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EXECUTIVE COUNCIL

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**REPORT ON THE ACTIVITIES OF THE
PAN-AFRICAN PARLIAMENT (PAP)**

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



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**REPORT OF PAN AFRICAN PARLIAMENT
FOR THE PERIOD
JUNE 2013 TO JUNE 2014.**

**PRESENTED TO THE 28TH ORDINARY SESSION
OF**

**THE PERMANENT REPRESENTATIVES
COMMITTEE (PRC)**

1. INTRODUCTION

This report highlights some of the important activities of the Pan African Parliament between July 2013 and May 2014, showing the progress made and the challenges encountered. The report is predicated on the key deliverables of the organs of the PAP namely, the Plenary, the Bureau, the Committees and the Secretariat and highlights some of the key activities implemented within the period under review as presented hereunder.

2. PROTOCOL OF THE PAN-AFRICAN PARLIAMENT

As I had stated in my earlier report on the transformation process of the PAP, the draft amendment to the Protocol establishing the PAP underwent several rigorous validation meetings and workshops facilitated by the AU Commission and Government legal experts and was finally approved, without reservation by the Ministers of Justice and Attorneys General of member States in May 2012. The PRC in July 2012 approved the Draft, also without reservations. The Executive Council however approved the draft but with reservation on Article 8(1) (a) and Article 8(2), both dealing with legislative and oversight functions of the Parliament, respectively.

At the 20th Ordinary Session of 27-28 January 2013, the Assembly of the Union took note of the recommendation of the Executive Council contained in its Decision EX.CL/Dec. 707(XXI) on the amendment to the draft Protocol and decided that more in-depth consultations should be undertaken on the draft Protocol, with respect to its Articles 8.1(a) and 8.2 on legislative and oversight functions. The Assembly therefore decided to defer consideration of the draft Protocol to the next Ordinary Session in May 2013.

Since then, the PAP has embarked on advocacy visits to a number of member states and consulted with the Heads of State and relevant Senior Government officials on the issue. There was also a consultative workshop between the Bureau of the PAP and the Bureau of the PRC as well as with the office of the Legal Counsel on the same issue. Based on the outcomes of these consultations and after interaction with the AUC on the way forward, it was agreed that in order to address the concerns of some member States regarding the legislative powers of the PAP as provided under the Article 8(1)(a) and 8(2), the PAP in collaboration with the office of the Legal Counsel should propose a further amendment to the said

Articles. The resultant proposed amendments to Article 8(1)(a) and 8(2) was considered by the meeting of the Government Legal Experts on 6 to 14 May 2014 and their report was subsequently considered by the First Ministerial Meeting of the Specialized Technical Committee on Justice and Legal Affairs on 15 and 16 May 2014.

At the end of its deliberations on the envisaged legislative functions of the PAP, the Ministerial Meeting adopted the further amended Draft Protocol, paying particular attention to Article 8(1)(a) and 8(2) as revised. The meeting agreed that the PAP may exercise limited legislative powers or propose model laws on the subjects/areas that the Assembly shall determine. The meeting therefore agreed on the amendment of Article 8 as follows:

Article 8

Functions and powers

1. The Pan African Parliament shall be the legislative organ of the African Union.

In this regard:

- a) The Assembly shall determine the subjects/areas on which the Pan African Parliament may legislate or propose draft model laws;
- b) The Pan African Parliament may on its own make proposals on the subjects/areas on which it may legislate, submit or recommend draft Model Laws to the Assembly for its consideration and approval.

2. The Pan African parliament shall also:

- a) Receive and consider reports of other organs of the African Union as may be referred to it by the Council or the Assembly, including audit and other reports and make recommendations thereon;
- b) Debate and discuss its own budget and the budget of the Union and make recommendations thereon to the relevant policy organs;
- c) Establish any Parliamentary Committee and determine its function, mandate, composition and term of office;

- d) Discuss any matter relevant to the African union and make recommendations to the Council or the Assembly as it may deem appropriate;
- e) Make proposals to the Council on the structure of the Secretariat of the Parliament taking into account its needs;
- f) Request the attendance of officials of the other organs of the African Union at its sessions to offer assistance to the Parliament in the discharge of its duties;
- g) Promote the programmes and objectives of the African Union in Member States;
- h) Receive, consider and submit opinions on draft legal instruments, treaties and other international agreements as may be referred to it by the Council or assembly;
- i) Liaise with National Parliaments or other deliberative bodies and the Parliaments of the Regional Economic Communities on all matters relating to the African Union and regional integration in Africa;
- j) Carry out such other activities as it deems appropriate to achieve the objectives set out in Article 3 of this protocol.

Ten years after its establishment, we are convinced that the time has come for the Pan African Parliament to begin the gradual and phased acquisition of legislative functions in clearly defined areas, to enable it meet its mandate, hence the current transformation process for the attribution of legislative competence as envisaged under Article 11 of the existing Protocol. Thus, we are of the view that a transformed Pan African Parliament with legislative competence has a pivotal role to play and is indeed strategically needed as a catalyst for the achievement of the much desired African socio-economic continental integration as encapsulated in agenda 2063, by providing the required institutional and legislative framework.

On the other hand, a transformed PAP is needed to provide the African Union governance architecture with an organ that has sufficient capacity to facilitate the implementation of the decisions of the Assembly. This will go a long way towards meeting with the underlying vision of the founding fathers of our Union in establishing the PAP, that is, to become the voice of the peoples of Africa in matters concerning continental integration and shared development amongst all Africans.

3. UPDATE ON THE IMPLEMENTATION OF THE PAP ORGANIZATIONAL STRUCTURE

As I stated in our last report, we have now commenced implementation in accordance with the Executive Council Decision EX.CL/720(XX1), which *inter alia* provides that “All existing staff of PAP of all grades shall compete with both internal and external candidates of AU member states for the structured and budgeted positions in full transparency equity and fairness”.

Following the prioritised and advertised positions in conformity with the implementation methodologies, Deloitte Consulting and the Institutional Development Advisor under the supervision of the AUC and the Legal Counsel have concluded interviews of candidates for the six most senior positions of: the Clerk of Parliament; Deputy Clerk, Legislative Business and Conferences; Deputy Clerk, Finance, Administration and Human Resources; Head, Committees, Research, Documentation and Library; Head, Finance and Budget and Interpreter/Translator.

The recruitment and selection process were undertaken in a transparent, objective, non-discriminatory and professional manner, fully overseen and supervised by the AUC to ensure compliance with the AU recruitment guidelines as recommended by the Executive Council in its Decision on the implementation methodologies. Interviews for the rest of the candidates shortlisted for the other prioritized positions of (P3-GSA & GSB levels) out of forty-eight (48) positions for which vacancies announcement was placed are underway.

Once more, the PAP would like to use this opportunity to thank the Permanent Representatives Committee and the Executive Council for approving an organizational structure for the Pan African Parliament and for providing the necessary funding for the implementation.

4. PAN-AFRICAN PARLIAMENT (PAP) ORDINARY SESSIONS

In conformity with Rule 28(1) of the PAP Rules of Procedures, the Parliament had its Plenary sittings twice during the period under review, for the 3rd and 4th Ordinary Sessions of the third Parliament in October 2013 and March 2014 respectively. The Plenary debated and adopted resolutions and recommendations on issues related to

the mandate of the Parliament and other important matters affecting the interest of African Citizens.

4.1 The 3rd Ordinary Session of the third Parliament was held from 21st to 31st October 2013, the following Motions, Recommendations and Resolutions were considered and adopted:

- Recommendations on the situation in the Central African Republic;
- Recommendations on the situation in the Republic of Mali;
- Recommendations on the situation in Guinea;
- Recommendations on the situation in Kenya;
- Recommendations on the situation in the Democratic Republic of Congo;
- Recommendations on the situation in Somalia;
- Recommendations on Climate Change, Poverty and Energy;
- Recommendations on African illegal immigration;
- Resolution to Pay tribute to the Late Hon. Dr. Moussa Idriss Ndele;
- Resolution on the fundamental principles and policy priorities in family policies in Africa;
- Resolution on Making Agricultural Investment Work for Africa;
- Resolution on the dialogue on the existing relationship between PAP and UNAIDS on AIDS response;
- Resolution on the dispatch of a fact-finding mission to the Democratic Republic of Congo and Rwanda;
- Resolution on the dispatch of a mission of Goodwill to Kenya;
- Resolution on the Fact-Finding Mission to the Central African Republic;
- Resolution of on the Arms Trade Treaty (ATT);
- Resolution on the Improvement of the Energy Industry in Africa for Sustainable Development;
- Resolution on the re-commitment to the centrality of the African family.

4.2 The 4th Ordinary Session from 10th to 19th March, 2014 was however unique as it coincided with the celebrations of the 10th Year Anniversary of the establishment of the Pan African Parliament. The special session was attended by highly distinguished dignitaries, especially H.E Mohamed Ould Abdel Aziz, President of the Islamic Republic of Mauritania and Chairperson of the African Union, H.E Yoweri Museveni, President of the Republic

of Uganda, H.E Mohamed Abdelaziz, President of Saharawi Democratic Republic, H.E Jerry Rawlings, former President of the Republic of Ghana and many other special guests who also delivered speeches and goodwill messages on the occasion. We remain indebted to them for finding time to felicitate with us as we celebrated the 10 years anniversary of our existence.

During this session, there were debates on a number of key issues resulting in the adoption of the following recommendations and resolutions:

- Recommendations on the African Union Budget for 2015.
- Recommendations emanating from the Women Dialogue.
- Recommendations emanating from the Dialogue on youth.
- Recommendations from the Dialogue with the Civil Society.
- Resolution to Pay Tribute to the Former late President of South Africa H.E Nelson Rolihlahla Mandela.
- Resolutions on the achievement of the African Union Agenda 2063.

The recommendations of the Plenary at the 3rd and 4th ordinary sessions are herewith annexed as **Appendix 1**.

5. PAP STRATEGIC PLAN FOR 2014-2017

In October 2013, the PAP initiated the process for the formulation of its 2014-2017 Strategic Plan. The formulation process of the PAP 2014-2017 Strategic Plan was informed by experiences of the AUC and other similar regional organizations that have already developed their respective strategic plans. The process was highly consultative, participatory and holistic and involved PAP Bureau, PAP parliamentarians, AUC and PAP staff, Regional Parliaments, development Partners, civil society and other strategic external stakeholders envisaged to contribute in one way or the other, in the implementation of the Strategic Plan.

