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THIRTEENTH PARLIAMENT | SECOND SESSION

THE SENATE

**63RD SESSION OF THE OACPS PARLIAMENTARY
ASSEMBLY AND 43RD SESSION OF THE ACP-EU JOINT
PARLIAMENTARY ASSEMBLY MEETINGS**

BRUSSELS, BELGIUM

19TH TO 28TH JUNE, 2023

PAPERS LAID	
DATE	6/12/2023
TABLED BY	Deputy Senate Majority leader
COMMITTEE	-
CLERK AT THE TABLE	A. Madhwa

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

November, 2023

PREFACE

1. The 63rd Session of the OACPS Parliamentary Assembly and the 43rd session of the ACP-EU Joint Parliamentary Assembly meetings.
2. The Kenya delegation to the said meetings was comprised of-
 - (i) Sen. Kathuri Murunga, MGH, MP, Deputy Speaker and Leader of the Delegation;
 - (ii) Sen. Abdul Haji, MP;
 - (iii) Hon. Martin Owino, MP;
 - (iv) Hon. Jayne Kihara, MP; and
 - (v) Hon. George Peter Kaluma, MP;
 - (vi) Ms. Gertrude Chebet, Delegation Secretary (National Assembly);
 - (vii) Ms. Kavata Musyoka, Delegation Secretary (Senate); and
 - (viii) Mr. Danson Ngotho, Personal Assistant, Deputy Speaker and Leader of the Delegation
3. The delegation was supported at the meeting by officials from the Ministry of Foreign and Diaspora Affairs as follows-
 - (i) Amb. Bitange Ndemo, PhD, CBS-Ambassador of the Republic of Kenya to the Kingdom of Belgium and Alternative Leader of Delegation;
 - (ii) Mr. Michael Miriti-Counsellor, Embassy of the Republic of Kenya to the Kingdom of Belgium;
 - (iii) Mr. Said Bukheit-Counsellor, Embassy of the Republic of Kenya to the Kingdom of Belgium; and
 - (iv) Ms. Sahara Ahmed-Third Secretary, Ministry of Foreign & Diaspora Affairs.

Mr. Speaker Sir,

4. In line with previous meetings, the JPA was preceded by meetings of the three Standing Committees on Political Affairs; Economic Development, Trade and Finance; and Social Affairs and Environment. During these meetings, reports on core issues were presented and deliberated on. Some of the issues such as-

- a) situation in the Democratic Republic of Congo;
- b) situation in the Sudan;
- c) security and humanitarian situation in Haiti;
- d) Treaty on Marine Biological Diversity Areas beyond National Jurisdiction; and
- e) Reducing Pesticide Reliance and Risks for Safe and Affordable Food Production and for Sustainable and Resilient Agrifood Systems.

Acknowledgement

5. The delegation wishes to extend its appreciation to the Office of the Speaker and the Clerk of the Senate for facilitation of the travel to and return from the benchmarking visit.

Mr. Speaker,

6. It is now my pleasant duty to present the report of the delegation and recommend this report to the House for noting.

Signed.......... Date..... 05.12.2023.....

**SEN. KATHURI MURUNGI, MGH, MP,
DEPUTY SPEAKER AND LEADER OF THE DELEGATION.**

ABBREVIATIONS

ACP:	African, Caribbean and Pacific
EDF:	European Development Fund
EIB:	European Investment Bank
EP:	European Parliament
EPAs:	Economic Partnership Agreements
EU:	European Union
GCC:	Gulf Cooperation Council
JPA:	Joint Parliamentary Assembly
NDICI:	Neighbourhood Development and International Cooperation Instrument
OACPS-EU JPA:	African, Caribbean and Pacific – European Union Joint Parliamentary Assembly
OACPS-PA:	African, Caribbean and Pacific Parliamentary Assembly
OACPS:	Organization of African, Caribbean and Pacific States
SADC:	Southern African Development Community
SDGs:	Sustainable Development Goals
SIDS:	Small Island Developing States
UNFPA:	United Nations Population Fund

I. INTRODUCTION

7. The JPA is one of the institutions created by the Cotonou Agreement. The Assembly brings together elected representatives from the European Union and the African, Caribbean and Pacific States. The plenary provides a platform for political dialogue with the overarching objective of advancing the OACPS-EU Partnership. Its work is underpinned by three standing committees; Political Affairs, Social Affairs & Environment and Economic Development, Finance & Trade.

