

REPUBLIC OF KENYA



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TWELFTH PARLIAMENT

*Hon. Speaker
You may approve
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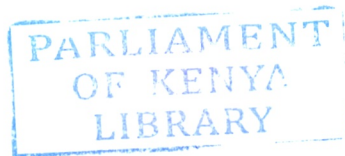
REPORT OF THE 47TH SESSION OF THE ACP PARLIAMENTARY
ASSEMBLY AND INTER-SESSIONAL MEETINGS OF THE ACP-EU JOINT
PARLIAMENTARY ASSEMBLY

ACP House & European Parliament
Brussels, Belgium
9th to 12th October, 2017

Clerk's Chambers
Parliament Buildings
NAIROBI.

February, 2018

*Approved
[Signature]*



27/2/2018

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ABBREVIATIONS

ACP: African, Caribbean and Pacific

ACP-EU JPA: African, Caribbean and Pacific – European Union Joint Parliamentary Assembly

ACP-PA: African, Caribbean and Pacific Parliamentary Assembly

CEDFT: Committee on Economic Development, Finance and Trade

CPA: Committee on Political Affairs

CSAE: Committee on Social Affairs and the Environment

CTC: Counter Terrorism Committee

EAC: East African Community

EDF: European Development Fund

EPAs: Economic Partnership Agreements

EU: European Union

GSP: Generalised System of Preference

JPA: Joint Parliamentary Assembly

LDCs: Least Developed Countries

MDGs: Millennium Development Goals

ODA: Official Development Assistance

PREFACE

Mr. Speaker,

The 47th Session of the African, Caribbean and Pacific (ACP) Parliamentary Assembly took place on 11th October, 2017. The Assembly was preceded by Committee meetings of the ACP that took place on 10th October, 2017, and was followed by Inter-sessional Committee meetings of the ACP-EU Joint Parliamentary Assembly (JPA) that took place on 12th October, 2017. The ACP Committee meetings and Assembly took place at ACP House, while the Inter-sessional meetings of the ACP-EU JPA took place at the European Parliament, both in Brussels, Belgium.

The Kenya delegation to this meeting comprised of the following:-

- (i) Hon. Ruth Mwaniki, MP – Leader of the delegation/National Assembly
- (ii) Hon. (Prof.) Margaret Kamar, MP – Senate Member of Delegation
- (iii) Hon. Lilian Gogo, MP – Member of the National Assembly
- (iv) Mr. Samuel Njoroge – Ag. Director, L & P Services, National Assembly
- (v) Mr. Amos Kiangwe Sikweya – Delegation Secretary, Senate
- (vi) Ms. Getrude Chebet – Delegation Secretary, National Assembly

The Kenyan Ambassador to the Kingdom of Belgium, the Grand Duchy of Luxembourg and the European Union, H.E. Johnson Weru, and Ms. Dorothy Nthiwa, from the Kenya Embassy in Brussels were on hand to provide technical support to the delegation.

Mr. Speaker,

The 47th Plenary Session of the ACP PA considered and debated issues affecting member-states. The Committees agreed on the topics for their next reports and appointed co-rapporteurs. They also exchanged views on selected topics and urgent topics for resolutions in the presence of experts appointed by each Committee.

Mr. Speaker,

The group participated actively in all the deliberations and issued statements with regard to the topics that were under discussion. Kenya also provided a

brief on the political situation in the country following the General Elections, assuring the delegates that there was peace despite the on-going political differences observed.

Mr. Speaker,

The JPA also discussed matters trade, the state of play in various regional blocs in regard to the Economic Partnership Agreements (EPAs) as well as the European Development Fund (EDF).

Mr. Speaker,

The delegation is grateful to the Speakers of the two Houses for allowing them to attend the Session, for facilitating travel and accommodation and providing logistical and technical support in liaison with the offices of the Clerks from the two Houses.

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

SIGNATURE.....

SEN. (PROF.) MARGARET KAMAR, M.P.

MEMBER OF THE DELEGATION

DATED.....22.2.2018.....

REPORT OF THE PROCEEDINGS OF THE ACP COMMITTEES, ACP PARLIAMENTARY ASSEMBLY AND INTERSESSIONAL MEETINGS OF ACP-EU JOINT COMMITTEES: BRUSSELS, BELGIUM – 9TH TO 12TH OCTOBER, 2017

I. INTRODUCTION

1. The ACP-EU Joint Parliamentary Assembly was created out of a common desire to bring together the elected representatives of the European Community – the Members of the European Parliament – and the elected representatives of the African, Caribbean and Pacific states (ACP Countries) that have signed the Cotonou Agreement.
2. Since the entry into force of the Treaty on the European and EU enlargement it has acquired a more prominent role. A substantial part of the work of the Joint Parliamentary Assembly is directed towards promoting human rights and democracy and the common values of humanity, in relation to political situations in partner states, economic partnerships between EU and ACP and environmental matters as they affect socio-economic development. This has produced joint commitments undertaken within the framework of the UN conferences.

Composition and working methods

3. The representatives of the 78 ACP states, who under the Cotonou Agreement must be members of Parliament, meet their European Parliament counterparts drawn from the 27 member states of the EU in a plenary session for one week twice a year, bringing together more than 320 MPs. The Joint Parliamentary Assembly meets alternately in an ACP country and an EU country. The institution is governed by common, democratic rules.
4. Two co-presidents who are elected by the Assembly direct their work. Twenty four vice-presidents (12 European and 12 ACP) who are also elected by the Assembly constitute the Bureau of the Joint Parliamentary Assembly, together with the two co-presidents. The Bureau meets several times a year in order to ensure the continuity of the work of the Joint Parliamentary Assembly and to prepare new initiatives aimed notably at

reinforcing and improving cooperation. It also considers topical political questions and adopts positions on all human rights cases.

