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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT  
(Fourth Session)

**REPORT OF THE PROCEEDINGS  
OF THE ACP-EU JOINT COMMITTEES AND  
ACP PARLIAMENTARY ASSEMBLY**

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Brussels, Belgium  
September 27 to October 2, 2009

CLERKS CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

October, 2009

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## PREFACE

Mr. Speaker,

The African, Caribbean and the Pacific (ACP group) of the ACP-EU held part of their bi-annual meeting from September 26 to 29<sup>th</sup>, 2009. The meetings, which were held at the ACP House in Brussels, were followed by joint meetings with their European Union (EU) counterparts, from September 30 to October 2, 2009. The Joint meetings took place in the EU Parliament.

The Committee meetings were a follow-up to the 16<sup>th</sup> Joint Parliamentary Assembly Session held in April 2009 in Prague, Czech Republic, where milestone resolutions on matters affecting the members States were adopted.

At the September/October 2009 Committees Meetings, the Kenya National Assembly was represented by the Hon. (Prof.) Margaret J. Kamar, MP and the Hon. Musikari Kombo, EGH, MP. The delegation was accompanied by Mr. Samuel Njoroge, Clerk Assistant.

Mr. Speaker,

At the Session, the three *Standing Committees* discussed topical issues affecting the member-states: The Committee on Social Affairs and the Environment considered a draft report on *Social and cultural integration and the participation of young people* and exchanged views on *the social impact of the global crisis*. The Committee on Economic Development and Finance discussed *the Impact of the financial crisis on the ACP States* and exchanged views on *the State of Play on the*

*Economic Partnership Agreements (EPAs)*. The Committee on Political Affairs discussed *the Global governance and the reform of international institutions* and exchanged *views on the political situation in ACP states*. The Committees also agreed on the topics for their next reports and appointed Co-rapporteurs for their Regional Strategy Papers. They also exchanged views on these topics and strategy papers, in presence of the experts appointed by each Committee.

Further, each Committee engaged the EU Commission on the implementation of the Prague resolutions. The Committee on Economic Development and Finance engaged the EU Commission on the EPAs and their potential impact on the ACP States while that on Social Affairs and the Environment enquired on the implementation of the resolution on the social and environmental consequences of climate change in the ACP countries. The Committee on Political Affairs also followed on the implementation of the EU Commission on the on the resolution on challenges to democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries, adopted in Prague.

**Mr. Speaker,**

Towards the end, the leader of Kenya Delegation briefed the Committees on the political situation in Kenya. The Meeting applauded the leadership of Kenya for the steps taken so far and the progress of the reform agenda.

**Mr. Speaker,**

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

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



Hon. (Prof.) Margaret J. Kamar, MP

LEADER OF THE DELEGATION

October, 2009

REPORT OF THE PROCEEDINGS OF THE ACP COMMITTEES AND  
ACP-EU JOINT COMMITTEE MEETINGS: BRUSSELS SEPTEMBER 27 TO  
OCTOBER 2, 2009

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Introduction

1. The ACP-EU Joint Parliamentary Assembly brings 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 European Union and EU enlargement it has acquired a more prominent role. A substantial part of the work of the Joint Parliamentary Assembly is undertaken through the Standing Committees. Three Standing Committees were 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.
3. Each Committee elects a co-chair and 1<sup>st</sup> and 2<sup>nd</sup> vice co-chairs for a renewable term of two years, on rotational basis, taking into account the regional balance. The Co-Chairs together with their counterparts from the EU parliament form the Bureaux of Co-Chairs.

4. The Committees meet at least four times in a year. Each joint meeting (with EU committees) is preceded by meetings of the Committees of the ACP member-states. Invariably, the First meeting and third meetings are held in Brussels, in the first and the third quarter of the year, respectively. The Second and Fourth meetings are held two or three days prior to each Joint Parliamentary Assembly (JPA), which takes place in the second and fourth quarter of each year. The JPA takes place in any of the ACP and EU countries, on rotational basis.

#### **Meetings of the Standing Committees**

5. The ACP members of the Committees held their meetings on September 27 to 29<sup>th</sup>, 2009. Thereafter, each Committee held joint meetings with the EU counterparts. As summary of their proceedings is as follows-

#### **Committee on Social Affairs and the Environment**

6. The Committee adopted its agenda and the Minutes of the previous sitting held in April, 2009 in Prague, Czech Republic, without amendments. The Co-rapporteurs, Messrs, Manuel Jiménez (Dominican Republic) and Olle Schmidt (EU) made brief presentation on the Draft Report on *Social and Cultural Integration and the Participation of Young People*, before the Joint Committee. The Committee also considered draft amendments and adopted the Draft report for presentation at the JPA in November, 2009.
7. The Committee also undertook a second follow-up by the Commission on the resolution on the social consequences of child labour and the strategies to combat child labour, adopted in Port Moresby (Papua New Guinea) on 27 November 2008.

