

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



PARLEMENT PANAFRICAIN

PARLAMENTO PAN-AFRICANO

AFRICAN UNION

**SEVENTH ORDINARY SESSION OF
THE ASSEMBLY OF THE AFRICAN UNION
ADDIS ABABA, ETHIOPIA**

JANUARY 28 – 31, 2007

**THE PAN-AFRICAN PARLIAMENT
REPORT OF THE PRESIDENT FOR THE PERIOD
JULY-DECEMBER, 2006**

**Johannesburg, RSA
January, 2007**

INTRODUCTION

1. This report is presented pursuant to provisions of Article 3 of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (the Protocol), and Rule 76 of the Rules of Procedure of PAP. It reflects the work and activities of the Bureau of PAP, the ten Permanent Committees and the Sixth Ordinary Session of PAP for the period from July to December, 2006.
2. The report of the Pan-African Parliament for the period from January to June 2006 was presented by the President of PAP to the Ninth Ordinary Session of the Executive Council in Banjul, The Gambia.
3. The objective of this report is to support the work of the AU as mandated by the Protocol and specifically by bringing the recommendations of the Sixth Ordinary Session (November 13 to 24, 2006) to the attention of the Executive Council and the Assembly, for action. The recommendations are made in line with the provisions of Article 11(4) of the Protocol, which provides that;

“the Pan-African Parliament may make recommendations aimed at contributing to the attainment of the objectives of OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them.”

WORK AND ACTIVITIES OF THE BUREAU OF PAP

4. The Bureau of PAP continued to carry out its mandate and functions as provided for both by Article 12(5) of the Protocol and Rule 17 of the Rules of Procedure.
5. In the period under review, the Bureau held two regular and one *ad hoc* meetings. At those meetings, the Bureau deliberated on various matters and made decisions for the facilitation of the work of the Sixth Ordinary Session and for the administration of PAP; amongst these were:

the preparation of the agenda and facilitation of the work of the ten Permanent Committees;

the appointment of the external auditor for PAP;

the arrangements for the workshop for management staff;

finalized the PAP Budget for 2007;

finalization of the plans for the launch of the PAP Trust Fund;

preparation of the programme and agenda of the Sixth Ordinary Session;

deliberation and decisions on the management and administration of PAP;

the deliberation on the schedule and calendar of PAP activities for the year, 2007;

networking with and participation in conferences to enhance cooperation and partnership, for instance:

- (i) the RECs regional harmonization workshop held in Arusha-Tanzania, September 22-24, 2006;
- (ii) participation in the preparatory meeting for the 2007 Abuja-Nigeria International Conference on African Legal Resources-Opportunities and Challenges;

Hosting of international delegations.

Organising and executing the programme of work and activities of the Sixth Ordinary Session.

WORK AND ACTIVITIES OF PERMANENT COMMITTEES

6. PAP has ten Permanent Committees, whose mandate and functions are provided for in Rules 22 to 27 of the Rules of Procedure. Ideally, the functions of the Committees correspond to those of the specialized technical Committees of the AU.

7. In the period under review, the Committees continued to execute their mandate. Notable among the activities they were engaged in was, the preparations and budgeting for Work-Plans for their activities towards the implementation of the PAP Strategic Plan, 2006-2010.

8. The Committees were specifically engaged in, amongst, others, the following:

held several sittings and specifically, in the period from August 10-12, 2006; and November 06-10, 2006;

the output of the sittings and workshops of the Committees had a direct impact on the work of the Sixth Ordinary Session; being in the main ; the preparation and information gathering for fruitful debates in the Plenary;

each Committee provided reports which were well researched and had input of experts and thus enriched the debates;

all the subjects dealt with in the Plenary were first deliberated upon by the Committees which also proposed recommendations;

most Committees participated in outreach activities, for instance:

- (i) a fact finding mission to Cote d'Ivoire and Kenya from December 10-21, 2006; the report will be submitted to next Session;
- (ii) several Members were designated to represent PAP at various conferences and workshops where PAP was invited.

