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REPORT OF THE PAN-AFRICAN PARLIAMENT (PAP)

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



PARLEMENT PANAFRICAIN

PARLAMENTO PAN-AFRICANO

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REPORT OF THE WORK OF THE PAN-AFRICAN PARLIAMENT: JULY 2011 TO JULY 2012

**Presented to the 21st Ordinary Session of the
Executive Council of the African Union
July 2011/July 2012; Addis Ababa, Ethiopia**

INTRODUCTION

1. The Pan-African Parliament (PAP) is an organ of the African Union established according to the Constitutive Act of the African Union. The mandate of the PAP is to promote parliamentary democracy in the continent through collaborative actions with the National and Regional parliaments so that the peoples of Africa are involved in the affairs of the Union, by having their wishes expressed through their elected representatives who are members of the PAP
2. The 2011/2012 PAP annual activity report to the Executive Council is coming at a critical period of crisis in global affairs. World over, the people are increasingly embarking on protests as a way of demonstrating their frustration and feelings of exclusion from participation in the decision making process by their governments on issues affecting their livelihood. In the continent of Africa, the same sentiments are expressed in various forms of protests in Member States of the Union, which in a number of cases threaten national security.
3. The continent of Africa has been witnessing dramatic changes of regimes, particularly in North Africa and continues to experience threats of unconstitutional change of government in various AU Member States, particularly in the West Africa Sub region. In Europe the people are experiencing an unprecedented financial crisis that in the view of the PAP is the result of something more than weak bank regulatory regimes. Thus, when critically analyzed, it may be an expression of disenchantment with crisis of democracy and bad governance.
4. The instability of some governments globally, particularly in Member States of the Union, is directly attributable to the ever growing gap between the governments and the governed on the one hand and between the executive authorities and the legislative arm on the other. This feeling of exclusion by the people in matters of governance threatens the credibility and legitimacy of governments of many states.
5. The PAP believes that the building of parliamentary democracy where the democratically elected representatives of the people are allowed to play the critical role of oversight functions over the actions of the executive authorities is pivotal in ensuring sustained political stability in the Continent of Africa. Thus, a deepened parliamentary democracy ensures that the sovereignty of the people is guaranteed and their views respected in the decision making process. Hence the relevance of the popular definition of democracy as *“the government of the people by the people and for the people”*, which constitutes the driving concept underpinning the mandate of the PAP
6. Against the above background, this report gives a concise overview of the work of the PAP during the period between July 2011/2012, showing the progress made,

the challenges encountered and suggestions for more effective and efficient performance of Members in their efforts to deliver on the mandate of the PAP.

I. THE TRANSFORMATION OF THE PAN-AFRICAN PARLIAMENT

7. Article 25 of the Protocol of the PAP provides for the review of the Protocol after five years to ensure that the Protocol meets the evolving needs of the Continent on matters such as facilitating harmonization of policies and integration for development.
8. The Assembly of the Heads of State and Government directed that the PAP Protocol be reviewed. Indeed the Executive Council echoed the decision of the Assembly to review the Protocol by stating the need to expedite the revision of the PAP Protocol to enable the Organ to play its role in an effective manner (see the decision of the Executive Council. Doc.EX.CL/676 (XIX))
9. The PAP is delighted to report its satisfaction with the progress made so far in the validation process of the Protocol. The Ministers of Justice/Attorney Generals of AU Member States have examined the Protocol and endorsed it without reservations. The Protocol now awaits submission to the Policy Organs of the AU for recommendations for adoption by the Assembly during the July Summit. The PAP would like to take this opportunity to thank the Commission through the Legal Counsel office, in diligently facilitating the validation process of the Protocol.