5. Three Standing Committees have been established to draw up substantive proposals, which are then voted on by the Joint Parliamentary Assembly. These Committees, which began their work in March 2003, are:-
 - i. Committee on Political Affairs;
 - ii. Committee on Economic Development, Finance and Trade; and
 - iii. Committee on Social Affairs and the Environment.

6. The Assembly regularly forms exploratory or fact-finding missions. The members of the Joint Parliamentary Assembly are thus in direct contact with the situation on the ground in various developing countries which are signatories to the Cotonou Agreement.

7. The impact of the work of the Joint Parliamentary Assembly thus goes well beyond economic considerations and embraces the fundamental objectives of the development of mankind and the establishment of peaceful relations between the nations and the world. The ACP-EU Joint Parliamentary Assembly is a democratic, parliamentary institution, which aims to promote and defend democratic processes in order to guarantee the right of each people to choose their own development objectives and decide on how to attain them.

Initiatives by the Joint Parliamentary Assembly

8. The Joint Parliamentary Assembly has made an active contribution towards implementing and reinforcing successive ACP-EU Conventions and has put forward numerous proposals, including the upgrading of the role of women in development process, the integration of environment policy in development projects, promotion of trade as a tool for development, particularly by way of the Economic Partnership Agreements (EPAs) and the European Development Fund (EDF) foreseen in the Cotonou Agreement, the drawing up of rural development programmes and micro-projects tailored to the needs of specific communities and the promotion of regional, political and commercial cooperation.

Membership and meetings

9. The forum has members drawn from the European Community and the African, Caribbean and Pacific states. Prior to the Joint Parliamentary Assembly (JPA), the ACP committees hold meetings. This is followed by a meeting of the ACP Parliamentary Assembly (ACP-PA), then followed by the Joint ACP-EU committee meetings, and finally the ACP-EU Joint Parliamentary Assembly.

The Economic Partnership Agreements (EPAs)

10. As from 2002, the European Union and individual and groups of countries that together make up the ACP group of states have been negotiating “free trade” Economic Partnership Agreements (EPAs). The general framework for negotiating EPAs is found in the Cotonou Agreement.
11. The overall objectives of EPAs are to ensure sustainable development of Kenya and other ACP countries, their smooth and gradual integration into the global economy and eradication of poverty. Specifically EPAs aim at promoting sustained growth; increasing the production and supply capacity; fostering the structural transformation and diversification of the Kenyan economy and providing support for regional integration.
12. Kenya, along with other EAC Partner States initialled the framework EPA Agreement on 27th November 2007. This was pursuant to the commitment under the road map agreed between the ACP and the EU on establishment of Economic Partnership Agreement (EPA) by 31st December 2007. The framework agreement was to be replaced by a comprehensive EPA with effect from 1st July 2009, by which time negotiations of all pending issues would have been concluded. However, that did not happen due to shifting focus to addressing the contentious issues in the FEPA, namely Export Taxes (Article 15 of FEPA) and Most Favoured Nations (MFN) clause (Article 16 of FEPA).
13. In general, the EAC/Kenya is keen to conclude an EPA Agreement that addresses the concerns of EAC/Kenya; bring industrial and general development, and lead to poverty reduction. The agreement should not also

lead to displacement of Kenya products by EU products from the EAC market.

14. In September 2013, the European Parliament passed a resolution that countries which had not signed the EPAs would no longer have preferential market access to the EU. This meant that Kenya, as well as 17 other countries, had up to 30th September 2014 to ratify the EPAs in order to continue enjoying market preferences in the EU market.
15. Among the EAC countries, Kenya stood to be the most affected by this resolution, as it would have meant reverting to trade with the EU under the Generalized System of Preferences (GSP) trade regime, whereby Kenya's exports to the EU would be subject to increased import duties from 0% to between 5.5% and 15%. This would have had an adverse effect on Kenya's economy, and lead to increased unemployment as investors relocated to countries enjoying preferential market access opportunities in the EU.
16. Consequently, at the 28th Session of the ACP-EU JPA held in Strasbourg, France in December, 2014, Kenya had appealed for the assistance of the Assembly in engaging the EU to immediately re-establish a duty and quota free access for Kenyan goods to the EU market, on the basis that the EPA with the EAC was yet to be signed, and the Kenyan economy was suffering greatly due to full taxation of goods entering the EU market. It is noted that Kenya has since been reinstated to the duty free quota free market access regime, which is a big a relief for Kenya, particularly for our horticulture and floriculture sectors.

The European Development Fund (EDF)

17. The European Development Fund (EDF) is the main instrument for providing Community aid for development cooperation in the ACP States and the 21 EU Overseas countries and territories (OCT). The 1957 Treaty of Rome made provision for its creation with a view to granting technical and financial assistance, initially to African countries which at that time were still colonized, and with which some Member States had historical links. Even though a heading has been reserved for the Fund in the

Community budget since 1993 following a request by the European Parliament, the EDF does not yet come under the Community's general budget. It is funded by the Member States, is subject to its own financial rules and is managed by a specific committee.

