa;

WELCOMING ALSO the efforts by Côte d'Ivoire to strengthen its policies on child labour, in particular through the 2010 Declaration of Joint Action to support implementation of the Harkin-Engel Protocol; signing cooperation agreements with two West African countries, Ghana and Burkina Faso; establishing an inter-ministerial committee and a national oversight committee; and adopting national policies, especially the 2019-2021 Action Plan to combat child labour;

APPRECIATING the arrangements made by the Ivorian authorities to facilitate the PAP mission, and **WELCOMING** the collaboration of Parliamentarians, representatives of the various relevant ministries and civil society organizations of Côte d'Ivoire, which supported the commitment of Pan-African Parliamentarians by providing them with reliable data and information,

RECALLING that States have a duty to provide social protection for people by establishing an appropriate framework that would enable them to meet basic needs such as education, water, housing and health coverage;

NOW HEREBY RECOMMENDS TO:

1. The African Union Member States to:
 - i. Promote and ensure the respect of human rights, in particular of vulnerable groups such as children, by strengthening national human rights protection mechanisms; and
 - ii. Establish or, where appropriate, revive children's Parliaments as a platform for sharing and resolving their problems in a structured manner;
2. Parliamentarians of Member States to fully exercise their oversight role over government action, and adopt meaningful laws to ensure the effective implementation of punitive measures against those who break the law;
3. The Committee on Health, Labour and Social Affairs to undertake further regional consultations on child labour with a view to consolidating and sharing best practices in protecting their rights.

Done at Midrand, South Africa

17 October 2019

**RECOMMENDATION ON THE RATIFICATION OF THE AFRICAN RISK CAPACITY
TREATY**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament;

CONVINCED that the African Risk Capacity plays a critical role in building financial resilience to extreme weather events and other natural disasters across the African continent, though provision of technical assistance to African countries and the development of innovative risk insurance products;

CONVINCED FURTHER that the African Risk Capacity contributes to the goal of Agenda 2063 to build a climate-resilient continent in enhancing financial climate preparedness and thus contributing to protect the vulnerable communities and protect developments gains;

NOTING the presentation on the Ratification African Risk Capacity Treaty made to the Third Ordinary Session of the Fifth Parliament of the Pan-African Parliament in 16 October 2019;

DEEPLY CONCERNED by the slow pace of ratification of the African Risk Capacity Treaty as out of 33 countries Signatory to the ARC Treaty only 8 countries have ratified the treaty;

IN ACCORDANCE WITH Rule 5 (d) of the Rules of Procedures of the PAP, which authorizes the PAP to make recommendations and formulate resolutions on any matter relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;

NOW HEREBY RECOMMENDS TO:

1. The African Union Member States that have not yet signed and ratified the African Risk Capacity Treaty to accelerate their processes of signing and ratifying of the Treaty;
2. The National Parliaments to continue advocating for the acceleration of the ratification processes of the African Risk Capacity Treaty;

3. The African Union Member States to reaffirm their commitment to the original vision that led to the establishment of the African Risk Capacity as an African-owned solution to African problems exacerbated by climate change, through active support and participation in its Pan-African risk pooling mechanism;
4. The African Risk Capacity to report regularly to the Committee on Rural Economy, Agriculture, Environment and Natural Resources of the Pan-African Parliament in its activities and ratification status;
5. The African Risk Capacity to assist the Pan-African Parliament to develop a framework to guide the collaboration with National Parliaments in the monitoring and evaluating progress of the ratification, domestication and implementation of the African Risk Capacity Treaty.

Done at Midrand, South Africa
17 October 2019

**RECOMMENDATION ON THE TERMINAL REPORT OF THE COMMITTEE ON
AUDIT AND PUBLIC ACCOUNTS OF THE PAN-AFRICAN PARLIAMENT**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

TAKING NOTE of the terminal report of the Committee on Audit and Public Accounts, October 2019, including the recommendations formulated therein, as well as the various observations made by the PAP Members during the Plenary discussions;

NOTING WITH CONCERN the continued lack of implementation of several audit recommendations previously made by the external auditors, the AU Board of External Auditors as well as the Committee on Audit and Public Accounts;

IN ACCORDANCE WITH Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RECOMMEND:

1. To the AU to observe Article 11 (2) of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament 2003 on the budget of the PAP and the budgets of the AU by submitting all AU budgets to the PAP, for examination, debate and adoption prior to approval by the Assembly;
2. To the Policy Organs of the AU to restore the 50% cut in the budget for MPs' medical insurance and to afford the PAP Members the status, benefits and entitlements due to "Elected Officials under the AU regulations, rules and policies;
3. To the AU Policy Organs to expedite the revision of the annexes to the Host Agreement between the AU and South African Government relating to the PAP.

**Done at Midrand, South Africa
on 17 October 2019.**

RECOMMENDATION FROM THE TWELFTH PAN-AFRICAN PARLIAMENT
CONFERENCE ON WOMEN'S RIGHTS

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament;

CONSIDERING FURTHER the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (also known as the Maputo Protocol), the Solemn Declaration on Gender Equality in Africa (SDGEA), the Convention on the Elimination of All Forms of Violence against Women (CEDAW), the Beijing Declaration, and the Platform for Action and the United Nations (UN) Sustainable Development Goals (SDGs) 2030, the African Women's Decade (2010-2020), the AU Strategy on Gender Equality and Women's Empowerment;

TAKING NOTE of the Report and recommendations from the 12th Conference on Women's Rights convened by the Pan-African Parliament on 14 and 15 October 2019, in Midrand, South Africa, around the AU theme of the year 2019: The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa;

NOTING that the Women's Conference has been, since 2008 a platform to review women's issues in Africa and to monitor and evaluate progress towards advancement of women's rights in Africa;

NOTING ALSO the Women's Conference took place in the context of the commemoration of the 50th anniversary of the adoption of the Organization of African Unity (OAU) Convention governing specific aspects of Refugees and the 10th anniversary of the adoption of the Kampala Convention on Internally Displaced Persons (IDP);

NOTING WITH CONCERN that women and children are the most affected by conflicts and displacement, and that women bear the burden of poverty, owing to limited access to decision-making processes, finance, education, health, and means of production.

NOTING ALSO the launching of the operational phase of the AfCFTA on the 7 July 2019, following the entry into force of the African continental trade area on the 30th May 2019;

NOTING FURTHER that the AU Agenda 2063, which envisions Africa as a continent where the free movement of people, capital, goods and services will significantly increase

trade and investments amongst African countries and improve Africa's situation in global trade;

RECOGNIZING the significant role played by women in creating productive opportunities and positive impact on the continent's socio-economic development whether implicitly or explicitly;

ACKNOWLEDGING that Parliamentarians, as the people's representatives, have a critical role to play in creating an enabling environment for the realisation of the rights of women and girls, including through ratification, domestication and implementation of international and regional treaties;

NOTING WITH CONCERN challenges and delays with regard to the signing, ratification and domestication of African Union treaties pertaining to women's rights, such as the Maputo Protocol;

IN ACCORDANCE WITH Rule 5 (d) of the Rules of Procedures of the PAP, which authorizes the PAP to make recommendations and formulate resolutions on any matter relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;

NOW HEREBY RECOMMENDS:

1. On the AU theme for 2019: The year of Refugees and Internally Displaced Persons:

- i. The AU Member States to put the concerns of refugees, internally displaced persons and stateless persons on the agendas of the African Union Peace and Security Council, Regional Economic Communities and relevant organs;
- ii. The AU Member States to strengthen comprehensive mediation, peace building and conflict resolution mechanisms, including the full participation of women in all peacebuilding activities and processes, to pursue national reconciliation through the African Peace and Security Architecture, to strengthen Africa's peacekeeping and enforcement capabilities and collaboration with the United Nations system;
- iii. The AU Member States to employ an inclusive approach and foster the participation of women, refugees, and internally displaced persons in all decision-making processes affecting them.

2. On the African Continental Free Trade Agreement (AfCFTA):

- i. The Member States to take effective steps to ratify the AfCFTA;
- ii. The Member States to implement programmes to empower women to actively participate in the Free Trade and to opt for gender responsive policies to improve inclusiveness.

- iii. The Member States to deliberately facilitate women's access to trade information, services, finance, ICT and markets opportunities;
- iv. Parliamentarians of the Member States to monitor the negotiations, the implementation and impact of the AfCFTA with a particular focus on the participation of women;
- v. The Member States to build the capacity of women to effectively participate in free trade and to add value to commodities with the view to increase production and supply of services;

3. On African Women's Decade (2010 – 2020)

- i. The Member States to pass and fully implement gender parity laws that include specific quota for women;
- ii. The Member States to submit their periodic reports on Beijing +25 for adoption by Ministers in charge of Gender and Women's Affairs during their meeting to be held from 28 October to 1 November 2019;
- iii. The Member States and Civil society Organizations to develop projects to be submitted to the AUC to be financed under Fund for African's Women (FAW);
- iv. Parliamentarians to take action to address the existing gaps between policy frameworks on women's rights and the actual realities of women's rights in Africa;
- v. Women parliamentarians to lobby for the universal ratification of the Maputo Protocol by 2020 to advocate for policies that are favourable to women's economic integration, gender mainstreaming in governance and development sectors and the empowerment and inclusion of women into national programmes;
- vi. The media to lead campaigns on narrative change on the rights of African women through the sensitization, promotion of laws, policies, and best practices as well as investigation and reporting of gender-based violence;

4. On women and ICT

- i. The African Parliamentarians to advocate in their member states for internet access as a basic right;
- ii. The Member States to ensure the integration of ICT into school curriculum and the elimination of barriers to enable young girls pursue

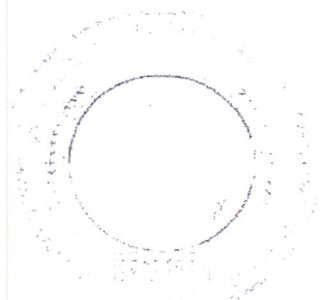
programmes in the field of Science, Technology, Engineering and Mathematics (STEM);

5. On Mobilization of resources

- i. The PAP Goodwill Ambassador on Economic Development and Women to mobilize the necessary financial resources from the private sector to support:
 - a. Advocacy for the domestication and the implementation of Maputo Protocol in all African countries;
 - b. Strategic communication to galvanize the work of the PAP on women's rights, particularly the programmes and activities of the Women's Caucus.

Done at Midrand, South Africa
on 17 October 2019.

PAN-AFRICAN PARLIAMENT



ACTIVITY REPORT COVERING THE PERIOD MAY – SEPTEMBER 2019

PRESENTED AT THE THIRD ORDINARY SESSION OF THE
FIFTH PARLIAMENT

BY

HONOURABLE ROGER NKODO DANG
PRESIDENT OF THE PAN-AFRICAN PARLIAMENT

Midrand, October 2019



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LIST OF ACRONYMS

ADA	Africa Disability Alliance
AfCFTA	African Continental Free Trade Area
AMV	Africa Mining Vision
APNODE	African Parliamentarians' Network on Development Evaluation
APROB	Appointment, Promotion and Recruitment Board
ARFSD	Africa Regional Forum on Sustainable Development
ATAF	African Tax Administration Forum
ATT	Arms Trade Treaty
AU	African Union
AU-ABC	African Union Anti-Corruption Board
AUC	African Union Commission
AUDA	African Union Development Agency (New Name of NEPAD)
AUTJP	African Union Transitional Justice Policy
CAADP	Comprehensive Africa Agriculture Development Program
CAPA	Committee on Audit and Public Accounts
CFTA	Continental Free Trade Area
COP	Conference of Parties
CPA	Commonwealth Parliamentary Assembly
DREA	Department of Rural Economy and Agriculture (of the AUC)
EU	European Union
FAHR	Finance, Administration and Human Resource
FAO	Food and Agriculture Organization
FEMNET	African Women's Development and Communication Network
IOM	International Organization for Migration
IDEA	Institute for Democracy and Electoral Assistance
ILO	International Labour Organization
NEPAD	New Partnerships for Africa's Development
PAP	Pan-African Parliament
PBFA	Programs, Budget, Finance and Accounting
RECs	Regional Economic Communities
SPF	Social Policy Framework for Africa
TCP	Technical Cooperation Project
UNIDO	United Nations Industrial Development Organization
WHO	World Health Organization

1. INTRODUCTION

Since the Second Ordinary Session of the Fifth Parliament, held in Johannesburg, South Africa, from 6 to 17 May 2019, up to the conclusion of this Activity Report, the Pan-African Parliament, under the leadership of its Fifth Bureau, implemented several activities, in fulfilment of its statutory mandate, which is to “*ensure the full participation of African peoples in the development and economic integration of the continent*.”¹ This Activity Report provides a brief account of the parliamentary and non-parliamentary activities, and statutory and non-statutory activities.

The Report includes the activities carried out by all organs and structures of PAP - the Plenary, Bureau, Permanent Committees, Regional and thematic Caucuses as well as the Secretariat, towards achieving the strategic objectives of PAP, as set out in the current Strategic Plan, instead of the new Strategic Plan, which was approved by the Bureau in March 2019 and tabled for consideration and adoption by Plenary in October 2019.

The Report strives to establish a link between implemented PAP activities and the six strategic objectives of PAP, with a view to establishing the extent to which these activities contributed, or not, to achieving the strategic objectives of PAP. The Report also points out the major achievements during the period covered by the Report and the main challenges faced by the institution in the fulfilment of its mandate. The Report concludes with some reflections on future and potential activities of the PAP that will build on the progress achieved to date.

2. ACTIVITIES UNDERTAKEN TOWARDS ACHIEVING THE STRATEGIC OBJECTIVES OF PAP

The Strategic Objectives of PAP are to:

- i. effectively exercise and strengthen parliamentary functions of PAP (Strategic Objective 1);
- ii. provide a platform for mainstreaming African voices and those in the Diaspora, into the African Union policy-making process (Strategic Objective 2);
- iii. promote human rights and democracy, good governance & development in Africa (Strategic Objective 3);
- iv. promote peace, security and stability in Africa (Strategic Objective 4);
- v. promote economic integration and development in Africa (Strategic Objective 5);
- vi. deploy and strengthen the institutional capacity of PAP in support of its core mandate (Strategic Objective 6).

The sections below demonstrate the extent to which the activities carried out since the last Ordinary Session, have contributed to achieving the above-mentioned strategic objectives.

¹ See Article 17 (1) of the African Union Constitutive Act; Art. 2 (2) of the PAP Protocol and Art. 3 (a) and (m) of the new PAP Protocol.

For that purpose, the Report discusses the activities of PAP by clustering them under each of the strategic objectives.

2.1. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 1: EFFECTIVELY EXERCISE AND STRENGTHEN PARLIAMENTARY FUNCTIONS OF PAP.

The effective exercise and strengthening of the parliamentary functions of PAP speak to the core activities of the Pan-African Parliament. In fulfilment of that strategic objective, PAP successfully carried out several statutory and non-statutory activities, including the successful holding of the Second Ordinary Session of the Fifth Parliament, during which the Plenary, Bureau and Permanent Committees as well as Regional and thematic Caucuses met, discussed and decided on a wide range of pertinent African issues. PAP also successfully held the August 2019 Committee Sitzings, in preparation for the Second Ordinary Session of the Fifth Parliament, and the Conference of Speakers of African Assemblies and Senates, and Conference of Clerks of African Parliaments.

2.1.1. Successful holding of the Plenary of the Second Ordinary Session of the Fifth Parliament

The Pan-African Parliament successfully held the Second Ordinary Session of the Fifth Parliament in Johannesburg, from 6 to 17 May 2019, in accordance with Rule 28 of the Rules of Procedure of PAP. The underlying theme of the Session was the AU theme of the year 2019 - "Winning the Fight against Corruption: A Sustainable Path to Africa's Transformation", under which several subsidiary and correlated matters were considered, in fulfilment of the legislative, oversight and representative functions of the Pan-African Parliament.

Pursuant to Rules 9 and 20 (4) of the Rules of Procedure of PAP, 18 new Members of Parliament were sworn in and took their oath of office. The new Members came from the following Member States: Algeria (1), Comoros (1), Cote d'Ivoire (2), e-Swatini (5), Gabon (3), Ghana (1), Mozambique (1), Seychelles (1), Uganda (1), Mauritania (2).

The major issues deliberated by the Plenary during the Session included the consideration of the Activity Report of PAP, presentations on the African Union 2019 theme of the year, the debate on universal access to immunization and universal health coverage, and the presentation on the African Governance Report. The Plenary also considered 11 reports from the Permanent Committees, including the Report on the Workshop on Albinism in Africa, Report of the Committee on Audit and Public Accounts (CAPA), Reports of the Committee on Monetary and Financial Affairs, report of the two regional consultations (North and East Africa) on the Draft Model Disability Law, Presentation on the African Charter for African Cultural Renaissance, debate on the Report on the Workshop on elections and democracies in Africa, Report on the Workshop on Industrial Development in Africa and matters concerning claims brought by the PAP Staff Association.

It is worth noting that the Plenary spent considerable time discussing the AU theme for 2019, *“The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”* and the Pan-African Parliament’s contribution. The discussion focused on reviewing the situation of refugees and internal displacement in Africa, the consequences of forced migrations in Africa, the main causes and drivers of the refugee and internal displacement problem in Africa, the understanding of the concept of refugee and internally displaced person in the light of international and regional legal instruments, a presentation on the situation of refugees and IDPs in West Africa as a case study, the link between the refugee and internal displacement problem and statelessness in Africa, the relationship between Europe and the African continent on the treatment of refugees and migrants, an overview of the AU legal, policy and practical responses to the refugee and internal displacement situation, and a discussion on the Global Compact on Refugees (GCR) as a tool for revitalizing the implementation of the commitments made in the 1951 Convention on Refugees.

The Plenary discussions culminated into the consideration and adoption of a total of twelve resolutions and three recommendations.

2.1.1.1. Resolutions

The resolutions adopted by the House are as follows:

- i. Resolution PAP.5/PLN/RES/01/MAY.19 on the Consideration of the Activity Report of the Pan-African Parliament;
- ii. Resolution PAP.5/PLN/RES/02/MAY.19 on the Establishment of an Ad Hoc Committee Tasked with Considering the Claims made by the PAP Staff Association;
- iii. Resolution PAP.5/PLN/RES/03/MAY.19 for Provision of Financial Assistance to Victims and Survivors of Cyclones Idai And Kenneth;
- iv. Resolution PAP.5/PLN/RES/04/MAY.19 on the Extension of the Deadline for Submission of the Report of the Ad Hoc Committee tasked with Considering the Claims made by the PAP Staff Association;
- v. Resolution PAP.5/PLN/RES/05/MAY.19 on the Consideration of the Final Report of the Committee on Audit and Public Accounts;
- vi. Resolution PAP.5/PLN/RES/06/MAY.19 on the Report of the Ad Hoc Committee tasked with Considering the Claims made by the PAP Staff Association;
- vii. Resolution PAP.5/PLN/RES/07/MAY.19 on the Granting of Observer Status to the Federal National Council of the United Arab Emirates;
- viii. Resolution PAP.5/PLN/RES/08/MAY.19 on Concrete Measures for the Promotion and Protection of the Rights of Persons with Albinism in Africa;
- ix. Resolution PAP.5/PLN/RES/09/MAY.19 on Statelessness;
- x. Resolution PAP.5/PLN/RES/10/MAY.19 on the Formulation of an African Model Double Taxation Agreement;

- xi. Resolution PAP.5/PLN/RES/11/MAY.19 on the African Union theme for the Year 2019, “The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”;
- xii. Resolution PAP.5/PLN/RES/12/MAY.19 on the African Union Declaration on Universal Access to Immunization in Africa.

2.1.1.2. Recommendations

The recommendations adopted by the House are as follows:

- i. Recommendation PAP.5/PLN/RECOM/01/MAY.19 on the ratification and implementation of the Charter for African Cultural Renaissance;
- ii. Recommendation PAP.5/PLN/RECOM/01/MAY.19 of the Pan-African Parliament for the Industrial Sector in Africa;
- iii. Recommendation PAP.5/PLN/RECOM/01/MAY.19 on the African Union Theme for the Year 2019: “The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”.

2.1.2. Successful holding of Statutory Meetings of Permanent Committees and Caucuses

The PAP successfully held statutory and non-statutory meetings of Permanent Committees and Caucuses, both during the May 2019 Ordinary Session and August 2019 Committee Sittings, and in the inter-Session period leading up to the October 2019 Ordinary Session.

2.1.2.1. Successful holding of sittings of Permanent Committees and Caucuses during the May 2019 Ordinary Session

During the May 2019 Ordinary Session, PAP successfully held sittings for all eleven Permanent Committees, Regional Caucuses, and the two Thematic Caucuses, Youth Caucus and Women’s Caucus. Given the cross-cutting nature of some of the issues tabled for consideration by Committees, some Committees held joint sittings. PAP also successfully conducted, with very tight deadlines, the hearings and deliberations of the Ad Hoc Committee Tasked with Considering the Claims made by the PAP Staff Association, in line with Resolution PAP.5/PLN/RES/01/MAY.19 of the Plenary.

The major issues discussed by the Permanent Committees included the Report of the Committee on Audit and Public Accounts, Report of the Midrand Workshop on “The Year of Refugees, Returnees and Internally Displaced Persons: the Pan-African Parliament contributing Towards finding Durable Solutions to Forced Displacement in Africa”, Report of the Tunis workshop on “The Year of Refugees, Returnees and Internally Displaced Persons”, Report of the Workshop on Statelessness and Citizenship in Africa, Progress Report of the two regional consultation meetings (North and East Africa) on the Model Disability Law, Report of the Pan-African Parliament participation in the Conference of the Parties (COP-24) Session, Update on the Establishment of the PAP Desk on Climate Change, Report on Political Parties’ Role in Building Vibrant and Inclusive Democracies in Africa,

Report of the workshop on “Industrial development in Africa: Challenges and perspectives”, Presentation on PAP 2019 budget execution and proposed PAP 2020 Budget and Presentation on the proposal to develop a Double Taxation Agreement.

The various issues and reports considered and discussed by the Committees, were presented to the Plenary and resulted in resolutions and recommendations adopted at the conclusion of the October 2019 Plenary. The Permanent Committees and Caucuses also successfully discussed their respective internal organizational matters, including the filling of vacant positions.

Two Committees also conducted elections during the Second Ordinary Session of the Fifth Parliament, which resulted in Hon. Ousmane Koure Jackou being elected as Deputy Chairperson of the Committee on Transport, Industry, Communication, Energy, Science and Technology; Hon. Abdellatif Abdouh, Rapporteur of the Committee on Education, Culture, Tourism and Human Resources; and Hon. Adv. Djibril War, Chairperson of the Committee on Rules, Privileges and Discipline.