II. THE PAN-AFRICAN PARLIAMENT STRUCTURE

10. The PAP has not had an approved structure since its inception twelve years (12) ago. The absence of an approved structure for the PAP has contributed the inability of the Organ to play its role effectively. However, after a number of Executive Council decisions calling for the revision of the PAP structure, the PRC Sub-Committee on Structural Reforms has met and agreed with the PAP on a proposed structure for consideration by the PRC.
11. The PAP once again would like to thank the Sub-Committee for dealing with the PAP structure in an amicable manner during its meeting. The PAP would especially like to thank the Commission for its pivotal role in assisting the PAP to submit its proposals to the PRC Sub-Committee.

III. THE PAN-AFRICAN PARLIAMENT BUDGET

12. The Executive Council in its decision, Doc.EX.CL/676 (XIX), based on the PAP proposals requesting the Union to attend to the anomaly of the Members of Parliament treatment not provided for in the AU rules, requested the PRC to submit to the Council appropriate proposals regarding the manner in which Members of Parliament's allowances should be treated.
13. In addition, the budget of the PAP continues to be inadequate since the Organ was under the sanctions of the Union for committing irregularities. Despite clear progress made and acknowledged, the PAP budget has remained slashed for historical reasons that are no longer tenable.

IV. ELECTION OBSERVER MISSIONS

14. The PAP would like to stress whilst respecting the decision of the Assembly to centralize the budget for election observation and leadership, that the matter of election observations remains the core responsibility of Parliament. It is the Parliament that is charged with the responsibility to promote good governance and democracy. Indeed in the case of the PAP, the Protocol in its objectives enjoins the Organ to promote good governance, democracy and human rights.
15. The current AU system of centralized election observations in the Commission is not effective at all. Reports of election observations are either never released or are released very late. The impact of the AU election observations at the moment is not felt on the ground as the institution that has the experience and expertise, the Continental Parliament, has been emasculated in its role of being the voice of the people in the conduct of elections in Member States.

V. PEACE AND SECURITY ON THE CONTINENT

16. The PAP is extremely concerned about the prevalence of unconstitutional changes of governments in the Continent. Political instability in Africa is not only detrimental to development and security but its net result is the inhumane and preventable suffering of women and children.
17. The PAP on its part in order to contribute to peace has in 2011 during the upheavals in North Africa, sent Fact Finding Missions to Libya, Tunisia and Saharawi Arab Democratic Republic. Only during the week of the 3rd of July 2012, the PAP mission to Mali has been concluded and we await their report. The PAP Fact Finding Mission to Sudan and South Sudan is still pending the confirmations from these two sister countries.

VI. THE PAN-AFRICAN PARLIAMENT CONTRIBUTION TO IMPLEMENTATION OF ASSEMBLY DECISIONS

18. The PAP embarked on the Campaign during year 2010 July, *“11 before 2011”* to ensure that eleven (11) Member States of the Union ratified the African Charter on Democracy, Elections and Governance before the year ended in 2010. This campaign continued during the year 2011 in collaboration with the AU Commission on Political Affairs and resulted in the requisite number of states ratifying the Charter by February 2012.
19. In the view of the PAP the domestication phase of the Charter is pivotal to ensure the promotion of good governance and democracy in Member States. Further, the domestication of the Charter will go a long way towards reducing political instability.
20. The PAP is now embarking on the process to promote the ratification of the new African Charter on the Values and Principles of the Public Service and Administration. In this regard, a meeting is being planned that will take place in West Africa.

VII. INTRA-AFRICAN TRADE PROMOTION

21. The PAP believes that the promotion of intra-African trade is not only important in order to promote development and employment in the Continent but can also constitute a conflict prevention strategy amongst Member States of the Union. The PAP is of the view that states that trade with each other are unlikely to engage in war.
22. The PAP in order to implement the Assembly decision to promote intra-African trade has debated the matter during the May 2012 Ordinary Session and will also do so during the forthcoming Conference of African Speakers of Parliaments.