18. The EDF consists of several instruments, including grants, risk capital and loans to the private sector. A new partnership agreement that was signed in Cotonou in June 2000 streamlined the EDF and introduced a system of rolling programming, making for greater flexibility and giving the ACP States greater responsibility.
19. The development aid provided by the EDF forms part of a broader European framework and each EDF is concluded for a period of around five years. The Member States have their own bilateral agreements and implement their own initiatives with developing countries that are not financed by the EDF or any other Community funds.
20. The tenth EDF covered the period from 2008 to 2013 and provided an overall budget of EUR 22 682 million. Of this amount, EUR 21 966 million was allocated to the ACP countries, EUR 286 million to the OCT and EUR 430 million to the Commission as support expenditure for programming and implementation of the EDF. The amount for the ACP countries is divided accordingly: EUR 17 766 million to the national and regional indicative programmes, EUR 2 700 million to intra-ACP and intra-regional cooperation and EUR 1 500 million to Investment Facilities. An increased share of the budget was devoted to regional programmes, thereby emphasising the importance of regional economic integration as the basic framework for national and local development. An innovation in the tenth EDF is the creation of "incentive amounts" for each country.
21. The eleventh EDF will run from year 2014 to 2020. A budget of EUR 31.5 billion has been set aside for this particular period. This is divided into grants, approximately EUR 24.3 billion for national and regional indicative programmes; EUR 3.5 billion for intra-ACP and inter-regional cooperation; EUR 1.1 billion for the investment facility managed by the

European Investment Bank; and EUR 2.5 billion for the European Investment Bank for loans with reduced interests rates, which are mainly to be used to promote the public sector in ACP states.

II. MEETINGS OF THE ACP COMMITTEES

22. The ACP Committee meetings took place on 10th October, 2017 at ACP House, where several matters were discussed, as follows:-

Committee on Political Affairs

23. After adopting its agenda and approving Minutes of the previous meeting, the Committee proceeded to consider the substantive agenda items as shown in **Annex 1**.

24. *The Challenges in the field of the Security-development nexus in ACP and EU Policies,*

The Committee stressed on the interdependent nature of the two issues and called for the need to implement policies that will support its co-existence. The Committee called for a resolution that reflects clearly the situation of this nexus not only from the African perspective but also from the Caribbean and Pacific perceptives that would address issues such as drug trafficking, increase of crimes, light weapons and small arms that are trafficked into some of the countries in these regions.

The Committee concluded that the resolution presented should include a facility that will address these issues.

25. *ACP-EU Relations Post Cotonou: A Strong Parliamentary Dimension,*

The Committee had an exchange of views on this topic through the facilitation of Hon Musa Hussein Naib of Eritrea and Hon Mohammed Goumaneh of Djibouti. The Committee noted that much had been achieved through the work of the parliamentary assembly but also highlighted the challenges relating to:-

- structural and administrative challenges that hinder the efficiency of the Assembly;
- budgetary constraints,
- the need to assess the current values in the agreement and align them with the values that ACP stands for;

- the need to strengthen the linkage between ACP Parliamentary Assembly and the Committee of Ambassadors while emphasizing the role of the youth in the new agreement;
- the call for regional input on the work of the assembly; and
- the need for the assembly to be an oversight body in order to have an impact.

26. The committee was reminded that during its meeting in June in Malta, the Committee nominated Hon. Joseph Hyacinthe Owona Kono to be the ACP Co-rapporteur for the report.

27. Items for Exchange of Views

In the absence of time the Committee did not discuss these items but encouraged members to refer to the annotated agenda for more information on all the topics in order to have some background on the topics to be discussed. These topics are:

- Role of Parliaments in fostering the Implementation of SDGs;
- Towards a better governance of justice –cooperation opportunities;
- Joint Communication on a Strategic approach to resilience in the EUs; and
- External Action: Role of Parliament in monitoring the work and actions of UN Peace Keepers

28. Political Situation in ACP and EU Member States

The Committee subsequently received updates on the political situations in their respective countries. The Leader of the Kenya Delegation, Hon. Ruth Mwaniki, MP, took the floor and issued a brief on the political situation in Kenya as shown in **Annex 2**.

Committee on Economic Development, Finance and Trade

29. After adopting its Agenda and approving Minutes of the previous meeting, the Committee proceeded to consider the substantive agenda items as shown in **Annex 3**.

30. The Blue Economy: Opportunities and Challenges for ACP Countries

Under this item, Committee members considered the draft report, based on a brief presentation by the ACP Co-Rapporteur, the Honourable Oumouri Mmadi Hassani from the Comoros.

31. According to the draft report, the blue economy encompasses all economic activities taking place in marine spaces and on shorelines, including oceans, seas, coasts, lakes, water courses and groundwater. Covering 72% of the planet's surface, marine spaces and shorelines are responsible for a considerable amount of economic growth and contribute significantly to global economic development.
32. The draft report presented the development opportunities that the blue economy provides for ACP countries. They include, among other things, the creation of jobs and the generation of income for populations, as well as tourism, trade, and investment opportunities. The report also outlined the challenges linked to the blue economy, which include: illegal fishing and overfishing, pollution, the consequences of climate change, and making seas and oceans secure. Finally, the draft report made recommendations and proposed avenues for cooperation between ACP and European countries in the framework of ACP-EU cooperation.
33. Committee members were informed of the ACP blue growth initiative, which takes different aspects of the blue economy into consideration. It aims to combine the actions underway in ACP countries and regions, to ensure the best use of available resources.
34. Discussions focussed on securing and managing resources and waters, environmental protection, weak regulations, strong pressure on marine resources, the risks of maritime conflicts, the high cost of exploiting marine resources, and financing.
35. Committee members also spoke of the need to build the capacity of ACP countries, particularly in the area of research, technology, and innovation, as well as skills development.

36. Finally, Committee members were invited to make amendments to the draft resolution, in order to ensure that the resolution that would be adopted would reflect the interests of ACP countries.

37. *Appointment of the ACP Co-Rapporteur to prepare the report on the impact of the illegal trade in phytosanitary products, seeds and other agricultural inputs on ACP Countries' economies*

38. Under this agenda item, the Committee appointed the Hon. Lucie Milebou Aubusson Mboussou of Gabon as its Co-Rapporteur for the 29th report entitled, **“The impact of the illegal trade in phytosanitary products, seeds and other agricultural inputs on ACP Countries’ economies.”**

39. *European Development Fund: State of Play of the Mid-Term Review of the Programmes*

Under this item, Committee members were informed of the mid-term review (MTR) process and its objectives.