The PAP's new Strategic Plan (SP) was subsequently considered and adopted during the PAP's 4th Ordinary Session in March 2013. The new Strategic Plan embodies the strategic intent, niche and objectives of the PAP for the next four years and focuses on these six broad strategic areas: (i) Strengthen Parliamentary Legislative functions of the PAP; (ii) Provide a platform to mainstream African voices and those in the Diaspora into the AU Policy Making Process; (iii) Promote Human Rights, Democracy, and Good Governance in Africa; (iv) Promote peace, security and stability; (v) Promote

Integration and Development in Africa; and (vi) Strengthen institutional capacity of the Pan-African Parliament (PAP). With this new Strategic Plan the PAP has adopted and institutionalised a Result-Based Management (RBM) approach to improve on efficiency and effectiveness in its operations.

6. ELECTION OBSERVER MISSIONS

It cannot be gainsaid that the AU's election observation missions aims to secure the credibility of national electoral processes by ensuring that the principles of democracy, rule of law, human rights, free and fair results are achieved. The rationale is that the minimization of electoral fraud will guarantee people's confidence in the democratic process and thereby avoid post election conflicts.

Against the above background and in furtherance of the fulfilment of its objectives the Pan-African Parliament took part in several joint Election Observer missions. Members of the PAP participated in the Presidential and Parliamentary Elections held in the following Member States:

- Togo, 21 July 2013 - Parliamentary
- Mali, 28 July 2013 - Presidential
- Zimbabwe, 31 July 2013 – Presidential/Parliamentary
- Mali, 11 August 2013 – Presidential run-off
- Rwanda, 16 September 2013 - Parliamentary
- Swaziland, 20 September 2013 - Parliamentary
- Guinea, 24 September 2013 - Parliamentary
- Cameroon, 30 September 2013 – Parliamentary and Councils
- Mali, 24 November 2013 - Parliamentary
- Madagascar, 20 December 2013 - Presidential run-off
- Guinea Bissau, 16 March 2014 - Presidential
- Algeria, 17 April 2014 - Presidential
- South Africa, 07 May 2014 Presidential/Parliamentary and Provincial Legislatures
- Malawi, 20 May 2014 - Presidential/Parliamentary
- Egypt, 26 to 28 May 2014 - Presidential

We believe that members of the PAP possess the requisite knowledge and experience on matters of elections. Hence the participation of the MPs in the management of the process both before and during the election is critical and should be

strengthened for more effective coordination and good results. The PAP has established an election Unit and therefore needs the support of the AU.

7. FACT-FINDING MISSION TO THE CENTRAL AFRICAN REPUBLIC

Following the continued deterioration in the political, security and humanitarian situation in the Central African Republic, the PAP dispatched a fact-finding mission to the country from 2nd to 4th October 2013, in order to gather adequate information that will enable the PAP to propose solutions to the crisis in that country.

On the strength of the information gathered from the mission, the PAP made far reaching recommendations calling on the African Union to accelerate the deployment of the International Support Mission in the Central African Republic (MISCA) throughout the country to provide a conducive climate for the organization of a transparent, free and fair elections; re-settlement of displaced persons and provision of humanitarian assistance by the transitional government; the need for the African Union to take measures towards lifting the economic sanctions on the Central African Republic to enable capacity building and payment for public services and for partners to resume support to the CAR; urgent disarmament of national and foreign mercenaries and to expel the foreigners from the country to make room for conducive environment for free and credible elections; the need for the international community to put pressure on the three leading actors managing the transition to work together; the urgent need for the AU to address the issues of violation of human rights and inclusive dialogue with all stakeholders in order to establish a peaceful climate before elections.

The full report is herewith annexed as ***Appendix 2***.

8. INTERNATIONAL RELATIONS AND STRATEGIC PARTNERSHIPS

8.1 The development of a collaborative approach on engagement by the PAP has resulted in a more strategic and coordinated approach to partnerships with international and regional organisations and with the civil society. During the reporting period, the PAP engaged with the European Parliament (EP), the European Union (EU), and the United Nations (UN) with regard to strengthening partnerships to deliver more effective outcomes.

The PAP continues to maintain a good relationship with its partners who have continued to support its programmes, particularly the EC, the GIZ, the UNDP, OXFAM, OSISA and SAT.

8.2. The Inter-Parliamentary Assembly of the Commonwealth of Independent States: 28th to 30th November, 2013

The Russian Federation is a major Member State of the Parliamentary Assembly of the Commonwealth of Independent States (CIS) Assembly. It is part of the BRICS countries that have a cooperation agreement with the AU. The Russian Federation is also a member of the UN Security Council. The PAP has signed a memorandum of understanding with the CIS for mutual co-operation.

Upon invitation by the CIS, a delegation of the President of the PAP and the Clerk of Parliament attended the Assembly deliberations from 28th to 30th November, 2014. The President of PAP addressed the Assembly and the delegation had bilateral meetings with prominent Russian government officials. The outcome of the mission was the further strengthening of the relations between the PAP and the CIS and the indication by the Secretary General of the CIS of his willingness to send staff to PAP to help build the capacity of the PAP to prepare model laws.

8.3 The 3rd Joint Africa Europe Strategy (JAES): 31st March to 3rd April, 2014

Following an invitation by the European Parliament, the President of the PAP led a PAP delegation to Brussels for the Third Parliamentary meeting on the Joint Africa Europe Strategy (JAES) held from 31st March to 1st April, 2014. It will be recalled that the PAP and the EP are key stakeholders in the institutional architecture of the Joint Africa Europe Strategy.

The main item on the Agenda for the meeting was the assessment of the Joint Africa Europe Strategy 2010-2013. After inter-parliamentary engagements from both sides on the emerging issues from the progress report, the two parliaments adopted a joint declaration on the way forward which was presented to the meeting of the Heads of State and Governments for the 4th Joint Africa Europe Summit. The core outcomes of the summit can be summarised as follows:

- The need for parliamentary role to be strengthened further to enhance democracy and transparency in the field of Africa-EU relations;
- The commitment to fight impunity which should remain high on the agenda within the formal dialogue on human rights and democratic governance.
- The need to focus on a limited number of realistic flagship objectives in the following priority areas were recommended.

(i) On peace and security

The achievements of the African Peace Facility should be sustained and developed during the next Joint Africa-EU Strategy implementation period while the setting up of African Peace and Security Architecture should be supported.

(ii) On macro-economic governance

In order to allow people-centred inclusive development, attention to enhancing macro-economic governance should be promoted, starting at a continental level and trickling down to all state levels. Fair and effective taxation systems should be established and enforced to ensure sustainable state revenue for the provision of effective services to citizens. Companies should pay their taxes in the country where they operate and generate their profits. Ambitious efforts must be made in both Europe and Africa to combat tax evasion, tax avoidance and illicit financial flows, which currently cost African countries billions of dollars every year.

(iii) On economic development and trade

The next Joint Africa-EU Strategy implementation period should propose concrete action for continental cooperation in the areas of education and the development of infrastructure, which should be supported by necessary funding. Intra-African trade and adding value to African products should be supported as having great potential to create sustainable economic development, so as to reduce economic dependence and to create employment.

(iv) On social issues

The two parliaments committed themselves to monitor the commitments and implementation of the MDG Post-2015 framework particularly in the areas of ending child, early and forced marriage and female genital mutilation, especially by ensuring that their root causes such as poverty, lack of education

and cultural norms are addressed in order to tackle the societal inequalities faced by girls and women.

Concerns were also expressed regarding recent developments in terms of increased tension, discrimination and persecution in certain parts of the African continent on the basis of race or religion and the denial of minority rights. However, on the issue of discrimination on grounds of sexual orientation, there was a divergence of opinion between Members of the Pan African Parliament and the European Parliament.

It was recommended that the management of migratory flows must be undertaken in a dialogue and in cooperation with countries of origin, transit and destination. Measures must also be adopted to address the causes and often fatal consequences of migration and human trafficking from African countries to Europe.

On the Western Sahara issue, the opinion was that it must be solved in the framework of the United Nations and through dialogue with all parties concerned and calls on the African Union and the European Union to be helpful in this regard.

Finally, the meeting concluded that though the IVth Africa-EU Summit is taking place at a challenging time, it is important that progress and achievements already in place should not be adversely affected by budget cuts in the EU, resulting in reductions for development cooperation. The Pan-African Parliament and the European Parliament, National and Regional Parliaments, as well as the civil societies on both continents must be fully involved in decision-making at their respective levels in order to ensure that the basic principles of democracy, good governance and the rule of law are upheld.

8.4. TICAD-V: 1st to 3rd June, 2013

In keeping with the provisions of Article 3(7) of the Protocol establishing the PAP which requires the PAP to facilitate cooperation and development in Africa, at the invitation of the Government of Japan, the delegation of the PAP to Japan attended the TICAD-V conference from 1st to 3rd June 2013. The TICAD-V conference was co-organized by Japan, the United Nations, the World Bank and the AU.

8.5 20th Anniversary of the General Assembly of the Inter-Parliamentary Assembly on Orthodoxy, Greece: 26th June to 1st July, 2013

Within the framework of the implementation of the Co-operation Agreement between the PAP and the Inter-Parliamentary Assembly on Orthodoxy, the PAP participated in the 20th Anniversary of the General Assembly of the Inter-parliamentary Assembly on Orthodoxy, held from 26th June to 1st July 2013 in Athens, Greece. The conference considered a number of themes including “Parliamentary Democracy- Christianity-Orthodoxy: values and concepts”, “Orthodoxy and Democracy”, “Christianity and Politics in the world of tomorrow”, and “Values and concepts of modern era”.

9. SEMINARS AND CONFERENCES

During the period under review the PAP organised and participated in the following seminars and conferences:

9.1 African Speakers’ Conference: 15th to 16th August, 2013

Consistent with our tradition in line with Article 18 of the Protocol establishing the PAP which requires the PAP to work in close collaboration with national Parliaments and Regional Parliamentary Bodies, the PAP organised the 2013 Annual Speakers Conference which was preceded by a Meeting of the Clerks of African Parliaments on the 15th and 16th August 2013. The Conference was opened by the former President of Cape Verd, H.E Pedro Pirez who made a powerful expose on Pan Africanism and African Renaissance.

The conference affirmed that: Pan Africanism and African renaissance is a vital engine of African integration and growth and that there is need to reflect on the progress made to date on African integration. On the issue of the transformation of the Pan African Parliament, the Conference resolved that special attention should be paid to the Draft Amended Protocol of the PAP and recommended that National Parliaments should take the responsibility of sensitizing the Heads of States and Ministers of Foreign Affairs on the need for the PAP to be endowed with legislative functions to develop draft model laws. This will support the harmonization of legislations on the continent and create a legal framework for continental integration particularly in the areas of trade and free movement of persons. In this regard, the conference

recommended that the PAP should work in conjunction with Regional and National Parliaments to harmonize legislations and remove current barriers militating against the growth of inter-African trade.