The five Regional Caucuses also held meetings on 6 May 2019. In line with their mandate, the Caucuses were involved in appointing new Members to the various committees, reallocating Members to Committees, and nominating Members for election to the vacant positions within Committee Bureaus. In addition, elections were held to fill the vacant positions in the Bureaus of Regional Caucuses. Hon. Zelly Pierre Massanga Inzoungou and Hon. Sidia S. Jatta were elected as Deputy Chairpersons of the Central Africa Caucus and West Africa Caucus, respectively.

2.1.2.2. Successful holding of sittings of Permanent Committees and Caucuses during the August 2019 Committee Sittings

During the Committee Sittings from 2 to 9 August 2019, PAP successfully held a total of 21 meetings for all 11 Permanent Committees, two of which sat in Cabo Verde and one in Egypt, four regional Caucuses and the Women’s Caucus.

During this period, the Committees were engaged in workshops and attended presentations on topics related to their respective mandates and individual programmes of the Committees. It is worth briefly highlighting the issues that were considered and deliberated by each Committee.

i. Workshop on strengthening capacities on human rights and democratization in Africa

The aim of that full-day workshop, held on 7 August 2019 with the technical support from the Centre for Human Rights and the Africa Coalition for Corporate Accountability (ACCA), under the MOU signed with the Law Faculty of Pretoria University, was to strengthen the capacities of PAP Members on current human rights and democratization issues relevant to Africa. The workshop achieved the following objectives:

- ✦ Sensitized PAP Members on the ongoing process of developing a United Nations Treaty on Business and Human Rights;
- ✦ Provided PAP Members with skills and knowledge to enable them to actively engage with national processes and policy formulation aimed at ending corporate impunity for human rights abuses;
- ✦ Strengthened the commitment by PAP to engage in the drafting process of the UN Treaty on Business and Human Rights, and to develop a strategy for engagement for the open-ended inter-governmental working group on transnational corporations and other business enterprises with respect to human rights;
- ✦ PAP adopted a unified position and stance to reflect an African perspective to business and human rights in the context of a global problem.

The workshop was well attended by Members of the Committee on Rules, Privileges and Discipline, Committee on Justice and Human Rights, Committee on Transport, Industry, Communications, Energy and Technology, and Committee Monetary and Financial Affairs. It emphasized the need for African countries to benefit from regional groupings to ensure the observance of human rights by powerful transnational corporations, and to strike a fair balance between the need for development and respect for human rights, particularly those of local communities that may be affected by business investment activities.

In addition to business and human rights, the workshop also focused on governance and democracy issues. It prompted PAP Members to express the need for States to initiate electoral reforms and take affirmative action measures to increase women's participation in political parties and elections. PAP Members renewed their commitment to promote the Maputo Protocol in their respective countries.

ii. Joint Workshop on Renewable Energy in Africa

Jointly organized for the Committee on Transport, Industry, Communications, Energy and Technology, the Committee on Rural Economy, Agriculture, Natural Resources and Environment, and the Committee on Trade Customs and Immigration Matters, this workshop was held to recognize the vital role of energy in achieving the Sustainable Development Goals through its ability to stimulate economic growth, generate employment, increase educational opportunities and improve general health and wellbeing.

The joint workshop resulted in building consensus among PAP Members on the need for African countries to:

- ✦ Abolish import duties on renewable energy components and accessories, and develop local capacity to dispose of and/or recycle energy waste; and
- ✦ Treat universal access to power as a fundamental human right, and invest in local human resource development instead of relying on foreign companies;

- ✦ Identify affordable and appropriate renewable energy sources, and incentivise investment in energy, regardless of who is involved, local or foreign companies;
- ✦ Create an enabling environment for private sector participation in this sector and urge Parliamentarians to effectively exercise their oversight over the executives.

iii. Third African Parliamentary Summit on Tuberculosis

The Third African Parliamentary Summit on Tuberculosis brought together the Committee on Gender and the Committee on Health during their statutory sittings from 2 to 10 August 2019. The Summit was held with the technical support from the Africa TB Caucus and NEPAD, with the aim of taking stock and sharing experiences on sustaining the commitment to the aims and objectives of the Global TB Caucus. The sitting was held in Praia, Cape Verde, away from the seat of PAP to enable the Members to interact directly with the people and to increase the visibility of the work of the Committees, and ultimately the Pan African Parliament.

The meeting achieved the following objectives:

- ✦ Participants were sensitised on the UN High Level Meeting Statement of Intent and the need for accountability, using the African Union accountability framework on TB for adoption by regional, sub-regional and national bodies;
- ✦ Members gained knowledge and skills on the promotion of budget advocacy to enhance the capacity of MPs to influence TB financing in their countries;
- ✦ Participants developed a call to action plan to support the upcoming replenishment of the Global Fund to Fight HIV/AIDS, TB and Malaria;
- ✦ Members strengthened collaboration with civil society partners towards a sustainable political response to the diseases in each country.

iv. Dialogue on “Promoting Children’s Rights Towards Realizing their social security and protection

This dialogue was held with technical support from the African Committee of Experts on the Rights and Welfare of the Child, during the joint sitting of the Committee on Gender and Committee on Health in Praia, Cabo Verde, from 2 to 10 August 2019. The dialogue exposed the Members of both Committees to the various legal and policy frameworks on the promotion and protection of children’s rights that were adopted at international and regional level.

In anticipation of the celebration of the 30th Anniversary of the African Charter on the Rights and Welfare of the Child in 2020, the event provided an opportunity to sensitize Parliamentarians on the 10-year action plan on eradicating all forms of harmful practices against children (2020-2030), under Agenda 2063, including the implementation of the AU flagship campaign to end child marriage.

The Action Plan also includes strategies for ending child labour, forced labour, human trafficking and modern slavery, which are some of the practices that undermine the efforts Member States in advancing children’s rights.

v. Experience-sharing on “Getting to Equal: The Disability Inclusion Advantage”

During the joint sitting of the Committee on Gender and the Committee on Health in Praia from 2 to 10 August 2019, PAP held an experience-sharing session on “Getting to Equal: The Disability Inclusion Advantage”. Following consultations on the Draft Model Disability Law, Members were briefed by Representatives from Africa Disability Alliance (ADA) on the upcoming consultations in Senegal for the Western and Central Regions and in South Africa for the Southern region. At the session, Members were updated on the achievements and future steps in formulating the Model Disability Law for presentation and adoption during the October 2019 Session.

The sitting facilitated more experience-sharing between countries that could not participate in the consultations, and contributions to the commitment by Members to sensitize their respective countries on the need to ratify the Protocol on the Rights of Persons with Disability, adopted in January 2018. Only 15 ratifications were required to enter into force.

vi. Session on Women’s Empowerment and Gender Equality: the Experience of Senegal, Cabo Verde, Guinea and Tunisia

During the Committee Sitzings in Praia, the Committee on Gender embarked on regional consultative meetings to promote women’s rights as enshrined in the Maputo Protocol, and to monitor the progress of the African Women’s Decade (2010 – 2020), declared by the AU Assembly through Decision 487 (XIX) under the theme: “Grassroots Approach to Gender Equality and Women’s Empowerment” (GEWE). The process also enabled the sharing of experiences on the adoption of national laws on gender equality.

With the review of implementation of the African Women’s Decade scheduled for the end of 2020, the Committee on Gender intended to finalize its regional consultations in the Southern and Central regions, to develop a Model Law on Gender Equality. The Model Law will consolidate best practices and facilitate amendments of various national legislations in line with the vision of AU Agenda 2063.

vii. Brief by the World Health Organization (WHO) on matters of public health

During the Committee Sitzings in Praia, a team from WHO briefed Members on matters of public health that needed urgent interventions in the context of Universal Health Care. That included emerging infections and non-communicable diseases as silent killers, such as diabetes, high blood pressure, hepatitis and cancer. To address these diseases, WHO said that it was developing a vision and strategy for immunization for 2021-2030, which would contribute to primary health care. The vision of WHO is to have “a world where everyone, everywhere, at every age, fully benefits from vaccines for good health and well-being”.

viii. Workshop on the Role of Parliamentarians in Achieving the African Union Agenda 2063 and Sustainable Development Goals

With the technical support from the African Organization of English-Speaking Supreme Audit Institutions (AFROSAI-E), PAP held a workshop on 5 and 6 August 2019 for Members of the Committee on Audit and Public Accounts and Committee on Monetary and Financial Affairs, on the Role of Parliamentarians in Achieving the African Union Agenda 2063 and Sustainable Development Goals. The workshop enabled Members to gain knowledge on the link between performance audits, Sustainable Development Goals and Agenda 2063; effective communication for effective oversight and accountability; role of Parliamentarians to fight against Illicit Financial Flows (IFFs); role of Parliaments and supreme audit bodies in ensuring public sector monitoring and accountability.

The workshop emphasized the need to improve communication between supreme audit institutions and Parliament oversight structures, as healthy relations between the two institutions would improve and strengthen accountability and transparency in government, and ultimately improve the lives of the people.

ix. Meeting of the Committee on Cooperation, International Relations and Conflict Resolutions held in Cairo, Egypt

The Committee on Cooperation, International Relations and Conflict Resolution held its statutory sitting from 5 to 9 August in Cairo. The Committee was updated on the peace and security situation on the continent, and the impending threats to security. Terrorism and radicalization continued to be major threats on the continent. There were deliberations on the nexus between counter-terrorism, the rule of law and human rights in Africa. The Committee also discussed the challenges and impacts of climate change on security in the Sahel Region, Lake Chad Basin and Horn of Africa, and the issue of illegal migration in Libya. The Committee took note of the importance of engaging the youth in meaningful and economic activities to dissuade them from being lured into illegal and radical activities. The Committee demonstrated that stance by visiting the Suez Canal where they witnessed first-hand what the Egyptian Government was doing to create employment and engage the youth in their national programmes.

x. Consideration by the Committee on Rural Economy, Agriculture, Natural Resources and Environment of the draft Model Law on Food Security and Nutrition (FSN)

In November 2018, the Pan-African Parliament adopted Resolution PAP.5/PLN/RES/06/OCT.18 approving the elaboration of a Model Law on FSN with a view to providing guidance for the development and harmonization of legal frameworks at the national level, and implementation of regional efforts to support the achievement of FSN. Following consideration of a conceptual policy paper on international and regional commitments of States on the continent, and the relevant national policy and legal instruments they put in place, the Committee on Agriculture reviewed the first draft of the Model Law on FSN. The conceptual paper contained an assessment of existing international, regional and national legal and policy instruments to identify common principles, normative

elements and implementation mechanisms, that informed the first draft. Members of the Committee made comments which helped to improve the draft, which would be considered during the October 2019 Session.

xi. Meeting of the Committee on Audit and Public Accounts

The Committee on Audit and Public Accounts successfully held an election to fill the vacant chairmanship. The Committee elected Hon. Sekou Fantamadi Traore (Mali) as Chairperson, and appointed Hon. Barbara Rwodzi (Zimbabwe) as Acting Deputy Chairperson. Elections for the position of Deputy Chairperson would be held in October 2019. Furthermore, the Committee reviewed the Report of the Board of External Auditors on the Pan-African Parliament for the year ended 31 December 2019.

2.1.2.3. Successful holding of, or participation in Non-Statutory Sitzings of Committees during the Inter-Session

During the period covered by the Report, PAP successfully held and/or participated in various non-statutory meetings and activities, which complemented the statutory sittings and activities.

i. Round-table Training on Inclusive Data and Statistics on Disability

Members of the Committee on Gender attended the round-table Training on Inclusive Data and Statistics on Disability held by the Department of Social Affairs of the African Union Commission on 23 and 24 May 2019 in Dakar, in line with Executive Council Decision EX.CL/750 (XX) of January 2013 on the Social Policy Framework for Africa (SPF). The decision requested Member States to accelerate implementation of the SPF through increased investment and budget allocation to the social sector. The workshop was also attended by representatives from the African Union Commission, the African Commission on Human and Peoples' Rights, focal points from all Senegalese Government Departments and Institutions, and Government Officials from AU Member States. Its aim was to build the capacities of PAP Members and to enable them to promote disability inclusion.

ii. Participation in the Annual Meetings of the African Group of the International Association of Judges

Members of the Committee on Justice and Human Rights attended the Annual Meeting of the African Group of the International Association of Judges, from 1 to 7 June 2019, in Cape Town, South Africa. The Conference brought together chief justices, judges and magistrates from the African region as well as a select number of rule of law academics and practitioners, to discuss issues pertaining to judicial independence in Africa, and particularly the conditions of service of judicial officers in Africa. PAP was represented by Hon. Mephato Reatile, Deputy Chairperson of the Committee on Justice and Human Rights who, on behalf of the PAP President, made a keynote address under the conference theme, "Safeguarding the

independence of judges from the perspective of the African Union policy, legal and institutional frameworks”.

The conference provided an opportunity to raise the visibility of PAP among African judges, and to promote among the African judicial fraternity the African Union shared values of constitutionalism, rule of law, good governance, democracy and human rights, which were discussed in line with the relevant provisions of the African Union legal and policy instruments. At the meeting, PAP reaffirmed its commitment to advance and promote judicial independence as an essential component of the rule of law and human rights protection in Africa. Judicial independence would also guarantee the enjoyment of human rights by all, African integration, sustainable development and durable peace and security, as contemplated in Aspiration 3 of Agenda 2063 and Goal 16 of the UN Sustainable Development Goals.

iii. Third High-Level Dialogue on “Internally Displaced Persons, Refugees and Returnees: Securing Access and Quality Education for Girls, Women and Boys”.

The Chairperson of the Committee on Education, Culture, Tourism and Human Resources participated in the Third High-Level Dialogue on “Internally Displaced Persons, Refugees and Returnees: Securing Access and Quality Education for Girls, Women and Boys”. The High-Level Dialogue was organized by the African Union/International Centre for Girls’ and Women’s Education in Africa (AU/CIEFFA) on the margins of the 32nd AU Summit which was held in Addis Ababa, Ethiopia on 5 July 2019.

The dialogue aimed to enhance the understanding of impacts of humanitarian situations on education, especially on girls and women, and the role of education in peace building; share experiences between AU Members States and non-State actors on their policy frameworks and practices to protect education during humanitarian situations by using humanitarian instruments such as the Safe School Declaration and Guidelines; and strengthen the commitment on specific measures to protect girls, women and boys in education systems in all circumstances. The meeting agreed that the militarization of schools had to be stopped so that children could access education in all circumstances, and that there should be collaboration to ensure that vulnerable girls, young women and boys had access to quality education.

Participants comprised Ministers of Education/Higher education, Humanitarian affairs, Social Protection, Gender, RECs, Development partners, international organizations, CSOs, private sector and education advocates.

iv. High-Level African Summit on HIV/AIDS and Health Financing

The Committee on Health, Labour and Social Affairs, in collaboration with the African Union Commission and UNAIDS, undertook a series of activities to implement the African

Union Catalytic Framework to end HIV/AIDS, TB and Malaria by 2030 and the 2030 United Nations Sustainable Development Goals. The High-Level Summit, held in Brazzaville on 11 and 12 July 2019, brought together decision-makers, Parliamentarians, African Union Organs, Academia, the private sector and civil society organizations, to take a bold step in effectively addressing HIV/AIDS and health financing in Africa.

The High-Level Summit reviewed the three-year work plan which was developed by the Committee on Health and UNAIDS for 2017-2019. It culminated in a resolution which was adopted by the PAP Plenary in May 2018. The resolution focused on increasing budget allocation and developing innovative ways to improve health care on the continent. The Summit also sensitized PAP Members on the use of parliamentary diplomacy to get all stakeholders to commit to health financing for Universal Health Care in Africa. Key champions, such as former Heads of State, were also encouraged to sensitize their peers on the priority of people's health for the socio-economic development of the continent. The key role played by Parliamentarians was acknowledged and highlighted, and the PAP Committee undertook to expedite the implementation of recommendations adopted at the end of the Summit.

v. Regional Consultation on Immunization by 2030

On 16 and 17 July 2019 in Brazzaville, Republic of Congo, the Pan-African Parliament participated in a WHO consultation for the Africa region. It brought together parliamentarians, experts, technical and financial partners, civil society and representatives of the United Nations system to review the draft strategic priorities to achieve the vision of this programme. The meeting discussed immunization as one of the most cost-effective public health interventions. According to the WHO, about 116 million people were vaccinated each year, which prevented several diseases.

PAP Members were sensitized on their role in achieving the vision of Immunization Agenda 2030, which would ensure access to immunization for all and everywhere to provide health security for the people. The detection, prevention and response to the threat of vaccine-preventable diseases were identified as crucial elements of health security, given that epidemics had immediate effects on public health and were costly to eradicate. Besides disrupting health systems, they could destroy labour productivity, trade and development. The Members undertook to work towards achieving this vision, which was crucial for sustainable development.

vi. Needs Assessment Workshop for Pan-African Parliament Members of Parliament on a New Developmental Approach to Natural Resource Governance in Africa

In collaboration with the Africa and West Asia Programme of International IDEA (AWA-IDEA), PAP conducted a Needs Assessment Workshop for PAP Members on a Curriculum on a New Developmental Approach to Natural Resource Governance in Africa. Held in Kievits Kroon, Pretoria, South Africa on 9 and 10 August 2019, the workshop was organized

within the framework of their Joint Programme on enhancing programmatic and analytical capacities of Members of the Pan-African Parliament and its staff on issues related to democratic governance, and as part of implementing the 2001 Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament and the 2014 Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament.

The workshop produced a mapping report which identified the capacity development needs of PAP Members, which would inform the development of modules of the Curriculum on New Developmental Approach to Natural Resource Governance. This initiative would enable PAP and AWA-IDEA to enhance their work on strengthening the nexus between participatory democracy, and sustainable and transformative developments. PAP Members resolved, among other things, to set up a continental committee or structure which could monitor and address natural resource governance issues, and work towards promoting the ideas of the New Developmental Approach to Natural Resource Governance to their Governments. Members further reached a consensus on developing the modules on governance in the following areas:

- ⌞ Influencing policy development (contracts reading, drafting and analysis; financial, technical, and legal aspects in policy formulation in natural resource areas)
- ⌞ Peer-to-peer learning on drafting laws as well as regulations pertaining to the extractive industry
- ⌞ African Mining Vision (AMV)
- ⌞ Mineral linkages and socioeconomic transformation
- ⌞ Regional mineral outputs and strategic feedstock framework
- ⌞ Developing indigenous mining capital
- ⌞ Artisanal and small-scale mining
- ⌞ Mineral resources

The Needs Assessment Workshop was supported by PAP leadership and the African Union Commission, which undertook to provide resources for training and lobbying for ratification of the AMV. The AU committed to contribute towards knowledge generation and dissemination, and to influence regional thinking on issues of the mineral sector. The AU was also working on a number of projects that could involve MPs at continental and regional levels.

vii. Participation in the Beijing Process Consultation

Members of the Pan-African Parliament participated in a consultation on the Beijing process, organized by FEMNET in Nairobi on 28 and 29 August 2019. It was part of ongoing sub-regional consultations across the continent to engage the Secretariat and Parliamentarians in the Beijing +25 process to continue building bridges of collaboration, and to review and consult on critical area 6: “Women and the Economy”. The Beijing process recognized that there were considerable differences in women and men accessing and having opportunities to

exert power over economic structures in their societies. Women had been noted to be absent from or were poorly represented in economic decision-making and in formulating financial, monetary, commercial and other economic policies, tax systems and rules governing pay.

The consultation aimed to provide tangible real-time cross-pollination of the concepts of gender transformative budgeting and women's rights frameworks that could be actualized by Governments and the African Union. The consultation encouraged African women to hold governments accountable for women's rights and gender equality commitments, such as the Beijing Declaration and Platform for Action, AU Protocol on the Rights of Women in Africa (Maputo Protocol), and 2030 Agenda for Sustainable Development.

viii. Fifth Annual General Meeting of the African Parliamentarians' Network on Development Evaluation (APNODE)

The Committee on Trade, Customs and Immigration Matters participated in the Fifth Annual General Meeting of the African Parliamentarians' Network on Development Evaluation (APNODE) hosted by the Independent Development Evaluation (IDEV) of the African Development Bank Group (AfDB) from 28 to 30 August 2019 in Abidjan, Cote d'Ivoire. Under the theme of "Shaping the Africa We Seek: the Vital Role of Parliamentarians in Evaluation Capacity Development", the Annual General Meeting highlighted efforts of African Parliamentarians in their role as catalysts of change and drivers of an evaluation culture in Africa. The objective of the meeting was to raise awareness and promote knowledge among Parliamentarians and within national Parliaments, about the importance of using evaluation evidence for oversight, policy-making and national decision-making; enhance the capacity of Parliamentarians to demand solid evaluation evidence and use it in exercising parliamentary duties.

The meeting advanced the capacity of PAP Members on evaluating at the legislative level, country strategy evaluations and the role of the Legislature and APNODE, parliamentary oversight and the African Continental Free Trade Area. The knowledge and expertise of the representative of the Committee on Trade in the area of parliamentary governance, trade and development in Africa also contributed in meaningful deliberations and useful recommendations. The Parliamentarians committed to working towards the institutionalization of evaluation to inform evidence-based decision- and policymaking and that evaluations are responsive to concerns of gender equality, vulnerable groups, and equitable development results.

ix. Skills Development Workshop for African Parliamentarians on Tracking, Stopping and Retrieving Illicit Financial Flows in Africa

On 5 and 6 September 2019, the Members of the Committee on Finance and Monetary Affairs took part in the Skills Development Workshop on Tracking, Stopping and Retrieving Illicit Financial Flows in Africa organized in Tunis, Tunisia by Tax Justice Network Africa (TJNA), the Africa Tax Administration Forum (ATAF) and the Tunisian Observatory for Economy (TOE). The workshop aim of the workshop was to assist and support African

Parliamentarians to engage more effectively in policy and legislative discourse on IFF and domestic resource mobilization. The workshop succeeded in building the capacity of Parliamentarians and tax administrations increasing transparency in terms of curtailment of profit shifting loopholes in Double Taxation Agreements; domestication of the AMV principles; financing investment in agriculture, health and education through taxation; and Implementation of High Level Panel recommendations at national and regional levels.

Through deliberations on attracting private sector investments but enabling tax evasion, weak tax systems favoring natural resources hemorrhaging, lost revenues eroding governments' capacity to finance development and Africa's resource drain drivers: trade, organized crime, bribery, the workshop enhanced awareness and capacity of Members of Parliament on existing legislative opportunities to support domestic resource mobilization and curtail IFF. It also strengthened network among parliamentarians for continuous peer learning and collaborative anti-IFF campaign in Africa; and enhanced understanding and capacities of Members of Parliament to legislate measures towards prevention, detection, deterrence and recovery of Illicit finance.

x. Fact-finding Mission on social responsibility of Members of Parliament regarding child labour in mining zones

On 16 – 17 September 2019, the Pan-African Parliament, through the Committee on Gender, Labour and Social Affairs undertook a fact-finding mission to Abidjan, Cote d'Ivoire to assess the situation on the ground relating to the implementation of international and national laws on the fight against child labor and child trafficking. The fact-finding mission was consecutive to the discussions that the PAP held with the International Labor Organization and the African Union Commission on the promotion and implementation of the Continental Ten-Year Action Plan for the Eradication of Child Labor, Forced Labor, Modern Slavery and Human Trafficking in Africa.