WORK OF THE SIXTH ORDINARY SESSION

9. Pursuant to provisions of Article 14(2) of the Protocol, and Rule 28(1) of the Rules of Procedure, the Sixth Ordinary Session was held from November 13 to 24, 2006. Among others, the Session deliberated and made recommendations on the following agenda:

Presentation on the EU- PAP Partnership within the purview of EU Strategy for Africa.

Presentation on the Ramifications of Migration on the development of Africa.

Peace and Security in Africa, focusing on :

- (i) The Great Lakes Region
- (ii) Darfur in the Sudan
- (iii) Côte d'Ivoire
- (iv) Democratic Republic of Congo
- (v) Tchad

Presentation on three Country Reports of the African Peer Review Mechanism.

Presentation on country progress report on the implementation of the New Partnership for African Development.

Consideration of the PAP Audit Reports for 2004 and 2005.

Presentation, debate and adoption of the PAP Budget for 2007.

The Launch of the PAP Trust Fund.

PAP Budget for 2007

10. The PAP Budget for 2007 is based on the PAP recommendations as presented to the Ninth Ordinary Session of the Executive Council of the AU in Banjul, The Gambia. It is intended to facilitate the implementation process of strengthening and enabling PAP to gradually take up its full legislative mandate.

11. In that regard, therefore, the Budget has made provision for among others;

- (i) funding for Committee Work-Plans which comprised of the activities necessary for the implementation of the PAP Strategic Plan, 2006-2010;
- (ii) capacity building for the PAP to create foundation for the implementation of its Strategic Plan.
- (iii) per diems, responsibility allowance and sitting allowances to enhance the participation of the Members in Committee activities and Sessions of PAP;

Launch of the PAP Trust Fund

12. The Sixth Ordinary Session witnessed the launch of the PAP Trust Fund. This was a mile-stone in the implementation of a motion adopted by the Third Ordinary Session.
13. The establishment of the PAP Trust Fund is not meant to provide a substitute source of funding for PAP; rather, it is intended to augment the funding from the AU.
14. The official opening of the Sixth Ordinary Session on November 13 was graced by His Excellency Nelson Mandela, the former President of the Republic of South Africa, who also launched the PAP Trust Fund.

Financial Activities

15. The Pan-African Parliament engaged an external auditor pursuant to provisions of Rule 90 (3) of the Rules of Procedure of PAP to conduct an audit of the books of accounts for the Financial Years 2004 and 2005. The auditor, KPMG conducted the audit and submitted the audit reports for 2004 and 2005.
16. The audit reports, pursuant to the Provisions of Rule 90 (4) of the Rules of Procedure presented to the Sixth Ordinary Session and were adopted unanimously.
17. Finally the audit reports were forwarded to the Chairperson of Commission of the African Union for subsequent action. At this juncture, I wish to thank you for your understanding, co-operation and support in the accomplishment of this exercise.
18. PAP appreciates the improved remittance of budgeted funds for the Financial Year 2006. However there is concern that out of the total budget approved for 2006 (USD11.9 million), only USD 7.895 million has been transferred during the year.
19. Despite the improved rate of remittance, the remittances remain unpredictable, resulting into the failure to accomplish plans on time.
20. Since the Parliament is dependant on the African Union for funding, there is urgent need to address these issues to enable PAP's deliver on its mandate.

Recommendations

21. Recommendations adopted on each of the agenda at the end of the Sixth Ordinary Session are in the Annex to this Report.