40. The MTRs of the National and Regional Indicative Programmes for Intra-ACP Cooperation are provided by the Cotonou Agreement. They are conducted between the National, Regional or intra-ACP Authorising Officer and the European Commission.

41. The aim of the MTRs is to make financial cooperation flexible enough to ensure that the actions correspond to the objectives of the Cotonou Agreement and that any changes in countries’ economic situations, priorities, and objectives are taken into account. During the MTRs, financial performances will be assessed, possibly leading to an increase or decrease in the initially allocated resources, based on their level of absorption.

42. Members of the Kenya delegation raised the following concerns regarding the state of play of EDF programmes in the country:-

- the non-involvement of national parliaments, as stakeholders in the ACP-EU partnership, in the Medium Term Review process; and

- the lack of an official mechanism to inform national parliaments.

To this end, the delegation proposes that there's need for Parliament to be briefed by the executive from time on the progress of EDF programmes in the country.

They further proposed the need to be involved in earmarking priority projects that need funding in their respective constituencies.

43. *Economic Partnership Agreements: state of play of negotiation and implementation*

The Secretariat provided a brief update on the EPA process, highlighting some features that had arisen since the previous meeting and this was supplemented by Members.

44. In the Pacific EPA region, Samoa and Solomon Islands had expressed their intention to accede to the EU-PACIFIC EPA arrangement thereby joining Papua New Guinea and Fiji, which were the only countries in the region currently applying the EPA.

45. The Caribbean region was proceeding with implementation of their EPA, albeit with some challenges. The ratification had progressed but was not yet completed by all countries, on both sides. Similarly, tariff reduction was progressing steadily. Some countries in the region were concerned that EPAs had not brought the benefits they had anticipated, citing revenue loss and problems related to market access.

46. In the EAC region, the President of the Republic of Uganda as the Chair of the Summit, met with the EU President on 28th September 2017 in Brussels and presented the EAC concerns. Consultations would continue between the two sides with a view to securing a compromise.

47. In the SADC EPA region, the implementation was proceeding with the setting up of relevant structures. The EU is conducting an outreach mission to the civil society in the region and EU Commissioner for Trade

was scheduled to travel to South Africa in the coming days for this purpose.

48. In the ESA region, the sixth EPA Committee involving the EU and the four countries that are currently implementing an interim EPA met early in October to address issues for both sides. They have agreed to deepen and widen their EPA by jointly defining the scope and objectives proposals from either side. For other members of the region, the European side holds the view that the time for negotiations is over and that the time has come to implement the Agreements that have been concluded.

49. Countries in the Central African region have received the same message from the EU. They are being encouraged to join the EU-Cameroon EPA.

50. In West Africa region, it was reported that in May this year, Mauritania had concluded an Association Agreement to define the country's participation in the ECOWAS trade policy including the EPA.

51. In welcoming the report, Members noted the need to have concrete analysis of the result, effect and impact of EPAs, on trade and regional integration as well as consequences on development.

52. They further called on the assessment of the future ACP-EU partnership to take account of the EPAs. With UK being a significant market, BREXIT was identified as an issue that would have an impact on EPAs for some countries.

53. *Industrial policy as a driver of economic transformation in ACP countries*

Under this item, the members of the Committee were informed that they would have an exchange of views with the United Nations Industrial Development Organization (UNIDO) on industrial policy in ACP countries. They underscored the importance and relevance of industrial policies in the economic transformation process in ACP countries.

54. For the members of the Committee, industrial policy should be part of a holistic approach that takes policy coherence into consideration. In a context of free trade exchange and open markets, the prospects for industrialising the economies of ACP countries require the establishment of appropriate policies to support the ACP countries' emerging industries.

55. They called for the ACP Group's partnerships to be diversified, in order to take full advantage of the opportunities that the global market has to offer for the industrialisation of ACP economies.

56. *Migrant remittances*

Migrant remittances are increasing steadily and far exceed ODA. Based on the World Bank's predictions, the prospects for the growth of remittances are good, despite the many challenges being faced. Although the nature and objective of these funds differ from those of more traditional development financing flows, the significant volume of funds sent and the trend towards the diversification of allocations make them a potential source of financing for development.

57. The discussions underscored the small size of the money transfer market, which is dominated by a few multinational companies, and the high cost of transfers. The members of the Committee urged the regulatory authorities of this market to look into the lack of competition and business and foreign exchange practices.

Committee on Social Affairs and the Environment

58. After adopting its Agenda and approving Minutes of the previous meeting, the Committee proceeded to consider the substantive agenda items as shown in **Annex 4**.

59. *Improving the access to basic health systems, notably to medicines in the fight against infectious diseases*

With the facilitation of the ACP Co-rapporteur, Hon. Mfanawemakhosi Dlamini (Swaziland), the Meeting considered the draft Report on *Improving*

the access to basic health systems, notably to medicines in the fight against infectious disease. Hon. Dlamini underlined the importance of improving access to medicines to all, particularly the vulnerable communities. He then acknowledged the contribution from his counterpart from the European Parliament and encouraged ACP members to submit amendments to enrich the Draft Report.