It was further agreed that the National and Sub Regional Parliaments in collaboration with the AUC should be part of the development process of the AU charters and legal instruments to ensure the necessary ownership and thereby enable speedy ratification and domestication.

9.2 Meeting with Speakers of Regional Parliamentary Assemblies

In accordance with Article 18 of the Protocol establishing the PAP which requires the PAP to convene annual consultative fora with regional Parliamentary bodies, the Bureau of the PAP met with the Speakers of the SADC-PF, ECOWAS-P, EALA and CEMAC on 16th August 2013. The purpose of the meeting was to discuss the following matters:

- How to collaborate on the harmonization and co-ordination of laws of member states;
- How to contribute to the integration agenda; and
- The promotion of AU Decisions in Member states.

At the end of their deliberations, the meeting agreed to hold this meeting annually on the edges of the African Speaker's conference organised by the PAP and proclaimed their support for the transformation process of the PAP to a continental parliament with legislative mandate. The conference also took stock of the progress made to date on intra-African trade and the ratification and domestication of AU instruments pertaining to AGA and agreed on the need for collective support.

9.2 Dialogue on Women, 14th March 2014 under the theme, "Ten years of existence of the Pan African Parliament: Reflections on its Role".

The PAP organised the Women's Dialogue Conference in March 2014 to facilitate dialogue and the sharing of good practices on gender responsive conflict prevention and peace building initiatives. The Meeting facilitated high-level dialogue on gender dimensions and challenges relating to gender-based issues as detailed below:

- Women's leadership and participation in decision-making;
- Achieving social and economic empowerment of women;
- Addressing maternal health (including issues of women's sexual and reproductive rights); and
- Promoting peace and security of women, including addressing all forms of violence against women.

The dialogue helped in the advocacy to encourage Member States, national parliaments and civil society to ensure women participation in politics and decision-making.

9.4 Dialogue on Civil Society: 15th March, 2014

On 15th May, 2014 civil society organisations including grassroots organisations, intellectuals, academia, private sector, met in Midrand to dialogue face to face with Members of the Pan African Parliament in the Parliament chamber. The meeting focused on strategies to achieve African renewal through the African Union Vision 2063.

At the end of the dialogue, it was resolved that the major challenge facing the continent is to develop industries to process raw materials into exportable, value added products. In this connection, the role of the private sector as a driver for economic growth is critical. To reduce poverty and increase shared responsibility, especially for young people, future growth will need to create employment.

Achieving MDGs requires an enabling environment at national, regional and global levels. Some of the enablers which are prerequisites for the post 2015 agenda are peace, security, good governance, transparency, and fighting corruption, human rights for all, regional integration and strengthened institutional capacity. The new development framework should carry forward those MDGs that are still relevant to today's world, emerging issues that perpetuate poverty, deforestation, land degradation, desertification and loss of biodiversity and climate change.

It was finally resolved that the civil society organisations should engage with the PAP as a matter of priority because the PAP is the only legitimate forum with a mandate to represent the peoples of Africa and that its transformation into an organ of the AU with legislative competence should be accelerated.

9.5 Dialogue on Youth, 17th March 2014

This event was organised in collaboration with the Pan-African Youth Council (PAYC). It focused on youth issues in order to strengthen youth legislation. The event brought hundreds of young people together to agree on a common youth position on key issues affecting the youth which were reflected in the PAP Youth Dialogue Declaration on:

- Youth, unemployment and migration;
- Youth, education and skills acquisition;
- Youth and peace and security;
- Youth and political participation;
- Youth and health in Africa.

Concluding, the Dialogue mandated the PAP to deepen interaction with African Youth and to reflect on its role on the above issues.

10. ACTIVITIES OF COMMITTEES AND REGIONAL CAUCUSES

10.1 Joint Committee Session of the PAP and the Parliamentarians for Global Action (PGA) on the Arms Trade Treaty, 17th to 18th October, 2013

This Joint Session was held in the precincts of PAP and was jointly organized and sponsored by the PAP, the PGA and the German Government on the Arms Trade Treaty (ATT). The purpose was to familiarize the Members of the respective Committee with the Arms Trade Treaty and its goals with a view to heighten understanding of the key role that MPs can play in making the ATT a robust reality. Furthermore, the session facilitated the introduction of the PGA Global Parliamentary Handbook on Ratification and Implementation on the ATT and the PGA Parliamentary Toolkit on the ATT. Possible steps were identified to be taken by MPs to facilitate early ratification and implementation of the ATT and a PAP/PGA Group was established to continue the advocacy on the ATT and other goals of the two institutions.

The Workshop concluded with a communiqué (Midrand Communiqué) and launched the PAP-PGA Group as an entity that will facilitate joint ongoing actions and deliberations to secure early entry into force of the ATT and identify optimal means to ensure its robust implementation.

10.2 Making Agricultural Investment Work for Africa”, 8th to 9th November, 2013, Malabo, Equatorial Guinea

The Pan African Parliament (PAP) and the Parliament of the Economic and Monetary Community of Central Africa (CEMAC) organized a seminar under the theme “*Making Agricultural Investment works for Africa: A Parliamentarian’s response to the Land Rush*”, on 8th to 9th November, 2013 in Malabo, Equatorial Guinea. The objectives of the seminar is to raise awareness among parliamentarians on the current scale and impact of foreign direct investment in land and water in Central Africa region and to strengthen land policy and governance.

The seminar seeks to support PAP and CEMAC members to develop a detailed action plan to ensure that foreign investment in agriculture also brings tangible benefits to local communities including the most vulnerable populations, small-holder farmers and women farmers.

10.3 Exchange Visit and Sharing of Experience on Transhumance and Pastoralism in West Africa, 12th to 16th November, 2013, Burkina Faso

The Pan-African Parliament (PAP) participated in the Exchange Workshop on Livestock Policy and Pastoralism in Africa which was organized by the African Union Inter-African Bureau for Animal Resources (AU-IBAR), in Ouagadougou, Burkina Faso from 12 to 16 November, 2013. The workshop was organized in the framework of the on-going collaboration between the African Union Commission Department of Rural Economy and Agriculture (DREA) and the Pan African Parliament (PAP) Committee on Rural Economy, Agriculture, Natural Resources and Environment.

10.4 African Parliamentary Engagement with the Millennium Development Goals (MDGs) and the Post-2015 Agenda, 20-21 November 2013

The United Nations Development Programme (UNDP) Regional Bureau for Africa in partnership with the PAP, the African Parliamentary Network (APKN), the African Union’s High Level Committee (HLC) Secretariat on the Post-2015 Agenda and the Regional UNDG and the United Nations Millennium Campaign (UNMC), organized this meeting at the PAP precincts in Midrand,

South Africa. The goal was to develop a common understanding and strategies on parliamentary engagement on the Post 2015 Development Agenda and design mechanisms to enhance parliamentary participation and how to influence the process to evolve people oriented goals from the target beneficiaries.

The meeting concluded with an adoption of an Outcome Statement and Next Steps on deepening parliamentary engagement in the Post 2015 Development Agenda.

10.5 Media Legislative Reforms and Transforming State Broadcasters into Public Broadcasters in Africa, 1st to 3rd December, 2013

This conference was organised by the Committee on Justice to share the knowledge generated on public broadcasting in Africa over a five-year period in 11 countries. The conference uses upstream advocacy to map out a strategy for attaining impact at national, regional and continental levels by identifying champions that can leverage their positions (law makers, regulators, policy makers, CSOs etc.).

Furthermore, the conference targeted media legislative reforms in Africa as a priority and highlighted the need for integrity, transparency and accountability in the digital migration process to ensure that AU member states involve all stakeholders in the consultation process.

10.6 Role of the Pan African Parliament in Championing the campaign for the Ratification, Domestication and Implementation of the Charter on Democracy, Elections and Governance (ACDEG), Dar-es-Salaam, Tanzania, 5th to 7th December, 2013

The Pan African Parliament (PAP) in collaboration with the State of the Union (SOTU), organized workshop on the role of Pan African Parliament to champion for the Ratification, Domestication and Implementation of the Charter on Democracy, Elections and Governance on 5th to 7th December, 2013 in Dar-es-Salaam, Tanzania. The aim was to introduce members of the PAP to the provisions of the ACDEG and the practicalities for its ratification, domestication and implementation. The workshop also focused on issues relating to best practices, emerging trends and the implications of implementation or lack of implementation to the

well-being of the East African region. The workshop enhanced the capacity of the PAP members to use their parliamentary role in pushing for the ratification, implementation and domestication of instruments.

10.7 Parliamentary Roundtable on Strengthening Advocacy and Partnerships in responding to AIDS, Tuberculosis and Malaria in Africa, 25th to 26th March, 2014, Midrand, South Africa

The meeting took place at PAP precincts and was co-hosted by the AUC and the PAP. The purpose of the roundtable was to deliberate on ways that lawmakers can effectively utilise their legislative oversight, budget appropriation and expenditure tracking mandate and accelerate advocacy and accountability efforts in the implementation of the AU Roadmap on Shared Responsibility and Global Solidarity for AIDS, TB and Malaria (2012-2015).

10.8 Consultation between the Pan-African Parliament (PAP) and the Technical Team of the African Union Commission on the Role of PAP in the Agenda 2063

The focus of the consultation was to discuss and develop links between Agenda 2063 and PAP to ensure that Agenda 2063 builds upon and brings on board the PAP Programme and experiences, solicit inputs of the PAP Technical team on the draft Agenda 2063 document to facilitate its finalization, discuss with PAP on Agenda 2063 implementation arrangements, including in particular the roles and responsibilities of the PAP in relation to other AUC Organs and to identify key issues from the PAP for inclusion in the Agenda 2063. In effect, the PAP highlighted the following issues for consideration in the Agenda 2063 formulation process:

- ***Need to identify women and youth as true agents of change*** within the context of renewing emphasis and recognition of women and youth as the true agents of change in Africa by establishing platforms to motivate their involvement in Africa's political process and developmental agenda.
- ***Need for greater synergy between the Pan African Parliament and the AUC*** in the development and formulation of the policies, objectives and modalities of implementation of Agenda 2063 which should occur at the development stage.

