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COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA

Seventh Annual General Meeting (AGM) of the Regional Association of Energy Regulators for Eastern and Southern Africa (RAERESA)

Taj Pamodzi Hotel, Lusaka, Zambia

19 – 20 January 2017

FINAL REPORT

INTRODUCTION

1. The Seventh Annual General Meeting (AGM) of the Regional Association of Energy Regulators for Eastern and Southern Africa (RAERESA) was held at Taj Pamodzi Hotel, in Lusaka, Zambia on 19 – 20 January 2017. The main objectives of the Meeting were to review the annual report of activities and the effectiveness of RAERESA and to consider the draft Strategic and Business Plans as well as the draft 2017 Work Programme. These document were produced and presented by Atkins who were the consultant which undertook the assignment on supporting COMESA and RAERESA towards a strategic, sustainable, integrated and coordinated governance, under the European Union Sustainable Energy for All (SE4ALL), Technical Assistance Facility (TAF).

Attendance

2. The meeting was attended by the following:

a. **Full Members of RAERESA:** Electric Utility and Consumer Protection Regulatory Agency of the Arab Republic of Egypt, Energy Regulatory Authority of the Federal Democratic Republic of Ethiopia, Energy Regulatory Commission of the Republic of Kenya, Electricity Regulation Office of the Republic of Madagascar, Rwanda Utilities Regulatory Authority of the Republic of Rwanda, Seychelles Energy Commission of the Republic of Seychelles, Electricity Regulatory Authority of the Republic of Sudan and Zimbabwe Energy Regulatory Authority of the Republic of Zimbabwe;

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b. **Associate Members of RAERESA:** Ministry of Production, Environment, Energy, Industry and Handicrafts of the Union of Comoros and Ministry of Water Resources and Electricity of the Democratic Republic of Congo.

c. **Observers:** Utility Regulatory Authority of the Republic of Mauritius and Energy Regulation Board of the Republic of Zambia.

3. The meeting was also attend by Ministry of Energy, Republic of Zambia; European Commission, Directorate-General for International Cooperation and Development, Sustainable Energy and Climate Change; European Union Delegation to Zambia and COMESA; and a team of consultants from Atkins, under the European Union Sustainable Energy for All (SE4ALL) Technical Assistance Facility (TAF).

4. The list of participants is attached as Annex V to this report.

A. OPENING OF THE MEETING

Speech by the Guest of Honour

5. Madam Brig Gen. Emeldah C. Chola (Rtd), Permanent Secretary, Ministry of Energy, Republic of Zambia officially opened the Meeting. The Permanent Secretary welcomed all the delegates to the Seventh Annual General Meeting (AGM) of RAERESA and to Lusaka, Zambia. She indicated that the people of Zambia, felt honoured to host this meeting and that Zambia was strongly committed to upholding the objectives of regional economic integration on the African continent and especially in the COMESA region.

6. She indicated that successful economic and social development of COMESA people and uplifting them from poverty could only take place when there was stability within the region. She

further indicated that energy infrastructure would play a pivotal role in creating a conducive environment for investments. In this context, she indicated that COMESA accorded energy infrastructure its rightful role in regional integration programming. In this regard, she observed that the COMESA region had begun to see significant improvements in the generation capacity in line with the expected coming on stream of major power generation projects in Ethiopia, Kenya, Uganda, Zambia and other COMESA countries which should ease the power shortages in the region.

Opening Remarks by Officer-in-Charge, COMESA

7. Madam Victoria Mwewa, Office-in-Charge, COMESA Secretariat made remarks at the opening session. She welcomed all the delegates to Zambia and invited them to enjoy their stay in the country. She indicated that despite the diversity of the membership of COMESA, the COMESA region had succeeded in forging ahead with the integration agenda. In this regard, she indicated that the region had gone ahead to launch the Customs Union in 2009, after attaining the Free Trade Area in 2000 and that the region had pronounced itself on the Customs Union in the integration process and hence it was only logical that COMESA should follow the pronouncements to the final conclusion.