The mission successfully conducted an evaluation of the legal and institutional framework relating to child labor and child trafficking, met and discussed with all stakeholders, discussed on how to strengthen the role of Parliamentarians, discussed best practices from other countries and formulated a set of recommendations, which are included in a Report, which the Committee will table in Plenary.

xi. Meeting of the Committee on Audit and Public Accounts

On 9 – 13 September 2019, the Committee on Audits and Public Accounts met in Midrand for the consideration of the Report of the Board of External Auditors on the Pan-African Parliament which could not be finalized during the statutory meetings held in August. The meeting provided an opportunity for CAPA to also consider and discuss Reports of Office of Internal Auditor and the Status of Implementation of CAPA/Audit Recommendation Matrix. To that effect, CAPA successfully conducted interviews of the Secretariat managers on queries arising from the Reports of Board of External Auditors, PAP Office of Internal Audit and status of Implementation of CAPA and Audit recommendations. CAPA raised the need

for an organization audit to ensure that the secretariat delivers effectively on its responsibilities to the institution. The outcome of the discussions will be included in its Report to be tabled in Plenary during 3rd Ordinary Session of Fifth Parliament.

xii. Regional consultative meetings on the draft Model Disability Law in West Africa, Central Africa and Southern Africa

Though the Committee on Gender, the Pan-African Parliament collaborated with African Disability Alliance to organize regional consultative meetings on the Draft Model Disability Law. The consultative meeting for West and Central African Dakar, Senegal took place on 26 – 27 September, while the consultation for Southern Africa was held in Midrand, South Africa on 30 September – 1 October 2019. The event brought together Members of the Pan-African Parliament drawn from the Committee on Gender and People with Disability, the Committee on Health and Social Affairs and the Committee on Rules; Representatives of the Governments, the African Union Commission, Regional Economic Communities (RECs); Pan-African Federations of the Disabled (PAFD); Civil Society Organizations working on the issue of disability; National Human Rights Institutions including, human rights activists, youth leaders; academics and the media to facilitate and obtain their feedback on the draft Model Law, to ensure that the final Model Disability Law reflects the aspirations of the peoples of Africa.

The consultative meeting enabled the participants to provide inputs into the draft Model law, but also the share of experiences on national and sub-regional legal and policy measures that advance persons with disabilities rights. Also, it facilitated the learning of the approach that is adopted by civil society organizations and other stakeholders in addressing challenges that slow down the effective implementation of various legislations on persons with disability rights; and provided an opportunity to sensitize authorities from the host countries and from the two regions on the need to ratify the African Disability Protocol and the usefulness of the Model Disability Law.

2.1.3. The Successful Holding of Bureau Meetings and Activities

Since May 2019, the 5th Bureau of the PAP held its meetings successfully to provide strategic leadership on parliamentary matters, and to exercise its leadership on institutional and operational matters of the PAP. Under the leadership of the President of PAP, the Bureau has also successfully undertaken various missions on behalf of the Parliament.

2.1.3.1. Bureau Meetings

During the period covered by the report, the Bureau of the PAP held seven Bureau Meetings in which they considered strategic parliamentary and institutional matters, provided strategic direction and reviewed the draft programs and/or amended programs for the Committees' Sittings and the Ordinary Sessions. In its meetings, the Bureau also reviewed and provided direction on the Activity Reports of the PAP, prior to its submission to the Plenary, at both the May 2019 and October 2019 Ordinary Sessions.

Furthermore, the Bureau considered and provided direction on a wide range of issues, including the recruitments for the current vacant positions, the issue of special allowances of locally recruited GS staff, the challenges regarding the insurance policy with CIGNA, the implementation of the July 2019 Executive Council Decisions relating the PAP, the payment of sitting allowances to the PAP Members in accordance with the Executive Council decision, and the preparation of PAP engagement with the policy organs during the July Summit of the African Union.

The Bureau has also considered and provided guidance and instructions on pending disciplinary matters. Those include the disciplinary process instituted against Mr Yusupha Jobe, DC-FAHR in line with the Resolution PAP.5/PLN/RES/05/MAY.19 on the terminal report of the Committee on Audit and Public Accounts. The Bureau particularly considered and approved the suspension with pay pending investigation of Mr Jobe, the charges laid against Mr Jobe, the suspension with pay pending completion of the disciplinary process and the constitution of a Disciplinary Board to consider the case make recommendations to the Bureau. Further, the Bureau considered proposals and options for amicable settlement of the outstanding matter concerning Mr Vipya Harawa, Former Clerk of PAP, on which a final decision is expected to be done and communicated to him during the October Session.

2.1.3.2. PAP Effective Engagement within the AU Institutional Architecture

Under the leadership of the President of PAP, the Bureau of the PAP has, with the assistance of the Secretariat, participated in the July 2019 African Union Summit. The PAP particularly took part in the meeting of PRC Sub-Committees, the 38th Ordinary Session of the Permanent Representatives Committee (PRC), the 35th Ordinary Session of the Executive Council (EC) and the 32nd Ordinary Session of the AU Assembly (Assembly), to fulfil its statutory obligations and to advance PAP institutional priorities.

i. The 38th Ordinary Session of the Permanent Representatives Committee (PRC)

Held on 17 – 18 June 2019 in Addis Ababa, Ethiopia, the PRC Meeting considered primarily reports from its various Sub-Committees, including the Joint Sitting of the Sub-Committee on General Supervision and Coordination on Budgetary, Financial and Administrative Matters and the Experts of F15 and the Sub-Committee on Structural Reforms; the Sub-Committee on Structural Reforms, the Sub-Committee on Audit Matters, the Sub-Committee on Multilateral Cooperation, the Sub-Committee on Headquarters and Host-Agreements, and the Sub-Committee on Economic and Trade Matters.

It is important to highlight the following recommendations of the PRC, which affect the PAP directly or indirectly:

- ✦ The PRC recommended the adoption of a new schedule for payment of allowances and benefits by all organs of the AU. As far as PAP is concerned, Bureau Members are set to receive 150 USD per day as Session Allowance up to 15 Session days; an

Administrative Allowance of 300 USD per month and a Travel Insurance of 1000 USD per year. The Members of Bureaux of Caucuses and Committees will receive 150 USD per day as Session Allowance up to 15 Session days, while other PAP Members will no longer receive Session Allowance as is currently the case;

- ⊕ The PRC recommended that PAP should abide by Decision EX.CL/Dec.1031(XXXIV) on the issue of special allowances and any illegalities involved in implementing the Decision should be reported accordingly;
- ⊕ The PRC recommended the adoption of the theme **“Silencing the Guns: Creating Conducive Conditions for Africa’s Development”** as the theme of the year 2020 and that all AU organs be asked to work with the PRC and the Ministerial Follow-Up Committee on Agenda 2063 to develop a roadmap, including a matrix of planned activities with key deliverables and milestones for implementation of the 2020 theme to be endorsed during the 33rd Ordinary Session of the Assembly in February 2020.

It is important to note that the PAP’s delegation to the PRC Meeting engaged in robust lobbying and advocacy, with various ambassadors, including regional deans of ambassadors, the Directorate of PBFA and the Office of the Legal Counsel, with a view to securing a reconsideration of the recommendations on the issue of the Session allowances for the MPs and the special allowances for the locally recruited GS Staff. The various meetings succeeded in laying the grounds for consensus-building and potential reconsideration of the PAP issues. A meeting between the Bureau and Bureaux of PAP and the PRC was formally requested and is still awaiting a confirmation from the PRC.

ii. The 35th Ordinary Session of the Executive Council (EC)

Held on 4 - 5 July 2019 in Niamey, Niger, the Session of the EC considered and endorsed the Report of the PRC and other special reports, including the Report of the AU High Representative for Financing the Union and the Peace Fund on the Outcome of the Regional Consultations on the Matter of Assessing the AU Peace Fund, Report of the Ministerial Committee on the Challenges and Ratification/Accession and Implementation of the OAU/AU Treaties. The EC also considered and adopted the 2020 budget of the African Union, including 16,408,177 USD for the PAP, and approved for salary arrears to be paid by 31 December 2019 in one instalment, in line with the cash flow projections. Further, the EC adopted a number of legal instruments of the new AU Development Agency (AUDA) and proposals on the Division of labour between the AU, Regional Economic Communities and Member States.

iii. The 32nd Ordinary Session of the AU Assembly (Assembly)

Held on 7th July 2019 in Niamey, Niger, the Assembly considered and approved the Report of the EC, and recommendations formulated in relation to the 1st Mid-year Coordination Meeting between the AU, Regional Economic Communities and Member States. The Assembly also held an Extraordinary Summit on the African Continental Free Trade Area, which resulted in the following key decisions: Trading under the AfCFTA will commence on

1st July 2020; Ghana will host the Secretariat of the AfCFTA; 7th July will be officially celebrated as the Day of African Integration; five operational instruments were adopted and launched together with the operational phase of the AfCFTA; the second phase of the negotiations (relating to investment, competition, policy and intellectual property rights) shall end in December 2020; AfCFTA aims to progressively reduce customs duties and non-tariff barriers on goods; Afreximbank committed to support the AfCFTA with 25 Billion USD, mostly for the establishment of the online payment platform.

On the sidelines of the Summit, the PAP delegation also engaged with the AUC and PRC officials on possible options for the implementation of the Executive Council Decisions Doc. EX.CL/1077(XXXIII) and Doc. EX.CL/1077(XXXIII)ii) and challenges regarding the removal of sitting allowance for PAP Members, challenges with medical insurance and the issue of special allowance paid to locally recruited GS Staff of the PAP.

2.1.3.3. Advocacy for the ratification of the PAP Protocol

Since May 2019, the chart of ratification of the Malabo Protocol has remained unchanged, with twelve ratifications (Benin, Cameroon, Chad, Equatorial Guinea, The Gambia, Ghana, Madagascar, Mali, Saharawi Arab Democratic Republic, Sierra Leone, Somalia, and Togo) and twenty-one signatures. The PAP has received reports that some countries have triggered the ratification process, and it is expected that ratification instruments will be deposited accordingly. The Bureau resolved in one of its meetings that all its members shall lead missions to countries within their regions advocate for more ratifications of the New PAP Protocol (Malabo Protocol).

To that effect, the Right Hon. Roger Nkodo, President of PAP undertook on 27 August - 3 September, an advocacy mission to the Kingdom of Morocco during which he met with governmental and parliamentary authorities to plead for the ratification of the Malabo Protocol.

Similarly, Hon. Djamel Bouras, the Third Vice-President of PAP undertook advocacy missions to Egypt on 30 August – 2 September 2019, and in Mauritania on 4 – 6 September 2019 where he met with leaders of those countries and secured their commitment to taking urgent action towards the ratification of the Malabo Protocol.

In the same vein, on the sidelines of the 45th plenary meeting of the SADC Parliamentary Forum held on 15 – 26 July 2019 in Maputo, Mozambique, Hon. Chief Charumbira Zephania, the Fourth Vice-President of PAP held advocacy meetings for the ratification of the Malabo Protocol, which consisted of bilateral meetings with Hon. Veronica Macamo, the Speaker of the National Assembly of Mozambique and the Foreign Affairs Minister of Mozambique. In his address to the Plenary, the 4th Vice President called upon Speakers of the SADC Region to take urgent action since Southern Africa has had no single ratification so far. The Speakers resolved to look at the issue as a collective and to encourage Member Parliaments to push the Government to fast-track the ratification process.

To continue to put the ratification of the Malabo Protocol top on the agenda of National Parliaments, the President will once more sign advocacy letters which will be sent to Speakers to remind them to take urgent action for the signing and/or ratification of the Malabo Protocol. These advocacy letters will be sent through PAP delegations from countries that are yet to sign or ratify the Malabo Protocol. The Members will be expected to deliver the said letter to their respective Speakers, to monitor the possible steps taken in that respect and to report back at the next Ordinary Session.

2.1.3.4. Parliamentary Diplomacy and Interparliamentary Relations

The Members of the Bureau of PAP undertook several activities and missions to various events held in AU and non-AU Members States to represent the PAP and express the PAP position, support and solidarity, and to lobby on various issues of interests to the PAP.

i. PAP Engagement with Inter-Parliamentary Bodies

The Pan-African Parliament participated in various meetings of interparliamentary bodies, which offered an opportunity to raise the visibility of PAP, to strengthen relations with those bodies and to express words of solidarity and support. This is the case of the working session which The Right Hon. Roger Nkodo Dang, President of PAP had with the President of Parlatino, the Latina-American Parliament on 13 – 14 June 2019, on the need for establishing a Parliamentary Forum for Africa and Latina-American States. The two parties mutually observed that such a forum would promote South-South cooperation and be a space to discuss and build consensus on matters of common interest. The two Presidents convened to signing soon a Memorandum of Understanding to crystallize their shared ideas.

In the same vein, the Pan-African Parliament in the meeting of the Arab Parliament, held on 19 June 2019, to which Hon. Djamel Bouras, the 3rd Vice-President represented the Bureau of PAP. Over the same period, Hon. Aïchata Haïdara Cissé, the 2nd Vice-President of PAP represented the PAP Bureau in the 26th Interparliamentary Assembly on Orthodoxy (I.A.O) which took place in Tbilisi, Georgia, on 19 to 23 June 2019 under the theme: “The contribution of Parliamentarism in understanding modern politico - social phenomena.”

Further, the Pan-African Parliament was represented by Hon. Aïchata Haïdara Cissé PAP at the 45th Plenary Session of the *Assemblée Parlementaire de la Francophonie* (APF), which was held on 5 – 7 July 2019 in Abidjan, Côte d’Ivoire, under the theme “Parliaments and Strengthening of Democracy”. On behalf of the PAP, the 2nd Vice-President observed that the diversity which characterises *la Francophonie* should result in Francophone Parliamentarians to join efforts to ensure that democracy flourishes in their respective countries and the francophone space and beyond. She therefore observed that it is urgent to break the cycle of inequality, poverty, terrorism, youth unemployment, corruption and terrorism, which will continue to hinder efforts towards sustainable democracy. And the role of Parliamentarians to that effect cannot be overemphasised.

Furthermore, the PAP took part in the 45th plenary meeting of the SADC Parliamentary Forum held on 15 – 26 July 2019 in Maputo, Mozambique, under the theme of “the role of Parliaments in addressing the impact of climate change”, where he was represented by Hon. Chief Charumbira Zephania, the Fourth Vice-President of PAP. In his address to the Plenary, Hon. Chief Charumbira emphasized on the critical role of Parliaments to ensure that sustainable national environmental policies address the impacts of climate change and the challenges associated with climate change risks, disasters and sustainable development. The opportunity was also used to urge Speakers from the SADC Region to act in favour of the Malabo Protocol, since Southern Africa has had no single ratification so far.

ii. PAP Participation in various meetings

The Pan-African Parliament took part in the Second International Forum “Development of Parliamentarianism” and the Russia-Africa Parliamentary Conference, were held in Moscow-Russia from the 1 - 3 July 2019 with a delegation headed by the President Right Hon. Roger Nkodo Dang. The discussions and debates culminated into a Final Declaration of the Forum in which, the participants, inter-alia, “welcome[d] initiatives for building cooperation with the Pan-African Parliament through international parliamentary associations”.

On the side-lines of the tenth Speakers’ Conference, the President of PAP held several bilateral meetings with Speakers of National Parliaments that attended the Conference to discuss matters of common interest and also country specificities regarding possibilities or challenges relating to the ratification of the Malabo Protocol. The bilateral meetings were organised with the Right Hon. Rebecca Alitwala Kadaga, Speaker of the Parliament of Uganda, the Right Hon. Salah Guodjil, Speaker of the Senate of Algeria, the Right Hon Mabel M. Chinoma, Speaker of the Senate of Zimbabwe.

Also, The Right Hon. Nkodo Dang held a bilateral meeting with H.E. Rodolfo Benitez Verson, Ambassador of the Republic of Cuba on 5 August 2019. The meeting enabled Ambassador Benitez Verson to deliver a message from The Right Hon. Juan Esteban Lazo Hernandez, Speaker of the Cuban National Assembly to the President of PAP and to seek the support of the PAP and its Bureau for the campaign for the lifting of sanctions imposed against Cuba by the Trump regime.

Further, The Right Hon. Nkodo Dang met with H.E. Goran Vujicic, Ambassador of the Republic of Serbia on 8 August 2019. The meeting enabled the two parties to renew their willingness to strengthen cooperation between the PAP and the Parliament of Serbia. The meeting also offered an opportunity for Ambassador Vujicic to extend Serbia’s invitation to the President of the PAP for participation in the meeting of the Interparliamentary Union, to be held in Serbia in October 2019. That same day, the President met with Mme Brigitte Motsepe Radebe, Founder of Mmakau Mining (Pty) Ltd, to discuss collaboration on issues relating to socio-economic development and trade in Africa. The meeting resulted in the signing of an MOU, the President of PAP appointed Mme Motsepe Radebe as the Pan-African Parliament Ambassador for Women Entrepreneurship in Africa.

Lastly, the Right Hon. Nkodo Dang held a fruitful bilateral meeting with Hon. Kuk Hoe, Vice-President of the Parliament of South Korea, during which the two parties convened to work together to strengthen the cooperation between the two Parliaments, including through Parliamentary exchange and study visits.

2.1.4. Successful Holding of the Tenth Annual Speakers' Conference and the Third Meeting of the Association of Secretaries-General of African Parliaments

2.1.4.1. The Ninth Annual Speakers' Conference

On 6 – 7 August 2019, the Pan-African Parliament successfully organised the Tenth Annual Speakers' Conference under the theme "Finding durable solutions to forced migrations to expedite integration and development in Africa: The role of national and regional Parliaments". The main purpose of the Conference of Speakers was to promote the ownership of the theme of the African Union for 2019 by Speakers of national and regional Parliaments, with a view to promoting their implementation at the national level. The meetings was aimed at the following objectives:

- i. To enable the Speakers of African Parliaments to be acquainted with the theme of the African Union for 2019 and 2020, as well as current AU events relating to the implementation of the African Continental Free Trade Area;
- ii. To reflect on the role of national and regional parliaments in finding lasting solutions to the situation of refugees, returnees and internally displaced persons in Africa, the silencing of the guns, and the realization of the African Continental Free Trade Area;
- iii. To assess the progress made and the difficulties faced by parliaments in their efforts towards promoting the ratification, domestication and implementation of AU treaties relating to refugees, returnees and internally displaced persons in Africa, silencing of the guns, and the completion of the African Continental Free Trade Area, as well as the new PAP Protocol;
- iv. To share best practices and consolidate efforts and strategies to make parliamentary action more effective to achieve lasting solutions to the problems of forced migration, silencing of the guns and the realization of the African Continental Free Trade Area.

The discussions culminated in the adoption of a Resolution in which Speakers of African Parliaments committed to ensuring that Parliaments play effectively their role in the resolution and prevention of conflicts in Africa, which usually cause the phenomenon of forced migration and internal displacement of population; to taking a decisive action within the confines of parliamentary powers to support the ratification, implementation and realization of the African Continental Free Trade Area; and to ensure that the Malabo Protocol is ratified by December 2019; and to put in place a mechanism for monitoring and evaluation of resolutions taken by the Conference of Speakers of African Parliaments.

2.1.4.2. The Third Meeting of the Association of Secretaries-General of African Parliaments (ASGAP)

On 5 – 6 August 2019, the Pan-African Parliament successfully organised the Third Meeting of the Association of Secretaries-General of African Parliaments under the same theme as for Speakers, which is “Finding durable solutions to forced migrations to expedite integration and development in Africa: the role of national and regional Parliaments”. The main purpose of the Meeting was to promote the ownership of the theme of the African Union for 2019 by Heads of secretariats of African Parliaments, with a view to equipping them to better support Parliaments in that respect. The meetings aimed at and achieved the following objectives:

- i. To enable the Speakers of African Parliaments to be acquainted with the theme of the African Union for 2019 and 2020, as well as current AU events relating to the implementation of the African Continental Free Trade Area;
- ii. To reflect on the role of national and regional parliaments in finding lasting solutions to the situation of refugees, returnees and internally displaced persons in Africa, the silencing of the guns, and the realization of the African Continental Free Trade Area;
- iii. To assess the progress made and the difficulties faced by parliaments in their efforts towards promoting the ratification, domestication and implementation of AU treaties relating to refugees, returnees and internally displaced persons in Africa, silencing of the guns, and the completion of the African Continental Free Trade Area, as well as the new PAP Protocol;
- iv. To share best practices and consolidate efforts and strategies to make parliamentary action more effective to achieve lasting solutions to the problems of forced migration, silencing of the guns and the realization of the African Continental Free Trade Area.

After electing its new Executive Committee, the ASGAP transacted its business which resulted in the adoption of a Resolution in which Clerks of African Parliaments committed to providing the needed technical and administrative leadership for Parliaments play effectively their role in the resolution and prevention of conflicts in Africa, assisting Parliaments in the allocation of adequate budgetary resources for the empowerment of vulnerable persons, including youth, women and refugees; supporting Parliaments to deploy effectively their legislative, budgetary and oversight role to strengthen the protection of refugees, internally displaced persons and returnees; assisting Parliaments to deploy effectively their legislative, budgetary and oversight to support and advance the African Continental Free Trade Area; and further revisit and review existing laws with cross-border restrictions, which may hinder the achievement of an effective and efficient African Continental Free Trade. The

2.2. *ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 2: PROVIDE A PLATFORM FOR MAINSTREAMING AFRICAN VOICES AND THOSE IN THE DIASPORA, INTO AU POLICY-MAKING PROCESS.*

The primary mandate of the PAP as a continental parliament is to ensure an effective participation of the people of Africa in the AU decision and policy-making processes. Therefore, providing a platform for the voices of African citizens, civil society and diaspora is critical to the success and effectiveness of the mandate of the PAP. Deliberate efforts towards achieving this strategic objective consisted in ensuring the participation of African citizens and civil society organizations in PAP activities, invitation of civil society organizations made technical presentations to various Permanent Committees, the organization of a civil society forum and the signing of partnership agreements with new CSOs, which will lay the ground for further engagement with African citizens and civil society.

2.2.1. Participation of Civil Society and African citizens on PAP activities

The Pan-African Parliament invited civil society and African peoples to attend the May 2019 Ordinary Session and the August 2019 Committees Sittings. Civil society and African peoples attended the Plenary meetings, parallel workshops and meetings of the various PAP Committees. The various themes which attracted the participation of civil society include the African Union theme of the year, the rights of persons with albinism, the rights persons with disability, management of natural resources, model laws as catalysts of regional integration, business and human rights, illicit financial flows and double taxation.