- ***Need for building strong institutions and transformational leadership:*** For the achievement of the aspirations of Agenda 2063, the need for transformational leadership and stable polity cannot be over stressed. This must be rooted in a strong and reliable public institution necessary for the actualization of the principles of democratic governance, rule of law and free and fair elections.
- ***Need to establish a continental legislative institution or platform:*** The Agenda 2063 framework is being designed against the backdrop of prior continental frameworks that regrettably failed to reach its desired outcome. Both the Lagos Plan of Action and the Abuja Treaty embraced principles and goals manifested in the agenda 2063 with particular reference to industrialization, trade and investment and economic and social development. Given that the failures of prior frameworks have been authoritatively linked to the “absence of a strong continental coordinating mechanism” the transformation of the PAP from a consultative and advisory body to an institution with legislative competence needs to be incorporated in the current draft of Agenda 2063.

11. PRESENTATION AND DISCUSSION OF THE AFRICAN UNION BUDGET: 13TH MARCH, 2014

At the 3rd Ordinary Session of the 3rd Parliament, the African Union Commission was requested to present to the Parliament for discussion, the 2015 African Union Draft Budget as provided under Article 11(2) of the current Protocol Establishing the Pan African Parliament. The presentation was made by H.E Mr. Erasmus Mwencha, the Deputy Chairperson of the African Union Commission at the 4th Ordinary Session of the 3rd Parliament. For the very first time since the inception of the Parliament, the African Union Draft Budget was discussed and recommendations thereon made prior to its approval by the Assembly. As one of the organs charged with the responsibility of making an input into the budget, the PAP, the AUC and the PRC will continue to work together in preparing the African Union budget for greater effectiveness.

12. INTER-ORGAN COLLABORATION

Collaboration with AU Organs is an integral factor in achieving the overall objectives of the Pan-African Parliament (PAP). Conscious of this fact and in conformity with its mandate, the PAP takes the

initiative to forge inter-organ relationships within the African Union governance architecture for synergy and more effective performance.

12.1 Collaboration with the AUC

The PAP has re-aligned its 10 thematic Committees to those of the AUC Departments to enhance the oversight function of the PAP. This relationship has enhanced the sharing of information, development of joint programme and the alignment of the PAP's Strategic Plan and the Strategic Planning processes to embark on joint programmes.

12.2 African Governance Architecture (AGA)

The Pan-African Parliament (PAP) is a key organ involved in the implementation of the African Governance Architecture (AGA). The African Governance Architecture (AGA) is the continental institutional framework aimed at connecting, empowering and building capacities of African peoples in strengthening governance and consolidating democracy in Africa. The AGA is conceived as the overall political and institutional framework for the promotion, protection and sustenance of democracy, governance, human rights and humanitarian assistance on the continent. It embodies the aspirations of African peoples and their determination to improve their lives with dignity by consolidating democratic values and principles.

As part of efforts aimed at full operationalization of the AGA, an Inter Organ technical consultation involving the four key organs of the AGA, namely the African Commission on Human and Peoples' Rights; the African Court on Human and Peoples' Rights, the Pan African Parliament and the Department of Political Affairs, was convened in Cape Town, South Africa from May 19th to May 23rd, 2014 with a view to fostering a common understanding, appreciation and ownership of the AGA by four of the key members of the African Governance Platform. At the end of the workshop, AGA Base Documents and a Joint Action Plan to be implemented jointly by the organs were developed.

12.3 Consultative meeting between the Bureau of the PAP and the Bureau of the PRC: 10 – 12 May, 2014 in Johannesburg, South Africa

The PAP believes that collaboration and co-operation between the PAP and the PRC is necessary for more effective performance and support to the Executive Council and the Assembly in the African Union decision-making processes. In furtherance of this working relationship, the PAP with the support of office of the Legal Counsel facilitated a meeting between the Bureau of the PAP and the Bureau of the PRC between 10th and 12th May, 2014 in Johannesburg, South Africa.

The major outcome of the meeting was a proposal for further amendment of Articles 8(1)(a) and 8(2) of the Draft Amended Protocol to address the concerns of the member States following further consultations as requested by the Assembly, for the consideration of the policy organs.

13. ADMINISTRATIVE AND FINANCIAL MATTERS

A summary of key administrative and financial initiatives undertaken and noteworthy outcomes achieved are in the following core areas of operations:

13.1 The PAP has put in place internal control systems and has increased the staff strength within the finance unit which has impacted positively on the overall performance of the Unit. The PAP received an audit opinion from the Internal Auditor of PAP for the fiscal year ending December 31, 2013 and completed an assessment of the adequacy of internal controls and implemented corrective action plans as required. Furthermore, the Unit met the requirements and deadlines set by the PAP/AU for developing and submitting all 2013/2014 budget components, including financial plans.

13.2 During the period under review, the Secretariat also received External Board of Auditors from the AU and partner organisations to evaluate and audit some of the activities of the PAP. Overall, the PAP audit reports during the period were unqualified due to improvements in the financial unit which impacted positively on

our financial and accounting services including: payroll needs, budget execution and proper management of our finances generally.

13.3 In the same vein, there was marked improvement in the HR unit which drastically reduced the cost of leave days accumulation by staff, as leave rosters are now properly managed so that the staff now take their leave whenever it is due.

14. KEY CHALLENGES

14.1 Inadequate Financial Resources

The inadequacy of the approved budget for the execution of the PAP's programmes and activities remain a major challenge for the institution. Even with the approved budget, only part of same is released. The PAP, like most other AU Organs, relies heavily on financial and technical support from donors to implement its programmes. This has not augured well for the effective implementation of its mandate and therefore needs to be addressed as a matter of priority.

14.2 Limited mandate

The Pan African Parliament currently has only advisory and consultative role. Though the Protocol provides for its revision after 5 years, to endow it with the gradual legislative competence as envisaged in Article 11 of the Protocol Establishing the Economic Community relating to the Pan African Parliament, the draft amendment which has been before the Assembly since May 2012 is yet to be adopted. This does not augure well for the effective execution of its mandate, particularly as it regards the establishment of the legal framework for the implementation of the programmes and policies of the African Union.

14.3 Secretariat staffing

The inadequacy of the required number of professional secretariat staff for the effective execution of the mandate of the PAP remains a challenge. However with the approval of the PAP organisational structure and the provision of the necessary fund for its execution, the recruitment process is ongoing. It is hoped that at the fullness of time, this challenge will be a thing of the past.

15. CONCLUSION AND RECOMMENDATIONS

15.1 Within the limit of its capacity as a mere consultative and advisory organ and despite its funding challenges, the PAP has achieved milestones in the execution of its mandate as can be deduced from this activity report. We believe that with enhanced role and adequate funding, the PAP will no doubt perform more effectively.

15.2 The PAP also believes that Agenda 2063 provides a unique platform to actualize the vision of the founding fathers of the AU. Given the failures of the past frameworks, it has become imperative that for continental growth, development and sustainability, the PAP as a continental Parliamentary organ of the African Union needs to be strengthened as a veritable instrument integral to the realization of the aspirations, goals and milestones of Agenda 2063.

15.3 Against the above background, we implore Your Excellencies to use your good offices to support the adoption of the draft Protocol amendment in its entirety by the Assembly, as earlier approved by the Ministers of Justice and Attorneys General and the Permanent Representatives Committee of the AU Member States and further revised and adopted by the First Ministerial Meeting of the Specialized Technical Committee on Justice and Legal Affairs with respect to Articles 8(1)(a) and 8(2).

THIRD ORDINARY SESSION
OF THE PAN-AFRICAN PARLIAMENT
October 21 to 31, 2013
DRAFT RESOLUTIONS

THIRD PARLIAMENT

THIRD ORDINARY SESSION

OF THE PAN-AFRICAN PARLIAMENT

October 21 to 31, 2013

DRAFT RESOLUTIONS

PAP.3/PL/Res. 01(III)

1. Resolution to Pay tribute to the Late Hon. Dr. Moussa Idriss Ndele

Cognisant of the contribution made by H.E **Hon. Dr. Moussa Idriss Ndele** in steering the Pan African Parliament (PAP) during times of change;

Noting the role he played in lobbying Heads of States and Governments to transform the PAP into a legislature and his advocacy work for the promotion of the African Charter on Democracy, Elections and Governance, that le the Charter to enter into force on 15th February 2012;

Further noting that H.E. **Idriss Ndele** led by example and left no record implicating him in any corruption or abuse of office;

Appreciating that as a person he was a peacemaker and made his office accessible to any Member for consultation;

Recognising that his humility challenged Members and set a good example to be emulated by leaders after him;

The Pan-African Parliament resolves to:

1. Pay glowing tribute to the late former President of the Pan African Parliament H.E. Hon. Dr. Hon. **Moussa Idriss Ndele Moussa** who passed on 19th May 2013; and express its greatest appreciation for the mature and skilful manner he steered the 2nd Parliament and his great service for the People of Africa.
2. To name the Pan African parliament Chamber: ***Hon. Dr. Moussa Idriss Ndele Hall.***

2. Resolution on the fundamental principles and policy priorities in family policies in Africa

Recognising the need to maintain and emphasize core African family values and strengthening the African Family;

Noting that PAP should utilize the 50th Anniversary of the African Union to stimulate the debate in member states of Pan Africanism and African Renaissance;

Further Noting that Pan-African Parliament should play a proactive role to advocate for the implementation of the African Social Policy Framework and the Plan of Action on the Family;

Conscious that focal points should be identified in National Parliaments to report on the implementation of the African Common Position and the Plan of Action on the Family;

The Pan-African Parliament therefore resolves:

1. That core African family values should be emphasized and the need to strengthen the African family.

3. Resolution on Making Agricultural Investment Work for Africa

Conscious of the need to invest in the development of Africa, in particular in the agricultural sector and the rural areas;

Nothing with great concern the recent increase in land grabs as well as the impact of direct foreign and local investments on land, water resources and related natural resources;

Concerned about the negative impact of land grabbing on human rights, in particular on the vulnerable populations and women;

Preoccupied with the guarantee of access to land for all users in order to improve agricultural production and the living conditions of the populations;

Reaffirming our commitment in favour of sustainable development and determined to uphold human dignity for all;

Cognisant of the importance of attaining the Millennium Development Goals (MDGs) and acknowledging that eradication of poverty, hunger, and malnutrition and protection of natural resources is essential for sustainable development;

Recognizing the importance of defending and promoting the principles of equality and equity among our peoples;

Further Recognizing the AU Declaration on Land Issues and Challenges in Africa, the Protocol to the African Charter on Human and people's rights on the rights of women in Africa, the solemn Declaration on Gender Equality in Africa, the Framework and Guidelines on Land Policy and the Nairobi Action Plan;

Acknowledging the importance of the Maputo Declaration of 2003 on Agriculture and Food Security in Africa, in particular the commitment to devote 10% of the national budget to the implementation of agricultural and rural development policies;

Further Acknowledging that AU and partners have put in place the GrowAfrica initiative to promote and guide private investments in agriculture in member States;

The Pan African therefore resolves:

1. That mobilization of public opinion and governments on the on the question of land grabs and raise awareness among citizens through public campaigns and special Parliamentary debates.
2. To Advocate at national and international level with a view to mobilizing resources to promote agriculture in Africa and at each National Parliament level during the study and voting of the budget in order to secure the implementation of the 2003 Maputo declaration.
3. Undertake to call on the African Union and all other African Regional Institutions and organizations to support the implementation of this program of making investments in agriculture work for Africa.
4. Advocate for the creation of a network of parliamentarians on responsible governance of investment and land under the auspices of the Pan African Parliament, East African Legislative Assembly, West African Economic and Monetary Union (UEMOA)- Parliament, Economic Community of West African States (ECOWAS) – Parliament, Economic Community of Central African States (CEMAC) – Parliament, Southern African Development community (SADC)- Parliamentary Union and European Parliamentarians with Africa (AWEPA).