8. The Officer-in-Charge indicated that the percentage of COMESA population with access to electricity would be around 45 %, and by 2040 the percentage would be around 80%, provided multi-billion dollar investments were made and made in the next ten years. She further indicated that per capita electricity consumption for the COMESA region was estimated to be around 605 kilowatt-hours (kWh) per person in 2015. She then indicated that this was also very low compared to per capita electricity consumption of other developing counties for the year 2005 which was 1169 kilowatt-hours (kWh) per capita.

Opening Remarks by the European Commission, Directorate-General for International Cooperation and Development, Sustainable Energy and Climate Change

9. Ms Karine Genty, Deputy Head of Unit, Sustainable Energy and Climate Change, European Commission also made remarks at the opening session. She observed that this initiative was expected to accelerate the harmonization of COMESA region energy markets by enhancing RAERESA's role, which would cover all energy sectors, regulations, market operation, renewable energy sources and energy efficiency at regional level.

10. She further reiterated the support that European Union would provide to COMESA/RAERESA, in the next four years, would contribute to the Association achieving its strategic objectives. Madam Genty pointed out that strengthened and harmonized regional and national regulatory framework and institutions were key enabling factors to facilitate investments into sustainable and affordable energy generation and distribution. She further indicated that the European Union had earmarked 2.7 billion Euros for sub-Saharan Africa (national and regional levels) for the period 2017 – 2020. ,

Opening Remarks by Chair of the Plenary of RAERESA

11. Kenya as the current Chair of the Plenary of RAERESA, chaired the meeting. In his opening remarks, Eng. Joseph Ng'ang'a, Director General, Energy Regulatory Commission of the Republic of Kenya welcomed the Members, Associate Members and observers of RAERESA and invited guests to the Seventh Annual General Meeting (AGM). He thanked the Government and people of the Republic of Zambia for the hospitality accorded to the delegates

since their arrival in the beautiful city of Lusaka and for the excellent facilities that had been put at the disposal of the delegates

12. Eng. Ng'ang'a pointed out that energy statistics for the COMESA region would be a firm indication of how much work should still be done to ensure that energy had become a key enabler to doing business and increasing the productivity of COMESA industries. In this regard, he highlighted that energy deficit could cause about 2% loss of growth of Gross Domestic Product (GDP) in most of our countries. He further highlighted that 55% of the people in the COMESA region did not have access to electricity and that the total installed capacity of the COMESA region at present would stand at 68000 megawatts compared to a nearly 50,000 of South Africa. He also reiterated that as RAERESA commenced its migration to a dedicated Secretariat, it should be able to run its own Secretariat in term of personnel and other logistical issue in the course of the coming one to two years, following the agreement that members of RAERESA should consider contributing financial and also in- kind contributions.

ADOPTION OF AGENDA

13. The meeting considered and adopted the following agenda:

1. Opening of the Meeting and Adoption of the Agenda

2. Introduction on Strategic Plan and Business Plan

   Technical Assistance Facility (TAF): Overview and Recommendations on RAERASA's Integrated and Coordinated Governance

   Consideration of the Report of the Tenth Executive Committee of RAERESA

3. Consideration of the Draft Strategic Plan

   Technical Assistance Facility (TAF): Presentation of RAERESA's Draft Strategic Plan towards a Sustainable, Integrated and Coordinated Governance

4. Consideration of RAERESA's Draft Business Plan towards a Sustainable, Integrated and Coordinated Governance

5. Consideration of the Draft Work Programme on Supporting COMESA and RAERESA towards a Strategic, Sustainable, Integrated and Coordinated Governance Including Presentation of the Status of the Implementation of the 2012 - 2016 RAERESA's work programme

6. Wrap-up on Strategic Plan and Business Plan and Work Programme

7. Election of the Chairperson of the Plenary and the Chairpersons of the Portfolio Committees

8. Any Other Business and Report Writing

9. Adoption of the Report and Closure of the Meeting

B. ACCOUNT OF PROCEEDINGS

14. The meeting considered the above agenda items, and the proceedings and outcomes of the deliberations are outlined below.