II. 63RD AFRICAN, CARIBBEAN AND PACIFIC PARLIAMENTARY ASSEMBLY PARLIAMENTARY ASSEMBLY

8. The OACPS Parliamentary Assembly precedes the JPA and its 63rd Session was chaired by Hon. Ana Rita Sithole of the Republic of Mozambique. The Kenyan delegation was led by Sen. Kathuri Murungi, Deputy Speaker of the Senate.

9. The Chair listed her priorities as the following:

- (i) Improved visibility of the OACPS Parliamentary Assembly in the context of the 2020-2025 Strategic Plan;
- (ii) Implementing provisions of the New Partnership (*Samoa*) Agreement to implement the new Rules of Procedure;
- (iii) Engagement with Speakers of key Assemblies e.g. Brazil, India, etc.; and
- (iv) Financial stability of the OACPS PA.

III. ISSUES DISCUSSED

10. H.E. Amb. Georges Rebelo Pinto Chikoti, OACPS Secretary General, held a Special Session with OACPS Speakers/Deputy Speakers of National Assemblies. The session aimed at strengthening the Secretariat relations with National Parliaments of the OACPS. During this meeting, the Secretary-General engaged the Speakers on the following issues-

- (i) The Secretariat's priorities in a changing geopolitical context with emergence of multipolar world-has opened innovative

and diversified partnerships with OACPS beyond the traditional partnership with EU under the Cotonou Agreement. This included outreach to the GCC countries who participated in the 10th OACPS Summit in Angola in December, 2022; including Kingdom of Saudi Arabia, United Arab Emirates, Bahrain and Qatar. The two parties agreed to engage in strategic partnership with GCC and securing additional funding resources.

The Members urged for closer cooperation and integration with other geopolitical powers in the multipolar world including BRICS alliance (Brazil, Russia, India, China, South Africa).

- (ii) Members expressed concern over the inordinate delay in signing of the Post-Cotonou Partnership ('Samoa') Agreement. It was recalled that the new legal framework was concluded and initialled in April, 2021. The signing ceremony was expected to be held in June 2022 at Apia, Samoa, but has been exponentially delayed due to internal EU wrangles and nothing to do with content of the Agreement. Members urged EU partners to solve their internal differences so as to enable signing of the Agreement as soon as possible.
- (iii) The meeting noted with concern that the Member States have so far contributed €1,187,629 in accessed contribution representing only 21% of the total accessed contribution budget. Ten (10) countries still owe 100% of 2022 budget and nine (9) of the were under sanctions as provided for by the *revised Georgetown Agreement*. Member States were encouraged to meet their financial obligations to enable the Secretariat function effectively.
- (iv) Members noted improved visibility of OACPS in the multilateral arena including the adoption of UN General Assembly Resolution championed by Vanuatu to Campaign for an advisory opinion from the International Court of Justice (ICJ) on how existing International Law can be applied to strengthen action on climate change. The Resolution was

adopted during the current 77th session of the UN General Assembly. The Parliamentarians were thanked for reaffirming the solidarity of OACPS Member States to support the UN Resolution. It was further noted that the OACPS Secretary-General shall participate in various global endeavors to raise visibility of the organization, including the African Climate Summit in Nairobi and the High-level UN Summit on Sustainable Development Goals in New York, both in in September, 2023.