4. **Resolution on the dialogue on the existing relationship between PAP and UNAIDS on AIDS response**

Recognizing that HIV–AIDS remains a key priority in continental and national agenda;

Noting the need to continue to design, adopt and oversee the implementation of legislation that protects human rights and advances effective HIV prevention, care and treatment programs;

Determined to be overseers of government activity and ensure that government commitments to HIV are respected;

Further determined exercise oversight of national budget appropriations and advocate for adequate and cost effective funding to be provided to both national and international AIDS programmes;

Acknowledging the need to develop a Continental Model Law on HIV-AIDS building on the regional experiences of SADC, EAC and ECOWAS;

Further Acknowledging the need to develop and African HIV Charter in collaboration with the African Union;

Aware of the urgent need to develop regional hubs for drugs production in Africa, continued investment in research on HIV vaccines and improvement of African Research Capacity, universal treatment on the continent and innovative financing for HIV within the continent and promoting inter country/region learning of the same;

The Pan African Parliament therefore resolves:

1. To develop the Parliamentarian Hand Book on AIDS for Africa.
2. To create a continuous information sharing medium to support learning and continuous information flow.
3. To develop a concrete action-plan to operationalise the Memorandum of Understanding.

4. To organize a leadership session during Independent Communications Authority of South Africa ICASA 2013 in Cape Town whose primary audience would be regional parliaments and partner parliamentarians of the Continent. The purpose of the session is skills building and an opportunity to review the implementation of the AU road map on shared responsibilities and plan for the way forward.
5. To build capacity of PAP members to understand drug production and pharmaceutical issues including TRIPS.
6. To establish a PAP members network on HIV to enhance networking and exchange of experiences.
7. To encourage all parliamentarians to play a leading role in the HIV response.
8. To harmonize and strengthen the capacity of the African parliamentary Committees involved in HIV response.
9. That PAP members monitor the implementation of continental commitments including the AU roadmap on Shared Responsibilities.
10. UNAIDS and PAP Secretariat to develop country score cards that specifically include gender and HIV indicators for use by Parliamentarians which cards will provide status of country HIV epidemic and response including implementation of the continental and global commitments.

5. Resolution on the dispatch of a fact-finding mission to the Democratic Republic of Congo and Rwanda

CONCERNED by the persistence of war raging in eastern Democratic Republic of Congo, including the political and military standoff with the M23 and the strained relations with Rwanda;

NOTING that many communities are affected by the violence in this region of DRC;

TAKING ACCOUNT of its role in promoting peace, stability and security on the African continent;

The Pan-African Parliament decided:

1. That a fact-finding mission be sent to the Democratic Republic of Congo and Rwanda urgently in order to gather all information on the situation prevailing in eastern DRC.

6. Resolution on the dispatch of a mission of Goodwill to Kenya

CONSIDERING that the elections of March 2013 in Kenya were fruitful and peaceful;

RECALLING the painful experience endured by the people of Kenya following the highly disputed 2007 elections;

RECOGNISING that the successful holding of these elections is a good example for African countries, and that political leaders as well as Kenyan citizens are to be commended for this recognition;

RECALLING its resolution no. PAP.3/PL/Res.12(II) adopted in May 2013 on the dispatch of a mission of goodwill to Kenya;

TAKING ACCOUNT of its role as promoter of peace and security on the African continent;

The Pan-African Parliament decides:

1. To send a goodwill mission to Kenya to express its profound gratitude and demonstrate solidarity with political leaders and the people of Kenya for the fruitful and peaceful elections held in March 2013.

7. Resolution on the Fact-Finding Mission to the Central African Republic

Aware of the prevailing political, security and humanitarian situation in the Central African Republic;

Noting the rapid deterioration and fragility of the humanitarian peace and security situation which hinders the free movement of persons and goods in the Central African Republic;

Noting Further the presence of heavily armed Central African Militias and foreign mercenaries in the country and the need to expel the mercenaries;

Concerned by the displacement of persons from their homes and need to facilitate the provision of humanitarian assistance and other social services such as health, education, water and food;

Concerned Further by the serious violations of human rights and the prevailing impunity;

The Pan-African Parliament resolves:

1. To organize an inclusive dialogue between all strata of Central Africans society for the establishment of a peaceful climate before the organization of elections.
2. To call on the African Union to organize a continental meeting with all stakeholders of the conflict.
3. To call on the African Committee on Human and People's Rights to respond to the grievous violation of Human Rights.
4. On the need to lift economic sanctions against Central Africa Republic after the various warring factions have embraced peace.

8. Resolution of on the Arms Trade Treaty (ATT)

Mindful of the terrible legacy in loss of human life and suffering in the African Continent and around the world resulting from the inadequate regulation of the international arms trade, in particular small arms and light weapons;

Aware of the important and urgent need to take decisive steps to prevent and mitigate this suffering and loss of human life in the future;

Strongly welcome the establishment of the Arms Trade Treaty at the United Nations Headquarters in New York on 2nd April 2013 and its opening for Signature on 3 June 2013;

Noting the large number of African Countries that have already signed the ATT;

Recognize the importance of securing the early entry force of the ATT;

Welcome the launch of the Pan African Parliament – PGA Group as an entity which will facilitate our ongoing actions and deliberations to secure early entry into force of the ATT and its robust implementation;

Undertake to communicate among ourselves as well as with the PGA Secretariat on a regular basis on the discussions and initiatives we will take to promote early entry into force of the ATT and its robust implementation;

Express our appreciation to the Pan-African Parliament for hosting this Joint Committee Session on the Arms Trade Treaty and to PGA for its important support of this Session;

The Pan African Parliament hereby resolves:

To work with the Parliamentarians as well as National Parliaments to advocate for and the actively promote further signatures and early ratification of the ATT by our respective countries.

9. **Resolution on the Improvement of the Energy Industry in Africa for Sustainable Development**

Noting that energy is a crucial issue which is vital for life and welfare of the African people and future generations;

Recognize the urgent need for the harmonization of policies, legislation and regulations on NEPAD priority energy projects;

Conscious of the necessity to build joint programmes with NEPAD on energy, adequate and empowering access to data on energy issues and strengthening state institutions in order to drive energy programmes optimally;

Determined to campaign and advocate on energy issues with joint oversight on cross country energy projects;

Recognizing the need to shift focus to electrification of rural areas;

The Pan African Parliament hereby resolves:

1. To explore setting up mechanisms to address the challenge of policy deficiency regarding ratification of national contracts/agreements to address the challenges of poor or lack of accountability by governments to parliaments as well as compromised oversight by parliaments.
2. To develop a common continental energy policy and a master plan with research on different energy sources and carriers as well as technology options through the convening of a Continental Energy Conference on Africa.
3. To encourage national parliaments to pay attention on good governance in handling energy services, environmental impact and fair share of services accessible to various communities specially to rural and poor's.

Resolution on the re-commitment to the centrality of the African family

Acknowledging and appreciating that, Africa celebrates the golden Jubilee of the Organisation of African Unity under the theme, “Pan-Africanism and African Renaissance” and 10 years anniversary of the Pan African parliament;

Recognising that, this provides us with a unique moment in time to think about and discuss what binds and connects us, what values we hold high and will not allow to erode and that for Africa the family is not only the embodiment of those values, it is the place where our life starts and ends;

Also recognising that, the African Charter on Human and People’s Rights describes the family as the custodian of morals and traditional values recognized by the community and that, the family shall be the natural unit and basis of society. The family shall be protected by the State which shall take care of its physical and moral health and wellbeing;

Aware that, the family is key to the success of policy and development and implementation and in trying to find solutions for the problems that we as a continent face and that any initiative that does not take the family into account, will only be partially successful if at all;

Also aware that, the family is under tremendous pressure due to a variety of socio – demographic and economic factors, and is weakening as what was used to be the main safety net for our people;

Recalling that, as the Pan-African Parliament is moving towards receiving legislative powers, this is the time to act; to bring to the fore the awareness and effective implementation of the various commitments that the Organisation of African Unity and the African Union has made to enhance the wellbeing of the family in our continent. These include, among others:

- The Dakar/Ngor Declaration on Population, Family and Sustainable Development (1992)
- The Ouagadougou Declaration and Plan of Action on Employment Promotion and Poverty Alleviation (2004)
- Plan of Action on the Family (2004)
- The Livingstone Call for Action on Social Protection (2006)
- The Yaoundé Call for Action (2006)
- Social Policy Framework for Africa (2008)

- The Khartoum Declaration on Social Policy Action towards Social Inclusion (2010)
- African Common Position on the Family for 20th Anniversary of International Year of the Child(IYF) (2012)

Deeply concerned that, the 2009 Review of the Plan of Action on the Family that was adopted by the African Union Assembly of Heads of State and Government in July 2004 reveals that only a limited number of African governments have taken concrete actions in implementing some of the key recommendations;

Conscious that, on the eve of the 20th Anniversary of the International Year of the Family in 2014, it is our responsibility as the Pan-African Parliament to speak up; to not only increase public awareness of the important role of the family for Africa's socio-economic development, but also to call our governments to account for their actions or inactions when it comes to the implementation of the continental commitments aimed at the protection of the family;

The Pan African Parliament hereby resolves to:

- (i) conduct a series of workshops on family-centred policy making for all its Committees.
- (ii) **Calls upon** Member States to ensure the urgent and effective implementation of the key tenets of the Plan of Action on the Family (2004) and to assess potential effects of all proposed socio-economic policies on the welfare of families.
- (iii) In the light of Agenda 2063 and the 50th Anniversary of the OAU coinciding with the 20th Anniversary of the International Year of the Family, **to call** for the year 2014 to be the Year of the African Family and to encourage AU-institutions and Member States to pay special attention to this year by undertaking concrete action for the protection of the family in Africa.