8. In addition the Committee appointed Messrs Gibson Hlophe (Swaziland) as the ACP co-rapporteurs of the next topic- "The social impact of the global crisis". The EU group was yet to nominate its Co-rapporteur. At the end, Members exchanged general views on the topic, in presence of the expert.
9. The Committee also undertook a follow-up by the Commission on the resolution on the social and environmental consequences of climate change in the ACP countries, adopted in Prague (Czech Republic) on 9 April 2009.

#### **Committee on Economic Development, Finance and Trade**

10. The ACP Members of the Committee on Economic Development, Finance and Trade held a meeting on September 28, 2009. Thereafter, the Members held a joint meeting with their EU counterparts on September 30 and October 1, 2009. At the commencement of the Joint meeting, Ms. Maria Da Graça Carvalho was nominated the EU Co-Chair of the Committee while Messrs Ryszard Antoni Legutko and Luís Paulo Alves were nominated as 1<sup>st</sup> and 2<sup>nd</sup> Vice-Chairs, respectively.
11. The Joint Committee adopted its draft agenda and approved minutes of the previous meeting held on April 4th, 2009 in Prague (Czech Republic). The joint Committee also shared and exchanged views on the topic, "*Impact of the financial crisis on the ACP States*". Mr. Hans-Peter Mayer was re-appointed as EU co-rapporteur to join Mr. Joseph Mugambe (Uganda) representing the ACP group. The co-rapporteurs made a brief presentation on the topic assisted by the invited expert, Mr Andrew Mold, Head of the Finance for Development Unit at the OECD Development Centre. At the meeting, the European Commission also



made a brief presentation on the topic and exchanged views with the expert.

12. The Committee also decided that the subject of its 13th Report will be on "the Financial and Economic Impact of Climate Change in ACP Countries".
13. The Committee also appointed the following as co-rapporteurs for its Regional Strategy Papers- Mr. David Martin (Caribbean), Mr. Kader Arif (Central Africa), Mr. Elie Hoarau (Eastern Africa and Indian Ocean) Mr. Frank Engel (the Pacific) and Mr. Hans-Peter Mayer.
14. The Committee also exchanged views on the Economic Partnership Agreements (EPAs): State of play and follow-up on the EU Commission on the resolutions adopted by the Joint Parliamentary Assembly in Prague on the EPAs and their potential impact on the ACP States
15. Toward the end, the Co-Chairs announced that "Climate Change" and "the Situation in Madagascar" will be considered as the urgent topics for the 18th Session of the JPA to be held in Luanda, Angola; Further the Meeting was informed that the theme workshops in Luanda will be "Training for Better Governance", "Construction Projects for the Extension of Luanda" and "Urban Re-housing Projects".

#### **Committee on Political Affairs**

16. The ACP Member states of the Committee on Political Affairs (including Kenya) held their meeting on September 28th, 2009, where they discussed political issues in their countries. At the Meeting, Djibouti

which is not a member of the Committee was allowed to make a submission on the Djibouti/Eritrea border conflict. Members also heard a presentation by Eritrea on the same. It was decided that the matter be referred to the Bureau for decision, on whether it should be forwarded to the ACP Parliamentary Assembly and /or the Joint Parliamentary Assembly for deliberation and possibly, for a resolution.

17. The Joint meeting of the Committee was held on September 30, 2009. The Meeting adopted its agenda and approved minutes of the last sitting held on April 3<sup>rd</sup> , 2009 in Prague (Czech Republic). The Co-Chairs also announced the names of the EU delegation nominations for Co-Chair and Vice-Chairs of the Committee. Mr. Casa (EPP) was elected Co-Chair and Ms Korhola and Ms Castex Vice-Chairs of the Committee by acclamation.
18. Further, the Co-rapporteurs, Donald Ramotar (Guyana) and Mr. Miguel Angel Martínez Martínez made brief presentations on the Committee's draft report on *Global governance and the reform of international Institutions*. The Committee also considered draft amendments and set the deadline for submission of further for Tuesday 13 October 2009 at noon. The Committee also made follow-up on the EU Commission on the resolution on "challenges to democratic accommodation of ethnic, cultural and religious diversity in ACP and EU countries", adopted by the ACP-EU Joint Parliamentary Assembly in Prague on 4 April 2009.
19. The joint Members further exchanged of views on the political situation in ACP and EU countries Speakers. Those who spoke included representative from Zimbabwe, South Africa, Kenya, St Vincent & the

Grenadines. Most of the Speakers touched on the situation in Madagascar, Zimbabwe and Cote d'ivoire.

20. The Committee also exchanged views, in presence of an expert, on its next topic, "the role of Free and Independent Media" and appointed Messrs Wieland (EU) and Joazile (Haiti) as co-rapporteurs.
21. Towards the end, the Co-Chairs expressed solidarity with the People of Samoa and Tonga on the recent *Tsunami* tragedy and sent a message of hope to governments of the two countries.