- (v) It was noted that the United Nations is in the process of developing a Multidimensional Vulnerability Index (MVI) as a vital tool to support vulnerable countries gain access to the concessional financing required to mitigate and adapt to the impacts of Climate Change. The OACPS Ambassadors have consulted and transmitted their positions to the UN High-Level Panel on MVI's Report which is expected to be tabled at the UN General Assembly in 2023.
- (vi) Engagement with Diaspora- Members noted that the SG travelled to Abuja, Nigeria, and attended the Global African Diaspora Symposium on 28th April, 2023. The OACPS Diaspora Centre of Excellence would be hosted by the government of the Federal Republic of Nigeria.
- (vii) Members noted that escalating geopolitical challenges had scaled a food and energy crises, which has hit vulnerable countries especially hard, with many of them OACPS members. Members urged the OACPS to focus on all security crises, especially those affecting Member States.
- (viii) Members noted with concern the increasing introduction of non-tariff trade barriers by the EU. There was also concern raised about so-called "Green Deal" policies that tie EU human rights, health and environmental standards to imported agricultural products. It was noted that that such policies shall result in insurmountable barriers to trade and shall eventually harm the interest of OACPS members.

- (ix) UN Assistant Secretary-General and Deputy Executive Director of UNFPA, H.E. Ms. Diene Keita, presented on the impact of the Fund's programmes in achieving Sustainable Development Goals in the ACP countries. The presentation and exchange of views covered maternal health, global demographic trends, South-South Cooperation, the role of youth and women in bringing innovative and inclusive solutions to global demographic challenges, the dual demographic economic resilience and youth timebomb in ACP countries and impact of conflict on demographics.

III. ADOPTION OF COMMITTEE REPORTS

11. The PA plenary adopted the following reports, in accordance with relevant amendments:

a. Committee on Political Affairs-

- (i) The meeting considered several amendments on Resolution titled "*Maritime Security and Promoting the Rule of Law on the Oceans*"-The Rapporteur was Sen. Abdul Haji of Kenya.
- (ii) Members expressed concern over the partner EU countries commitment to the JPA as provided by the Cotonou Partnership Agreement. It was noted that in the last decade, ACP countries have hosted the JPA eight (8) times while the EU party has hosted the sessions mostly at the EU Parliament in Brussels or Strasbourg. The level and consistency of participation at the sessions was also a concern.
- (iii) On the situation in the Democratic Republic of Congo, that country's Representative submitted that the cycle of insecurity and instability in the Eastern part of the country is driven and funded by an (unnamed) neighbouring country and is primarily driven by economic interest. In the run-up to the general elections to be held in December, 2023, he noted

with appreciation regional interventions to find peace and urged the international community to support these efforts that would enable the humanitarian situation to stabilise. The Representative of Rwanda underlined his country's constructive role in the Nairobi and Luanda peace processes and rejected insinuations of the country playing a destabilising role in the region.

- (iv) On the situation in the Sudan, that country's representative submitted that the genesis of the deteriorating security situation and carnage in that country, and was of great concern to the region, was primarily caused by a breakdown in the country's political process. This resulted in the taking up of arms by a rebel faction in the country's military formation. The Representative further noted that the Sudanese government was determined to neutralising the security threats, scale-up political / diplomatic engagement and provide humanitarian assistance to all displaced civilians. *He further outrightly expressed his government's rejection of Kenya as an impartial mediator in the conflict.* Several delegations welcomed the IGAD and US-Saudi Arabia Peace initiatives, and thanked the OACPS fraternity for solidarity and humanitarian assistance for civilians.
- (v) The Representative of Chad informed that the country was bearing an inordinate burden of refugees fleeing the conflict in Sudan. He appealed for support from the international community to assist in this regard.
- (vi) The Representative of the Republic of Haiti informed of the multiple crisis his country was undergoing, including natural disasters, impact of climate change, extreme poverty, political instability, crime and armed violence. The Representative called for international solidarity for the most urgent interventions in order to respond appropriately and effectively to these crises. He reiterated an earlier appeal by the Haitian government for urgent humanitarian, financial and technical

assistance to help address the immediate short term needs of the people and the longer-term responsibility of recovery.