VIII. PAN-AFRICAN PARLIAMENT ORDINARY SESSIONS

23. The PAP holds two ordinary sessions each year. These sessions are used to engage in debates on matters that have been decided by the Assembly that should be promoted. During the sessions the PAP also invites eminent persons within the Union or sometimes outside the Continent in order to promote good relations.
24. Accordingly, the PAP held a session between the 3rd and 14th of October 2011 in Midrand, South Africa, in line with the objective of implementing the AU

Assembly decisions. Again, following the July Malabo Summit that debated youth empowerment matters, the PAP similarly debated on the subject matter of *“Youth Empowerment in Africa for Sustainable Development”*

25. During this session representatives of the African Youths from all regions were invited and the subject matter of youth empowerment for sustainable development was debated.
26. The PAP held the next session for the first time since inception, in Addis Ababa, Ethiopia from 15 to 20 January 2012. The session was focused on promoting the visibility of the Parliament around the Continent. The Chairperson of the Commission Mr Jean Ping addressed the Parliament, Minister of Ethiopia, H.E Meles Zenawi, was the Guest of Honour and he also addressed the PAP session and updated the plenary about the state of the Union at the time. A number of Ambassadors attended the PAP session and expressed the desire for the PAP to consider holding future sessions in Addis Ababa.
27. During the May 2012 Ordinary Session, the PAP conducted fresh elections to elect a new Bureau, the term of the previous Bureau having expired. Accordingly on 28 May 2012 elections of the new Bureau Members were held, consequently, elections of the Bureaus of Committees and Regional Caucuses were also held. The PAP pays tribute to the previous Bureau, especially the erstwhile President, Dr Moussa Idriss Ndele, not only for his excellent leadership but also for his understanding of the office to serve the people as he voluntarily stepped down after he finished his term of three years.
28. The newly elected Bureau of the PAP is as follows:
- | | | | |
|------|--------------------------------------|---|-----------------------|
| i. | Hon. Bethel Nnaemeka Amadi (Nigeria) | - | President |
| ii. | Hon. Roger Nkondo Dang (Cameroon) | - | First Vice-President |
| iii. | Hon. Mustafa El Gendy (Egypt) | - | Second Vice-President |
| iv. | Hon. Loide Lucky Kasingo (Namibia) | - | Third Vice-President |
| v. | Hon. Juliana Kantengwa (Rwanda) | - | Fourth Vice-President |
29. The PAP is delighted to report that two members of the Bureau are women as this goes a long way towards promoting gender equality and empowerment of women in the Continent as envisaged in the Protocol of PAP.

IX. RELATIONS WITH OTHER ORGANS

30. The PAP continues in its philosophy of promoting closer relations between itself and other complimentary organs of the Union. The PAP believes that good intra-Union governance through better inter-organs collaboration will go a long way towards improving on the management of resources in the Union.

31. In line with the above philosophy, the PAP held a follow up Retreat with the PRC during March 2012 at Nazareth, Ethiopia. Outstanding matters from the 2010 retreat were discussed and new proposals to consolidate the relations between the two Organs were also discussed. At the end of the discussions, it was agreed that the two Bureaus of the two organs would meet annually to discuss matters of common interest.
32. The PAP also works closely with the African Court of Justice, AfCHPR, ACHPR, NEPAD, APRM and ECOSOCC, to promote closer ties. At various sessions of the PAP, Heads of Organs of the AU are invited to present goodwill or solidarity messages. Currently, the PAP is planning to host an inter-organs dialogue to deliberate on ways to improve intra-Union governance.
33. The AUC strategy and planning divisions have indicated their intention to work with all organs to do joint-strategic planning. The AUC through the Office of the Deputy Chairperson has assisted PAP with secondment of staff when required in critical areas and times. During 2011, the office of the AUC Legal Counsel has worked with the PAP to facilitate workshops on legal matters. This office has consistently worked with the PAP to deal with disciplinary matters and offering legal advice when required. The PAP will work to deepen these inter-organs relations to promote effective working of the Union.