2.2.2. Technical contributions and support by civil society organizations and other strategic partners

During the May 2019 Ordinary Session and the August 2019 Committees Sittings, several CSOs were invited to provide inputs into the work of Permanent Committees. The inputs were made through technical presentations and briefing on a wide range of issues, including the rights of persons with albinism, the rights of persons with disability, business and human rights, illicit financial flows, double taxation, business and human rights, the AfCFTA and free movement of people, goods and services. It should be noted that the African Union theme for 2019 recorded the utmost technical contributions and participation of civil society.

It is worth highlighting that the Draft Model Law on Disability in Africa, which was taken for regional consultations in West Africa, Central Africa and Southern Africa has received tremendous support and contributions from the African Disability Alliance and several other NGOs interested in, or working on, disability issues.

2.2.3. Effective Citizen and Civil Society Engagement through institutionalization of a PAP Civil Society Forum

Building on the August 2018 Civil Society Dialogue, the PAP worked with the Centre for Human Rights of the University of Pretoria, pursuant to the MOU signed between in October 2017, to convene a Civil Society Forum which was held on 11 May 2019, on the side-lines of the May 2019 Ordinary Session. The Forum brought together about 75 members of Civil Society Organisations to deepen reflections on the establishment of a PAP Civil Society Forum and to reflect on the African Union 2019 theme. The Forum successfully sensitized CSOs on the workings of the PAP and the importance of increasing programming on issues pertaining to the PAP, active and constructive citizen and civil society engagement with the PAP and the sharing of best practices on effective civil society advocacy and lobbying with AU institutions, particular the PAP. Another Civil Society Forum is expected to take place on the sidelines of the October 2019 Session, under the theme of challenges and opportunities relating to free trade and free movement of persons and goods in Africa.

2.2.4. Commemoration of the World Refugee Day

On 20 June 2019, the Pan-African Parliament, in collaboration with the African Peer Review Mechanism, the Department of Home Affairs and UNHCR hosted the World Refugee Day Commemoration in the Pan-African Parliament, in line with the African Union 2019 theme “Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa”. The event brought together consisted of a Panel Discussion focusing on the positive contribution that refugees are able to make to their host communities and societies if they receive initial support from various stakeholders including governments, faith based organizations, civil society, international organizations, host communities and private sector in the spirit of Global Compact on Refugees. The panel discussion offered an opportunity for sensitization and sharing of knowledge and experience on challenges and progress made facilitating refugee integration in the host-country. The event was graced with the presence of the 4th Vice-President of PAP, Hon. Chief Charumbira Zephania, and was attended by representatives and staff of the Pan-African Parliament, the African Peer Review Mechanism, the Department of Home Affairs and UNHCR as well civil society actors and students from Johannesburg based universities.

2.2.5. Implementation of existing partnerships and negotiation of new strategic partnerships

The PAP has also fostered collaboration with various organizations, which resulted in the signing of Memoranda of Understanding during the May 2019 Session and the August 2019 Committees Sitings. Partnership agreements were sealed with the following institutions:

- ❖ The Academy of Science of South Africa, a national science academy for the Republic of South Africa. The MOU was brought by the Committee on Education, Culture, Tourism and Human Resources.

- ❖ The Office of the United Nations High Commissioner for Refugees (UNHCR), signed at the initiative of the Committee on Justice and Human Rights.

Negotiations are underway for the finalization and signing of Memoranda of Understanding during the October Session with the Umweltbundesamt (German Federal Environment Agency) and the Development and Rule of Law Programme of the Stellenbosch University, South Africa.

2.3. *ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 3: PROMOTE HUMAN RIGHTS AND DEMOCRACY, GOOD GOVERNANCE AND DEVELOPMENT IN AFRICA.*

The PAP has, amongst its strategic objectives, promotion of human and peoples' rights, consolidation of democratic institutions and the democratic culture, good governance, transparency and the rule of law by all organs of the Union, Regional Economic Communities and Member States is one of the strategic objectives. In furtherance of this objective, the PAP organized various activities and debates on issues to do with human rights, democracy and good governance both in Plenary and Permanent Committees.

During the May 2019 Ordinary Session, the Plenary debated issues and Committee reports, which address various human rights, governance, development, and rule of law issues affecting the continent and Member States. Those issues include the fight against corruption; the rights of persons with albinism, achieving health targets and leaving no one behind; nutrition and food systems in Africa; the right to residence and right to establishment; the rights of persons with albinism in Africa, climate change and the human rights of refugees, returnees and internally displaced persons.

Also, several Permanent Committees organized activities on a wide range of human rights, including the human rights of with albinism, access to education for the girl child, HIV/AIDS and health financing in Africa, regional consultations of the Model Law on Disability in Africa, promotion of judicial independence in Africa, business and human rights and a fact-finding mission on child labor and trafficking.

Further, by participating in the elections observer missions of the African Union, the PAP has contributed to ensuring transparency, fairness and freedom in the conduct of elections in Africa and help build public confidence in the credibility of electoral processes, which contribute to the promotion and protection the civil and political rights of citizens. Electoral observation reports, which are generated from the missions can assist the Member States and citizens to build trust in the democratic process and enhances the legitimacy of the governments that emerge from elections.

2.4. *ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 4: PROMOTE PEACE, SECURITY AND STABILITY.*

One of the core objectives of the PAP is to promote peace, security and stability on the African continent. The PAP organized activities and debates, which contributed to the

achievement of this strategic objective. Those activities include the presentations, debates and training on issues to do with peace and security both in Plenary and Permanent Committees.

Both in Plenary and in the Committee on Justice and Human Rights, the PAP considered the issue of Statelessness, which is a situation where a person is deprived of the right to a nationality, by operation of the law or as a result of factual circumstances. Statelessness is a problem that affects an estimate of 10 million people worldwide, and about 800,000 in Africa, and as such, constitute not only a human rights and development issue, but also a security and stability issue in Africa, as it has provided fertile grounds for conflicts in many countries.

The Pan-African Parliament has also extensively discussed the African Union 2019 theme of the year, both in Plenary, Committees as well as Speakers Conference and the Meeting of Secretaries-General. The theme has provided an opportunity for the Parliamentarians to reflect on the causes and consequences of forces migrations and internal displacement, and to propose concrete solutions for breaking the cycle of conflicts in Africa, which usually cause refugees, internally displaced persons and returnees.

2.5. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 5: PROMOTE INTEGRATION AND DEVELOPMENT IN AFRICA.

Promotion of Africa's integration and socio-economic development is one of the *raison d'être* of the Pan-African Parliament. To that end, the PAP organized activities and debates on topics which related to Africa's integration and socio-economic development. Those activities and debates include debt management and fighting corruption, challenges of industrial development in Africa, and the role of lawmakers in enhancing confidence in Africa's cyber-infrastructure.

The 2001 Protocol establishing the Pan-African Parliament provides that the continental Parliament shall, among others, participate in creating awareness among the people of Africa on the necessity for the pursuit of a common economic recovery strategy and contribute to the harmonization and coordination of policies and legislative texts of Member States. It is in fulfilment of this objective that the PAP has organised debate in Plenary and the Committee on Trade on the industrial sector, which highlighted the need for African countries to harmonize their trade policies to facilitate commercial activities and exchanges with other countries of the continent, for accelerating the implementation process of the AfCFTA.

The Pan-African Parliament has also adopted a Recommendation calling upon African countries to, among other things, diversify their economies and invest in long-term development projects or in economic areas, so as to achieve large-scale industrial development in Africa, and also to assist industries in exploring new fields of knowledge and developing the human capital. The October 2019 Session will particularly deepen discussion in the area of African integration, through a parliamentary debate on the AfCFTA.

2.6. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 6: STRENGTHEN INSTITUTIONAL CAPACITY OF THE PAP.

The PAP has implemented several activities aimed at strengthening its institutional capacity. Those activities relate to effective administrative human resources management, to effective financial and budget management and the finalization of the new Strategic Plan.

2.6.1. Effective Administrative and Human Resources Management

Effective administrative and human resources transpires from effective human resources management, efficiency in the procurement of services in support for parliamentary activities and increased visibility of the Pan-African Parliament.

2.6.1.1. The effective implementation of administrative decisions

Following the decision of the plenary to undertake a verification of qualification of all staff, the PAP engaged the services of the South African Qualifications Authority (SAQA) to undertake this exercise. However, this process was delayed by SAQA's unresponsiveness and was subsequently discontinued after several meetings and requests for quotation were inconclusive. Consequently, approval was given for the procurement process to recommence for another vendor, this assignment is scheduled to be concluded before the end of the year (2019) and a detailed report on the outcome of this activity will be submitted to the Bureau.

Also, the PAP after reviewing the valuation report of PAP assets of July 2019 from the AUC, deemed it unsatisfactory and consequently decided that a local assets evaluation company should be procured to value all the assets. Thereafter, approval for disposal of the assets will be processed and submitted to the Board of Survey, which has been established and will conclude this assignment by December 2019.

2.6.1.2. Human Resource Management

The PAP, in view of organizational development and change management, supported the work of the job profiling consultant and organized a one (1) day training for line managers on job profiling/ job description writing. It is anticipated that the job profiling consultant will present a report at the next meeting of the Bureau on the work he has done so far, including on the ultimate objectives of this assignment.

The PAP also resolved several recruitment and contract management issues and is currently appraising the Mid-term performances of the Secretariat. The PAP Secretariat also conducted the mid-year performance appraisal for several members of staff from June 2019. This being the second annual appraisal to be done on the SAP system, several appraisers and appraisees still require a lot of support and assistance to perform the SAP-based appraisal. Increasingly, the benefits of SAP-based performance appraisal are being felt, as contracts renewals are now being done on SAP as a result of paperless appraisals. To ensure effective use of SAP, the

PAP organized training of super users for all departments who can be relied upon by the rest of their respective teams.

Further, the PAP organized on 17 – 18 September 2019, the Ethics training for PAP Staff Members conducted by Mr. Alimamy Sisay, the AU Chief of Ethics. The training focused on the importance of adhering to ethical behavior by principals and officials of all AU organs including the PAP Members and Staff. The PAP Staff were sensitized on the values that guide and govern the functioning and operations of the Africa Union, which will enable them to be more professional in their performance of duties.

Furthermore, the Secretariat prepared a proposal that will be presented to the Bureau in October 2019, on the options for MPs medical cover for 2020, following the AU Executive Council decision, Doc.EX.CL/408(XIII), which amongst others decided that the PAP should consider possibilities of insuring the MPs only when conducting PAP activities. Consequently, the 2019 approved annual budget for medical cover for PAP MPs was reduced to US\$200,000.00 translating into a 50 percent reduction from the previous year's (2018) budget. This budget provision can only cover payment of premiums for the first half of 2019 financial year.

2.6.1.3. Facilitation of Meetings of the Appointment, Promotion, and Recruitment Board (APROB) and Operationalization of Administrative Committees

Since October 2019, the PAP Secretariat organized two meetings of the APROB during the period under review. The APROB is the administrative structure of the Secretariat whose mandate is to advise the Bureau on the recruitment, appointment, promotion and on all matters related to the careers of staff members of the Secretariat. The APROB considered and recommended for Bureau approval several matters dealing with the recruitments, contracts renewals for staff members; reclassification of the entry point step on initial appointment, requests for promotion and a request for secondment to the African Union Commission of a Staff Member who got declared persona non grata in the host country.

The PAP Secretariat also operationalized and organized meetings of other administrative Committees, such as the Internal Procurement Committee, the Loans Committee and the Risk Committee. The Secretariat is yet to operationalize the Board of Survey and the Internal Audit Progress Committee, which were recently established by the Bureau of PAP. The PAP Risk Management Policy was approved by the Bureau in March 2019.

2.6.1.4. Effective Communication and Visibility of the PAP

The PAP Secretariat increased the visibility of all PAP activities, which were timely reported and disseminated through the PAP website and various social media, including YouTube, Twitter and Facebook. Also, articles and short videos were produced and uploaded on the PAP Website, Facebook and YouTube. The followership on the PAP online social media platforms has continued to show an upward trend especially for the period under review.

Information and promotional materials were also produced for the Committees' Sitzings and Ordinary Sessions.

In efforts to enhance branding and visibility, the PAP is currently working on finalizing the PAP Website based on the designed Site Map, which was shared with the AUC Communications Team to ensure conformity with the overall AU branding strategy for organs. Also, the PAP uploaded updates on PAP activities, in the form of video clips, news highlights, photos and articles on You Tube, Facebook and Twitter, which resulted in an increase of the followership on PAP online social media.

At the SADC Parliamentary Forum in July 2019, the PAP took advantage of the availability of the Parliamentary authorities from the Southern African Region to advance the Malabo Protocol ratification agenda. The Secretariat provided coverage of the PAP delegation participating at the Assembly through, facilitating press coverage for advocacy meetings as well as press engagements with state and private Media on the Malabo Protocol. The PAP brand visibility and awareness were further enhanced through the distribution of PAP publications that include the Advocacy Tool Kit, the Ratification Status Maps, the PAP Annual Report, the PAP Protocol, Basic Documents as well as the Portuguese version of the PAP Magazine.

Further, the PAP facilitated a one-page advertorial on ratification of the PAP Protocol on Ethiopian Airlines Inflight Magazine (SELAMTA) for a period of two months; October and November 2019, with a view to reinforce ratification advocacy efforts. This communication is aimed at audiences found on the airline's destinations and guaranteed wide African readership that includes leadership and decision-makers on the continent. The guaranteed reach is 26% digital audience in Africa, as well as reach in Asia, Europe, North America and Latin America.

Also, the Secretariat launched bi-monthly information sharing sessions to improve learning, provide a platform for feedback from selected missions and assignments and communicate important decisions and any developments as a way of enhancing internal communication, and thereby strengthening Parliamentary function of the PAP. At least six sessions were held during the reporting period on the following themes: Emergency Contingency Brief, Analysis and Progress on the Malabo Protocol; New IT Service Delivery System and Framework, Feedback on European Parliament study Visit, Developments in Media and IT.

Further, the PAP Secretariat initiated collaboration with the AUC Directorate on Information and Communication to explore ways of tapping into their resources to improve communication efforts of the PAP as an Organ of the AU. This is part of the main activities to enhance branding and visibility, as well as the harmonization of communication efforts of the Parliament with that of the African Union.

The PAP engaged an international technical expert from 12 August to 12 September 2019 to review and make recommendations on the aspects that need reinforcement of the Draft

Strategy on Media and Communications. This tool seeks to address PAP's visibility deficit by effectively raising awareness, ensuring accessibility, promoting ratification, domestication and implementation of treaties, protocols and legal instruments of the AU. It also prepares for the imminent evolution of the PAP into an institution with full legislative powers. Once finalized, the Draft Strategy document will be presented at the Plenary for adoption.

2.6.1.5. Enhancement of PAP's Information Technology System

The PAP attended the first Inter-Parliamentary Union (IPU) Open Data conference at the end of May 2019, which enabled a collaboration between PAP, IPU and EU Parliament in availing language tools to PAP. Also, the Secretariat successfully installed a new clock machine with enhanced features, and with assistance of the AUC MIS team, all the PAP staff were migrated to Office365 to ensure PAP emails are hosted on the cloud.

Further, the PAP is working on restoring the connectivity between PAP and the AUC through the intercom, and finalizing the IT infrastructure and Internet services upgrade of the PAP IT Network, timeline for completion is before the end of year.

2.6.1.6. Effective Procurement of Goods and Services

The PAP Secretariat also effectively and efficiently procurement goods and services in to support and advance parliamentary activities of the PAP. Those include the procurement of tickets, goods and services, especially the new IT infrastructure and Internet services upgrade of the PAP IT Network. The Internal Procurement Committee has operationalized and duly used for all relevant procurements of goods and services.

2.6.2. Effective Financial and Budget Management

The PAP endeavored to maintain sound and effective financial and budget management, which are yet to be confirmed by the outcomes of the external audit of the 2019 financial statements and provided timely support to the 2019 year operational and statutory activities.

2.6.2.1. External Audit of the 2018 Financial Statements

In the first quarter of 2019, the Secretariat prepared the 2019 draft Financial Statements for the Pan-African Parliament. The Board of External Audit carried out an interim audit from 11 to 26 February 2019 and the final audit from 1 April 2019 to 12 April 2019. The audit report on the Financial Statements issued in May 2019. It is worth highlighting that the Board of External Audit will issue an unqualified audit opinion as has been the case in the previous years. The PAP Secretariat has committed to implementing all outstanding audit recommendations made by both internal and external auditors. The Audit Progress Report established by decision of the Bureau has been operationalized and will assist the Secretariat to fast-track the implementation of all recurring audit recommendations.

2.6.2.2. Effective Support to the operational activities of the PAP

The Secretariat offered budget and financial support to the operations of the PAP in a timely, effective and efficient manner. These included the May 2019 Ordinary Session and the August 2019 Committees' Sittings held in Midrand, South Africa. Similar support has been given to the non-statutory activities of the PAP, whether held in the host-country or abroad, whether attributable to the Bureau, Permanent Committees or the Secretariat of the Pan-African Parliament. In respect of staff members and service providers, the Secretariat has also met its contractual obligations, making the Pan-African Parliament a litigation-free institution for the period under review.

2.6.2.3. The 2020 Budget Execution

The 2020 Operational Budget of USD 20,798,521 approved in Plenary in May 2019 was presented to PRC for review and approval by the Executive Council. Because of the requirement by Member States to reduce the overall budget of the Union by USD 32 million, the Operational Budget of the Parliament was reduced to UD 16,408,177 based on the ceiling set for the PAP. The budget ceilings for AU Organs were based on the budget execution trends for the previous three-year budgets.

Total Approved Budget per category against the 2019 Total Approved Budget.

	APPROVED BUDGET 2019	APPROVED BUDGET 2020	%age INCREASE
Staff Cost	9,564,593	9,055,693	-5.32%
Missions	1,255,561	749,061	-40.34%
Maintenance and Other Expenses	170,379	184,009	8.00%
Communication	201,158	100,000	-50.29%
Stationery and Supplies	130,936	139,360	6.43%
Bank charges	156,000	110,000	-29.49%
Legal Costs	15,000	15,000	0.00%
Capital Expenditure	255,505	193,080	-24.43%
TOTAL OPERATIONAL BUDGET	11,749,132	10,546,203	-10.24%
Parliamentary Sessions	2,814,519	2,600,519	-7.60%
Committee Meeting Statutory	1,200,068	1,000,068	-16.67%
Non-Statutory Activities	535,660	330,660	-38.27%
Women/Clerks and Speakers Conference	-	270,000	100.00%
Regional Parliamentary Conference	150,000	54,000	-64.00%
Ratification of AU Legal Instruments	90,000	-	-100.00%
Public Hearing	180,000	100,000	-44.44%

Preparation of meetings/Translations/Interpretation	132,430	120,000	-9.39%
Bureau Meetings and Rotation	254,026	266,727	5.00%
AU Activities	131,880	140,000	6.16%
Bureau allowances	-	63,000	100.00%
Bureau and MPs allowances(Caucus allowances)	802,400	342,000	-57.38%
AGA Platform Activities(Sensitization of citizens on AU legal instruments and Agenda 2063, AU passport)	470,000	575,000	22.34%
PROGRAM BUDGET	6,760,983	5,861,974	-19.02%
TOTAL BUDGET	18,510,115	16,408,177	-7.29%

It is worth indicating that the Pan-African Parliament suffered a budgetary cut of 7.3% due to an AU wide budgetary cut of USD 32million, and the rate of utilisation of the 2018 budget.

2.6.3. Strategic Planning for the Pan-African Parliament

2.6.3.1. Development of the PAP 2019 – 2023 Strategic Plan

With the expiration of the 2014-2017 Strategic Plan, the process for the development of the 2019-2023 Strategic Plan was undertaken since October 2018. The formulation process entailed various levels of consultations involving the PAP Members, Secretariat staff and relevant stakeholders. The Strategic Plan builds on the relevant aspirations of the African Union Agenda 2063 and is aligned with the First Ten Year Implementation Plan of Agenda 2063. The Strategic Plan aims to achieve four broad strategic objectives, namely, (i) Strengthening parliamentary functions of the Pan African Parliament; (ii) Strengthening partnership, coordination, outreach and institutional capacity of the Pan-African Parliament; (iii); Promoting Pan African Parliament's support to human rights and Social Inclusion goals of the AU; and (iv) Strengthening Learning & Sharing, Knowledge Management, Communication and Advocacy of Pan African Parliament.

In May 2019, efforts were made to present the Strategic Plan to the PAP Plenary but this failed due to time constraint. The final adoption has been slated for the October 2019 Ordinary Session, to be followed by the production and distribution of the Strategic Plan from November 2019.

2.6.3.2. Oversight, Monitoring and Evaluation: Coordination and Implementation of PANAF/2016/376-101

As part of its function, the Monitoring and Evaluation unit provide an oversight role in the implementation of the “Strengthening the role of the Pan African Parliament (PAP) in the African Human Rights System” (PANAF programme). The Monitoring and Evaluation Unit

in conjunction with the PANAF team prepared and submitted all essential technical and financial reports to the European Commission in the compliance with the contractual agreement.

Some benefits accruing from the PANAF Programme includes (i) supporting the development of the PAP 2019-2023 Strategic Plan; (ii) supporting the regional consultative meetings both technically and financially; (iii) supporting the development of the PAP Communication and Media Strategy which is underway; and (iv) supporting the finalisation of the guidelines on the development of model laws and building the technical skills of both PAP Members and Staff on model law formulation. This is also underway.

It is important to note that the President of the Pan African Parliament (PAP) is the current chair of the EU PANAF Steering Committee. On an annual basis, a Steering Committee Meeting is convened back-to-back with the AU Summit to take stock of the implementation status for the PANAF. All implementing organs present their achievements, budget consumptions, challenges, and plan for the following year during the Steering Committee Meetings.

2.6.3.3. New African Governance Architecture (AGA) Program

The Pan-African Parliament is among the AU Organs that would benefit from the New African Governance Architecture (AGA) Program. The PAP developed and presented a programme proposal to the European Union, which is expected to be implemented for the next 4 years for an amount of five million Euros. The new AGA is expected to commence in early 2020.

3. SUMMARY OF THE KEY ACHIEVEMENTS

The PAP successfully organized several activities, which effectively contributed to the realization of its mandate and its strategic objectives. The main achievements are the following:

- i. The successful preparation and organization of all planned statutory and non-statutory activities of all organs and structures of PAP, in a secure environment and in compliance with the PAP legal framework;
- ii. The professional and full support given to the activities of the PAP by the leadership of PAP, Members of PAP and all staff, units, divisions and departments of the PAP Secretariat;
- iii. The successful holding of the 10th Annual Speakers' Conference and the for the remaining Bureau and Bureauxes posts, in full compliance with the PAP legal framework;
- iv. The effective PAP engagement with the PRC, which laid the grounds for a joint PAP-PRC Bureau and Bureauxes meeting, which will provide an opportunity to discuss

and resolve all issues and misunderstandings levelled the policy organs against the PAP.