During the extensive exchange of views on the Draft Report, the Meeting underlined the need for the development partners to do more in the lowering of prices for medicines available for ACP countries, as well as encouraging pharmaceutical companies to invest in the development of medicines for poverty-related diseases. The Meeting also highlighted the following:

- i. the role of Parliament in putting in place appropriate legislations to improve access to medicines for the population;
- ii. the importance of promoting prevention programmes, such as hygiene education, healthy diet and physical exercise, to minimise epidemics and Non-Communicable Diseases (NCDs);
- iii. the need for ACP countries to strengthen their health systems by improving the training and retention of health workers;
- iv. the promotion of traditional medicine; and
- v. the need to support research efforts to improve the quality of traditional medicine.

60. Promote girls' empowerment through education

The meeting deliberated on the subject matter of *Promote girls' empowerment through education*. The Meeting noted the need for ACP countries to meet the required standards for gender equality within the context of the Sustainable Development Goals (SDGs). The Meeting recognised that in many countries the girl child is still confronted with many problems, which include early marriages, school drop-out, among others. As such, it is necessary to increase efforts for the empowerment of girls. The Meeting, however, also noted that any policy instruments that are put in place to empower the girl child, should not in the long run lead to the disadvantage of the boy child.

61. *Follow-up by the Commission on the resolution adopted by the ACP-EU Joint Parliamentary Assembly on:- migration between ACP and EU Member States: causes, consequences and strategies- The role of sport as enabler for education and poverty eradication*

The Meeting took note of the subject matter as the European Commission was to make its presentation during the Joint Meeting.

62. *Inclusion of persons with disabilities in developing countries*

The Meeting deliberated on the subject matter of *Inclusion of persons with disabilities in developing countries*. The Meeting noted the importance of addressing the challenges confronted by persons with disabilities, such as access to buildings and facilities in the fulfilment of their roles in society.

63. *The social and environmental consequences of urbanisation, particularly the sound management of industrial and domestic waste in ACP countries*

The Meeting confirmed the nomination of Hon. Halifa Sallah (Gambia) as the ACP Co-rapporteur on the next report entitled *the social and environmental consequences of urbanisation, particularly the sound management of industrial and domestic waste in ACP countries*. In his intervention, Hon. Sallah underlined the need to treat the subject matter of waste management as a resource from which other products can be generated through recycling and other technological processes. He also highlighted the linkage between waste management and the control of infectious diseases, as well as the challenges of rural-urban migration.

III. OVERVIEW OF THE 34TH SESSION OF THE ACP PA

64. After adopting its Agenda and approving Minutes of the previous meeting, the Parliamentary Assembly proceeded to consider the substantive agenda items as shown in **Annex 5**.

65. The President informed the Assembly that the Minister of Foreign Affairs of Haiti had formerly communicated in writing the offer in his country to host the 34th Session of the JPA and 48th Session of the ACP PA that would be held from December 13 to 20, 2018.

In this regard, the Bureau of the JPA would need to finalise the draft agenda and work programme for the session, namely, the subject for urgent motions for resolution and subjects for debate without resolution. To this end, the Bureau of the ACP PA proposed to put forward the following themes:

66. *Urgent Motions for Resolution*

The Bureau made the following recommendations:

- i. The rise of Secessionist Movements in the 21st Century in ACP and EU Member States- Challenges for peace, territorial integrity and development; and
- ii. The pillage of Natural Resources during Armed Conflicts

67. *Debates without Resolution*

The Bureau made the following recommendations:

- i. The benefits of ACP mineral resources for sustainable development;
- ii. Enhancing resilience to climate change and natural disaster in ACP States; and
- iii. The human rights of women and children.

The Assembly debated and agreed to the above proposals

68. *15th Regional Meeting (East Africa)*

The president informed the Assembly that the Bureau agreed that the 15th Regional meeting would be held in East Africa from 14 to 16 February 2018. The Bureau made the following recommendations with regard to the agenda for the meeting:

- i. State of play of regional and inter-regional cooperation;
- ii. Trade, investment promotion and private sector development;
- iii. Energy and infrastructure needs;

- iv. Tourism and Wildlife management – progress prospects and challenges;
- v. Agricultural and Wildlife management – progress prospects and challenges; and
- vi. ACP-EU relations post Cotonou.

There being no other objections to the proposals, these would be the subjects proposed to the EU side in the meeting of the joint bureau.

69. Election Observation missions of the JPA

The president recalled that the previous meeting of the Bureau of the JPA held in Malta had decided to send election observation missions to EU Member States holding elections in 2017. To this end, the German authorities had agreed to the request from the JPA to observe the elections scheduled for 24 September 2017.

70. On 15 September 2017, Co-President Louis Michel had written to Co-President Bundu informing him that the Conference of presidents had refused to authorize the participation of Members of the European Parliament in the mission. The ACP Secretariat had already issued tickets for members to participate in the mission. Some Members had also adjusted their busy schedules and committed extra financial resources to be able to participate in the mission.

71. The Bureau strongly regretted the decision of the European Parliament to refuse this mission. The grounds for refusal were not given. It was recalled the European Parliament had also refused to allow its members to participate in the regional meeting that should have been hosted by the Central African Republic in 2015. In that case, the reason given was the security situation in the country. The pertinent issue to be determined, and which ACP Members would seek clarification on, is whether this decision of the European Parliament was a one-off decision or was now the official policy of the European Parliament for all election observation missions to EU Member States.

72. Some Members expressed concern about the integrity of JPA decisions if their implementations were dependent on the opinion of another body of the European Parliament. This would affect the working methods and effectiveness of the JPA itself. The other issue was whether the ACP Group was able to take common stands on issues with the EU side. It seemed that the ACP Group was not able to argue issues with EU side equal partners. Others felt that the ACP PA should not bother with election observation missions and always at the invitation of ACP Member States. Yet others were of the view that in any case, ACP election observation reports would not have any impact, compared to the EU who are able to impose sanctions on an ACP Member State should report of such observations missions be negative. However, some members felt that this was a question of principle; the EU did not have a monopoly of values and for this reason, the ACP Group should be able to comment on democratic processes in the EU as well.