X. SPECIAL CONFERENCES

Global African Diaspora Parliamentarians Forum

34. The Assembly decided at the July Summit in Kampala, Uganda to host the Global African Diaspora Summit. This decision was reiterated by the Assembly at its January Summit in 2011 in Addis Ababa, Ethiopia. At the July AU summit in Malabo, Equatorial Guinea, the PAP proposed in its report to the Executive Council to support the Assembly decision to host the Diaspora Summit by hosting a Global African Diaspora Parliamentarians Forum. Indeed the Executive Council endorsed the request of the PAP to host the Parliamentarians equivalent of the Diaspora Summit.
35. In preparation for the First Forum, the PAP organized a preparatory meeting of the Forum, in close cooperation with the United Nations Office of the Special Adviser on Africa and the African Union Permanent Observer Mission to the United Nations on 16 February 2012 at the AU Mission offices in New York. The preparatory meeting discussed the format of the first Forum, the agenda, participation, logistics, budgetary and funding issues and expected outcome.

36. On 22 and 23 May 2012, the Pan-African Parliament held the first Global African Diaspora Parliamentarians Forum at its precincts in Midrand, Republic of South Africa. The occasion was graced by the Guest of Honour, Dr. Julius W. Garvey. It was attended by 70 Members of Parliament from North America, South America, Europe, and the Caribbean and some National Parliaments which have Committees dedicated to the issue of the African Diaspora. At least 150 Members of the Pan African Parliament participated in the meeting.

37. Dr. Julius W. Garvey was further requested by the Pan-African Parliament to lead a delegation of the Global Parliamentarians Diaspora Forum to the Heads of State Summit of the Global African Diaspora Summit that was held on 25 May 2012 in Johannesburg, Republic of South Africa. The delegation consisted of MPs and Experts from the Diaspora and was constituted by:-

- i. Hon Bethel N. Amadi - First Vice-President of the PAP
- ii. Hon. Hammi Laroussi - Third Vice President of the PAP
- iii. Hon Dos Santos Luiz Alberto - Deputy in the Lower House, Caucus Leader of The Diaspora Parliamentarians (Brazil)
- iv. Hon Gerda Gosepa - Speaker of the Independence Movement of Curacao
- v. Hon Abike Dabiri-Erewa - Chair of the Diaspora Committee of the House of Representatives of Nigeria
- vi. Bishop Rev. Dr Audley Neville James - Chairman of Elders, Council of the AU 6 Region Canada Foundation
- vii. Advocate Zwelethu L. Madasa - Clerk of Pan-African Parliament

38. The meeting ended with the adoption of a declaration. The Declaration summarized the outcome of the meeting and outlined measures to be implemented during the next five years and a Follow-up Mechanism to monitor implementation and assess the impact of the Diaspora process, was introduced. The idea of a Joint Parliamentary delegation was adopted and the meeting agreed to meet twice a year on the edges of the African Union Summits.

Conference of Speakers of African Parliaments

39. The 2011 Conference of Speakers of African Parliaments was held in October 2011 and was graced by the presence of the Guest Speaker, H.E Jerry John Rawlings, the AU High Representative for Somalia who also took the opportunity to address the Conference on the famine in Somalia.

40. The Conference deliberated on the report on African position on Climate Change and the preparations for COP17 and made recommendations on a number of issues, including the sensitization on the objectives of the Global Power Women Network-

an initiative seeking to ensure the achievement of Millennium Development goals pertaining to women and children.