- (vii) The Representatives of Liberia, Zimbabwe and Côte d'Ivoire informed of upcoming elections to be held in their countries in 2023.
- (viii) The Representative of Kenya issued a statement on the political situation in the country, government actions to mitigate a cost of living crisis influenced by factors such as the ongoing war in Ukraine and the lingering effects of the COVID-19 pandemic, prioritising investments in political and economic reforms and pursuit of peace and political stability in the East African region.
- (ix) The Representative of Mali informed on the steps that the interim military administration is taking to implement transitional measures in the country so as to restore constitutional order ahead of elections. However, he also noted that violent extremism and international sanctions were hampering the process. He appealed for support from all Member States.
- (x) The Representative of Ethiopia briefed on the peace deal signed in November, 2022 between the government and the rebel Tigray forces. He further updated on additional measures being implemented for sustainable peace. She lauded the constructive role of the African Union and Kenya in this matter.
- (xi) The Representative of Uganda condemned a terrorist attack on 16 June 2023 where the jihadist Allied Democratic Forces (ADF), attacked a secondary school in western Uganda and killed forty-two (42) people. The Representative further clarified that the Anti- LGBTQ+Homosexuality Act, 2023 established comprehensive and enhanced legislation to protect the traditional family by prohibiting any form of sexual relations between persons of the same sex and the

promotion or recognition of sexual relations between persons of the same sex, strengthening the nation's capacity to deal with emerging internal and external threats to the traditional, heterosexual family.

- (xii) The Representative of Mozambique informed on the disarmament, demobilisation and reintegration (DDR) of the Mozambican rebels (RENAMO) and the closure of their last military base. The RENAMO is now formally recognised as a political party in Mozambique.
- (xiii) The Representative of United Republic of Tanzania presented the candidature of Rt. Hon. Dr. Tulia ACKSON, Speaker of the National Assembly, for President of the Inter-Parliamentary Union (IPU). If elected, she will be the first female and African President of IPU.
- (xiv) Delegations unanimously expressed the collective concern over the inordinate delay in signing of the Post-Cotonou Partnership ('*Samoa*') Agreement. It was recalled that the new legal framework for strengthening the capacity of the OACPS countries to achieve sustainable economic growth and development was concluded and initialled in April, 2021. The signing ceremony was expected to be held in June 2022 at Apia, Samoa, but has been exponentially delayed due to internal EU wrangles and nothing to do with content of the Agreement. The Members urged OACPS and EU partners to expedite the signing of the Agreement as soon as possible.
- (xv) The Republic of Niger offered to host the 64th Session of the OACPS PA in Niamey.

b. Committee on Economic Development, Finance and Trade-

- (i) The delegations considered several amendments to a Resolution on the long-standing issue of "*EU List on Non-Cooperative Tax Jurisdictions and the List of Third Countries*

regarding Anti-Money Laundering and Counter-Terrorism Financing (AML/CFT)”;

- (ii) Considering the Post-Cotonou Partnership Agreement, the Members exchanged views with Victoria KYRITSI, of the EIB on activities of the bank and other OACPS-EU Financial instruments in ACP countries. It was noted that after June, 2023 the transitional measures of the defunct Cotonou Agreement shall cease to be in effect. In this regard, the European Investment Bank had formulated strategies to ensure the uninterrupted continuation of the partnership between OACPS and EIB.
- (iii) There was an exchange of views on the NDICI instrument which represents a fundamental reform of the EU’s development policy, its neighborhood policy and its external action more broadly. The instrument operates with a budget of €79.462 billion for the next seven years. NDICI integrates previously self-standing external funding instruments, most of which expired on 31 December 2020 including the EDF.