- v. The thematic alignment of the activities of the PAP Plenary and Permanent Committees with the African Union theme of the year and the continental policy developments and priorities.
- vi. The reinstatement of the PAP Staff members who were vindicated by the Executive Council Decision EX.CL/1077(XXXII)ii) on PAP Recruitments.
- vii. The Pan-African Parliament remained a litigation-free institution thanks to timely and effective legal advice, which enabled timely and sound resolution of legal challenges.
- viii. The PAP continued to venture into new thematic areas, such as double taxation agreements and made tremendous progress towards the formulation of model laws.
- ix. The increased visibility of the Pan-African Parliament and the enhancement of the IT structure, which will facilitate the administrative and parliamentary activities of the PAP.
- x. The finalisation of the formulation of the PAP 2019 - 2023 Strategic Plan, which is set to be considered in Plenary.
- xi. The renewed commitment of Speakers of National Parliaments to take action to push for the ratification of AU treaties, particularly the PAP Malabo Protocol.

4. SUMMARY OF THE MAJOR CHALLENGES

While the PAP has made strides in an effort to achieve its strategic objectives, it is worth acknowledging that it continued to face numerous challenges since the May 2019 Ordinary Session. The major of those challenges are:

- i. A high turnover of the Members of the PAP, with 18 new Members sworn in at the May 2019 Ordinary Session and at least 20 other Members to be replaced or re-sworn in at the October 2019 Ordinary Session. This cannot but have an impact on the effective participation of MPs in PAP activities and the preservation of the institutional memory of the Parliament.
- ii. As highlighted at the May 2019 Ordinary Session, the responsiveness of the Members of PAP for participation in electoral observer missions has critically decreased. It is recommended that MPs renew their commitment respond on time to enable the PAP and AUC Electoral Coordination units to make necessary arrangements for their travel.
- iii. Staffing challenges, with several divisions and units such as Legal, Monitoring and Evaluation, Research and Communication being seriously understaffed.

- iv. The slow pace of recruitment for the outstanding vacant positions will continue to cause administrative burden and relative instability within the Secretariat for the vacant posts yet to be filled.
- v. The continued negative image of the PAP at the African Union Policy Organs, requiring sustained efforts to rebuild the reputation of the PAP and have it to commend the respect of the AUC, policy organs and the general public.
- vi. Financial and budgetary constraints resulting in some Committees being unable to implement planned activities, such as missions of investigation, on-site visits, promotional missions, consultative meetings.
- vii. The critical diminution of the participation of the MPs in the AU election observation missions. It is recommended that MPs confirm their participation on time to enable the PAP and AUC Electoral Coordination Units to make necessary arrangements for their travel.
- viii. The fears and concerns raised by the acts of violence against foreign nations which occurred in September 2019, and which led some Members of Parliaments to express their reluctance to travel to South Africa and take part in the October 2019 Ordinary Session.
- ix. The unresolved disproportionate distribution of membership amongst the Committees, which has resulted in some Permanent Committees have an excessive number of members while others struggle to meet their quorum. A Directive from the Bureau sent to Chairpersons of Caucuses requested their involvement in the resolution of this challenge.
- x. An overall poor attendance of Members of PAP during the Committees' Sitzings in August 2019, which negatively affected the quorum and prevent the said Committees from making binding decisions. The situation affects the Committees on Education, Rules and Trade. The below table shows the attendance status during August 2019 Committees' Sitzings.

ATTENDANCE AT COMMITTEE MEETINGS	
Committee	Attendance
Audit and Public Accounts	10/13
Cooperation, International Relations and Conflict Resolution	18/30
Education, Culture, Tourism and Human Resources	3/15
Gender, Family, Youth and People with Disability	13/20
Health, Labour and Social Affairs	16/20
Justice and Human Rights	17/26

Rules, Privileges and Discipline	6/12
Monetary and Financial Affairs	12/21
Rural Economy, Agriculture, Natural Resources and Environment	17/31
Trade, Customs and Immigration Matters	4/18
Transport, Industry, Communication, Energy and Technology	9/17

5. ANTICIPATING PAP ACTIVITIES IN 2020

In line with its core mandate of ensuring an effective participation of the peoples of African in the economic development and integration of the African continent, the Pan-African Parliament will continue to assert its relevance and proactiveness by considering and debating the issues that speak directly to the realities of the continent and the peoples of Africa. In 2020, the Pan-African Parliament is expected once more mainstream in its activities the African Union theme of the year, which is “**Silencing the Guns: Creating Conducive Conditions for Africa’s Development**”.

Also, building on its milestones and achievements for the year 2019, the Pan-African will continue to have high in its agenda a wide range of issues relating to human rights, democracy, governance and integration in Africa. Following the launching of the AfCFTA in July 2019, additional efforts will be made to ensure that the PAP engage more with National and regional Parliaments to sensitize more on fast-tracking the ratification, domestication and implementation of the continental legal and policy frameworks relating to free trade and free movement, the fight against corruption, the rights of forced migrants, food security and nutrition and the rights of persons with disability.

The year 2020 will also enable the Pan-African Parliament to continue exploring other areas for the formulation of draft Model Laws, in addition to policing, disability, climate change and food security and nutrition. Beyond model laws, the Pan-African Parliaments will also finalize its work on the African Union Model Double Taxation Agreement, which is expected to be submitted to the African Union Commission on International Law.

Further, the Pan-African Parliament will review and rethink its advocacy for the ratification of the Malabo Protocol, with a view to fast-tracking entry into force of the PAP Malabo Protocol. The Pan-African Parliament will also continue to strengthen its institutional and operational capacity and be prepared to take on future challenges and opportunities, in anticipation of the entry into force of the Malabo Protocol as well as the implementation of the African Union institutional reform.

Lastly the year 2020 will also provide an opportunity to kick-start the process of reviewing and realigning the PAP Rules of Procedure, to suit the PAP’s current needs and realities. In the context of the last elections and ongoing activities of PAP, several lacunae, ambiguities and inconsistencies have been recorded, making the overhaul of the Rules of Procedure an urgent and necessary exercise to embark on.

6. CONCLUSION

This Pan-African Parliament has made meritorious efforts to fulfil its strategic objections; through a wide range of activities, both statutory and non-statutory. I would like to hereby acknowledge the technical support and contributions received from all stakeholders, whether AU organs and institutions or civil society organizations, which made possible to achieve several objectives.

First of all, sincere thanks go to the Members of the PAP Bureau, Honorable Vice-Presidents for the support and constant involvement in the functioning of Bureau and the Parliament. Without making themselves available to serve on rotation basis, the Bureau would not have been able to provide effective leadership to the work of the Parliament.

Also, the Members of PAP are hereby appreciated for actively participating in the realization of the activities reported here above. The presence of PAP Members in the statutory and non-statutory activities and their deployment of PAP Members in regular official missions cannot be taken for granted, in view of their busy schedules and dual membership, as well as conflicting schedules. Nothing would have been possible without them to availing themselves for the work of the Pan-African Parliament, indeed thanks to the generous support of our Member States.

It is also important to commend the PAP Secretariat Staff, irrespective of rank, who continue to dedicate their energy, time, experience and knowledge to the achievement of the PAP mandate. The overall activities and objectives of the Parliament cannot be achieved without the enormous work and technical support from the Secretariat.

Last, but never least, our sincere gratitude is also expressed to our development partners, for their generosity and fruitful partnership, which enabled the achievement of our objectives where budgetary gaps were experienced. We are delighted that the PAP has continued to garner the trust of our development partners in support for our activities.

PAN AFRICAN PARLIAMENT

REPORT OF THE COMMITTEE ON AUDIT AND PUBLIC ACCOUNTS TO THE 3RD ORDINARY SESSION OF THE 5TH PARLIAMENT

MIDRAND, SOUTH AFRICA

October 2019

One Africa, One Voice!



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1.0 EXECUTIVE SUMMARY

A. INTRODUCTION

- A1. The Committee on Audit and Public Accounts (CAPA) presents its report to the 3rd Ordinary Session of the Fifth Parliament of the Pan African Parliament (PAP). This report was generated from the Sitzings of the CAPA, which were held from 5th to 8th August 2019 and 9th to 13th September 2019 to review audit reports on the activities of the Pan African Parliament.
- A2. The work of the Committee leading to this report is in accordance with its mandate as provided for in Article 3 of the PAP resolution that established it as a Committee in October 2015.

B. ESTABLISHMENT OF THE COMMITTEE ON AUDIT AND PUBLIC ACCOUNTS

- B1. In accordance with Rule 22(2) of the Rules of Procedure of the Pan African Parliament (PAP) on the establishment of Committees, the Committee on Audit and Public Accounts was established on 14th October 2015 following the adoption of the resolution by the 1st Ordinary Session of the Fourth Parliament. The CAPA comprises fifteen (15) members, equally representing, and designated, by each of the five Regional Caucuses.
- B2. Article 3 of the resolution gives CAPA the mandate to:
- a) Consider the internal and external audit reports relating to the Pan African Parliament and recommend appropriate measures for an effective implementation of the recommendations arising therefrom;
 - b) Consider the reports of the Board of External Auditors (BEA) of the African Union and recommend appropriate measures for an effective implementation therefrom;
 - c) Exercise all other functions as are incidental and auxiliary to the discharge of its mandate.

C. OFFICE OF INTERNAL AUDIT

- C1. The Pan African Parliament at the 4th Session of the First Parliament in 2004, mandated the Office of Internal Audit of the PAP to 'ensure that the Financial Rules and Procedures of the PAP are up to date, effective and are adhered to accordingly. PAP/Doc/4th Session/Decision 2 refers.

- C2. The AU Executive Council Decision EX.CL/DEC. 340 (X) January 2007, specifically authorised the establishment of the Office of Internal Audit of the PAP.
- C3. In order to have an effective audit system, the Office of Internal Audit of the African Union was established by the Executive Council Decision EX/CL/Dec. 34(III) of July 2003 and incorporated as Article 71 of AU FRR, 2014.
- C4. These documents provide:
- “The mandate of OIA shall cover internal audit, special investigation, inspection, monitoring and evaluation of the adequacy and effectiveness of the internal control, financial management, accounting, administrative, data quality, computing and other operational activities of all the African Union Organs.”

D. BOARD OF EXTERNAL AUDITORS

- D1. The establishment, mandate and functions of the Board of External Auditors is provided for in Articles 77 to 84 of the AU FRR, 2014.
- D2. According to Article 77 of the AU FRR, 2014,
- (1) There shall be established a Board of External Auditors whose function shall be to audit the accounts of the Union.
 - (2) The Audit shall be conducted in accordance with Internationally Accepted Auditing Standards. The Board of External Auditors shall be appointed by the Executive Council

E. REPORTS CONSIDERED BY CAPA

- E1. The Committee reviewed the audit reports of the Office of Internal Audit of PAP and Board of External Auditors.
- E2. The documents that were reviewed include:
- i. The report of the Board of External Auditors of the African Union on the Pan African Parliament for the year ended 31st December 2018;
 - ii. Office of Internal Audit report on the Budget Implementation of the PAP for the year ended 31 December 2018;
 - iii. Implementation status of the recommendations of the CAPA, Office of Internal Audit and the Board of External Auditors from October 2016 to May 2019.

F. METHODOLOGY

- i. The Committee read each of the issues in the Audit reports in the presence of both its Members and the Management staff of the PAP;
- ii. Staff were given the opportunity to respond to the issues;
- iii. The CAPA discussed its position and recommendations with the staff;
- iv. Draft report of the CAPA arising from the Sitzings are compiled by the Committee Clerk in conjunction with the OIA;
- v. The CAPA reviews the draft report and makes its conclusions;
- vi. CAPA report is presented and discussed with the Bureau without the Bureau being in a position to alter what the CAPA Members have agreed upon;
- vii. The final report is presented to the Plenary by the CAPA for debate and adoption;
- viii. Once adopted, the report is transferred into a matrix by the Office of Internal Audit of the PAP for tracking of implementation;
- ix. The OIA gives feedback to the CAPA on the status of implementation of recommendations

G. ATTENDANCE

i. **Members Present:**

- | | | |
|--------------------------------|--------------------|-----------------------|
| 1. Hon. Sekou Fantamadi Traore | Mali | Chairman |
| 2. Hon Barbara Rwodzi | Zimbabwe | Interim Vice chairman |
| 3. Hon. Said Brahim Said | Saharawi Arab Rep. | Rapporteur |
| 4. Hon. Ahmat Tahir Ahamat | Chad | |
| 5. Hon. Bissiri Sirima | Burkina Faso | |
| 6. Hon. Hordofa Bekele | Ethiopia | |
| 7. Hon. Noé Mbonigaba | Burundi | |
| 8. Hon. Mongi Rahoui | Tunisia | |
| 9. Hon. Zely Pierre Inzoungou | Congo | |

10. Hon. Abdelkader Moukhioua	Algeria
11. Hon. James Kakooza	Uganda
12. Hon. David Ernest Silinde	Tanzania

ii. **Members absent:**

13. Hon. Hans Barchue	Liberia
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iii. **Staff in attendance:**

1. Mr. Gali Harou Massa	Acting Clerk of Parliament
2. Ms. Charlotte Marck	Acting DC FAHR / Head of Finance Division
3. Mr. Galal Nassir	Head, Committee, Documentation R & L
4. Mrs. Vivian Abii	Head, Admin & Human Resources
5. Mrs. Lyn Chiwandamira	Senior International Relations Officer
6. Mr. Emmanuel Afedor	Head of Internal Audit
7. Mr. Ibrahim Jagne	Senior Monitoring & Evaluation Officer
8. Dr (Mrs.) Ndidi Abanno	Senior Committee Clerk
9. Mr. Celestine Aharanwa	Senior Finance Officer
10. Mr. Clement Mavungu	Legal Officer
11. Ms. Dominique Mpouel	Resource Mobilisation Officer
12. Mr. Ohiwe-ei Felix Unuigbe	Internal Auditor
13. Ms. Helen Sabwa	Committee Clerk
14. Mr. Nector Mbilima	Research Officer
15. Mr. Narindra Razafindrabe	AU Youth Volunteer
16. Mrs. Sandra Zoe	Support Staff, Office of Internal Audit
17. Mrs Akua Owusu Agyekum	Committee Support Staff

2.0 SIGNIFICANT ISSUES CONSIDERED BY THE CAPA

2.1 ISSUES RELATING TO THE SERVICES OF THE PAP

A. No Disaster Recovery Plan and Business Continuity Plan in PAP

Audit review of the activities of PAP revealed that it does not have a Disaster Recovery Plan (DRP) and Business Continuity Plan (BCP) in place. The essence of the DRP and BCP is to safeguard the activities of the Parliament and to ensure that disruption of its activities is mitigated in the event of any unforeseen event that may impact on its ability to continue in existence or functioning as an Organ of the AU.

A1. Risk

In the event of any disaster, the work of PAP will be negatively affected and may constitute a threat in its ability to render services pursuant to its mandate.

A2. Management response

PAP Management explained that the Disaster Recovery and Business Continuity Plans are part of the Risk Management Plan in the 2019 Work Plan of the Clerk's Office. A working group led by the Sergeant-at-Arms has been assigned to work on the document.

A3. CAPA recommendation

The Committee recommends that work on the Disaster Recovery and Business Continuity Plan should be expedited and properly communicated to every member of staff. This will safeguard the activities of the Parliament and ensure disruption of activities is mitigated in the event of any threat to business continuity.

B High Turnover of Clerks of Parliament

The Audit report showed that Rule (17a) of the Rules of Procedures of the PAP states that the President of the Bureau is in charge of the administration of the Parliament, while the Clerk is the Head of the Secretariat of PAP and hence responsible for the day to day operations of the Parliament. Conflicts could arise between the President of the Bureau and the Clerk in the discharge of their various responsibilities. This among other causes may have led to high turnover of Clerks in the past few years. Between 2015 and 2019, the PAP has had 4 different Clerks including an Acting Clerk.

In the view of the Auditors, this is not healthy for the effective administration of the Secretariat of PAP.

B1 Risks

- i. Instability in the position of the Clerk may lead to ineffectiveness of PAP operations.
- ii. The Bureau having the power to terminate the employment of the Clerk may undermine the independence of the Clerk and hence limit the ability of the Secretariat to discharge its duties.

B2. Management response

PAP Management noted that Rule 21 (e, f, g) of PAP places on the Clerk the responsibility to Parliament for accounting issues, to supervise the staff of the Secretariat and to manage the day to day administrative affairs of Parliament.

This suggests that the Clerk is accountable to the Parliament and not to the Bureau of PAP. However, it is to be noted that according to the rules, the President is the person in charge of the appraisal of the performance of the Clerk, even though the same rules say the latter is not accountable to the President. There is the need to reconcile these provisions to provide workable reporting structures at the PAP.

Management also explained that the seemingly "High turnover of the Clerk", is due to various factors, not necessarily the indication presented by the auditors. They emphasised that the assumption of this query is unfounded, in that

- i. Mr. Zwelethu Madasa (South Africa 2010-2015) for instance, left office at the expiration of his contract.
- ii. Mr. Mourad Moktari (Algeria 2015-2016) resigned for personal reasons.
- iii. While Mr. Vipya Harawa (Malawi 2017-2018) refused to sign the contract that was presented to him.

B3. CAPA recommendations

- i. The position of the Clerk needs to be protected to ensure stability and effective service delivery in the administration of PAP.
- ii. The appointment and removal of Clerks should be done through due process as prescribed in Rules 57 to 62 of the AU Staff Regulations and Rules, 2010.
- iii. The roles between the President of the Bureau and the Clerk should be clearly delineated. The Legal Unit of the PAP should critically look at Rules 17 and 21 and draft an amendment to clearly define the roles with a proper reporting structure.

C. Non-compliance with AU Procurement approval process

The auditors' report from their review of the procurement made in respect of the First Session of the Fifth Parliament in October 2018 in Kigali showed that:

- i. A total amount of USD515,901.90 for procurement of accommodations, conference facilities and interpretation equipment were not approved by the Internal Procurement Committee (IPC) of the PAP.
- ii. The IPC was only consulted after the contracts had been signed by the Acting Clerk of Parliament Mr. Yusupha Jobe who was part of the advance team to Kigali. This is not in compliance with procurement rules and regulations as contained in AUC Procurement Manual.
- iii. The above amount is over and above the PAP approved threshold of \$100,000 as provided in the AU Procurement Manual, Annex II.

Chapter 3.4(iii) of the AU Procurement Manual, 2016 stipulates that one of the responsibilities of IPC is "Referring suspected procurement violations to the Office of Internal Audit for investigation." There was no evidence that the issue was reported to the Office of the Internal Audit by the IPC either.

C1. Risks

- i. Over-estimation and overpayment of expenses.
- ii. Negative publicity to the PAP within and outside of the AU for not complying with Procurement Rules.
- iii. It is a sign of deficiency in the internal control system of the PAP and would lead to lack of accountability and probity.
- iv. Development Partners and other stakeholders will not have confidence in the ability of the PAP to manage its funds to achieve value for money.

C2. Management response

PAP Management agreed that proper procurement procedures were not adhered to. However, they insisted that the exigencies of time could not afford the PAP Management the opportunity to seek approval from the IPC before the contracts were entered into to secure the facilities.

They emphasized that due to the number of expected participants, no individual hotel could accommodate all the number. The advance team had to enter into contracts with four hotels and other service providers on the recommendation of the Host country, giving considerations to proximity to the conference venue and security.

PAP Management further maintained that individual procurement contracts in Kigali were all below the approved threshold of USD 100,000. It was rather, the aggregate expenditure that went over the approved procurement threshold.

C3. CAPA recommendations

- i. PAP Management should always adhere strictly to the procurement process as outlined in the AU Procurement Manual.
- ii. Poor and late planning results in hasty and expensive procurement decisions such as what happened in Kigali. The Committee advises that preparatory work for such events should commence early to avoid such violations.

D. Constraints on carrying out IT Internal Control Assessment

During the audit review of Information Technology (IT) processes of the PAP, it was observed that the Systems Application and Products (SAP) and other IT infrastructure driving the application which the Parliament uses are domiciled and controlled at the African Union Commission (AUC).

Enquiry however, revealed that PAP does not have access to the Data Centre that is hosting its financial and other operational data. In other words, all of PAP's sensitive data and IT controls are managed by the AUC.

Consequently, the auditors could not carry out proper Information Technology General Controls Audit as the IT infrastructure was not available in PAP.

D1. Risks

- i. Financial and Human Resources Information of PAP can be lost and corrupted, which could affect its operations adversely.
- ii. Possibility of passing entry into the General Ledger of PAP without their knowledge is high.
- iii. PAP operations are limited and subjected to the Systems interruptions and possible breakdowns arising from infrastructural challenges and limitations in Addis Ababa.

D2. Management response

- i. All AU Institutions are required to use the SAP implemented at the AUC due to the high cost of installation and licensing plus the need for harmonization.
- ii. The AUC IT team is governed by the same staff rules and other relevant policies applicable to AU institutions and this include the ICT policy.
- iii. The AUC IT systems are also audited by external auditors and they can pick out any risks that PAP maybe exposed to as part of the day to day management of the SAP infrastructure.

- iv. The AUC IT team is also working on implementing SAP in the cloud which will offer more robust architecture for the whole of the Union.

D3. CAPA recommendations

- i. The Committee recognises that while maintaining a shared facility by African Union is cost effective, the AUC IT is privy to all the happenings and confidential information of PAP.
- ii. It is hoped that the IT Department of AUC will observe a high standard of data confidentiality and integrity of all the information and documentation on the system and will provide prompt and efficient service delivery to PAP and the other Organs.

E. Inadequate staffing of Pan-African Parliament Secretariat

The Board of External Auditors (BEA) reported that "Paragraph 2.3.3 of the OIA Audit Planning Memorandum (APM) showed that 5 out of 74 approved staff were yet to be employed due to highly complicated political considerations in the AU and the inadequate funding of the recruitment costs.

The BEA further noted that the current structure of the PAP appears to be very inadequate for its scope and volume of operations currently.

The CAPA observed that the current PAP structure which was approved by the Policy Organs of the AU in 2012 was the proposed structure at the beginning of the PAP in 2004. This structure has obviously become grossly inadequate to support the current level of operations and activities of the PAP.

During the interactions with the Management staff of the PAP by the CAPA, the following staffing situation was discovered:

- i. Office of Internal Audit has 2 staff members and 1 AU Youth Volunteer who is on learnership.
- ii. Committees has 5 Committee Clerks to serve 11 Permanent Committees of the PAP.
- iii. Monitoring and Evaluation Unit has 1 staff and 1 AU Youth Volunteer
- iv. Legal Unit has 1 staff
- v. Travels Unit had 1 staff until September this year when 1 other staff was added.
- vi. Documentation Unit has 3 staff
- vii. Library Unit has 1 staff
- viii. Research Unit has just been filled with 1 staff with effect from September 2019.