73. It was regrettable that the ACP side was not able to finance its own activities because ACP countries did not pay up their dues to the ACP Secretariat. Members were called upon to ensure that their countries paid up their contributions.

74. The President stated that he would communicate the disappointment of ACP Members to the meeting of the Joint Bureau at the late cancellation of the observation mission to Germany, and its implications for integrity of decisions of the JPA.

IV. ANY OTHER BUSINESS

- i. Hon. Vicky Katumwa Mukalayi (DRC) thanked the Assembly for its support for the democratization process in her country. She stated that the 2016 Agreement had allowed for a government with a Prime Minister from the opposition. She also mentioned the government efforts to restore peace in the Kasai province that had been beset with violence. The roadmap for holding of national elections was also on course.

- ii. Hon. Oumouri Mmadi Hassani (Comoros) informed the meeting of developments in his country concerning constitutional reforms. The rotating presidency among the three islands had caused a lot of instability. Civil Society had called for a meeting to address all the issues related to constitutional reforms.
- iii. Hon. Ruth Mwaniki (Kenya) came back to the issue of election observation missions and stated that the meaning of election observation mission needed further interrogation. She spoke of the need for combined missions to include other interested parties such as civil society organizations.
- iv. Sir Louis Straker (St. Vincent and the Grenadines) stated that the ACP Group needed to have means of verifying information on the ground in ACP States. He stated, for instance, that he would have liked to hear of the latest from Burundi following the debate and the filed motion on the political situation in Burundi during the 33^{rs} Session of the JPA in Malta.
- v. Hon. Welly Paliknoa (Micronesia) stated that he was attending meetings of the ACP PA and JPA for the first time and requested for assistance with airport and hotel transfers for future meetings.
- vi. There being no other business, the President brought the 48th Session of the Assembly to a close at 13.30hrs.

V. OVERVIEW OF THE ACP-EU COMMITTEE MEETINGS

Committee on Social Affairs and the Environment

75. The Committee was chaired by Hon. Amataga Gidlow (Samoa), the Chair of the Committee. The focus of the Committee's deliberation had been the following:

- i. With the facilitation of the ACP Co-rapporteur, Hon. Mfanawe Makhosi Dlamini (Swaziland), the Meeting considered the draft *Report on improving the access to basic health systems, notably to*

medicines in the fight against infectious diseases. Hon. Dlamini underlined the importance of improving access to medicines to all, particularly the vulnerable communities. He then acknowledged the contribution from his counterpart from the European Parliament and encouraged ACP members to submit amendments to enrich the Draft Report.

- ii. The Meeting deliberated on the subject matter of *Promote girls' empowerment through education.* The Meeting noted the need for ACP countries to meet the required standard for gender equality within the context of the Sustainable Development Goals (SDGs). The meeting recognized that in many countries the girl child is still confronted with many problems, which include early marriages, school drop-out, among others. As such, it is necessary to increase efforts for the empowerment of girls.
- iii. The meeting deliberated on the subjected matter of *Inclusion of Persons with disabilities in developing countries.* The meeting noted the importance of addressing the challenges confronted by persons with disabilities, such as access to buildings and facilities in the fulfilment of their roles in society.
- iv. The Meeting confirmed the nominations of Hon. Halifa Sallh (Gambia) as the ACP Co -rapporteur on the next report entitled *The Social and Environmental consequences of urbanization, particularly by sound management of industrial and domestic waste in ACP counties.*

Committee on Economic Development Finance and Trade

76. The Report of the Committee was presented by Hon. Ruth Wangari Mwaniki (Kenya) who had replaced Hon. Joyce Laboso as new Chairperson of the Committee. The deliberation of the committee had been among other issues, the following:

- i. The ACP Co-Rapporteur, Hon. Oumouri Mmadi Hassani from the Comoros presented the draft of his report for adoption at the 34th

Session of the JPA on *The Blue Economy: Opportunities and Challenges for ACP Countries*. Discussions had focused on securing and managing resources and waters, environment protection, weak regulations, strong pressure on marine resources, the risks of maritime conflicts, the high cost of exploiting marine resources, and financing.

- ii. With regard to the next report of the Committee for adoption at the 35th Session of the JPA, on *The impact of the illegal trade in phytosanitary products, seeds and other agricultural inputs on ACP Countries' economies*, Hon. Lucie Milebou Aubusson Mboussou of Gabon was appointed as ACP Co-Rapporteur.
- iii. The Secretariat had updated Members on the midterm review (MTR) of the European Development Fund. The following concerns were raised during the exchange of views: The lack of synchronization between the midterm review and the entry into force of some National Indicative and Regional Indicative Programmes which were signed late; the non-involvement of national parliaments, as stakeholders in the ACP-EU partnership, in the NTR Process; THE Secretariats absence from the MTR process with limits its capacity to support countries; and the lack of an official mechanism to inform national parliaments.
- iv. A presentation was also made by the Secretariat on the state of paly of Economic Partnership Agreements in the 6 regions of the Group. Members noted the need to have concrete analysis of the result, effect and impact of EPAs, on trade and regional integration as well as consequences on development.
- v. They called for any assessment of the future ACP- EU partnership to take account of the EPAS. With UK being a significant market, Brexit was identified as an issue that would have an impact on EPAs for some countries.

Committee on Political Affairs

77. The Committee exchanged views on *Challenges in the field of the security-Development nexus in ACP and EU countries*, which will be the theme of the Report of the Committee for adoption at the 34th Session of the JPA to be held in Port-au-Prince, Haiti from 18 to 19 December 2017. The ACP Co-Rapporteur of the report will be Hon. Mohammed Goumaneh (Djibouti). The committee called for a resolution that clearly reflects the situation of this nexus only from the African perspective but also from the Caribbean and Pacific perspective.