THIRD PARLIAMENT

FOURTH ORDINARY SESSION

**“Ten years of the existence of the Pan African
Parliament: Reflections on its Role”**

DRAFT RECOMMENDATIONS

MARCH 10 to 19, 2014

RECOMMENDATION ON THE AFRICAN UNION BUDGET FOR 2015

CONSIDERING the provision of Article 11(2) of the Protocol to the Treaty establishing the African Economic Community which states that the pan African Parliament shall “ discuss its budget and the Budget of the Community and make recommendation thereon prior to its approval by the Assembly”,

Noting with concern the low execution of the African Union Budget by the various organs and that more than 66% of the Operational Budget is financed by five countries with very little input from the rest of the member States;

Observing the low contribution level of member States has affected the operations of the African Union, as a consequence more than 95% of the Programme Budget is dependent on partner funds

Further observing the delay in adopting the proposals for Alternative Financing of the African Union since 2011;

The Pan-African Parliament Recommends that:

1. All organs of African Union should improve the execution rate of their budgets.
2. The African Union systems and regulations should be reviewed and strengthened to ensure that member States timously and regularly pay their contributions.
3. That, all member States must include a budget line on their contribution dues to the AU which must be debated and adopted in National Parliaments.
4. The proposals for alternative funding especially those by the “Obasanjo Panel” be at the next Summit of Heads of State at Malabo in June/July 2014 so as to avoid overdependence of partners to finance Programme Budget of the Union.
5. The Budget performance report for the previous year should be brought to the Parliament at least one month before the presentation of the Budget on the floor of Parliament.
6. All organs of the African Union especially the Parliament must be fully involved in the budget preparation cycle to ensure all interests of the African people are addressed.

Done in Midrand, 11 March 2014

RECOMMENDATIONS EMANATING FROM THE WOMEN DIALOGUE

Reaffirming that more than half of the world's people are women and that a major factor for this is the discrimination they face solely because they are female and that this discrimination has significant consequences for women and girls, and often limits their opportunities in life;

Considering that supporting the equitable participation of women in political, economic and social spheres will ensure that they have more control over their lives;

Stressing the key role of parliamentarians and other stakeholders and support organisations at all levels in facilitating the increased involvement of women in decision – making and leadership at all levels;

The Pan-African Parliament Recommends that:

On Achieving Social, economic and political empowerment of women:

- (1) Call upon Member States to ensure that the agreed Maputo Protocol relating to the African Charter on Human and Peoples Rights on the Rights of women and the Solemn Declaration on Gender Equality in Africa be implemented.
- (2) Call upon member States to ensure that resource allocation undertaken in line with macroeconomic policies benefit women.
- (3) Call upon Member State to undertake policy and legislative actions to increase political participation of Women at all level;

On Addressing Maternal Health (including Women's Sexual and Reproductive Health and Rights) in Africa:

- (1) Maternal Health/Women's Sexual and Reproductive Health and rights are included in national priorities;
- (2) More domestic resources, including from the private sectors, for Maternal Health/Women's Sexual and reproductive health are mobilised and allocated;
- (3) National Parliaments should monitor effective utilisation of national budgets for maximum productivity and accountability for better health of women and children;
- (4) National Parliaments should engage in community mobilisation for responsible health behaviour and social change, for better demand for Maternal Health and Women's Reproductive Health and Rights information and services, including family planning and prevention of gender-based violence and HIV infections;

On Promoting Peace and Security and preventing all Forms of Violence against Women:

- (1) Call upon member States to strengthen women's participation in initiatives to fight gender – based violence and take all the necessary measures and support reforms to protect women, girls and children from Gender based violence;
- (2) Call upon member States to strengthen initiatives that promote the economic empowerment of women and support for reconstruction for victims of sexual violence, gender based violence and all other form of violence's;
- (3) Urge Member State to strengthen the initiatives in regard to Dialogue on Peace and security.

Done in Midrand, 14 March 2014

RECOMMENDATIONS EMANATING FROM THE DIALOGUE ON YOUTH

CONCERNED by the future of the African youth who have a paramount role to play in the development of the African continent;

NOTING that the African youth, by its demographic weight constitute an important and indispensable resource for the development of Africa;

FURTHER NOTING that the African continent has a high rate of unemployment and poverty;

CONSCIOUS of its contribution towards a more prosperous future for the African youth;

CONSIDERING that education and skills acquisition constitute the foundation of the development of any Nation;

UNDERSCORING the need for African Members States to take immediate measures in order to mobilise sufficient financial resources with a view to ensuring the education of the youth;

CONCERNED about the illegal emigration of Youth African people to Europe;

The Pan-African Parliament recommends that:

1. All Member States of the African Union ratify, internalise and effectively implement the African Charter on the Youth in their respective countries;
2. Members States implement all African Union decisions and policies relating to the youth;
3. Members States create an environment and framework conducive to mobilising and keeping young graduates on the African continent
4. Member State initiate frameworks for consultation between the youth and the leaders in order to enable them to participate in decision-making and policies concerning them;
5. Member States put in place and implement effective policies in order to facilitate access to education and training by the youth specially girls in the universities, schools and institutes of the Continent in order to facilitate Youth participation in development;

6. Member States should put in place policies to provide for employment of Youth to avoid irregular immigration
7. The African Union work for a continental integration through the free movement of persons, goods and services on the Continent.

Done in Midrand, 17 March 2014

EX.CL/855(XXV)
Appendix 2

**FACT-FINDING MISSION OF THE PAN-AFRICAN PARLIAMENT
TO THE CENTRAL AFRICAN REPUBLIC
2 TO 4 OCTOBER 2013**

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



PARLEMENT PANAFRICAIN

PARLAMENTO PAN-AFRICANO

Gallagher Convention Centre, Private Bag X16, Midrand 1685, Johannesburg, Republic of South Africa
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FACT-FINDING MISSION OF THE PAN- AFRICAN PARLIAMENT TO THE CENTRAL AFRICAN REPUBLIC 2 TO 4 OCTOBER 2013

**Head of Mission: Hon. Mohamed GUIDJI
Deputy Chairperson of the Permanent Committee
on Justice and Human Rights of the Pan-African
Parliament**

Bangui, 2 to 4 October 2013

- I- Introduction
- II- Presentation of the Central African Republic
 - 2.1 Geographical location of the Central African Republic
 - 2.2 Socio-political history of the Central African Republic
- III- Background and objectives of the PAP mission
 - 3.1 Background of the mission
 - 3.2 Objective of the mission
 - 3.3 Composition of the mission
- IV- Strategic approach of the mission
 - 4.1 Preparation of the fact-finding mission by the National Transitional Council
 - 4.2 Institutions and personalities consulted
- V- Presentation of the political crisis
 - 5.1 Causes of the political crisis
 - 5.1.1 Remote causes
 - 5.1.1.1 The poor organisation of the 2011 elections
 - 5.1.1.2 Malaise within the political class
 - 5.1.1.3 Formation of the Seleka rebellion
 - 5.1.2 Immediate causes
 - 5.1.2.1 The coup d'Etat of 24 March 2013
- VI- Management of the political crisis
 - 6.1 Role of the African Union and ECCAS in the resolving the crisis
 - 6.1.1 Role of ECCAS in resolving the crisis
 - 6.2 Formation of Transitional Institutions
 - 6.2.1 Formation and mandate of the National Transitional Council
 - 6.2.2 Voting and promulgation of the Transitional Constitutional Council
 - 6.2.3 Establishment of the Transitional Constitutional Council
 - 6.2.3 Election of the Head of State of the Transition
 - 6.3 The crisis between the three main authorities in charge of managing the transition
- VII- Presentation of the security crisis
 - 7.1 The problem of the Seleka rebellion
 - 7.2 The problem of insecurity
 - 7.3 Violation of human rights
- VIII- Presentation of the socio-humanitarian and economic situation
 - 8.1 The plight of displaced persons and refugees
 - 8.2 Social and economic consequences of the crisis
 - 8.2.1 The education sector
 - 8.2.2 The health sector
 - 8.2.3 Religious conflict
 - 8.2.4 The economic sector (private and public)
 - 8.2.5 The plight of Parliamentarians of the former parliament

IX-Search for solution by stakeholders

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**FACT-FINDING MISSION OF THE PAN-AFRICAN
PARLIAMENT TO THE CENTRAL AFRICAN REPUBLIC
2 TO 4 OCTOBER 2013**

I. INTRODUCTION

Latest developments in the political, security and humanitarian situation in the Central African Republic caught the attention of Pan-African Parliament which dispatched a fact-finding mission to the country from 2 to 4 October 2013, in order to gather maximum information and propose solutions to resolve the crisis.

II. AN OVERVIEW OF THE CENTRAL AFRICAN REPUBLIC

2.1 Geographical location of the Central African Republic

The Central African Republic, also called Central Africa, is one of the countries of Central Africa. It is bordered to the West by Cameroon, to the North by Chad, to the East by Sudan and South Sudan and to the South by the Democratic Republic of Congo and the Republic of Congo.

The majority of the south of the country is characterised by River Oubangui and River Mbounou upstream. The northern part of the country is covered by the high basin of River Chari. These two rivers gave their names to the country which was under French domination. Central Africa is a landlocked country having no access to the sea. The country is suffers from floods due to lack of maintenance of the rivers and the high rise of water occasioned by the rainy season in Central Africa.

Central Africa has diamond, uranium and gold deposits. Oil and hydro-electric energy are the other potentially rich resources but are unexploited to date.

Its population estimated at 4.7 million inhabitants is unequally distributed. The majority of the population lives in the Centre and the West, in villages situated along highways and Oubangui. The East, which shares a border with South Sudan, is almost uninhabited. Protestants are the most numerous (40%) followed by Catholics (28%), Animists (24%) and Muslims (8%).

The two official languages of the Central African Republic are French and Sango. The country has more than eighty ethnic groups with each speaking its language.

2.2 Socio-political history of the Central African Republic

The French colonised the Oubangui-Chari region (Central African Republic) at the end of the 19th Century. During the Second World War, the colony joined its forces with the Allied forces. The country became the Central African Republic on 1 December 1958 and declared its independence on 13 August 1960.

The first Head of State, Mr. Barthélemy Boganda, was considered as the father of the Central African Nation. Being a Parliamentarian in Paris, he was the author of regular heated arguments and had requested that the people of French Equatorial Africa enjoy all French rights. He died on 29 March 1959, shortly after his election in a plane crash whose causes have never been elucidated. His cousin, Mr. David Dacko, a teacher, succeeded him.

On 1 January 1966, Mr. David Dacko was toppled through a coup d'état led by his cousin Captain Jean-Bedel Bokassa who crowned himself Emperor in 1977.