The following main observations were made:

- More clarity is still needed on some ‘grey areas’ such as the criteria that would be used for allocating resources at national and regional levels;
 - Concerns that some OACPS Member States that are classified as High income countries may not have dedicated allocations;
 - Concerns that Regional Organisations and Intra-ACP programmes do not have dedicated allocations;
 - Concerns that the principle of ownership and co-management of resources (acquis of the Cotonou Agreement) were no longer being observed.
 - There is no specific role for the National and Regional Authorizing Officers.
- (iv) Members reviewed the EPAs with Mr. Phazha Triby BUTAKE, Chief Negotiator - Ministry of Trade and Industry of Botswana

& Coordinator of the SADC EPA Group. Members expressed concern that EPAs were envisioned as development instruments which were expected to be trade-driven, have unfortunately they not delivered on the stated objectives. This may be attributed to the non-availability of adequate resources to build supply and value chains. The recent move by the EU to link trade with social and environmental conditionalities with “*Green Deal*” regulations may further complicate an already difficult situation.

c. Committee on Social Affairs and Environment:

- (i) On the presentation and exchange of views on the Treaty on Marine Biological Diversity Areas beyond National Jurisdiction it was noted that the treaty, which was adopted on 19th June, 2023 in New York, has jurisdiction over ocean space of the high seas and the international seabed area i.e. beyond the continental shelf of a state. These biomes are rich in biodiversity and economic resources. The ecosystems also suffer from the impact of anthropomorphic pressures, including pollution and climate change. The treaty provides for obligations to cooperate in capacity building, sharing knowledge on genetic resources, monetary and non-monetary benefits.
- (ii) On the Exchange of views on Reducing Pesticide Reliance and Risks for Safe and Affordable Food Production and for Sustainable and Resilient Agrifood Systems it was noted that there should be obligations placed on producer countries on toxic chemicals. These chemicals are associated with a rise in Non-Communicable Diseases and biodiversity loss in ACP countries. A Resolution would be prepared and States were urged to tighten regulation and ban importation of such chemicals.

IV. 43RD SESSION OF THE ACP-EU JOINT PARLIAMENTARY ASSEMBLY

12. The session was co-chaired at the European Parliament by Hon. Ana Rita Sithole of the Republic of Mozambique and Prof. Carlos Zorrinho

of Portugal. The two Co-Presidents stressed the urgency of replacing the current Cotonou Partnership Agreement, with the new Samoa Agreement and noted that the delayed signing of the Agreement by the EU side means delayed development and sends the wrong signals about the partnership.

13. The three standing committees of the ACP-EU JPA met from 26th-28th June, 2023 at the EU parliament. There was a debate on Hybrid threats which were defined as mixture of conventional and unconventional tactics, in the diplomatic, political, economic and information spheres, without attribution to the malicious actors and whose actions are below the threshold for a declaration of war. Other tactics includes subversion of the targeted countries. *The malicious aim of Hybrid Warfare is to inflict strategic defeat on adversaries, destabilise target countries or cause a change of policy in the targeted country.* Hybrid threats can amplify geopolitical tensions and undermine peace. OACPS countries noted that they were especially vulnerable to this threat. The UN Office for Disarmament recommended countries should enhance their Cybersecurity capabilities to counter these threats.
14. Members noted the undemocratic and exclusionary nature of the international security and governance architecture. They reaffirmed the call for the urgent implementation of the longstanding issue of UN Security Council reforms and adoption of Ezulwini Consensus.
15. Members debated on the security and humanitarian situation in Haiti, noting the multiple crisis the Caribbean country was undergoing, including natural disasters, impact of climate change, extreme poverty, political instability, crime and armed gang violence. Members called for international solidarity for the most urgent interventions in order to respond effectively to these crises. The Representatives of Jamaica, Bahamas, Dominican Republic and Trinidad & Tobago informed of the CARICOM political initiative for Haiti led by Prime Minister Andrew Holness and reiterated an earlier appeal for urgent multilateral humanitarian, financial and technical assistance to help address the

immediate short term needs of the people and the longer-term responsibility of recovery.