78. The Committee with the facilitation of Hon. Musa Naib of Eritrea discussed the theme for adoption at by the 35th Session of the JPA –EU Relations Post Cotonou: *A strong Parliamentary Dimension*. The Committee highlighted the need to assess the current values in the Cotonou Agreement and align them with the values that the ACP Group stands for, the need to strengthen the linkage between the ACP Parliamentary Assembly and the Committee of Ambassadors. They also called for the role of youth to be emphasized in the new Agreement, as well as the need for the ACP Parliamentary Assembly to be oversight body.

79. In terms of political situations in ACP Member States, one of the issues that the committee highlighted was the need to financially support the G5 Countries whose armies were fighting terrorism in the Sahel-Sahelian region of Africa.

RECOMMENDATION

The delegation commends this report to the Houses of Parliament for information and noting.

ANNEXES

END

ANNEX

1



ACP-EU JOINT PARLIAMENTARY ASSEMBLY
ASSEMBLEE PARLEMENTAIRE PARITAIRE ACP-UE

Committee on Political Affairs

ACP_OJ(2017)1012

DRAFT AGENDA

Meeting

Thursday 12 October 2017, 09:00-12:00 and 14:30-17:30

Brussels

Room ASP 5E-2

1. **Adoption of agenda** OJ – AP 102.370v01-00

2. **Approval of minutes of meeting**
 - 17 June 2017 PV – AP102.299v01-00

3. **Co-chairs' announcements**

4. **Challenges in the field of the security-development nexus in ACP and EU policies**
Co-Rapporteurs: Mohammed Goumaneh (Djibouti) and Enrique Guerrero Salom
 - Consideration of draft report DR – AP102.369v01-00

5. **Follow-up by the Commission/EEAS on the resolution adopted by the Joint Parliamentary Assembly on the "financing of political parties in ACP and EU countries"**
 - Exchange of views

6. **ACP-EU relations Post-Cotonou: a strong parliamentary dimension**
 - Exchange of views with Geert Laporte, Deputy Director, The European Centre for Development Policy Management (ECDPM) and Andrew Bradley, Director, Office of International IDEA to the European Union

7. **Joint Communication on a strategic approach to resilience in the EU's external action**
 - Exchange of views with the European External Action Service

8. **Political dialogue under Article 8 of the Cotonou Agreement**
 - Exchange of views with the European External Action Service

9. **Towards a better governance of Justice: cooperation opportunities**
 - Exchange of views with Nicole Cochet, Justice Cooperation International (JCI), Paris

10. **The role of Parliaments in fostering the implementation of SDGs**
 - Exchange of views with Julia Keutgen, Programme Specialist - Inclusive Political Processes, Governance and Peace building UNDP

11. **The political situation in ACP and EU Member States**
 - Exchange of views

12. **The role of Parliaments in monitoring the work and actions of UN Peace Keepers**
 - Exchange of views with Rory Keane, Head of the UN Liaison Office for Peace and Security

13. **Any other business**

14. **Date and place of next meeting**

ANNEX

2

REPUBLIC OF KENYA**THE 12TH PARLIAMENT****BRIEF ON THE POLITICAL SITUATION IN KENYA**

**Co-President/Chairman, Distinguished colleagues, Excellency
Ambassadors, ladies and gentlemen,**

1. On August 8, 2017 Kenyans turned up in large numbers to vote for their leaders in the General Election. Our general elections normally have persons being elected to **six different elective** positions. The voter turnout was a record 15 Million Kenyans, representing about 78% of the registered voters. For the first time, prisoners and Kenyans living in other East African States got an opportunity to vote. The Independent Electoral and Boundaries Commission thereafter proceeded to declare His Excellency President Uhuru Kenyatta as the President of the Republic of Kenya on August 11, 2017.
2. Soon after, the Presidential Candidate for the National Super Alliance Coalition, The Rt. Hon. Raila Odinga filed a Petition at the Supreme Court of Kenya challenging the declaration of H.E. Uhuru Kenyatta as President. On September 1, 2017, the Supreme Court invalidated the results of the Presidential elections on the grounds that the election was not strictly conducted in accordance with the Constitution and the applicable law. Subsequently, the Supreme Court issued an order directing the Electoral Commission to organise and conduct a fresh Presidential Election within sixty (60) days. In this regard, the Electoral Commission scheduled October 26, 2017 as the date of the fresh Presidential elections.
3. The decision of the Supreme Court to overturn the Presidential election, which is said to be a first in Africa and third in the world, is a clear demonstration of the expanding democratic space, respect of the rule of law

and a manifestation of the independence of the institutions within the governance system in Kenya. Since the annulment, the Electoral Commission has been reaching out to the Presidential Candidates to assure them of the Commission's preparedness to conduct the repeat election as required by the Constitution and the directive of the Supreme Court. **Yesterday, we learnt that the Presidential candidate for NASA, which is the Minority Party in Parliament, withdrew his candidature, through the press, ahead of the said election. We now await further advisory from the Electoral Commission and the legal system on the next course of action.**

4. Since the delivery of the Supreme Court judgment, however, there have been broad discourses on the political state of the nation. This includes the unfortunate misconception, mostly in the media, that there may be a constitutional crisis in Kenya. This is far from the truth. Our Constitution provides that upon invalidation of an election, a fresh election shall be held within sixty days. It further provides that the President shall hold office for a term beginning on the date on which the President was sworn in, and ending when the person next elected President is sworn in.
5. Colleagues will agree with me that, for us in Africa, Presidential elections are mostly characterized by intense and passionate campaigns which may sometimes appear, incensed, fanatical and emotive. Kenya is not any different. **We have, however, over the years built a great resilience in our governance institutions and strong democratic tradition.** Even as we enjoy our political freedom, all our institutions, including Parliament, The Judiciary, the National Executive and its Administration apparatus are well in place and operational. We remain optimistic that we will, sooner than later, democratically and constitutionally sort out the remaining political aspects.
6. **Hon. Chairperson,** besides the Presidential election, there has been tremendous gains arising from the August 2017 General Elections. One of those gains is the improved status of women in the representative, political and the general governance spectrum of our Country. The election saw an

increase in the number of women elected in Parliament, which now stands at 97, being the highest in the history of our country.