The above is just the picture of the staffing situation in the PAP. All the Units in the PAP are facing the same inadequate staffing situation.

E1. Risks

- i. Inadequate staffing is impacting on the existing staff and their ability to support the Bureau and members of PAP to achieve their goals.
- ii. This may lead to over-working of staff.
- iii. The principle of segregation of duties cannot be achieved and this ultimately brings about internal control lapses in the operations of PAP.

E2. Management response

- i. The Department of Finance, Administration and Human Resources (FAHR) had in its 2018 Work Plan undertaken to finalize the recruitment process for the 5 vacant positions existing in the approved structure of the PAP Secretariat. Short listing for 3 positions was done and the reports of the short-listed candidates were submitted to APROB. However, the recruitment process was cancelled by the Bureau on the basis that the budget for the vacant positions should be used to pay special allowance to the locally recruited staff. The process was however, expected to resume in 2019 subject to Bureau directive.
- ii. The PAP is also in the process of reviewing its current approved structure to address the inadequate staffing capacity existing in most of the functional areas and as part of the ongoing institutional reforms of the AU.

E3. CAPA recommendation

- i. Action should be expedited on the review of the structure of the PAP
- ii. The vacant positions existing in the present structure, should be filled.
- iii. Explore the possibility of temporary short-term employment of staff in areas requiring urgent attention.
- iv. Expedite action on resolving the case of the former Clerk, in order to have a substantive Clerk who should give strategic direction to the Secretariat of the PAP.

F. Failure to claim Value Added Tax Refund

It was observed that PAP had unclaimed VAT refund of USD368,959 as at December 31, 2018, dating from as far back as June 2014.

F1. Risk

Possibility that amount may not be collected, possibly due to expiration of time, loss of documents to support claim or changes in VAT Claim Policy of the Host Country.

F2. Management response

VAT returns had been prepared up to 2017 and the claims are yet to be filed online with the South African Revenue Service (SARS).

The link to file for VAT was received by the PAP at the end of August 2019 and a staff has been assigned to complete the process.

F3. CAPA recommendation

- i. The PAP should promptly get the appropriate person to handle VAT filings as required by the SARS.
- ii. PAP Management is given a target date of December 2019 for all the matters relating to VAT to be resolved.

G. Overview of the 2018 PAP budget and its implementation

The audit report stated that the overall budget utilization rate achieved by the PAP in 2018 was 73 per cent.

The operational budget utilisation rate was 83 per cent while the execution rate for program budget was 19 per cent.

The auditors observed that this level of utilisation was well below the expected average execution rate of 95 per cent given the allowable variance of 5 per cent.

G1. Risk

PAP is exposed to future budget cuts by the policy Organs of the AU.

G2. CAPA recommendations

- i. The management of the PAP needs to identify the reasons why it could not achieve the expected threshold and the impact on the programs and activities of the PAP.
- ii. The president should take note that execution is consistently falling short of budget and the Bureau needs to address this.

H. Programs budget

Table 1 - Five-year summary of fund mobilisation and budgeting for programs

Years	2018	2017	2016	2015	2014
Budget appropriation (USD)	2,920,000	6,442,184	20,444,763	17,788,440	3,400,476
Amount received (USD)	835,526	928,542	1,214,521	1,130,877	1,407,120

Amount utilised (USD)	549,057	1,024,914	623,155	1,404,689	1,332,322
Fund mobilisation rate (%)	28.61	14.41	5.94	6.36	41.38
Utilisation / Budget (%)	18.80	15.91	3.05	7.90	39.18
Utilisation / Funds received (%)	66.71	110.38	51.31	124.21	94.68

The above table shows that:

- i. There has been low rate of fund mobilisation in the PAP;
- ii. Budget implementation for project is low. This is represented by Utilisation / Budget percentage;
- iii. In some of the years, utilisation of funds received was low while in three of the years, funds spent on projects were more than amounts received

H1. Funds mobilised not captured in budget implementation reports

The auditors observed that

- i. There were activities, which were sponsored and paid for directly by Development Partners but are not captured in the budget implementation report of the PAP.
- ii. There is no coordination and collaboration amongst the various units of the PAP involved in programmes requiring the participation and support of Development Partners. *These include The Project Coordinating Unit, Fund Mobilisation / International Relations Unit, Finance Unit (Programs), and Committees Division.*

According to the International Relations Unit (IRU), which oversees fund mobilisation for the PAP, after the Units have signed Memorandum of Understanding (MOU) for sponsorship of PAP activities that have been referred to it by other User Units, these Units go ahead to interact with the sponsors without informing the IRU which is responsible for fund mobilisation. They are, therefore, unable to have an update of these activities and the funds provided.

H2. Implications/ risk

- i. There is indication of improper budgeting. Budget preparation and estimation appears to be unrealistic.
- ii. Budgets drawn up without adequate commitment being received. It appears that PAP budgets for programmes are not synchronised with clear commitments.

- iii. The true position of the Program budget is not being correctly reported; hence Management and the Bureau of the PAP are not well informed in order to take appropriate decisions.
- iv. The above pattern could send negative message to the Development Partners about the low absorptive capacity of the PAP.
- v. Funds not used are lost, the programmes and the expected outcome and impact are equally lost. The PAP thus, misses the opportunity to achieve some of its set objectives and mandate.

H3. Management response

- i. The collaboration between Divisions will be improved.
- ii. Some activities are Partner driven and involve Members of Parliament and these are not captured in the budget reports since Partners do not disclose the amounts spent on the activities.
- iii. A decision has been taken that Heads of departments will henceforth be responsible for the monitoring of the performance and budgets of their departments. All Units and staff members shall continue to collaborate closely with the OIA to improve the situation of work in the PAP.

H4. CAPA recommendations

- i. Budget preparation, management and reporting should be improved upon within the PAP.
- ii. Responsible Units should be allowed to perform the function that is within their job description; Mobilisation to mobilise, M & E to monitor and evaluate and Finance Division to perform its finance function.
- iii. Any support coming to the PAP must be captured in a pool through the Fund Mobilisation Unit.
- iv. Collaboration among all departments of the PAP is very important. PAP management should take steps to ensure better information flow amongst the Units involved in the budget preparation and implementation process.
- v. The Committee recommends that weekly meetings be held to include all units and not only the current practice of having only the Senior Management meeting weekly. In these meetings, management will find out what is being achieved; progress of work and budget implementation should be discussed. Departments discuss their plans and budgets for the following period.
- vi. The PAP must show to the partners that it has effective and efficient way of collating and reporting on actual expenditures incurred at all time. In collating the costs, we should not only give estimates, but also actual costs.

- vii. Management should write to inform the Partners that all support must be accompanied with plans and the costs involved. This should be included as part of the conditions in the MOUs and the OIA should follow up on this. For MOUs that have already been signed, the PAP should ask for letters of commitment from the Partners.

2.2 PROBLEMS LINKED TO INSTITUTIONAL ASPECTS

A. Delays in the implementation of Audit recommendations

The review of the Consolidated Report of Committee on Audit and Public Accounts (CAPA) implementation level on audit issues raised from October 2016 to May 2018 showed that 45 out of 66 recommendations were neither implemented nor in progress.

The AU Executive Council during its 31st Ordinary Session held in Addis Ababa, Ethiopia from 27 June to 1 July 2017, made Decisions on Audit Matters. These as contained in part IV, Paragraph 28 of the Executive Council Decisions include:

“vi. to institute Financial Sanctions for non-performance of departments. In this regard, the departments/organs to be given budget allocations based on:

- i. The rate of their previous budget execution;
- ii. The implementation rate of the audit recommendations

A1. Risks

- i. There is possible occurrence of fraud, loss or misstatement;
- ii. The PAP is in breach of Executive Council Decision as noted above and is exposed to the consequence of the stipulated sanctions.

A2. Management response

PAP Management stated that it has put in place an Internal Audit Progress Committee with the responsibility to follow up and expedite action on the implementation of audit recommendations.

A3. CAPA findings

The Committee observed that the PAP is already bearing the consequence of non-implementation of audit recommendations as the budget presented by the PAP is being cut by the AU Executive Council. One very clear instance that came to the view of the CAPA is the budget for Medical insurance of the Members of the PAP

that was cut by 50% for the 2019 fiscal year. The consequence of this cut is that the amount available for MPs' insurance cover was expected to be exhausted by June 2019.

A4. CAPA recommendations

- i. The Bureau is hereby informed about this matter of non-implementation of Audit recommendations and advised to give priority attention to it.
- ii. The Bureau should ensure that the Internal Audit Progress Committee performs effectively by achieving its objectives as outlined in Article 69 of AU FRR, 2014.

B. Failure to recognize the contribution of the Host Government in the books of accounts

Audit review of the Host Agreement between AU and the Government of South Africa relating to the PAP, which was signed on 16th Sept 2004, showed that the host country agreed to provide and maintain office building, motor vehicles, security, furniture, IT etc., for the PAP. Enquiry revealed that the host country makes good many of its promises contained in this agreement.

Similar gesture was also accorded to PAP by the Government of Rwanda during the Session held in October 2018 in Kigali.

The value of these donations / support was not recognized in the financial statements of PAP for the year ended 31 December 2018.

This action contravenes the requirement of IPSAS 23.93–27 (International Public Sector Accounting Standards) and IPSAS 23.99

- i. IPSAS 23.93-27 provides that "Goods and Donations, including goods in kind are generally recognized on the date on which the gift or donation is received. They are measured at fair value as at the date of acquisition, which may be ascertained by reference to active market, or by appraisal by a professional".
- ii. IPSAS 23.99 provides that where "services provided by individuals to an entity are immediately consumed, a transaction of equal value is immediately recognized to reflect the consumption of this service-in-kind."

B1. Risk

The financial statements are misstated by the values not recognized.

B2. Management response

The confirmation by the host country of the contributions-in-kind for 2018 was recognised in the Financial Statements by way of note since despite all the promptings of PAP to the Host Government, not all valuation of the contribution has been provided to enable verification by PAP. PAP has however, initiated a system of verifying the stated contribution so as to recognise it in the Income Statement.

B3. CAPA recommendation

- i. Management should employ alternative means of verifying and recognizing the value of such contributions- in-kind in order to comply with IPSAS 23.
- ii. The Government of South Africa that hosts the seat of the PAP and any other Government that may host any of the activities of the PAP in future or provide any support to the PAP, should be informed through the Resolution of the PAP Plenary, of the reporting and disclosure requirements of the International Public Sector Accounting Standards.

C. Unauthorized Allowances paid to MPs and Bureau Members

Audit review of payment of Sitting Allowances and Responsibility Allowances to Members of Parliament (MPs) and Bureau Members respectively showed that there is no authorization of these allowances by the PRC.

It was observed that on 9th January 2018, the Head of Finance and Budget communicated to the Clerk of Parliament vide Reference No: PAP/FIN/01/09/01/18 on the Revised Allowances to Bureau Members and Members of Parliament for 2018, noting that the PRC had requested that the allowances should not continue to be paid to MPs until they are harmonized with those of other Organs, thereby reducing the budgetary provisions for sitting allowances.

C1. Risks

- i. Unauthorized allowances when paid to MPs and Bureau members, can lead to abuse of privileges.
- ii. Expenditure above budgetary provisions has been traced to excessive allowances made to PAP MPs and Bureau Members.
- iii. It can lead to unauthorised diversion of funds.

C2. Management response

The payment of MP allowances was approved in the 2018 Budget. The payment pattern however, differed from what was approved. The approval was to pay the MP allowances during Sessions only. However, to encourage attendance at all four statutory meetings, the Bureau decided to spread the approved amounts over the four statutory meetings.

A team comprising some Members of the Bureau and Staff will be going to Addis Ababa to meet with the PRC in November 2019 to discuss and try to resolve this issue of allowances of MPs.

C3. CAPA recommendations

- i. AU procedures relating to MPs allowance should be reviewed taking cognizance of the peculiar nature of the PAP.
- ii. Management should as a matter of urgency seek the approval of PRC on the allowances due to the MPs and the Bureau Members

3.0 STATUS OF IMPLEMENTATION OF PREVIOUS AUDIT AND CAPA RECOMMENDATIONS

**Table 2 - Status of implementation of audit & CAPA recommendations –
October 2016 to May 2019**

Status	Number of recommendations	Percentage implementation
Implemented	15	6.6%
In progress	09	4%
Not implemented	50	21.9%
Further audit to confirm status	24	10.5%
Recommendations in May 2019 not responded to	130	57%
Total	228	100%

The Committee observed that only 6.6% have been fully implemented out of 228 issues. If we add those said to be "in progress", we would have 10.6%. This is not acceptable and bothers on governance.

A1. CAPA recommendations

- i. The current Acting Clerk is new in his position, but the CAPA urges him to take drastic action to deal with the situation where recommendations are not implemented.
- ii. PAP Management should understand that this institution is for all. The continued negative reports of its non-commitment to implementing Audit and CAPA recommendations is unhealthy.
- iii. Instability in the position of the Office of the Clerk may be a strong factor that could have contributed to this low implementation of recommendations. Since 2015, the PAP has had 4 changes in Clerks of Parliament including an Acting Clerk.
- iv. The CAPA needs to meet with the Bureau in order to discuss improvement in implementation of recommendations.

B. SIGNIFICANT PREVIOUS RECOMMENDATIONS

<u>S/N</u>	<u>ISSUE</u>	<u>CAPA RECOMMENDATIONS</u>	<u>STATUS</u>
1	<u>Issue 6.2 from October 2016:</u> <u>Disclosure of contributions of the Republic of South Africa to PAP.</u> The audit report noted that the Directorate of International Relations and Cooperation (DIRCO) is failing to provide details of the contributions of the Government of South Africa in maintaining the PAP hence the amount spent is not being appropriately disclosed in the financial statements of the PAP.	This issue should be reported in Plenary so that representatives of PAP from South Africa may assist to encourage the Government of South Africa to take appropriate action.	Not implemented
2	<u>Issue 6.19 from May 2017: -</u> <u>Bad debt – Trust Fund - \$140,143</u> 1. The balance in this Trust account of USD140,143 (as at 31 December 2017) has been outstanding since 2008. 2. The Legal Officer provided the background information about the Trust Fund as follows: i. It was managed by Three Trustees, one each from Zambia, Kenya and South Africa; ii. The Trust Fund had its juristic personality separate from the PAP and was managed outside of the PAP. iii. The Banks confirmed that the bank account for the Trust had been drawn and was in negative. iv. The options available to the PAP include: a. To sue the Trustees. This could involve resources.	The Committee's position is follows: i. It is apparent that the monies deposited into this account were withdrawn over time and the bank seeing that there were no more funds in it made it dormant. ii. This Trust was set up by late Nelson Mandela to assist the PAP. iii. The money in this trust fund was apparently misappropriated by the individuals that were its Trustees. These people need to be brought to justice.	In progress

	b. The Clerk submitted a proposal to the Bureau for a submission to be made to the PRC for this debt to be written off the books of the PAP. The Bureau approved for this amount to be written off as bad debt. But the Legal Officer is not aware what further steps has been made on this matter.		
3	<u>Issue 6.22 from May 2017:</u> <u>Lack of Procurement Plan</u> 1 The Management of the PAP stated that it now produces Procurement Plans, but the Office of Internal Audit advised that Procurement Plans are still not prepared and approved early in the year. 2. The OIA noted that PAP management is unable to provide evidence that Procurement plans were ready by June each year since this issue was raised in May 2017 and therefore, such plan could not be regarded as meeting the requirement of the AU Procurement Manual or any standard annual work plan.	The management must comply with the AU Procurement Manual to the letter.	Not implemented
4	<u>Issue 6.0 of October 2017:</u> <u>AU Executive Council Decisions</u> The AU Executive Council during its 31st Ordinary Session held in Addis Ababa, Ethiopia from 27 June to 1 July 2017, made Decisions on Audit Matters. These as contained in part IV, Paragraph 28 of the Executive Council Decisions include: “vi. to institute Financial Sanctions for non-performance of departments. In this regard, the departments/organs to be given budget allocations based on: i. The rate of their previous budget execution;	The CAPA upholds The suggestion by the PAP management that implementation of audit recommendations be included in the weekly meetings of PAP Management.	Not implemented

	ii. The implementation rate of the audit recommendations		
5	<u>Issue 2.2.1 of May 2019:</u> <u>1. Inadequacy of the PAP mandate</u> The matters raised here were: i. Ratification of the Malabo Protocol ii. Alignment of AU Rules and PAP Rules of Procedures iii. PAP to ensure the AU annual budgets are presented to its Committee on Monetary and Financial Affairs for scrutiny and adoption by its Plenary <u>2. Management response</u> PAP Management informed the CAPA of the various steps being taken to encourage AU Member States to ratify the protocol. The President of the PAP and each of the Vice Presidents have resolved to undertake advocacy missions to their respective Regions.	iii. As representatives of the people of Africa, the PAP must be allowed to perform its legitimate role of having oversight on the actions of the Heads of States. The Budgets of AU should be presented to the PAP for scrutiny, debate and adoption.	i. In progress ii. Not implemented iii. Not implemented
	<u>Issue 2.2.2 of May 2019:</u> <u>1. Shortcomings in fulfilling the PAP mandate</u> The concerns expressed by the auditors under this caption were: i. PAP Strategic objectives were not following the SMART (Specific, Measurable, Achievable, Realistic, Time-bound) principle; ii. Strategies, Annual Work Plans and Budgets of the PAP are not aligned;	i. PAP's report of its activities to the Plenary and AU Assembly should reflect outputs (resolutions and recommendations), impact, challenges and the required solutions. PAP reports should be result based; ii. All committees of the Pan-African Parliament should be given the responsibility of tracking the implementation of resolutions and recommendations pertaining to their mandate and reporting	i. Not implemented ii. Not implemented

		the status to the Plenary;	
		iii. The office of the Senior Monitoring and Evaluation Officer should produce and present a comprehensive performance report on PAP to CAPA by August, and the Plenary in October each year.	iii. Being implemented
	<u>Issue 2.2.3 of May 2019:</u> <u>Medical insurance cover for Members when not on PAP business</u> 1. The auditors recommended that: i. PAP management should consider possibilities of insuring MPs only when they are conducting parliamentary activities in accordance with the Executive Decision EX.CL/Dec.407. ii. Management should undertake a comparative study of the cost of medical coverage for MPs while in South Africa, and full coverage for all year round with a view to determining which is more cost effective and will better serve the needs of Parliamentarians. 2. Members of the CAPA expressed the following concerns i. Many of the Hospitals in South Africa visited by a Members except one do not accept Signa Medical insurance cover; ii. Claims for medical bills take long time to be refunded. 3 <u>Management response</u> i. Management was concerned that with the 50% reduction in the budget approved by PRC for the MPs'	i. The PAP Bureau should engage the policy Organs of the AU to get the 50% cut in the budget for MPs' medical insurance restored; ii. Members that are not registered should meet with the PAP Secretariat to do so and get the App of the Insurance Company installed on their cellphones.	i. Being implemented ii. Being implemented

	medicals, the funds could only cover MPs' medical aid until June 2019. ii. The Secretariat has drawn up a supplementary budget which if approved by the PRC, should take the insurance cover up to October this year. iii. Signa, the Insurance Company was approached by the PAP to see how the Decision of the Executive Council could be handled and they gave 4 options. These options will be presented to the Bureau for consideration as soon as possible. iv. Many members are not registered. Members should be informed to get themselves assisted to register when they are in the PAP. v. Members should get the App of Signa installed on their cellphones as this would facilitate the refunds of their medical claims. They only have to scan the bills into the App, and they get the refunds quickly.		
	<u>Issue 2.2.4 of May 2019: -</u> <u>1. Governance issues</u> The issues noted here were: i. If the Bureau is to play its oversight role well, the Internal Audit department should have unlimited access to the Bureau. ii. Parliament / Plenary should consider reviewing Rule 17(a & b) of the PAP RoP (Rules of Procedures) to ensure that ambiguity is removed to allow the Bureau, and thus the President, to focus on their oversight role of the activities of the Secretariat/Clerk and hold the Secretariat accountable for its activities.	i. The Clerk has the duty to take matters brought out by the OIA to the Bureau; ii. The job of the Auditors is to alert PAP Management on where things are going wrong. The office of the Clerk should ensure good cohesion, cooperation and collaboration with the OIA.	i. Not implemented ii. Not implemented

	<u>Issue 2.2.6 (i) of May 2019:</u> <u>Structural challenges relating to the OIA function</u> 1. PAP Management stated that: i. The problem of understaffing is not only restricted to OIA. Various other departments have this same challenge. ii. The PAP has engaged a consultant to carry out job profiling and the process was still ongoing at the time of this CAPA meeting. iii. The PAP will propose a new structure and is considering the positions that can be added to the current structure subject to approval of the AU Policy Organs. 2. The OIA agreed with the assertion of the PAP Management noting that: i. The current structure that was approved in 2012 for which implementation started in 2015, was grossly inadequate for the current level of operations and activities of the PAP. The approved structure is what was proposed at the inception of the PAP above 14 years ago. ii. The OIA had submitted to PAP Management, a proposed/ ideal structure for the OIA, which it considers would enable it to meet its statutory and advisory functions in supporting the PAP in its Governance, Risk and Control requirements. The OIA would be pleased to present this proposed OIA structure to the CAPA, if given the opportunity.	i. The HR should prepare a comprehensive structure, discuss with the Bureau and both the Bureau and the PAP Management should take steps to convince the AU Policy Organs on the relevance and necessity of the proposed structure to the ability of the PAP to perform its mandate. ii. The average ratio should be 3 staff per Parliamentary whereas at PAP it is the opposite. It is therefore recommended that barring the limitation placed by budget appropriation, the PAP should strive to achieve a reasonable ratio.	i. In progress ii. Not implemented
	<u>Issue 2.2.6 (ii) of May 2019:</u> <u>Irregularities in PAP recruitment processes</u> PAP Management informed the CAPA		Implemented

	that it proposed 3 options to the PRC on how to implement the Decision of the Executive Council which directed the PAP to rectify the irregularities observed. One of the options has now be approved and the PAP is implementing the option. The staff that were adversely affected have been properly placed.		
	<u>Issue 2.2.6 (iv) of May 2019:</u> <u>Payment of allowances without obtaining the necessary approval</u> PAP Management informed the Committee that a team comprising some Members of the Bureau and Staff will be going to Addis Ababa to meet with the PRC in November 2019 to discuss and try to resolve this issue and the allowances of MPs.	CAPA cannot accept the removal of Special Allowance as it is also the practice in other AU offices. It is an acquired right for locally recruited staff of the PAP and therefore, should not be withheld.	Being implemented
	<u>Issue 4.5.10 of May 2019:</u> <u>Expired Host Agreement</u> PAP Management informed the CAPA that: i. The responsibility for update of the Host Agreement rests with the AU. ii. The SA Govt is working on putting up Structures that would house all the AU Organs and Offices that are in South Africa including the PAP. ii. As the next Chairperson of the AU is expected to be the President of the Republic of South Africa, the Government of South Africa would be interested in resolving these matters quickly.	The issue of expired host agreement (which actually is the annexes and not the Host Agreement itself) should be reported to the Plenary, so that the South African representatives in the PAP could assist to resolve the matter.	Not implemented

	<u>Issue 4.6.1 of May 2019:</u> <u>Assessment of the Risk Management Process</u> PAP Management informed the CAPA that a risk management policy has been approved but the position of the Risk Management Officer is not in the current PAP structure. They told the members that the PAP will recruit a firm to assist in the implementation of the Risk Management System in the PAP but as it was not provided for in the 2019 budget, it will be considered in the 2020 budget.	i. Management should provide the approved Risk Management Policy for the review by the OIA. ii. This matter will be differed till 2020 to confirm implementation	Not implemented
	<u>Issue 2.2.11 of May 2019:</u> <u>Absence of monitoring and evaluation mechanism</u> 1. The Committee members were informed that M & E reports for the first and second quarters of 2019 were received during its sitting on Thursday 12 September 2019, but as it was only in English, it could not be discussed. 2. During the Sitting of the Committee on Friday 13 September 2019, the Senior M & E Officer gave an overview of his activities under: i. The PANAF Project and ii. Monitoring and Evaluation 3. The Senior M & E Officer explained the background to the PANAF project thus: i. In 2016, 281 million Euros was earmarked by the EC to the AU of which the PAP was a beneficiary. PAP was allocated 2m Euros but ended up getting 1.8m Euros.		Being implemented

ii. PANAF is focused on two major areas, namely: a. Ratification, Domestication and Implementation of AU Human Rights and Governance Legal Instrument; b. Democracy, Good Governance and Human Rights iii. The present programme was expected to come to an end in December 2019, but due to low implementation, the AU has requested for extension to April 2020. iv. PAP proposal for the next programme which is for 4 years is 5m Euros. 4. Regarding Monitoring and Evaluation, the SMEO stated that the PAP M & E framework was developed and approved in Dakar, in 2016. He explained that he presents annual M & E reports during the joint planning meeting yearly.		
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4.0 CAPA RESOLUTIONS

In view of the issues of inadequate staffing and other operational limitations observed within the PAP since the establishment of CAPA some of which have been noted above, the CAPA presents the following Resolutions.