CONSIDERATION OF THE REPORT OF THE TENTH EXECUTIVE COMMITTEE OF RAERESA

15. Dr, Frederick Nyang presented the report of the 10th Meeting of the Executive Committee. The meeting considered the report. The discussions and recommendations are outlined below.

16. The meeting noted that the Executive Committee of RAERESA held two meetings on 26 – 28 October 2016 and on 18 January 2017 to review the draft Strategic and Business Plans, and the draft 2017 Work Programme. This was presented by Atkins consultants whose services were procured to develop documents towards supporting COMESA and RAERESA attain strategic, sustainable, integrated and coordinated governance. It is worth noting that this project is under the European Union Sustainable Energy for All (SE4ALL), Technical Assistance Facility (TAF).

17. It was further noted that the two meetings of the Executive Committee thoroughly discussed and reviewed the revised draft Strategic and Business Plan as well as the revised 2017 Work Programme. These are substantive agenda items for consideration by the meeting.

CONSIDERATION OF THE DRAFT STRATEGIC PLAN

18. The Consultant presented the revised draft Strategic Plan to the meeting for consideration.

19. The main objective of the Strategic Plan is to set out RAERESA's long-term strategy for the next ten years 2017 to 2026. It takes cognizance of the existing policy, legal and regulatory framework at international (UN), continental (Africa), regional (tripartite COMESA, EAC and SADC region) and national (COMESA Member States) levels. It reflects both the mandate of RAERESA assigned by its Constitution and the expectations of RAERESA's members and stakeholders from the COMESA region to ensure its successful implementation. It has been prepared within a participatory approach. The input gathered from the stakeholders was analysed and a consensus reached on the most suitable strategic direction that RAERESA should adopt during the strategy period. This resulted in clarifying RAERESA's vision, mission and strategic goals and objectives.

20. Major strategic goals, that are consistent with both RAERESA's Vision and Mission, have been identified for both RAERESA and the regulated energy sector for the strategy period. The strategic goals have been developed and broken down into strategic objectives which have also been translated into SMART implementation initiatives with expected outcomes to meet the regulatory needs and challenges of the energy sector. Each strategic objective conveys a clear idea of what needs to be done as far as regional energy regulation is concerned. The identified objectives for each strategic goal, once accomplished, are expected to ensure sector growth, effective management of resources and enhanced energy security to support the social and economic development.

21. The outline of the structure of the Strategic Plan includes the introductory chapter, which covers RAERESA's background by summarising information on its context and current situation pertaining to the legal framework, its objectives, functions and organizational structure. Contextual, situational and stakeholders' analyses are presented in the second chapter. The Vision, Mission and Core Values are defined in the third chapter. The strategic goals and objectives, as well as implementation initiatives and expected outcomes are established in the fourth chapter. Challenges, success factors, risks and assumptions emanating from the contextual and situational analysis are described in the fifth chapter. Resource requirements are identified subsequently in the sixth chapter. Monitoring, evaluation and communication aspects are provided in the last chapter.

CONSIDERATION OF THE DRAFT BUSINESS PLAN

22. The Consultant presented the draft Business Plan to the meeting for consideration.

23. This Business Plan of RAERESA covering the 5-year period 2017-2021 forms the first implementation phase of its Strategic Plan for the 10-year period 2017-2026. It takes into account global, regional and national developments in the regulated energy sector in general, and in the electricity networks/systems/markets, oil and gas, renewable energy and energy efficiency in particular. Moreover, it contains detailed initiatives to be implemented together with their expected outcomes. These will propel RAERESA to achieve the strategic goals and objectives of the Strategic Plan 2017-2026.