OPPORTUNITIES AND CHALLENGES FACING THE PAP

22. PAP continues to benefit from the opportunities that at its disposal and attendant to that are a number of challenges that require urgent attention. However PAP remains grateful for the continued support of the African Union.
23. The PAP's commitment to enhance solidarity with the international community was clearly exemplified by the recent attendance and messages of good will received at the Sixth Ordinary Session from a number of viz:
 - (i) the Canadian delegation led by Hon. Peter Milliken, M.P, Speaker of the House of Commons, accompanied by H.E Neil Clegg, Ag. High Commissioner of Canada to South Africa, Hon. Jay Hill, P.C., M.P., Chief Government Whip.
 - (ii) the European Parliament delegation represented by the Hon Mrs Mogantini,
 - (iii) the German Bundestag delegation led by the Deputy President Hon. Suzzanne Kartner.
 - (iv) the Westminster Foundation for Democracy represented by Marina Narnor, Head of Programmes for Africa.
 - (v) The African Union Commission- represented by the Deputy Chairperson H.E Patrick Mazimuhaka.
24. Nevertheless every effort continues to be made by PAP to address the challenges.
25. Preparations have started on the transformation of PAP from its current status of an advisory/ consultative body into a fully fledged legislative body as was reported in June, 2006.
26. The following have been adopted as the first strategic steps in the process of transforming PAP:
 - (i) The appointment of a sub-committee of the Permanent Committee on Rules, Privileges and Disciplines to study and recommend on the way forward. This resulted into the committee on Rules, Privileges and Discipline holding an in-house workshop on commissioned a four member Sub-Committee to make preparations and come up with a concept paper on the way forward from November 7-9, 2006 on the *Transformation of PAP and the Harmonization of Legislation in Africa*.
 - (ii) Holding of a series of Regional Workshops in the five different regions of Africa. The first in these series of workshops was conducted in Arusha from November 20-21, 2006. The remaining four regional workshops shall be conducted in due course.
27. It is therefore with respect that the Pan-African Parliament urges the Heads of States to take note of this process given that it will require the amendment of

the Protocol Establishing the African Economic Community Relating to the Pan-African Parliament.

ANNEXURE

**RECOMMENDATIONS TO THE AFRICAN UNION AS ADOPTED IN THE SIXTH
ORDINARY SESSION OF THE
PAP-AFRICAN PARLIAMENT NOVEMBER 13-24, 2006**

RECOMMENDATION ON PEACE AND SECURITY ISSUES IN AFRICA

The Pan-African Parliament,

DEEPLY CONCERNED about the existence of violent armed conflicts in Africa, for the following reasons, among others:

- a. the division of African societies along ethnic and religious lines;
- b. absence of socio-economic justice;
- c. the struggle for resources;
- d. lack of consistency in the administration of justice;
- e. exclusion in political and economic governance;
- f. political intolerance;
- g. poor organization of elections and contesting of results;
- h. unconstitutional change of governments and lack of visionary leadership; lack of power changeover policy;
- i. absence of strong, responsible and democratic institutions;
- j. corruption and impunity;
- k. land problems;
- l. proliferation of light weapons;
- m. non-respect and non-application of local and international legal instruments;
- n. interference of foreign agents in African affairs; and
- o. the colonial legacy of border demarcation and border conflicts;

TAKING INTO ACCOUNT its objective of promoting peace and security in the African continent; and

RECOGNIZING the concerted efforts deployed by the African Union, the United Nations and the international community in finding solutions to the armed conflicts in Côte d'Ivoire, Somalia, Sudan, Chad and in the Great Lakes Region.

THEREFORE RECOMMENDS:

1. That the Conference of African Union Heads of State and Government strengthen the capacity of all the AU Organs to enable them to play an effective role in the prevention, management and settlement of conflicts ;
2. That all the member States sign, respect and implement all the AU instruments relating to peace, security and good governance, especially the Declaration on the Framework for OAU Response to Unconstitutional Change of Governments; the Conference on Security, Stability, Development and Cooperation in Africa and the Durban Declaration on Democracy, Good Political, Economic and Corporate Governance;
3. That governments whose Constitutions limit the mandate for Heads of State and Government maintain such limits to ensure smooth transfer of power and that those who have no fixed mandate endeavour to set limits to their mandates;
4. That national and regional parliaments strictly enforce respect for democratic constitutional provisions and stand up to any attempt aimed at amending them to grant unlimited mandates to Heads of State and Government;
5. That national and regional parliaments make efforts to ensure that the countries which have not acceded to the APRM do so without further delay;
6. That parties concerned about political governance issues in African countries resort to peaceful means, rather than military action, in resolving their problems;
7. That all parties to peace accords respect the spirit and letter of the accords and refrain from actions that might undermine the peace process;
8. That the on-going African and international efforts be intensified to afford lasting peace in Côte d'Ivoire, Somalia, Sudan, Chad, and in the Great Lakes Region.
9. That UNO and AU take a final decision on compliance with the time frame for the decolonization of Western Sahara;