On 20 September 1979, Captain Jean-Bedel Bokassa was toppled and Mr. David Dacko succeeded him briefly.

On 1 September 1981, Mr. David Dacko was peacefully chased from power by General André Kolingba, who instituted a military regime. Mr. André Kolingba remained in power until 1993, a year in which, following the democratization current launched by the La Baule Summit, the first multiparty elections were held and Mr. Ange-Félix Patassé was elected President of the Republic.

In 2001, an attempted coup d'état gave rise to violent clashes in the capital, Bangui.

On 15 March 2003, General François Bozizé succeeded, through a new coup d'état, in toppling President Ange Félix Patassé.

A presidential election was held, after several postponements, on 13 March 2005 in which Mr. François Bozizé (already Head of State), among others, former President André Kolingba and former Vice-President Abel Goumba contested. The candidacies of several other contestants, among who were Mr. Charles Massi of FODEM, the former Prime Minister Mr. Martin Ziguelé and the former minister and mayor of Bangui Mr. Olivier Gabirault and Jean-Jacques Démafouth were rejected by the Electoral Commission before the Gabonese mediation and the Libreville Accords. Following these agreements, only the candidacy of the former President Ange-Félix Patassé was finally rejected by the Commission. President François Bozizé was elected President of the Central African Republic in 2005 and re-elected in 2011.

The peace Agreements signed in Libreville on 11 January 2013 had culminated in the formation of a Government of National Unity made up of Bozizé camp, the opposition and the rebellion. But on the strength of the non-respect of the agreements by the Bozizé clan, the rebels launched new attacks on 22 March 2013 and declared their intention of setting up a transitional government if took Bangui.

On 24 March 2013, the Central African rebels of the Séléka coalition led by Mr. Michel Djotodjia seized the presidential palace in Bangui, at the end of a lightning offensive and toppled President François Bozizé, whom they did not find in the capital. Looting and summary executions were reported here and there.

III. BACKGROUND AND OBJECTIVE OF THE PAP MISSION

3.1 Background of the Mission

Within the framework of the promotion of the principles of human rights and democracy in Africa, the Pan-African Parliament had, during its Second Ordinary Session of the third parliament held from 6 to 17 May 2013, taken the resolution to field a fact-finding mission to the Central African Republic, in light of the political, security and humanitarian situation in the country.

3.2 Objective of the mission

The objective of the fact-finding mission was to gather maximum information from members of the transitional government, political forces, civil society organisations, international organisations and religious groups in order to enlighten the Pan-African Parliament, in accordance with its constitutive role and pursuant to the Protocol establishing it.

3.3 Composition of the mission

The mission was composed of the following Parliamentarians:

- (i). Hon. Mohamed Guidji (Algeria), Head of Delegation;
- (ii). Hon. Isaac Stephen Mabiletsa (Botswana);
- (iii). Hon. Abderhman Salek (Western Sahara);
- (iv). Hon. Rose Marie Compaoré Konditamdé (Burkina Faso);

The delegation was accompanied by two staff members of the PAP, namely:

- (i) Mrs. da-Trinidad, Committee Assistant;
- (ii) Prof. Amadou Bissiri, Interpreter.

IV. STRATEGIC APPROACH OF THE MISSION

4.1 Preparation of the fact-finding mission by the National Transitional Council of the Central African Republic

The National Transitional Council of the Central African Republic had set up an organising committee composed of four (4) members of the National Transitional Council of whom two (2) were members of the Pan-African Parliament and eight (8) members of the Administrative Secretariat.

The members of the Organising Committee of the mission of the Pan-African Parliament warmly welcomed and effectively assisted the members of the PAP mission.

Hon. Gina Michèle SANZE, member of the organising committee, member of the National Transitional Council and former member of the Pan-African

Parliament was designated to accompany the members of the PAP delegation to different meetings.

4.2 Institutions and personalities consulted

The PAP delegation held meetings with the following Institutions and personalities:

4.2.1 The Transitional Government

- The Head of State of the Transition;
- The Prime Minister, Head of the Transitional Government;
- The Minister of Social Affairs, National Solidarity and Gender Promotion;
- The Minister of Justice and Keeper of the Seal in charge of judicial reform;
- The Minister of National Defence in charge of the restructuring of the army;
- The Mayor of Bangui;
- Transitional Constitutional Court.

4.2.2 The National Transitional Council

- The President of the National Transitional Council;
- The Bureau of the National Transitional Council;
- The Presidents of the Permanent Committees of the National Transitional Council;
- The former Parliamentarians of the Pan-African Parliament.

4.2.3 Political parties and coalition of parties

- The former democratic opposition;
- The former majority;
- The other political parties.

4.2.4 Civil society and socio-professional organisations

- The National Youth Council;
- The Association of Women Jurists;
- The Consultative Committee of Women Leaders;
- The Network of African Women Ministers and Parliamentarians;
- The National Union of Central African Workers;
- The Confederation of Central African Trade Unions;
- The Central African Women's Organisation;
- The Group of 23 different Central African Women's NGOs;
- The Human Rights Watch Group;
- The High Commission for Human Rights;
- The Central African Human Rights League.

4.2.5 Religious Groups

- The Vice-President of Central African Bishops;
- The President of Central African Protestant Churches;
- The Representative of the Imam of the Central African Republic.

4.2.6 The Media

- The Group of Central African Publishers of the Private Press;
- The Union of Central African Journalists;
- The General Manager of the Central African Television;
- The General Manager of the Central African Radio;
- The Central African Media Watch Group.

4.2.7 International Organisations

- The Resident Representative of the African Union;
- The President of the Central African Economic and Monetary Community;
- The Resident Representative of the United Nations High Commission for Refugees;
- The Special Representative of the United Nations Secretary General in the Central African Republic;
- The Personal Representative of President Sassou-Nguesso;
- The Resident Representative of the European Union;
- The General Commander of the ECCAS Forces;
- The Representative of the United Nations Fund for Population.

V. PRESENTATION OF THE POLITICAL CRISIS

5.1 The origins of the political crisis

The current political crisis in the Central African Republic emanates from two causes; immediate and historical.

5.1.1 Historical causes

There are three causes responsible for the political crisis in the Central African Republic.

5.1.1.1 The poor organisation of the 2011 elections

According to many people we spoke to, the 2011 elections were marred by irregularities which were disputed by opposition parties. These parties regrouped under the platform of Front for the Annulment and Resumption of Elections (FARE). During the second round of the 2011 presidential elections, these opposition parties, unable to impact on the electoral process which was biased from the onset, decided at the end of the race, to withdraw from the process.

5.1.1.2 Malaise within the political class

The current political crisis in the Central African Republic is reportedly linked to bad governance and autocracy which took root since the re-election of President François Bozizé in 2011.

The regime of President François Bozizé did not entertain any dialogue with opposition parties and the dynamic forces of the nation. There was a real

impasse at the level of the political class. President François Bozizié's political style was a dictatorship based on family management for control of state power.

Opposition parties were consistently contesting this bad governance.

5.1.1.3 The formation of the Seleka rebellion

Seleka is an active military rebellion movement which was formed by various factions. Seleka became a coalition of rebel movements composed of the following diverse factions:

- The former brothers-in-arm of President Bozizé who were abused and sacrificed;
- The former members of FACA (Central African Armed Forces);
- The LRA (Lord Resistance Army) of the Ugandan Pastor, Mr. Joseph Kony (in the East of the country);
- Deserters, who were once faithful to the former Chadian rebel Mr. Abder Kader Baba Laddé (North-Centre);
- The Union for Democratic Forces of Unity (UFRD) led by Michel Am Nondroko Djotodjia;
- The Convention of Patriots for Justice and Peace (CPJP-Fondamentale) led by Mr. Mohamed Moussa Dahfane;
- The Democratic Front of the Central African People (FDPC) led by Mr. Abdoulaye Miskine;
- Sudanese and Chadian mercenaries, etc.

Seleka criticised President Bozizé's bad governance, single-handedness, family and clannish management of the country to the exclusion of the Vakaga Division and its indigenes.

The inability of the State to ensure security throughout its territory enabled the rapid progression of Seleka forces.

The Government of President Bozizé signed an Agreement with a faction of the armed groups, which was perceived as a divide and rule policy. Attacks were launched by the CPJP-Fondamentale on certain towns of the country in September 2012.

It is against the backdrop of consistent contestations by FARE of the legitimacy of Bozizié's regime that on 10 December 2012, the coalition of Seleka rebels launched attacks on the towns of Ndélé and Sam Ouandja in the North East Region of the country.

Despite troop reinforcement from Chad, Gabon and Cameroon to momentarily stop the progression of rebels and to force the protagonists to enter into negotiations, the atmosphere still remained tense. After having threatened to attack the capital Bangui at the end of December 2012, the rebels accepted to negotiate with President François Bozizé. This action culminated in the signing of an Agreement under the auspices of ECCAS in Libreville (Gabon) on 11 January 2013.

The Libreville Agreement of January 2013 provided for power-sharing and for President François Bozizé to remain President until the end of his mandate in 2016, and that the Office of the Prime Minister would go to the opposition in the person of Mr. Nicolas Tiangaye. A Transitional Government is put in place for twelve months. Of the thirty ministries, the outgoing majority would have only twelve, while four ministries are proposed to the civil society. This Government should organise early legislative elections.

The contested leadership of the country led to the withdrawal of Seleka leaders from the National Transitional Council.

The Libreville Agreement was fragile and on 20 January 2013, Seleka rebels took up arms once more in the eastern part of the country.

5.1.2 The immediate causes

5.1.2.1 The coup d'état of 24 March 2013

The coup d'état of 24 March 2013 was organised and executed by the Central African rebels of the Seleka coalition led by Mr. Michel Djotodja. The rebel forces seized power and its Leader Mr. Michel Djotodja Am Nondroko proclaimed himself President of the Republic.

The coup d'état of 24 March 2013 caused serious violations of Human rights and led to the deterioration in peace and security as well as the economic situation in the country.

The political change of 24 March 2013 led to the suspension of the Constitution of 27 December 2004 and to the dissolution of all democratic institutions of governance.

From the discussions with the different stakeholders, two trends emerge:

- Those who support the coup d'état; and
- Those who are against the coup d'état.

Those who had support the coup d'état of 24 March 2013 had perceived this unconstitutional change of government as a ray of hope for the Central African people. However, a few weeks after the coup d'état, the situation deteriorated and led to all rampant violence, murders, and looting in Bangui as well as in the hinterlands.