16. Use of hazardous pesticides in OACPS countries-Member expressed concern that some pesticides authorised in agriculture but banned in the EU are still exported to OACPS countries. These are a major cause of NCDs like cancers and biodiversity loss. The EU did not commit to introduce specific legislation to ban production and export harmful pesticides in their jurisdiction.
17. Commitment to OACPS-EU Partnership -The signing of the Samoa Agreement is being held up by internal EU wrangles. Members noted that continued delay in signing the Agreement will lead to a legal vacuum after June, 2023 and effective paralysis of the strategic partnership. The EU proposed a fifth extension of the transition measures of the Cotonou Agreement for a period of four months.
18. Harmful EU Regulations-Members from OACPS noted that the European Green Deal and Anti-Money Laundering / Counter Financing Terrorism regulations are harming the economic competitiveness, sustainable development and poverty alleviation of the OACPS countries. This is counter to the stated objectives of the "strategic" OACPS-EU partnership.
19. Members debated on the Critical Raw Materials, Energy Transition and Climate Change policy and Global Gateway which is a European strategy to boost infrastructure spending globally. Members raised concern that in the absence of development of value chains, the export of raw critical minerals used for the Green Transition may not benefit the OACPS countries.
20. Members noted that the existing Global Financial Architecture is not fit for purpose. Both OACPS and EU called for a new global system which enables the mobilization of more concessional financing for climate action and for improved resilience and achievement of the Sustainable Development Goals.

21. Members noted with appreciation that the Government of the Republic of Niger offered to host the 44th Session of the JPA in Niamey in October, 2023.

V. SIDE EVENTS

22. Women's Forum was held on 28th June, 2023 under the theme "*How building a feminist foreign policy can help ACP-EU to achieve the SDG 5*". Kenya was represented by Hon. Jayne KIHARA who appraised on challenges as well as strides made by Kenya in achieving SDG 5 against Gender-Based Violence.

Hon. Kihara also campaigned for Amb. Nancy KARIGITHU for the position of Secretary General of the International Maritime Organisation (IMO); as a representation of commitment to inclusivity, women's empowerment, and the promotion of inclusive decision-making processes.

(Separate report attached)

23. Youth Forum was held on 24 June, 2023 under the theme "*The importance of Technical and Vocational Education and Training (TVET) for sustainable development/SDGs*"

(Separate report attached)

24. On 24th June 2023, the delegates went on the site visits to the House of European History in Brussels and the Technifutur Science Park in Liege.

VI. OBSERVATIONS

25. Parliamentary diplomacy is an important aspect of the work of Parliament, assists our country to fulfill her international obligations and enhances the legislative role in international relations. As such, it may be important for the Ministry to hold briefing sessions with the Members of Parliament before JPA Sessions to brief them on Kenya's

positions on various strategic foreign policy issues affecting our country and the region.

26. The Ministry may follow up with the Office of the Deputy Speaker, National Assembly regarding formulation and tabling of a proposed draft Resolution titled *“A New Framework to Address the Biodiversity Crisis-Leveraging ACP-EU Partnership in Shaping the New Framework to Halt the Loss of Biodiversity and Promote its Sustainable Use and Conservation in the Wake of COP27”* This draft text aims to prohibit export of pesticides from the EU to OACPS countries that have been proven to be harmful to human health, the environment and biodiversity.

27. For purposes of visibility of legislators and the work of the OACPS, the National Assembly may consider embedding media houses in the Kenya delegation. The journalists can cover their own travel expenses as happens in other international negotiations and processes.

VII. CONCLUSION

28. The 63rd OACPS Parliamentary Assembly and 43rd OACPS-EU Joint Parliamentary Assembly culminated with adoption of various urgent Motions and resolutions and closing remarks whereupon Member States were called upon to exercise political will to tackle common challenges and advance the partnership.

29. The delegation recommends that the Senate takes note of the contents of this report.