**RECOMMENDATION ON THE ELECTIONS
IN THE DEMOCRATIC REPUBLIC OF CONGO**

The Pan-African Parliament,

AWARE of the suffering endured by the people of the Democratic Republic of Congo (DRC) as a result of the long period of civil war, undemocratic governance and violent conflicts;

RECOGNIZING the African and international efforts aimed at ensuring lasting peace for DRC and its people;

NOTING the political will demonstrated by the parties to the conflict in the dialogue between Congolese leading to the establishment of a transitional government that organized the elections of 30 July and 29 October 2006;

NOTICING that notwithstanding the isolated acts of violence, the elections were held in a peaceful and propitious environment and were therefore free and fair;

CONSIDERING the importance of the elections in the democratization process and the challenges posed by the future reconstruction process;

THEREFORE RECOMMENDS:

1. That all the political parties, leaders and people of the Democratic Republic of Congo accept the results of the democratic elections;
2. That the newly elected Government adopt an inclusive governance approach based on democracy and good political and economic governance;
3. That the Government and people of DRC concentrate their efforts on the establishment of responsible and strong State institutions in order to promote and safeguard the culture of democracy and good political governance;
4. That AU and its member States and the international community continue to assist the Government and people of DRC in their effort to meet the immense challenge of reconstruction and development;

AND FURTHERMORE:

Sincerely congratulates the people of the Democratic Republic of Congo on the organization of peaceful elections in a propitious atmosphere.

RECOMMENDATION ON THE PEACE PROCESS IN DARFOUR

The Pan-African Parliament,

CONCERNED about the degradation of the humanitarian situation in the Darfour region in Sudan and the violation of the Darfour Peace Accord signed in Abuja;

RECOGNIZING the important role played by the United Nations and the African Union Mission in Sudan (AMIS) in attenuating the destructive impact of the conflict on the civilian population, and the material contribution from the international community that supported the AU's peace-building efforts in Darfour;

REAFFIRMING the United Nations' role in promoting peace and security in the world and, concerned about the lack of agreement in the transition from AMIS to a United Nations Mission in Sudan;

COMMENDING the developments following the high-level consultative meeting held in Addis Ababa on 16 November 2006;

THEREFORE RECOMMENDS:

1. That the Conference of AU Heads of State and Government take immediate measures to put an end to the humanitarian disaster and restore peace and stability in Darfour;
2. That AU remain committed to monitoring the implementation of the Darfour Peace Accord and promotion of diplomatic and peaceful means for the settlement of the conflict;
3. That AU ensure that the parties to the conflict who have not yet done so do sign and respect the Darfour Peace accord.
4. That the United Nations and AU enforce the full application of the Peace Accord in its entirety so that it motivates the parties to the Darfour conflict to sign and respect the Darfour Peace Accord;
5. That the United Nations and AU ensure that the Darfur conflict does not inflame the neighbouring countries of Sudan.

**RECOMMENDATION ON DECOLONIZATION
OF THE SAHRAWI ARAB DEMOCRATIC REPUBLIC**

The Pan-African Parliament,

SUPPORTING the long struggle waged by the people of the Sahrawi Arab Democratic Republic to obtain its independence from Morocco;

NOTING that the Sahrawi Arab Democratic Republic is a full member of the AU;

RECALLING the opinion of the International Court of Justice in 1975, the OAU decision of 1984, the UN Security Council Resolution 1495, adopted in 2003, which recognizes the Sahrawi people's right to self-determination, as asserted by the PAP Resolution 0102/2006) ;

REGRETTING the non-application of the previous UN and OAU decisions on the decolonization of the Sahrawi Arab Democratic Republic;

COMMENDING the decision taken in Havana in September 2006 by the Non-Aligned Movement on independence for the Sahrawi people;

THEREFORE RECOMMENDS:

1. That AU develop a stronger partnership with the United Nations in order to monitor compliance with the various UN resolutions concerning independence for the Sahrawi Arab Democratic Republic;
2. That AU persuade Morocco to respect the Sahrawi people's right to self-determination and political independence in order to pave the way for the peaceful settlement of the conflict;
3. That AU encourage the POLISARIO to continue using peaceful, rather than military means, in its struggle for independence;
4. That AU and the United Nations safeguard the territorial integrity, political independence and national unity of the Sahrawi people in the occupied territory;
5. That AU and the United Nations take measures to resolve the humanitarian crisis affecting the Sahrawi people in the occupied territory and protect their fundamental rights; and
6. That AU and the United Nations declare illegal, any economic activities conducted in the Sahrawi Arab democratic Republic by international and Moroccan companies on the basis of agreements concluded with the Government of Morocco.