24. The outline of the structure of the Business Plan includes the introductory chapter which describes RAERESA and its members basing on the main themes from the Strategic Plan. The second chapter depicts the 5-year Business Plan of RAERESA. Budget assumptions, human and financial resource requirements, and the budget summary for the 5-year period of the Business Plan are provided in the third chapter. The fourth chapter stipulates the objectives of monitoring and evaluation, the monitoring and evaluation framework, and the critical success factors. Appendices contain further details of: A) the Business Plan Matrix, B) the organization structure (organogram), C) the funding model/contribution model, and D) the collaboration plan for RAERESA emanating from the stakeholders' analysis in the Strategic Plan.

25. The Business Plan serves as an action plan for RAERESA for the first five years of the strategy period. In that context, the Business Plan spells out required finances and activity leaders in annual (per year) timeframes for each of the strategic goals and objectives as well as the implementation initiatives and expected outcomes.

CONSIDERATION OF THE DRAFT 2017 WORK PROGRAMME

26. The Consultant presented the draft 2017 Work Programme to the meeting for consideration.

27. The objective of the One-Year Work Programme is to give direction and impetus to RAERESA and to enable it transition from an interim Secretariat within the COMESA Secretariat to an autonomous Secretariat of RAERESA.

28. The meeting noted that the 2017 RAERESA Work Programme identified five strategic objectives that would help to meet the following:

a. strategic goals 1: capacity building, information exchange, energy statistics and database;

b. strategic goal 2: harmonized legal and regulatory frameworks;
c. strategic goal 3: enhanced renewable energy;
d. strategic goal 4: enhanced environment and energy efficiency; and
e. strategic goal 5: efficient and effective RAERESA Secretariat .

29. On human resources, the consultants proposed an organisation structure to support the attainment of the strategy, business plan and work programme.

30. The presentation also proposed that the Secretariat should coordinate and facilitate RAERESA members from a pool of experts within the region upon request.

31. In the discussion that ensued the meeting underscored that decisions and recommendations made by the 6th Annual General Meeting (AGM) held in Cairo, Egypt on 18 – 19 November 2015, which were further adopted by the Ninth Meeting of Infrastructure Ministers responsible for Transport, Communications, Information Technology and Energy held in Bahr Dar, Ethiopia in February 2016 and endorsed by the thirty Sixth Meeting of COMESA Council of Ministers held in Antananarivo, Madagascar in October 2016, be clearly incorporated in the Strategic and Business Plan and be prioritized in the work programme. These decisions are attached as Annex I to this report.

32. The meeting agreed that the strategic goal 2: should be rephrased to read harmonized legal and regulatory frameworks without cross-border trade in energy network.

33. The meeting noted that there were a number of emerging requirements in the energy regulatory area which would require more focus such as capacity building, information sharing and energy statistics and database. In this regard, the meeting considered the proposed new structure with restructured Portfolio Committees to be a service based rather than industry based, to reflect the mandate and strategic goals of RAERESA. The meeting noted that the current RAERESA constitution would not allow for restructured Portfolio Committees. This is because the constitution provides for four only Portfolio Committees, which is restrictive. As a result of this, the meeting agreed to consider amending the constitution to take into consideration these new developments in the energy sector. The meeting also emphasized that the constitution should not be prescriptive with respect to the number of Portfolios.

34. The meeting welcomed the move towards establishing a dedicated and fully functioning RAERESA Secretariat in line with and consistent with the current provisions of the constitution, while maintaining the current functions and mandate expecting that RAERESA should continue to support existing Energy Regulatory Boards such as IRB for the Eastern Africa Power Pool (EAPP) which should act as an industry regulator instead of RAERESA.

35. While there was a consensus to maintain the current operation of RAERESA as an association, the meeting envisaged that future options for development of RAERESA would be explored during the period of the strategic plan to deal with energy regulatory matters in a harmonized manner. In this regard, the meeting emphasized the need to deal with both domestic/internal and cross border regulatory matters, covering continental part as well as the Island States. The meeting further stressed that domestication of adopted guidelines was an important aspect and that RAERESA should play a pivotal role to facilitate the implementation.