41. The Speakers also resolved that all Speakers conscientize National Parliaments on the need to have a position which focuses on accepting the Kyoto principles; establish an adaptation Committee; and focus on the financial commitments to Africa;
42. The Speakers further resolved to adopt the resolution to prioritize policy and budget support for implementation of African Union Summit Decisions, in particular the Malabo July 2011 Summit Decision on the Summit theme of “Accelerating Youth Empowerment for Sustainable Development; and the Kampala July 2010 Summit Declaration on the Summit theme of “Actions on Maternal, Newborn and Child Health Development in Africa”

2011 Women’s Conference

43. The 2011 Women’s Conference was held on 29 and 30 September 2011 under the theme “***Strategies for the promotion of Peace, Justice and Security for Women in Africa***”.
44. The platform established a campaign slogan of “***No to War on the African Continent***”. It emphasised on the need to build the capacity of women in the domain of peace-keeping, conflict management and in political participation and establish an association of Former Women Parliamentarians on Peace, Justice and Security in Africa which shall be coordinated by the network of women Parliamentarians of the Pan-African Parliament and shall act within the framework of the South to South cooperation, in particular with Latin America,
45. The platform also resolved to establish a delegation of women in Africa for peace entitled ***The Initiative of African Women for Peace (IAWP)*** under the auspices of the Pan-African Parliament which shall be fully dedicated to the promotion of democracy, peace and security and will lobby for support from international institutions such as the African Union, United Nations and the World Bank.

2011 Clerks Consultative Dialogue

46. For the first time in its history, the PAP organised the first Clerks Consultative Dialogue, which was attended by Clerks/ Secretary Generals of National Assemblies/Parliaments and Regional Parliaments in Africa. The dialogue was held in October 2011 prior to the Annual Conference of Speakers of African Parliaments.

47. The dialogue created a platform for Clerks/Secretary Generals of Parliaments and Regional Parliaments to deliberate and share experiences on a number of Administrative matters.

48. The meeting focused on a number of issues, among which were:-

- Creation of a follow-up mechanism for the reports from the PAP to National and Regional Parliaments on continental and regional priorities;
- Parliamentary Frameworks for ratification and domestication of AU Decisions and Policies;
- Parliamentary frameworks to track the ratification of AU decisions;
- Annually review best practices and challenges being faced by Parliaments in ratifying and implementing AU standards and legal instruments;
- Reports on harmonization processes;
- Model laws requiring ratification and domestication;
- Modes of popularization of African Union Decisions
- Modalities at national level through relevant Parliamentary Committees and Members of the Pan African Parliament to regularly debate decisions taken at the AU and to take the follow up actions required;

49. The Clerks dialogue resolved to make the meeting an annual event for Clerks/Secretary Generals.

XI. RECOMMENDATIONS

50. In the light of the foregoing, the PAP hereby makes the following requests:-

- i. That, the Executive Council supports the adoption of the revised PAP Protocol in accordance with previous Executive Council and Assembly decisions, calling for the expeditious review of the Protocol to enable the PAP to play its role of deepening parliamentary democracy in the Continent of Africa more effectively.
- ii. That, the Executive Council supports the adoption of the PAP structure as proposed by the PRC in accordance with the previous Executive Council decisions urging the PRC to conclude the PAP structure.
- iii. That, the Executive Council ensures the implementation of its previous decisions that called on the PRC to make proposals on the treatment of the Members of Parliament within the Union's financial regulations regime. We further request that the budgetary process in the Union should be improved by adopting a timeous and inclusive process that will ensure the involvement of the organ whose budget is being considered for approval by the PRC.

- iv. With respect to AU Election Observer Missions, the PAP is cognizant of the Assembly decision to centralize Election Observer Missions in the Commission. It however, calls on the Executive Council to initiate a process of the review of the decision to allow the PAP to independently carry out its mandate in this regard and report the outcome accordingly.
- v. This recommendation is justified against the background that elections observation is a core mandate of parliaments (in this case the PAP) and the principle of separation of powers and responsibilities should be reflected in the process, in order to allow for the timeous and effective promotion of good governance, democracy and human rights in the African Continent.

51. Your Excellencies, the above account represents the modest activities undertaken by the PAP during the period under review. The PAP is poised to continue to deliver on its mandate as provided under the Constitutive Act of the AU. However, it is our considered view that the adoption of the above recommendations will make for more effective and efficient realization of the mandate of the PAP and ultimately of the objectives of the AU.



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