RECOMMENDATION ON CÔTE D'IVOIRE

The Pan-African Parliament,

DEEPLY CONCERNED ABOUT the fact that the political and military situation in Côte d'Ivoire did not improve during the transitional period that was expected to lead to the holding of elections on 30 October 2006;

FURTHER CONCERNED about the fact that the Linas Marcoussis, Accra I and II and Pretoria I and II Agreements on the problems of nationality, demobilization, disarming and reintegration of combatants have not been implemented;

CONSIDERING the AU decision to extend the period of transition from October 2006 to October 2007 and the implications of this decision for the implementation of the previous Peace Accords in Côte d'Ivoire;

THEREFORE RECOMMENDS :

1. That the parties to the Ivorian conflict urgently implement the signed Agreements. In this regard, it would be advisable to emphasize the stand taken by the African Union, which demands that the dual process of disarming and identification be carried out simultaneously and without further delay; and
2. That AU take measures to ensure that the parties to the Ivorian conflict accept the AU Peace and Security Council's decision and refrain from actions that might compromise the peace process.

RECOMMENDATION ON THE SITUATION IN SOMALIA

The Pan-African Parliament,

DEEPLY CONCERNED about the continued violence and lack of agreement among the Somali people on the establishment of a legitimate government in Somalia;

CONSIDERING the complexity of the situation in Somalia, which has partly been aggravated by the participation of third parties, particularly States in the Horn of Africa and beyond; and

RECOGNIZING the efforts made by AU and IGAD in the search for peace and security in Somalia;

THEREFORE RECOMMENDS:

1. That AU organize an Inter-Somali Dialogue Forum, with the participation of the Transitional Government of Somalia, the Union of Islamist Courts and the different layers of the civil society, with a view to drawing up a road map that would lead to the establishment of a legitimate government in Somalia; and
2. That AU embark on a consultative process in which the States directly or indirectly involved would participate, to ensure that these States make a positive contribution to the peace process in Somalia;

RECOMMENDATION ON THE CONFLICT IN CHAD

The Pan-African Parliament,

TAKING INTO ACCOUNT the Report of the PAP Mission to Chad;

BEARING IN MIND the suffering caused to the people of Chad by the conflict since independence;

DEEPLY CONCERNED about the fact the frequency of armed conflicts in Chad has impeded the country's development;

WHEREAS the non-respect of the provisions of the Constitution and the organization of elections constitute, among other factors, the causes of the armed conflict of 13 April 2006;

CONSIDERING the opinion shared by Chadians that this conflict should be settled through dialogue between Chadians on the one hand, and through sub-regional consultation, on the other hand;

AWARE of the implications of the Darfour war on the stability of Chad;

THEREFORE RECOMMENDS:

1. That AU encourage and be involved in the dialogue initiated by Chadians;
2. That AU take necessary measures to contain the effects of the Darfour conflict in order to prevent the Sudanese refugee camps in Chadian territory from serving as pretext for Djandjawid incursions;
3. That the people of Chad embark on a national dialogue process for the resolution of their internal political problems;
4. That AU facilitate the organization of dialogue among Chadians so as to achieve a national consensus on issues concerning the settlement of disputes at the national level and promote lasting peace and good governance;
5. That AU, drawing on the spirit of the Tripoli Agreement, assist countries of the sub-region to find a lasting solution to the border conflicts.