36. The meeting noted that the current status of RAERESA would impede restrictions to attract investments in the region and engage with the development partners for further cooperation and collaboration. In this regard, the meeting underscored the need to fast track the

movement into a more effective and stronger RAERESA. The transformed RAERESA would allow for increased accountability and transparency in line with international best practice. The outcome of the new body would be enhanced energy security, accessibility, and affordability.

37. The meeting endorsed the proposed contribution formula and urged members to submit their total budgets as soon as possible to allow the consultant simulate the contribution of each member. The meeting envisaged that members would start contributing to RAERESA budget in one to two years' time. This is because members have to factor RAERESA budget in their national budgets given the different budget approval times for countries.

Decisions

38. ***The meeting agreed as follows:***

- ***a. the revised RAERESA Strategic Plan, the revised RAERESA Business Plan and the revised RAERESA 2017 Work Programme be adopt;***
- ***b. the current management structure of RAERESA to operate in transition until the changes envisages under the adopted plans and programme become effective;***
- ***c. to amend the constitution within one year to allow the adoption of the proposed new structure with restructured Portfolio Committees to be a service based rather than industry based, to reflect the mandate and strategic goals of RAERESA and also take into consideration these new developments in the energy sector;***
- ***d. members to immediately submit their total budgets relating to energy regulations to allow the consultant simulate the contribution of each member; and***
- ***e. members to factor RAERESA budget in their national budgets and to start contributing to RAERESA budget from January 2018.***

39. The adopted RAERESA Strategic Plan, Business Plan and 2017 Work Programme are attached as Annex II, III and IV respectively to this report.

C. ELECTION OF THE CHAIRPERSON OF THE PLENARY AND THE CHAIRPERSONS OF THE PORTFOLIO COMMITTEES

40. In line with Article 7 of the Constitution on "Structure of RAERESA", 7.2 "the Plenary" which provides that "the Plenary shall elect a Chairperson for a term of two years on rotational basis, who shall chair meetings of the plenary". Taking cognizance of the fact that Plenary is the supreme authority of RAERESA, the meeting noted that RAERESA had entered into transitional period following formulation of the strategic and business plans. The meeting further noted that this might necessitate that the term of current RAERESA Executive Committee be extended in order to allow for a smooth transition.

Decision

41. **The meeting made the following decisions:**

a. ***membership to the Executive Committee should be staggered to ensure smooth transition and institutional memory, furthermore some members, without portfolio should be added to the Executive Committee;***
b. ***the constitution should be amended within 1 year and that the Secretariat should compile issues that will require constitution review; and***
c. ***the current Executive Committee extends its term of office to manage the transitional period.***

D. ANY OTHER BISINESS

42. The meeting received a presentation from Rwanda on the establishment of Post Graduate Programs in regulatory economics and competition policy and energy economics to eventually evolve into a centre of excellence for the infrastructure sector. The program is a joint partnership between Rwanda Utilities Regulatory Authority (RURA) and the University of Rwanda. The program will cover both Economic and technical regulatory aspects pertaining to infrastructure sectors namely Energy, ICT, Water and Sanitation and Transport. The Program will also offer mid-career executive courses in akin to what other international universities offer. The course is expected to bring about a good balance between the theory/principle and application to deal with practical issues affecting infrastructure sector. The teaching will involve the use of experts from both academia and industry from across the world.

43. The presenter requested Member States to consider sponsoring students when the program commences as a means to ensure sustainability of the program.

44. The meeting welcomed the initiative and encouraged expertise from the region to be shared especially where another Member State has special areas of interest like Geo-thermal in Kenya.

45. Zambia informed the meeting that it would join RAERESA very soon.

E. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

Adoption of the Report

46. The meeting adopted the report with the amendments.

Closing of the Meeting

47. In closing the meeting, the Chairperson thanked the delegates for the active participation in the proceedings that had enabled the meeting to successfully adopt its report and he wished them safe journeys back to their respective homes. He further indicated that RAERESA should give high visibility to the region and Africa in general through facilitating the provision of sustainable energy options and to go green.

ANNEX V

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Chairperson of RAERESA Plenary

Date:……

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Date:……