A. ORGANISATIONAL AUDIT OF THE PAP

That Organisational audit of the PAP be carried out under the supervision of the CAPA.

The objective of the organisational audit shall be to assess properly the strengths and weaknesses of PAP's human resources and the ability of the latter to be able to tackle its current challenges. The organizational audit of the PAP will further assess the relationship between the skills available in the Secretariat and the work required to be carried out in the PAP to determine and provide the ideal structure and competencies that are required in the Secretariat.

B. MPS' MEDICAL INSURANCE

- i. That the PAP Bureau should engage the Policy Organs of the AU to get the 50% cut in the budget for MPs' medical insurance restored;
- ii. That Members that are not registered should meet with the PAP Secretariat to do so and get the App of the Insurance Company installed on their cellphones.

C. STATUS OF MEMBERS OF THE PAP AS ELECTED OFFICIALS OF THE AU

That as Parliamentarian who have been elected by the people of the various Countries, which are Member States of the AU, the Members of the PAP should be included in the relevant AU documents and be entitled to the appropriate benefits due to Elected Officials. (Inter alia, Travel Classes and all entitlements in their respective capacities).

D. ADOPTION OF AU BUDGETS

That in accordance with Article 4 (g) of the *Rules of procedures of the PAP* and article 8 (2 a & b) of the *Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament*, adopted by the Twenty-Third Ordinary Session of the Assembly, held in Malabo, Equatorial Guinea on 27th June 2014, the budgets of the AU should henceforth be submitted to the PAP, for examination, debate and adoption prior to approval by the Assembly.

That the African Union Commission (AUC) should observe the Article mentioned above.

E. THE MALABO PROTOCOL

That the Bureau and the Assembly of Heads of States should take urgent measures to ensure that Member States of the AU are persuaded and encouraged to ratify the Malabo Protocol in order to enable PAP to perform effectively, its legislative role within the African Union.

That the MPs from the respective countries should follow up with their Foreign Affairs Ministries in order to achieve the quorum of 28 members required, from the current number of ratifications by 12 countries.

F. EXPIRED ANNEXES OF HOST AGREEMENT

That the Bureau should take urgent steps to have the AU Policy Organs, which are responsible for handling of host agreements to expedite action to ensure the revision of the annexes to the Host agreement between the AU and South African Government relating to the PAP, which have expired since 2009 are finalised.

G. CONTRIBUTIONS OF SOUTH AFRICAN GOVERNMENT TO THE PAP

That the Government of South Africa that hosts the seat of the PAP and any other Government that may host any of the activities of the PAP at any time, or provide any support to the PAP, should be informed by this Resolution as adopted by the Plenary of the PAP, of the reporting and disclosure requirements of the International Public Sector Accounting Standards (IPSAS 23.93–27 and IPSAS 23.99).

That in order to fulfil the requirements of the IPSAS as stated above, the amounts and details of the amount contributed to support the PAP in kind should be made available to the PAP with verifiable evidence.

H. BAD DEBT – TRUST FUND - \$140,143

That the three individuals who were the Trustees to the PAP Trust Fund be held personally and jointly to account for the amount with balance of USD140,143 as at 31 December 2017.

I. GOVERNANCE ISSUES

- i. That the Plenary should consider reviewing Rule 17(a & b) of the PAP Rules of Procedures to ensure that ambiguity is removed from the functions of the President of the Bureau and the Clerk of Parliament.
- ii. That the Plenary should address the issue relating to high turnover in the Office of the Clerk of Parliament by taking steps to ensure the stability of that office as this is required to give strategic direction and coordination of the Staff, departments, and operations of the PAP.

- iii. That the Clerk and staff should work together in a coordinated manner to ensure they are able to effectively perform their roles of supporting the PAP in fulfilling its mandate.

J. AU EXECUTIVE COUNCIL DECISIONS

Taking note of part IV, Paragraph 28 of the Executive Council Decision of 27 June to 1 July 2017 relating to Audit Matters and budget implementation, which requires the Policy Organs to institute Financial Sanctions for non-performance of departments.

That in order to avoid the sanction provided in the Executive Council Decision noted above, the Bureau and Management of the PAP should take appropriate measures to deal with the issues of:

- i. Non-implementation of audit recommendations and
- ii. Budget implementation;

5.0 CONCLUSION

- A. CAPA is committed to the ideal of providing the expected support to the PAP in its oversight functions through the application of the professional knowledge and experience of its Members to resolve, improve and facilitate the Governance, Risk and Control challenges and Processes within the PAP and the other Organs of the AU.
- B. In order to succeed in this resolve, we have agreed to employ the strategy of:
 - i. Maintaining open interactions with staff in examining and discussing the audit reports presented to us from time to time.
 - ii. Encouraging interpersonal relationship amongst staff and between staff and the MPs;
 - iii. Bringing matters of urgent priority to the attention of the Bureau to ensure timely intervention.
- C. We received commitment from the Acting Clerk and Staff of the Secretariat of the PAP that:
 - i. The Management of PAP will continue to encourage participatory interactions with the MPs and staff at all levels.
 - ii. The Secretariat will take immediate steps through the establishment of **Internal Audit Progress Committee** which will involve and engage all Heads of Units to facilitate and ensure timely implementation of all Audit and CAPA recommendations.

- D. I would like to conclude this presentation by requesting the Plenary to adopt the Report with the Recommendations and Resolutions proffered.

Hon. Sekou Fantamadi Traore
CHAIRPERSON

Hon. Said Brahim Said
RAPPORTEUR

PAN-AFRICAN PARLIAMENT

PARLEMENT PANAFRICAIN

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UPDATE ON THE APPROVED 2020 BUDGET OF THE PAN APRICAN PARLIAMENT

9 October 2019



REPORT ON THE REVISION OF THE PROPOSED 2020 BUDGET OF THE PAN AFRICAN PARLIAMENT BY THE PRC

1. INTRODUCTION

During the Plenary Session of the Pan African Parliament held in May 2019, the Committee on Monetary and Financial Affairs presented the proposed budget for 2020 amounting to USD20,798,521. The budget was passed and subsequently presented to the AU Permanent Representatives Committee (PRC) Sub Committee on Budgetary Affairs for consideration before presenting to the Executive Council for approval in compliance with the African Union Financial Rules and Regulations Article 11 (3) which requires that "the PRC shall consider the detailed budget of the Union presented by the Accounting Officer before presentation to the AU Executive Council for consideration". The PAP Operational 2020 Budget was reduced by USD4,390,344 and approved as USD16,408,177 by the Executive Council.

The meeting to consider the detailed budget of the Union was held in Bahir Dar, Ethiopia in June 2019. The Pan African Parliament was represented by five staff from the Secretariat and three Members of Parliament from the Committee of Monetary and Financial Affairs.

2. GUIDING PRINCIPLES IN THE DISCUSSION OF THE DETAILED BUDGET

The Assembly decided in Addis Ababa in January 2017 (Assembly/AU/Dec.635(XXVIII)) that the Committee of Fifteen Finance Ministers (F15) will assume responsibility for oversight of the African Union budget and Reserve Fund and develop a set of 'Golden Rules', establishing clear financial management and accountability principles. A set of nine Golden Rules were developed. Golden Rule four was applied in the consideration of proposed budget limits. **GOLDEN RULE FOUR: EXPENDITURE CEILINGS SHOULD BE SET** states as follows:

1. There should be an annual budget ceiling, communicated by the Chairperson of the African Union Commission, before Departments and Organs submit their budget proposals.

2. The Operational Budget including salaries should not exceed 30% of the total budget. This ratio will be calculated based on the expenditure outturn for the past three years. Implementation of this threshold may need to be done gradually.

The AU Organs and Departments are expected to include more activities in programme budget so as to shift the ratio of Operational budget to Programme budget in order to achieve a 30% :70% ration.

3. BUDGET CEILINGS

A decision was made by the AU Assembly of the Heads of State and Government that the overall budget of the African Union must be decreased by USD32 million. The limits for the Organs and AU Offices were then set taking into consideration the average budget execution rates for the past three years in accordance with **GOLDEN RULE THREE: BUDGETS MUST BE CREDIBLE, and Point 11 of this rule states:**

“There must be an acceptable variance between budgets and expenditure outturn, as well as revenue forecast and income. To achieve this, a baseline for the past three years must be produced. The variance for the year t-1 must be known prior to the start of the budget process”.

In order to achieve acceptable variance between budget and expenditure outturn, realistic budget must be set. The realistic budget would be based on past budget performance. Based on the average budget execution average for the past three years, the budget ceiling for the PAP was set at USD16,810,115.

4. 2020 APPROVED BUDGET FOR THE PAP

PAP Proposed Budget approved in Plenary in May 2019 amounted to USD20,798,521; and the final budget approved by the Executive Council is USD16,408,177. The details of the final proposed budget against the initial proposed budget are shown in paragraph 6 below. The budget cuts were mainly on the budget lines with low execution rates; some budget cuts were arbitrary, and some budget lines were cut for specific reasons. The budget lines cut for specific reasons are discussed below.

i) STAFF COSTS -SPECIAL ALLOWANCES

PAP requested the inclusion of a budget provision for Special Allowances for local general service staff category, but this was denied based on the Executive Council Decision of 2018 to stop the paying of special allowance. The fact that Washington and New York Offices are paying special allowance did not change the decision made on PAP to stop the paying of staff special allowance.

ii) MP MEDICAL INSURANCE/EXPENSES

The PRC Sub Committee on budgetary affairs had requested removal of MP Medicals budget but the PAP brought to the attention of the PRC sub Committee, the Executive Council Decision Ex.CL/Dec.407 (XII) taken during the Executive Council Twelfth Ordinary Council meeting of 25 to 29 January 2008 which provided that "medical and accident insurance for Members of Parliament while engaged in PAP activities shall be borne out of the PAP budget". The MP medical budget of USD200,000 was maintained.

iii) MP ALLOWANCES

MP Allowances were reduced in line with the provisions of the harmonization of allowances for the AU Organs. An Executive Council Decision EX.CL./DEC.1 (XXXV) of July 2019 endorsed the payment of allowances and benefits according to the matrix below.

	President + 4 Vice President	Caucus Committee Chair, Vice Chair and Rapporteurs
Modus Operandi	4 Sessions of 15 days	
Monthly Admin Allowances - USD300 per month	Yes	No
Honorarium - USD150 per day	Yes	Yes
Intersession allowance DSA rate	No	No
Judicature Allowance DSA Rate	No	No
Travel insurance on AU Official Mission	Yes	Yes
Class of Travel on AU Official Mission	Business	Economy

The payment of honorarium of USD150 per day is to a maximum of 15 days for the four statutory meetings for the Bureau members, Bureaux of Committees and Caucuses. No provision was made for payment of allowances to other Members of Parliament who do not serve in the Bureaux.

5. PROPOSED PROGRAMME BUDGET FOR 2020

Consideration of Programme Budget was guided by **GOLDEN RULE ONE: MEMBER STATES' CONTRIBUTIONS SHOULD COVER A MINIMUM THRESHOLD OF THE BUDGET** which states:

"At the core of the Financing of the Union (FoU) decisions is the need for Member States of the AU to ensure the Union's self-sufficiency and sustainability by decreasing dependence on external funding for its Programmes and Peace and Security budgets. This is in line with the Johannesburg decision that Member States should fund 100% Operational, 75% Programmes and 25% Peace and Security budgets over five years, starting in 2016 to 2020".

PAP presented a proposed Partner funded Programme Budget for 2020 of USD1,000,000 in respect of the new programme African Governance Architecture (AGA) being developed to be funded by the European Commission. This was reduced, and approved as USD575,000 in order to remain within the overall budget ceiling provided as well as comply with the requirement to reduce dependence on external funding for programmes.

6. SUPPLEMENTARY BUDGET

The PRC Sub Committee on budgetary affairs advised that Organs and AU Departments may request supplementary budgets in 2020 but the granting of approval for the supplementary budget would depend on compliance with submission of periodic performance reports as well as acceptable budget execution rates.

7. COMPARISON OF FINAL PAP 2020 APPROVED BUDGET AGAINST PROPOSED APPROVED IN PLENARY

Comparison of the 2020 PAP Approved Budget against the Proposed Budget approved in Plenary is as follows:

APPROVED 2020 PAP BUDGET

DESCRIPTION	2018 Approved Budget	2018 Execution	2019 Approved Budget	2020 Proposed Budget	2020 Approved Budget
Staff Costs - Uncontrollable					
Base salary	2 573 265	2 226 465	2 573 265	2 701 928	2 598 998
Post Adjustment	1 464 300	1 137 160	1 464 300	1 537 515	1 478 943
Dependency Allowance	172 317	97 913	188 793	198 233	98 000
Housing Allowance	1 467 603	1 122 368	1 467 603	1 540 983	1 482 279
Pension Scheme	571 077	564 664	571 077	599 631	576 788
Non Residence Allowance	38 905	31 438	42 000	44 100	42 420
Special Allowance	-	-	-	-	-
Staff Costs - Uncontrollable (A)	6 287 467	5 180 008	6 307 038	6 622 390	6 277 428
Staff Costs – Others					
Acting Allowance	5 770	3 807	5 770	6 059	5 770
Temporary Assistance	64 533	64 309	64 533	74 000	84 533
Overtime	31 516	8 602	38 112	38 112	38 112
Education Allowance	1 293 798	802 138	1 293 798	1 410 240	1 000 798
Travel on Home Leave	146 497	93 566	146 497	161 147	129 172
Separation Costs	164 025	95 526	164 025	164 025	130 025
Staff Transfer Costs	54 950	19 765	64 950	64 950	64 950
Installation Allowance	384 000	71 625	267 640	267 640	117 640
Group Insurance Scheme	199 469	-	199 469	219 416	199 469
Staff Welfare	20 881	12 718	30 000	34 500	30 000
Initial Recruitment	43 960	6 506	65 144	72 961	65 144
Medical Expenses (staff)	554 965	529 870	554 965	616 011	530 000
Medical Expenses (MPs)	395 640	371 843	200 000	200 000	200 000
Training Activities	162 652	142 349	162 652	195 182	182 652
Staff Costs - Other (B)	3 522 656	2 222 623	3 257 555	3 524 243	2 778 265

Staff Costs - (A+B)	9 810 123	7 402 630	9 564 593	10 146 633	9 055 693
DESCRIPTION	2018 Approved Budget	2018 Execution	2019 Approved Budget	2020 Proposed Budget	2020 Approved Budget
Mission & Contingency					
Hospitality	36 349	34 357	36 500	40 000	40 000
Official Missions	1 009 049	940 210	1 219 061	1 304 395	709 061
Mission & Contingency	1 045 398	974 567	1 255 561	1 344 395	749 061
Maintenance, Utilities & Other Expenses					
Maintenance of Vehicles	51 523	6 899	30 000	32 400	32 400
Maintenance of Equipment	43 850	37 170	29 000	31 320	31 320
Insurance of vehicles and property	11 540	10 806	12 578	13 584	13 584
Fidelity Insurance	23 079	-	11 200	12 096	12 096
Customs Clearance	-	-	7 000	7 560	7 560
Fuel & Lubricants	23 079	18 306	25 156	27 168	27 168
License Fees	65 940	65 940	55 445	59 881	59 881
Maintenance, Utilities & Other Expenses	219 011	139 121	170 379	184 009	184 009
Communication					
Telephone	115 395	64 382	135 000	80 000	42 000
Postage	9 891	7 603	15 000	15 000	6 000
Internet Services	5 770	515	0	60 000	25 000
Publicity/Communication	46 158	39 846	46 158	51 697	24 000
Publications	23 079	7 289	5 000	6 000	3 000
Communication	200 293	119 634	201 158	212 697	100 000

DESCRIPTION	2018 Approved Budget	2018 Execution	2019 Approved Budget	2020 Proposed Budget	2020 Approved Budget
Procurement - Stationery, Supplies					
Stationery & Office Supplies	80 777	40 509	80 777	86 431	86 431
Other Supplies/Services	34 619	27 996	34 619	37 389	37 389
Library Books	11 540	9 372	11 540	13 271	11 540
Newspapers & Periodical	5 770	2 201	4 000	4 320	4 000
Procurement - Stationery, Supplies	132 706	80 078	130 936	141 411	139 360
Bank Charges & Exchange Loss					
Bank Charges	68 138	104 640	156 000	156 000	110 000
Bank Charges & Exchange Loss	68 138	104 640	156 000	156 000	110 000
Legal fees	34 619	8 438	15 000	15 000	15 000
Total Legal Council	34 619	8 438	15 000	15 000	15 000
Operating Expenditure	1 700 165	1 426 478	1 929 034	2 053 512	1 297 430
Capital Expenditure					
Vehicles	-	-	150 000	-	-
Furniture & Fixtures	11 540	8 988	11 540	12 925	11 540
Office Equipment	11 540	11 007	11 540	12 925	11 540
Information Technology Materials& Accessories	82 425	58 171	82 425	180 000	170 000
Capital Expenditure	105 505	78 165	255 505	205 850	193 080
Sub-Total Operating Budget	11 615 793	8 907 273	11 749 132	12 405 995	10 546 203

DESCRIPTION	2018 Approved Budget	2018 Execution	2019 Approved Budget	2020 Proposed Budget	2020 Approved Budget
Programmes Budget					
Parliamentary Sessions	2 654 085	2 646 799	2 814 519	3 067 826	2 600 519
Committee Meetings - Statutory	1 056 704	1 054 641	1 200 068	1 332 075	1 000 068
Non-Statutory Meetings	274 750	271 906	535 660	880 000	330 660
Women Conference/Speakers/Clerk conference	300 000	248 852	-	300 000	270 000
Regional parliamentary conference	-	-	150 000	166 500	54 000
Ratification of AU Legal instruments, climate change, integration	-	-	90 000	90 000	-
Public hearings	-	-	180 000	190 000	100 000
Preparation of Meetings/Translation/Interp retation	132 430	123 831	132 430	146 997	120 000
Bureau Meetings and Rotations	254 026	167 562	254 026	266 727	266 727
AU Activities	131 880	116 789	131 880	150 000	140 000
Bureau allowances	-	-	-	-	63 000
Bureau and MPs allowances (Caucus allowance)	802 400	686 600	802 400	802 400	342 000
AGA Platform Activities (Sensitization of citizens on AU legal instruments and Agenda 2063, AU passport	-	549 057	470 000	1 000 000	575 000
Sub-Total Programme Costs	5 606 275	5 866 037	6 760 983	8 392 526	5 861 974
TOTAL BUDGET	17 222 068	14 773 310	18 510 115	20 798 521	16 408 177

8. SUMMARY OF 2020 PAP APPROVED BUDGET

The PAP Total Budget was approved as USD16,408,177 against the Proposed Budget of USD20,798,521. The approved budget represents a cut of 21.10% (USD4,390,344) on the proposed budget. The Table below shows budget cuts per budget category.

Budget Category	Presented Budget	Approved Budget	Budget Cut
Staff Cost	10 146 633	9 055 693	1 090 940
Missions	1 344 395	749 061	595 334
Maintenance	184 009	184 009	-
Communications	212 697	100 000	112 697
Procurement, Stationery and Other Expenses	141 411	139 360	2 051
Bank charges	156 000	110 000	46 000
Legal	15 000	15 000	-
Capital Expenditure	205 850	193 080	12 770
Programme Budget	8 392 526	5 861 974	2 530 552
TOTAL	20 798 521	16 408 177	4 390 344

9. RECOMMENDATION

The Committee on Monetary and Financial Affairs invite the house to consider this report and recommends as follows:

1. Debate and adopt the revised budget for 2020 for the Pan African Parliament;
2. The Bureau and the Secretariat of the Pan African Parliament to address the issue of low budget execution as it has a direct impact on future budget allocations to the institution;
3. The Bureau of the Pan African Parliament urgently constitute a team to meet with the Permanent Representatives Committee (PRC) to address two key issues that impact on the budget of the PAP and its relations with the African Union Commission:

I. Member of Parliament Allowances;

- II. Special Allowance as related to the local cadre of the PAP staff.
4. The Bureau to address the issue of staffing at the Pan African Parliament especially those departments that impact on the work of the PAP – Committees, Finance and Monitoring & Evaluation.

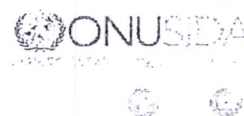
HONORABLE MEMBERS, I SO SUBMIT.