RECOMMENDATION ON THE PHENOMENON
OF MIGRATION IN AFRICA

The Pan-African Parliament,

WHEREAS migration issues are a fast-rising international priority for the African continent with forced migration continuing to be a serious, protracted and visibly an expanding problem across Africa resulting into an estimated 3.25 million African refugees and asylum seekers;

AND WHEREAS war, conflict, civil strife and poverty have been identified as some of the political, economic, cultural, religious and natural factors behind migration;

ACKNOWLEDGING THAT migration issues range from the refugee crisis, migrant remittances, movement of labour, the African Diaspora and brain drain, feminisation of migration, xenophobia to human trafficking;

BEARING IN MIND THAT migration has also affected, positively and negatively, the welfare of the States of origin as well as the receiving States and if monitored could become a powerful tool for cooperation within the African continent and beyond;

COGNISANT of the fact those African migrants endure inhuman treatment;

NOTING the urgent need to address migration issues at continental level as African countries have not yet fully prioritised the migration issue in their national policy, at regional or continental level;

AWARE THAT the African Union has developed a Strategic Framework for a Policy on Migration in Africa that calls for Member States to address the challenges posed by migration ;

FURTHER AWARE THAT the Permanent Committee on Trade, Customs and Immigration matters has the mandate to consider policy matters concerning migration

matters at cross-border, regional and continental level;

NOW THEREFORE the Pan-African Parliament recommends that:

1. That all governments should address the factors that affect migration patterns by:
 - (i). ensuring, that all countries observe and adhere to sound principles and democracy and practise good governance;
 - (ii). ascertaining all governments address the challenges of human security and development;
 - (iii). promoting investment throughout the continent in order to achieve rapid growth of economies and infrastructures and to create employment opportunities;
2. The governments consider entering into global agreements to determine the modalities for treatment of migrants such as the creation of databanks in both the sending and recipient States for better management of migrant flows as well as ensuring protection of the basic human rights of migrants.
3. The governments adopt mechanisms for handling the migration issues:
 - (i). endorsing the Decade on International Migration and Development 2007-2017, which will provide a platform for dialogue at the institutional and State levels for purposes of strengthening an African regional position;
 - (ii). encouraging harmonisation of national and regional migration legislation, strategies, action plans and policy and develop model legislation to maximise positive and deter negative consequences;
 - (iii). promoting information and education campaigns to raise awareness about the different dimensions, including the gender dimension of migration amongst policymakers;
 - (iv). undertaking capacity building initiatives and measures to strengthen national and regional institutions, including parliaments, capacity to deal with migration management.
4. Migration issues are to be included as a regular item on the agenda of the PAP as a priority and there will be increased collaboration with national and regional parliaments to monitor progress and exchange experiences, views and best practices related to migration policies and programmes.

**RECOMMENDATION ON THE ORGANIZATION
OF A PAN-AFRICAN CULTURAL DAY**

The Pan African Parliament,

AWARE of the African peoples' desire for integration;

AWARE of the impact of grand meetings in this noble combat;

AWARE of the importance of African culture in educating the young generations;

CONSIDERING the need to incorporate African culture into curricula and national programmes;

RECOMMENDS:

That a Pan-African Cultural Day be commemorated:

1. Every five years at the Continental Level,
2. Every Two years in the five Sub-regions of the Continent,
3. Every year in the member Countries of the African Union.

PAP/RECOM.10(VI) 06

**RECOMMENDATION ON CONSTRUCTION
OF THE PAN-AFRICAN LIBRARY**

The Pan-African Parliament,

RECKONING that the continent needs a common library for its integration;

CONSIDERING that the sum total of the knowledge acquired by African intellectuals should be protected and preserved;

CONSIDERING that the Pan-African Parliament represents the peoples of Africa;

CONCERNED to participate and contribute to the development and promotion of the world of intellectuals, researchers, academics and historians of the continent;

DECIDES :

1. To establish a Pan-African Library.

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**EXECUTIVE COUNCIL
Tenth Ordinary Session
25 – 26 January 2007
Addis Ababa, ETHIOPIA**

EX.CL/323 (X)

**REPORT OF THE CHAIRPERSON OF THE PAN-AFRICAN
PARLIAMENT (PAP)**

2007

The Pan-African parliament Report of
the president for the period
july-december, 2006 Johannesburg,
RSA January, 2007

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