The Hon. Ruth W. Mwaniki, MP

**Head of the Kenya Delegation to the 47th Session of the ACP-
Parliamentary Assembly Brussels, Belgium**

October 11, 2017

ANNEX

3



ACP-EU JOINT PARLIAMENTARY ASSEMBLY
ASSEMBLEE PARLEMENTAIRE PARITAIRE ACP-UE

Committee on Economic Development, Finance and Trade

ACP_OJ(2017)1012_01

DRAFT AGENDA

Meeting

Thursday 12 October 2017, 9.00-12.00 and 14.30-17.30

Brussels

Room: Altiero Spinelli A1G-2

1. **Adoption of agenda** OJ – AP102.314v01-00
2. **Approval of minutes of meeting** PV – AP102.308v01-00
 - 17 June 2017 in St. Julian's (Malta)
3. **Co-Chairs' announcements**
4. **Blue economy: opportunities and challenges for ACP States**
Co-rapporteurs: Oumouri Mmadi Hassani (Comoros) and Thierry Cornillet
 - Consideration of draft report DR – AP102.368v01-00
 - Exchange of views
5. **The impact of the illegal trade in phytosanitary products, seeds and other agricultural inputs on ACP Countries' economies**
 - Appointment of co-rapporteurs
 - Exchange of views
6. **Follow-up by the Commission on the resolution adopted by the ACP-EU Joint Parliamentary Assembly on Improving aid and development effectiveness in EU-ACP cooperation**

- Exchange of views with the European Commission
7. **European Development Funds: State of play of the mid-term review**
 - Exchange of views with the European Commission
 8. **First meeting of the Strategic Board of the European Funds for Sustainable Development (EFSD)**
 - Exchange of views with the European Commission
 9. **Financial impact of remittances on ACP countries and money-transfers**
 - Exchange of views with experts
 10. **Economic Partnership Agreements: State of play of negotiations and implementation**
 - Exchange of views with the European Commission
 11. **Industrial policy as a driver of economic transformation in ACP countries**
 - Exchange of views with representatives of the United Nations Industrial Development Organisation
 12. **Any other business**
 - Urgent and topical subjects
 13. **Date and place of next meeting**

ANNEX

4



ACP-EU JOINT PARLIAMENTARY ASSEMBLY
ASSEMBLEE PARLEMENTAIRE PARITAIRE ACP-UE

Committee on Social Affairs and the Environment

ACP_OJ(2017)1012

DRAFT AGENDA

Meeting

Thursday 12 October 2017, 9.00-12.00 and 14.30-17.30

Brussels

Room Altiero Spinelli A1E2

1. **Adoption of agenda** OJ – AP102.376v01-00
2. **Approval of minutes of meeting** PV – AP102.301v01-00
 - 17 June 2017 in St. Julian's
3. **Co-Chairs' announcements**
4. **Improving the access to basic health systems, notably to medicines in the fight against infectious diseases**
Co-Rapporteurs: Mfanawemakhosi Dlamini (Swaziland) and Anna Záborská (European Parliament)
 - Consideration of draft report DR – AP102.371v01-00
5. **Promote girls' empowerment through education**
 - Exchange of views with "Plan International"

6. **Follow-up by the Commission on the resolutions adopted by the Joint Parliamentary Assembly on:**
 - **Migration between ACP and EU Member States: causes, consequences and strategies for common management**
 - **The role of sport as enabler for education and poverty eradication**

7. **Inclusion of persons with disabilities in developing countries**
 - Exchange of views with “CBM International”

8. **The social and environmental consequences of urbanisation, particularly the sound management of industrial and domestic waste in ACP countries**
 - Appointment of co-rapporteurs
 - First exchange of views with “Pure Earth” (in videoconference)

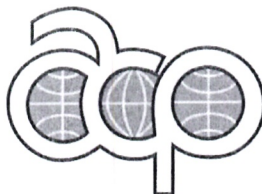
9. **Urgent and topical subjects**
 - Exchange of views

10. **Any other business**

11. **Date and place of next meeting**

ANNEX

5



REFERENCE **ACP/23/069/17** (11)
PAHD Dept/JPA: LC/bm

Brussels, 18 September 2017

47th SESSION OF THE ACP PARLIAMENTARY ASSEMBLY

WEDNESDAY, 11 OCTOBRE 2017

09:00HRS TO 13:00HRS

ACP House, Brussels, Belgium

DRAFT AGENDA

1. Welcome Remarks by the President.
2. Accreditation of Non-Parliamentary Representatives.
3. Adoption of the agenda **[ACP/23/069/17]**.
4. Draft Summary Record of the 46th Session of the ACP Parliamentary Assembly
[ACP/23/070/17]
 - i. Approval; and
 - ii. Matters arising.
5. Communication from the President
6. Statement by the Secretary-General.
7. Exchange of views on the reports of:
 - i. Committee on Political Affairs;
 - ii. Committee on Economic Development, Finance and Trade; and
 - iii. Committee on Social Affairs and the Environment.
8. Communication from the Bureau of the ACP PA.
9. Any other business.