Annex

SOMMET PANAFRICAIN DE HAUT NIVEAU SUR LE FINANCEMENT DU SIDA ET DE LA SANTÉ
HIGH-LEVEL PAN AFRICAN SUMMIT ON HIV AND HEALTH FINANCING

Brazzaville, République du Congo
11 - 12 Juillet 2019

Partenaires: Union
Africaine



High-level communiqué

We, participants: Pan-African Parliamentarians, Speakers and Members of Regional and National Assemblies, Presidents and Members of Senates, Ministers of Health and Finance, technical and financial partners, private sector, civil society, of the African continent, gathered under the auspices of His Excellency Denis Sassou Nguesso, President of the Republic of Congo, on 11 and 12 July 2019 in Brazzaville, to discuss the need to increase domestic investment in HIV and health, consider the progress and challenges, and agree on collective solutions to improve the health conditions of our citizens;

1. Considering the need for sustainable health financing in Africa, and more specifically domestic investment, as discussed at the Africa Leadership Meeting: Investing in Health, held on 10 and 11 February 2019 in Addis Ababa, convened prior to the 32nd African Union Summit, to fight against epidemics such as HIV/AIDS, with the greatest burden on the continent;
2. Considering the need for high-level advocacy to support the upcoming Global Fund replenishment in October 2019;
3. Considering the need to achieve the objectives of universal health care and accelerate progress in monitoring improvements in health conditions in African Union Member States

in general, and the HIV/AIDS epidemic, malaria and tuberculosis in particular, through innovative partnerships;

At the High-Level Pan-African Summit, under the patronage of H.E. Denis Sassou Nguesso, President of the Republic of Congo, we adopted the following communiqué:

We undertake to:

1. Ensure progressive and effective implementation of the declarations of the African Union, adopted after the Africa Leadership Meeting: Investing in Health, at the 32nd Ordinary Session of the Assembly of Heads of State and Government of the African Union (Assembly/AU/Decl.1 (XXXII) and Conference/AU/Decl.4 (XXXII) Declaration by the Africa Leadership Meeting: Investing in Health, "Addis Ababa Commitments Towards Shared Responsibility and Global Solidarity for increased Health Financing" (10 and 11 February 2019);
2. Monitor the commitments made during the High-Level Pan-African Summit on HIV and health financing, on 11 and 12 July 2019, in Brazzaville;
3. Strengthen the capacity of Parliamentarians and their networks to effectively monitor international financing commitments and standards.

We urge African Union Member States to:

4. Gradually and effectively implement the resolution of the Pan-African Parliament on the role of Parliamentarians in realizing the right to health and achieving health targets in Africa (PAP.4/PLN/RES/01/May.18), and the decisions of the AU Conference 2019 which approved the conclusions of the Africa Leadership Meeting: Investing in Health (Assembly/AU/Decl.4 (XXXII)1;
5. Strengthen political commitment and accountability by making investments to enhance national health systems, put an end to the AIDS epidemic, tuberculosis and malaria, and provide long-term national resources required to achieve the HIV and health goals based on the principles of inclusiveness, transparency and responsibility, with the full participation of communities and civil society;

¹ Conference/AU/Decl.4 (XXXII) Declaration of the Africa Leadership Meeting: Investing in Health, "Addis Ababa Commitments towards shared responsibility and global solidarity for increased health financing" (10 and 11 February 2019);

6. Advocate for the increase of domestic health investment in accordance with the economic growth and budget of a State, and follow the progress made according to the indicators of the Africa Scorecard on Domestic Financing for Health, developed by the African Union;
7. Support fiscal space expansion by strengthening national capacity in public finance management to improve tax collection and increase the share of collected tax revenue as a percentage of gross domestic product (GDP), by means of fair and effective general taxation. Strengthen the capacity of Ministries of Finance and tax administrations;
8. Advocate for innovative financing mechanisms and suggest solutions to transfer specific HIV funding sources to general health financing mechanisms, in view of the progress made by the country towards achieving universal health coverage;
9. Urge governments to systematically determine the future costs of HIV treatment to plan for the long-term, while thinking of innovative domestic financing possibilities, and the coverage of HIV costs by health insurance and social security schemes;
10. Ensure effective multi-sectoral coordination between competent ministries to ensure strategic planning of resources and their actual disbursements for implementation of health programmes;
11. Recognize that the eradication of diseases, that are a major burden on our countries, as a prerequisite for long-term sustainability of health programmes and ending AIDS, tuberculosis and malaria as threats to public health by 2030, is a Sustainable Development Goal and an aspiration of the continental Agenda 2063 for domestic health investment;
12. Strengthen control mechanisms to obtain country outcomes; exercise the mandate to vote on health budgets and ensure that governments gradually and effectively increase domestic resources for health, a multi-sectoral response and community programmes; and promote the principles of good governance and transparency for the optimal management of funds;
13. Have an in-depth discussion on the benefits and risks of investing in the local production of essential drugs, taking into account the Continental Free Trade Area (CFTA); local technological and regulatory capabilities, possible cost reductions and projections of the future demand for treatment;
14. Advocate for stronger cooperation and synergy between the public and private sector to accelerate progress in achieving health targets for 2020 and 2030, and universal health care for sustainable, effective and fair health care for all;

15. Remove legal barriers, policies and practices that impede access to comprehensive HIV and health services, and promote gender-based, stigma-free and non-discriminatory policies for vulnerable and marginalized groups;
16. Reiterate the call for global solidarity to help countries to achieve the goals of the 2006 Political Declaration on HIV/AIDS, universal health coverage, social development objectives and African Union Catalytic Framework to End AIDS, Tuberculosis and Malaria in Africa by 2030;
17. Urge governments and MPs of our respective countries to support the Sixth Replenishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria [October 2019] to achieve the goal of raising at least US\$14 billion. Since replenishment is crucial for successfully responding to HIV and achieving universal health coverage under the Sustainable Development Goals, African countries able to contribute are encouraged to commit to that ambitious objective.

Done at Brazzaville on 12 July 2019

7.0 ANNEXURES

1. The report on the activities of the Pan African Parliament;
2. The Report of the Committee on Audit and Public Accounts;
3. The Report of the Committee on Finance and Monetary Affairs on approved PAP 2020 Budget; and
4. The Final Communique of the High-Level Pan African Summit on HIV and Health Financing;

respond to the objectives as set out in the Protocol establishing the Pan African Parliament.

The President expressed his appreciation to the media, interpreters, translators and all the staff working behind the scenes for their various contributions to the success of the Session. On a special note, the President commended the people of Tunisia for holding peaceful elections and congratulated the new President of Tunisia on his election.

The President once again thanked the Government and the people of the Republic of South Africa for the hospitality and all the facilities and services made available to the PAP Members and Staff. The President then adjourned the House *sine die*.

RECOMMENDATION BY THE KENYAN DELEGATION

The Kenyan Delegation to the Pan-African Parliament recommends that the two Houses of Parliament do note this report and the resolutions and recommendations therein.

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



PARLEMENT PANAFRICAIN

PARLAMENTO PAN-
AFRICANO

Ref: PAP.5/PLN/RES/1-11/OCT.19

Original: English

FIFTH PARLIAMENT

Third Ordinary Session

6 to 18 October 2019

RESOLUTIONS

Theme for 2019: "The Year of Refugees, Returnees and Internally Displaced Persons: Pan-African Parliament's Contribution Towards Finding Durable Solutions to Forced Displacement in Africa"

**RESOLUTION ESTABLISHING THE ADOPTION OF THE MODEL LAW ON
DISABILITY IN AFRICA**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the “full participation of the African people in the development and economic integration of the continent”;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan African Parliament, which empower the PAP to facilitate regional cooperation, development and promotion of “collective self-reliance and economic recovery” as well as the implementation of the policies, objectives and programmes” of the African Union;

CONSIDERING FURTHER Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of African Union Member States, inter alia through proposing and developing model laws;

CONSIDERING FURTHER the African Charter on Human and Peoples’ Rights and the United Nations Convention on the Rights of Persons with Disabilities, with the move from traditional charity-oriented and medical-based approaches, which guarantee equal rights to individuals regardless of their status, including disability;

RECALLING FURTHER the PAP Resolution on the Model Disability Law in Africa, which was adopted during the First Ordinary Session of the Fifth Parliament, in October 2018;

RECOGNIZING that persons with disabilities face discrimination and barriers that restrict them from participating in social life on equal basis with others, they are denied their rights to live independently in the community with social protection;

WELCOMING of the partnership between the Pan-African Parliament and Africa Disability Alliance to fulfil human rights for people with disabilities by promoting and mainstreaming disability within African Union Member States through the development of a Model Disability Law;

APPRECIATING the contributions from the regional consultations on the Draft Model Disability Law which provided an opportunity for African citizens, the grassroots organizations and other interested stakeholders to engage in the draft Model Law;

APPRECIATING also the technical support given by the Africa Disability Alliance to the Pan-African Parliament in the formulation of and consultations on the draft model law on disability, which will facilitate the domestication of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities as well as formulation of national human rights policies and legislations on disability;

CONVINCED that a comprehensive and integrated continental legislative framework to support the promotion and protection of the rights of persons with disabilities will make a significant contribution to redressing the profound social vulnerabilities of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres, at both national and international levels;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. **ADOPT** the Model Disability Law in Africa;
2. **REQUEST** the Bureau of PAP to submit the Model Disability Law to the AU Policy Organs for endorsement and use by the AU Member States;
3. **UNDERTAKE** advocacy activities for the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities and for the endorsement and use by the AU Member States;
4. **STRENGTHEN** the collaboration and exchanges among regional and national parliamentary bodies, with a view to enhancing the capacity of parliamentarians to monitor and promote disability mainstreaming in national policies and programmes, as well as the budgetary and legislative instruments.

Adopted in Midrand, South Africa
17 October 2019

**RESOLUTION ON THE MODEL LAW ON FOOD SECURITY AND NUTRITION IN
AFRICA**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the “full participation of the African people in the development and integration of the continent”;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate regional cooperation, development and promotion of “collective self-reliance and economic recovery” as well as the implementation of the policies, objectives and programmes” of the African Union;

CONSIDERING FURTHER Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of African Union Member States, inter alia through proposing and developing model laws;

RECALLING the PAP Resolution on the development of a Model Law on Food Security and Nutrition in Africa, which was adopted during the First Ordinary Session of the Fifth Parliament, in October 2018;

RECOGNIZING that the majority of African countries are parties to the international conventions relating to food security and nutrition (FSN), such as the International Covenant on Economic, Social and Cultural Rights, and that the right to adequate food is explicitly or implicitly enshrined in the national Constitutions of many countries in Africa;

NOTING that FSN policies and frameworks that are anchored in legislation are relatively more effective and foster sustainable improvement of FSN, and the need to address structural challenges, specific policies, programmes, legislation and enabling environment for FSN;

TAKING NOTE of the presentation on the draft Model Law on Food Security and Nutrition, which take into account the crosscutting and multi-sectoral nature of FSN and the diverse legal traditions of African States;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. ADOPT the first Draft Model Law on FSN in Africa;
2. REQUEST the Committee on Agriculture to undertake regional consultations on the Draft Model Law on FSN in Africa, in order to integrate contributions from African citizens, the grassroots organizations and other interested stakeholders;
3. WELCOME the technical support from FAO and the fruitful collaboration between the PAPA-FSN, the Committee on Rural Economy, Agriculture, Natural Resources and Environment, African Union Development Agency (AUDA-NEPAD), and the African Union Commission's Department of Rural Economy and Agriculture, for the formulation of the Draft Model Law on FSN.

Adopted in Midrand, South Africa
17 October 2019

**RESOLUTION ON THE ESTABLISHMENT OF THE PAN-AFRICAN
PARLIAMENTARIANS FORUM ON EDUCATION**

THE PAN-AFRICAN PARLIAMENT;

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

RECALLING the Decision of the AU Assembly of Head of States and Governments, in July 2004, which established, the International Centre for Girls and Women Education in Africa (AU/CIEFFA), as an institution for the promotion of education of girls and women in Africa;

RECALLING ALSO the recommendations of the Conference of Ministers of Education of the African Union at its second session held in Algiers in April 2005 on establishing the Pan-African Institute of Education Sciences for Development (IPED) as the specialised institution of the AU charged with the responsibility to function as Africa's Education Observatory with the aim to promote quality, responsive and inclusive education development in Africa by ensuring a robust and functional Education Management Information System (EMIS) and a sound knowledge-based planning;

RECALLING FURTHER the Decision, adopted by the Assembly of Heads of State and Government of the AU, in July 2010, to establish the Pan-African University, which is aimed at revitalising higher education and research in Africa with a focus on improving the quality of science education;

NOTING that the AU Science, Technology and Innovation Strategy for Africa 2024 (STISA-2024) places science, technology and innovation at the epicentre of Africa's socio-economic development and growth and emphasises the impact sciences can have across critical sectors such as agriculture, energy, environment, health, infrastructure development, mining, security and water among others;

NOTING ALSO the pivotal role education plays in the achievement of the Aspirations of Agenda 2063 and the ensuing need for Africa to make significant investments in

developing human and social capital through an education and skills revolution emphasizing innovation, science and technology;

RECALLING the Continental Education Strategy for Africa (2016/2025) adopted by the 26th Ordinary Session of the AU Executive Council, which has called for joint political will to initiate an educational reform to re-orient Africa's education and training systems to meet the knowledge, competencies, skills, innovation and creativity required to nurture African core values and promote sustainable development at the national, sub-regional and continental level;

IN ACCORDANCE WITH Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. Establish the Pan-African Parliamentarians Forum for Education (PAP-FED) as follows:
 - 1.1. PAP-FED shall have the following as objectives:
 - a. Strive to mobilize parliamentarians to boost progress in education;
 - b. Consolidate the role of parliamentarians in drafting frameworks and legal instruments to develop education at national, regional and continental levels;
 - c. Participate in the monitoring process of the implementation of the strategies, policies and projects on which a consensus was reached, to develop education in Africa;
 - d. Have constructive dialogue and innovative interaction between parliamentarians and all stakeholders in education on curricula and training programmes for human development, collaborate effectively with educational experts in all countries on the continent to improve the place of education in society at regional and continental levels;
 - e. Support cooperation between members of all African parliaments to formulate a legal framework of reference for the African continent in order to attain equal educational opportunities for all and to ensure quality education;

- f. Formulate continental legal frameworks on education to promote the provision of educational opportunities and reduce drop-out at all levels of education in Africa;
 - g. Monitor the implementation of educational plans, projects and policies to guarantee full inclusion of school children in different cycles and also to provide education and training for adults, in order to put an end to the phenomenon of school wastage and to stop widespread illiteracy and e-illiteracy using the latest learning methods.
- 1.2. The Executive Committee of the PAP-FED under the supervision of the Committee on Education, Culture, Tourism and Human Resources, shall consist of members of the Committee on Education, Culture, Tourism and Human Resources as well as members of other relevant Committees of PAP.
- 1.3. PAP-FED shall hold annual meetings in the various African capitals to ensure:
- a. regular monitoring of the implementation of the decisions on education on the African continent;
 - b. benefit from the educational solutions and experiences of the different countries to achieve the desired objectives.
2. Invite all national, regional and international parliaments, and other relevant stakeholders, to nominate their representatives to the PAP-FED;

Adopted in Midrand, South Africa
17 October 2019

**RESOLUTION ON THE ADOPTION OF THE AFRICAN MODEL DOUBLE
TAXATION AGREEMENT**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

RECALLING the AU Assembly Special Declaration on Illicit Financial Flows on the Twenty Fourth Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia, January 2015 and the Recommendations of the Report of the High-Level Panel on Illicit Financial Flows from Africa;

RECALLING ALSO Resolution PAP.5/PLN/RES/10/MAY.19 on the Formulation of an African Model Double Taxation Agreement, adopted on the 7 May 2019 by the Pan African Parliament;

NOTING the progress made by the Committee on Finance and Monetary Affairs in the implementation of the abovementioned Resolution, thanks to the fruitful collaboration with the African Tax Administration Forum (ATAF), the African Union Commission (AUC) and the African Union Commission on International Law (AUCIL);

REITERATING the need for African countries to have a consistent and harmonised approach in their taxation negotiations, which would promote increased tax certainty and a better investment and trade environment;

REITERATING FURTHER that a Model Double Taxation Agreement can be an effective tool to promote equitable trade and investment amongst African States and between African States and non-African States, and to facilitate the implementation of the AU decisions on ending Illicit Financial Flows from Africa and to address the low corporate tax yield that results in inequitable tax system and low tax revenue collections in the continent;

APPRECIATING the contributions from the technical consultations on the Draft Model Double Taxation Agreement, which provided an opportunity for specialised tax administrations and other interested stakeholders to engage with the draft Model Double Taxation Agreement;

IN ACCORDANCE WITH Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions:

NOW HEREBY RESOLVES TO:

1. Adopt the first draft of the African Union Model Double Taxation Agreement
2. Request the Committee on Finance and Monetary Affairs and the Bureau of PAP to ensure its submission to the AUCIL for consideration and further submission to the AU Policy Organs;
3. Mandate the Committee on Finance and Monetary Affairs to continue carrying out sensitization and capacity-building activities on the African Union Double Taxation Agreement;
4. Thank ATAF, AUCIL and AUC and other partners for the support received for the formulation of the African Union Model Double Taxation Agreement, and strengthen such collaboration working on tax and DTAs.

Adopted in Midrand, South Africa
17 October 2019

**RESOLUTION ON MANAGING DEBT AND FIGHTING
CORRUPTION IN AFRICA**

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

RECALLING the AU Assembly Special Declaration on Illicit Financial Flows on the Twenty Fourth Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia, January 2015 and the Recommendations of the Report of the High-Level Panel on Illicit Financial Flows from Africa;

RECALLING ALSO the Resolution on Winning the Fight against Corruption: A Sustainable Path to Africa's Transformation adopted by the Pan-African Parliament on 17 May 2017;

CONCERNED with the fact that corruption and illicit financial flows threaten our goals to end poverty and hunger in Africa and to achieve sustainable development in its three dimensions through promoting inclusive economic growth, protecting the environment and promoting social inclusion, strong political commitment to address the challenge posed by corruption and illicit financial flows out of Africa must be enhanced;

CONCERNED ALSO that illicit financial flows cause shortage of money available for States to spend on national development, which result in borrowing and the rising levels of sovereign debts in Africa;

CONCERNED FURTHER that poor public procurement, absence of transparency and poor tax administration by States have resulted in low revenues and need for borrowing;

NOTING WITH CONCERN THAT excessive and unlimited tax incentives without prior approval by Parliaments and the lack of monitoring and evaluation thereof expose countries to risks of reduced revenues and increase their potential to contract debts;

ACKNOWLEDGING ALSO the critical role of Public Accounts and Finance Committees in assisting Parliaments to curb corruption and IFFs, and in controlling debt;

ACKNOWLEDGING FURTHER that Parliaments can deploy their triple power of oversight on the budget cycle, accountability for the use of public funds and representation of the people to hold governments accountable for the disbursement of public funds as decided in the budget plan, including agreements on public debt;

TAKING NOTE of the Kampala Declaration of the African Organization of Public Accounts Committees (AFROPAC) adopted on 22 November 2018 and

APPRECIATING the technical presentations made by representatives of African Organization of Supreme Audit Institutions (AFROSAI-e), AFROPAC, African Parliamentarian's Network Against Corruption (APNAC), International Monetary Fund (IMF), African Tax Administration Forum (ATAF) and the African Union Anti-Corruption Board (AU-ABC);

DETERMINED to facilitate the implementation of the AU decisions on ending corruption and promoting a culture of transparency and good governance in line with the relevant AU legal and policy instruments;

CONVINCED that the establishment of an alliance within the Pan-African Parliament on managing debt and ending corruption would provide PAP Members a structured and effective platform to sustainably address and position the issue of debt management and corruption at the highest level of national and continental political and legislative agendas;

IN ACCORDANCE WITH Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. **PROMOTE** the ratification the universal ratification, domestication and implementation of the following African Union anti-corruption-related treaties:
 - i. The African Union Convention on Preventing & Combating Corruption;
 - ii. The African Charter on Democracy, Elections and Governance;
 - iii. The Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament;
 - iv. The Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights.
2. **ENGAGE** with the African National and Regional Parliaments for full deployment of their legislative mandates to enact or revise national policies and legislations relating to the fight against corruption, including through ensuring non-conviction-based asset forfeiture and that criminal law shifts the burden of proof from the prosecutor to the accused in cases of corruption and IFFs.

3. **ALSO ENGAGE** with the African National and Regional Parliaments for the effective exercise of their oversight, legislative and representative roles to ensure an effective management of sovereign debt and the breaking of the cycle of corruption, particularly through timely tracking and oversight of public and private partnerships and the audit of national sovereign debt, financial flows, revenue and procurement.
4. **ADVOCATE** with the AU Policy Organs for the establishment or strengthening, where applicable, of national and continental mechanisms and strategies aimed at effective debt management and reduction in Africa, including promotion of accountability, transparency and citizen participation in processes leading up to the contracting of sovereign debts.
5. **ADVOCATE** with the AU Policy Organs and Member States for the strengthening of the mandate, independence and the capacitation of all national and continental institutions with mandate relevant to the fight against corruption, particularly Public Accounts and Finance Committees, national anti-corruption agencies, audit institutions and the justice system.
6. **SUPPORT** and **PROMOTE** the role of Parliamentary anti-corruption networks, citizenry, the media and civil society in promoting the culture of transparency, probity and accountability, and in preventing illicit financial flows and odious debts;
7. **WORK** with interested partners towards the harmonisation of national laws and standards in the field of debt management and the fight against corruption, including through development, adoption and proportion of continental model laws, model double taxation agreements and other sectoral standards for use, adaptation or adoption by the AU Member States.
8. With a view to sustainably addressing and positioning the issue of debt management and corruption at the highest level of Africa's political and legislative agendas, **ESTABLISH** a Pan-African Parliament's Alliance for Debt Management and Against Corruption (PAPA-DMAC), which shall be organised and governed as follows:
 - (i) All members of the Committee on Monetary and Financial Affairs, the Committee on Audit and Public Accounts and the Committee on Justice and Human Rights shall be members of PAPA-DMAC, provided that any Member of PAP interested in advancing the cause of debt management and the fight against corruption in Africa can participate in PAPA-DMAC activities.
 - (ii) PAPA-DMAC shall have an Executive Committee, which shall consist of Chairpersons of the Committees referred to under Clause 7.1 and shall be placed under the leadership of one PAP Bureau Member.
 - (iii) The organisation and functioning of the PAPA-DMAC shall be regulated pursuant to the relevant provisions applicable to all Permanent Committees of the Pan-Africa Parliament.

9. **EXPRESS GRATITUDE** to AFROPAC, AFROSAI, APNAC, ATAF, AU-ABC and IMF for their continued support and technical assistance to the PAP and EXPRESS its willingness to formalise and strengthen existing and potential strategic partnerships to increase technical and financial support for its activities relating to breaking the cycle of corruption in Africa.

Midrand, South Africa
17 October 2019