### **Meetings of the ACP-PA**

#### **Economic Partnership Agreements (EPAs)**

22. In its meeting of September 29, 2009, the African, Caribbean and Pacific Parliamentary Assembly re-iterated that the Economic Partnership Agreements (EPAs) have continued to pose a great challenge to the ACP Group of States at the national, regional and all-ACP levels.
23. The Meeting was of the view that the challenge is due to the fact that the EPA process have created a differentiation within the ACP as a Group and in some of the regions. The Assembly agreed that ACP regions and some ACP countries within their designated regions are progressing at variable speeds. Overall, only 25 ACP countries have signed a full or interim EPA, 11 have initialed but not signed while 42 have neither initialed nor signed any agreement. "The above state of affairs, which results in multiplicity of trade regimes between ACP regions and the European Union, does not bode well for strengthening of ACP-EU trade relations.

24. The Meeting also observed that, moreover, the unity and solidarity of the ACP Group is likely to be eroded. The Assembly implored upon the negotiators to delve into an examination of implementation issues relating to both the interim and full EPAs. This will entail a consideration of the institutional linkages between the EPAs and the *Cotonou* Agreement as well as EPAs and aid for trade. They should also consider how to move forward with the remaining aspects of the negotiations - from interim EPA to a full EPA - for the concerned ACP States and regions.
25. The Meeting noted that the time constraint that was imposed by *Cotonou* trade regime and the WTO waiver is no longer an impediment to pursuing further negotiations and noted that a number of contentions remain in the initialed and signed interim EPAs.

#### **Current state of play of EPAs in ACP States**

26. In the Caribbean region, Haiti is the only country that is yet to sign the full regional EPA. On other side, across the sea in the Pacific, only one country Papua New Guinea has signed the interim EPA. Fiji which initialed an interim agreement is yet to sign while all the others have neither initialed nor signed any agreement. In Africa the picture is even more uneven. On the East side of Africa, all the five countries, members of the East Africa Community have initialed interim EPAs but are yet to sign it. On the West side, the ECOWAS and UEMOA members plus Mauritania, with the exception of Ghana and Côte d'Ivoire, have not yet initialed any agreement let alone sign it. Only the Côte d'Ivoire has both initialed and signed an interim EPA.
27. In Central Africa, Cameroon is the only country that has signed an interim EPA, while Ghana has only initialed an interim agreement.

In the ESA and SADC EPA regions, the picture is mixed. In ESA, four countries have signed an interim EPA, one country has initiated an interim agreement while six countries are yet to initial or sign any agreement.

#### The 10<sup>th</sup> European Development Fund (EDF)

28. The ACP- PA also heard that the 10<sup>th</sup> European Development Fund (EDF) Intra-ACP Strategy and Multi-annual Indicative Programme (2008-2013) workshop for the East African Region was held in Brussels recently and attended by ambassadors and representatives of the region, the European Commission and the ACP Secretariat.
29. The Parliamentary Assembly, was also informed that the purpose of the workshop was to give the region an opportunity to discuss with the ACP Secretariat and the European Commission the status of programming and implementation of the Intra-ACP Strategy Paper and Multi-annual Indicative Programme signed on 13 March 2009. The information would help the East African Region to better position itself to have access to the funds.
30. The ACP-PA stressed on the need to remain true to the key principles of subsidiarity, complementarity and visibility as guiding principles for the selection as well as for management of Intra-ACP funded programmes. The total amount allocated was €2.7 billion to the four main categories of: Global Initiatives €300 million, Supra-Regional geographic ACP Initiatives €1.730 billion, Institutional and Support Expenditure €300 million and Reserve €370 million. The Meeting also underscored the importance of striking the balance between programming (which promotes predictability of resources) and the need to maintain flexibility

in order to respond to emerging priorities, adding that the Intra-ACP funded programmes should add value and complement programmes funded under other European Commission's instruments.

31. Members exchanged views on numerous issues including: Pan-African Initiatives, time-frames for considering proposals and possible support for Fishery Coordination Mechanism, Global Fund on AIDS, T.B and Malara, Agriculture and Rural Development.

#### **Meetings of the Bureau of the JPA**

32. The Joint ACP-EU Bureau held its meeting on September 28, 2009. Amongst other issues, the Bureau approved the agenda for all committees, the Joint Session in Luanda and approved the topics and strategy papers.
33. The Bureau also issued a statement on the situation in Guinea. The Bureau of the ACP-EU Joint Parliamentary Assembly strongly condemned the use of force by the Guinean government to disperse the demonstrations that took place in Conakry, Guinea, on Monday, 28 September 2009, which led to the deaths of more than one hundred civilians. In the Statement, the Bureau said that the actions of the Guinean authorities are a clear violation of the essential elements of the *Cotonou* Agreement, as provided for in Article 9 of the Agreement, to which the Government of Guinea is a signatory. The members of the JPA Bureau expressed their sympathy to the families of the victims. The Bureau urged the Guinean Government and the security forces to exercise maximum restraint as well as uphold the rule of law and respect for basic human rights. The Bureau calls on the Government of Guinea and all stakeholders to respect the letter and the spirit of the *Cotonou* Agreement and to commit to a peaceful and democratic restoration of

civilian government through the early holding of transparent, free and fair elections.

**Date of Next meeting**

34. The next meeting will take place on from November 25 to December 3, 2009 in Luanda (Angola).

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