6 MANAGEMENT OF THE POLITICAL CRISIS

6.1 The role of the African Union (AU) and the Economic Community of Central African States (ECCAS) in resolving the crisis

Following the coup d'état of 24 March 2013 in the Central African Republic, the African Union and the Economic Community of Central African States, the African Union and the Economic Community of Central African States were faced with a challenge of a change of government occurring outside the legal

and constitutional framework. Each of the two organisations took measures to restore peace in the country.

6.1.1 *The role of the Economic Community of Central African States (ECCAS) in the resolving the crisis*

The Economic Community of Central African States (ECCAS) at its fourth Extraordinary Summit held on April 18, 2013, in N'Djamena, reviewed the developments of the crisis in Central Africa. The Summit adopted a declaration called "Declaration of N'Djamena" which contains decisions along the lines of the normalisation of the situation in the Central African Republic.

6.2 Formation of Transitional Institutions

Pursuant to the provisions of the agreement of N'Djamena on April 18, 2013 and the road map on the composition and the functioning of the National Transitional Council, the Transitional Institutions were established in order to manage the transitional government for a period of 18 to 24 months. This followed the recommendation of the Extraordinary Summit of ECCAS held on April 3 2013 in N'Djamena which recommended the establishment of the Transitional Council.

6.2.1 Mandate of the National Transition Council (NTC)

The NTC was provided with legislative powers under the N'Djamena of April 18, 2013. The NTC formed without the participation and the contribution of ECCAS consisted of 105 members designed in line with the composition of the dissolved National Assembly.

It was recommended at the Extraordinary Summit of ECCAS that the composition of the NTC be reviewed. Therefore, the number of seats within the NTC was increased to a total of 135.

The additional 30 seats were allocated to regions, political parties including the former presidential majority party, who were under-represented, politico-military groups, civil society and women.

The National Transitional Council was therefore created on April 13, 2013 by Order No. 005. The National Transitional Council has full legislative power. It is responsible for preparing the draft Constitution to be submitted to popular referendum.

6.2.2 Voting and promulgation of the Constitutional Transition Charter

The urgent task of the National Transitional Council was to develop and adopt a Constitutional Transition Charter, re-organising all public authorities of the transition, in accordance with the Libreville Agreement and the N'Djamena Declaration, to the popular consensus and of the Central African political class.

The National Transitional Council therefore voted the Constitutional Transition Charter which was promulgated by the Head of State of the National Transitional Council, on July 18, 2013. The promulgation of the Charter was considered to be the starting point of the transition in the Central African Republic.

The Constitutional Transition Charter provides for the election of the Transitional Head of State by the National Transitional Council.

In accordance with the provisions of the Charter, the Executive Branch is composed of the Head of State of the Transition and the Prime Minister, Head of the Transitional Government. Transitional Head of State is elected by the National Transitional Council. Legislative and constituent power of the Central African Republic is exercised by the National Transitional Council.

Legislative and constituent power of the Central African Republic is exercised by the National Transitional Council.

It is also expected in the Transitional Constitutional Charter the establishment of a Constitutional Court of Transition and a High Council of Communication of Transition.

6.2.2 Establishment of the Transitional Constitutional Court

In accordance with the provisions of the Declaration of N'Djamena and the Constitutional Charter of transition, a Transitional Constitutional Court has been implemented. The designation of the constitutional judges was endorsed by Decree of the Head of the State of the Transition, countersigned by the Prime Minister.

The members of the Constitutional Court took oath on August 16, 2013, before the National Transitional Council.

The Transitional Constitutional Court is responsible for ensuring the constitutionality of laws, hearing electoral disputes, proclaiming and declaring final results of the elections and administering oath of the democratically elected President of the Republic.

6.2.4 Election of the Transition Head of State

The National Transitional Council proceeded to elect the former rebel leader Mr. Michel Djotodjia, who led the coup d'état of March 24, 2013 and proclaimed himself Head of State as a transitional Head of government.

Mr. Michel DJOTODJA AM NONDROKO was elected President of the Republic, Transition Head of State on April 16, 2013, by the National Transitional Council for the duration of the transition. He took oath on the Constitutional Charter of Transition and the Constitutional Court of Transition, on August 18, 2013.

6.3 The crisis between the three main authorities in charge of managing the transition

According to many national and international observers, the three main authorities of the transition (Transition Head of State, the Prime Minister and the President of the National Transitional Council) do not work in close collaboration to effectively see out the transition period.

Referring to the appointment of the Prime Minister reveals that he had been recommended in the Libreville Declaration of January 11, 2013 that the national unity Government is headed by a Prime Minister, who is Head of government administration, from the Democratic Opposition. The Prime Minister, who was from the Democratic Opposition and who was appointed while François Bozizé was in office remained after the March 24 coup d'état.

According to our interlocutors, the Head of State who is from the Seleka coalition and Prime Minister who comes from the former Democratic Opposition do not have the same political culture and each of the two has his own agenda.

Some of our interlocutors indicated that the governmental team is not fully controlled by the Prime Minister. They felt that the Democratic Opposition is not involved in managing the transition.

The relationship between the three leading actors of the transition sets hurdles in the management and development of the transition.

According to personalities encountered, elections cannot be organised if the three actors of the transition do not cooperate.

VII. PRESENTATION OF THE SECURITY CRISIS

Lack of security is the biggest factor facing the nation of the Central African Republic which has disastrous collateral effects on the entire population.

The political change that occurred in the Central African Republic on 24 March 2013 has resulted in a serious breach of security due to arms proliferation of all sorts, the constant presence of rebels and foreign mercenaries in the capital Bangui as well as in all provinces of the country.

7.1 The problem of the Seleka rebellion

According to all stakeholders the mission met, the Seleka rebellion is the source of security problem, violation of human rights and acts of looting in the capital Bangui as well as in the hinterlands.

Despite the seizure of power by the Head of the Seleka Coalition, the elements of Seleka continued to commit human rights violations and abuses against the civilian population.

The rebel forces are made up of several Central African factional groups supported by foreign mercenaries. There are many provinces which are under occupation by the rebels. The Seleka coalition sowed desolation throughout the country.

Elements of Seleka committed all kinds of violations and abuses against the civilian populations, destruction of social and administrative structures, looting, vandalism, theft, rape, robberies, kidnappings and summary executions.

According to most people met, foreign elements are alongside the Seleka to commit abuses against the Central African people.

It is worth noting that impunity reigns among the members of the Seleka.

The Seleka rebellion is widespread in approximately 95-98% of the country. It is only the South-West that the Seleka could not conquer because of the Ugandan forces that settled in the region.

The Seleka has during its invasion released very dangerous prisoners into the society (thieves, robbers, murderers and other criminals).

Some rebel leaders have managed to secure channels of State revenue for the support of their direct elements thus preventing the Government from coping with its sovereign responsibilities.

After the capture of Bangui, a rebel leader of the Seleka, Mr. Abdoulaye Miskin separated himself from the others and began to organise actions to destabilise the new power of Bangui. He has just been arrested in Cameroon but his elements remain scattered in Central Africa.

According to encountered stakeholders, the Seleka coalition is composed of approximately 20 000 rebels.

7.2 The security situation

The security situation in the Central African Republic is very alarming. Lack of security is widespread throughout the country. Seleka elements attacked all provinces of the country with the exception of the capital Bangui, which is under protection of the Forces of ECCAS. Out of the 16 prefectures in the country, Seleka rebels control fifteen (15) thus creating serious security concerns in the country.

Cases of looting, kidnapping, murder, robbery, theft, rape, killings, destruction of private infrastructures and public buildings and other criminal acts are registered every day throughout the country.

The Central African Republic has become a lawless state where rebels make their own laws with impunity in most parts of the country. Only the capital Bangui is under state control and has improved security. There is thus a total lack of security among the population, particularly women, children, elderly and vulnerable people.

According to stakeholders who met the mission, the current workforce is unable to restore security throughout the country.

7.3 Violation of Human rights

Since the coup d'état of March 24, 2013, the human rights situation in the country has deteriorated at an alarming rate. Acts of systematic violations of human rights, torture and killings perpetrated by certain Seleka elements are widespread both in the capital Bangui as well as in the hinterland.

Several cases of killing and summary executions, material and physical abuse and violations, the rape of women and girls, abductions and arbitrary arrests, and extortion of funds have been registered.

Indeed, apart from military casualties during the seizure of power on March 24, 2013, by the Seleka rebels, there are many civilians who suffer daily acts of human rights violations and abuse. Many civilians have been killed, sometimes through summary executions by Seleka elements. Shells are fired throughout the country thus resulting in several casualties. Villages and towns are not spared by these waves of killings.

According to some of our interlocutors, many people are victims of physical or material assault without valid reason. People's properties are looted and carried away by Seleka elements. The villas of some people are plundered and occupied by Seleka elements. The looting carried out by Seleka elements has affected all segments of the Central African population. Properties of public administrations and human rights organisations were systematically looted and destroyed by rebels.

Several cases of rape of women and young girls were recorded. Arbitrary arrests and abductions are common occurrences since March 24, 2013. Cases of extortion are taking place in all provinces of the country. Barriers were erected at the exit and entry of certain cities in the country to secure them. Passing through these barriers, some Seleka elements would demand cash payments. Some people abducted or arrested have found freedom thanks to the payment of a ransom to Seleka elements.

These human rights violations have gone unnoticed because of the lawlessness prevailing in the country. All courts were ransacked, prisoners escaped and released into the community to vandalise property. Public authority no longer has capacity to punish those who have violated human rights.

Those who committed acts of violence and murder were arrested and will be dealt with by a criminal court, according to Members of Government who met the mission.

The Human Rights groups are determined to fight impunity although there are no mechanisms in place to address this issue.

VIII. PRESENTATION OF THE SOCIO-HUMANITARIAN AND ECONOMIC SITUATION

8.1 The plight of displaced persons and refugees

According to the United Nations High Commissioner for Refugees based in the capital Bangui, rural populations have fled and taken refuge in the bushes and forests fleeing the abuse they suffered at the hands of Seleka elements.

From the onset of the crisis in December 2012, UNHCR had developed response strategies to mitigate the crisis in terms of civilian protection especially through meetings with the rebel movements to ask them to avoid to the forced recruitment of children to their ranks.

Looting has hindered the UNHCR from playing its humanitarian role since its offices were ransacked and looted.

The problem currently facing UNHCR from responding within its humanitarian role is that people who have taken refuge in the forests and fields are not accessible. The houses were looted and whole villages were burnt down by the elements of the Seleka.

According to UNHCR, 394 979 people were displaced inside the country. With regard to refugees: 42 000 are in the Democratic Republic of the Congo, 9000 are in Chad, 5000 in Cameroon, and 4000 in Congo. The total number of refugees in neighbouring countries is of 60 000 persons. The offices of the UNHCR in these countries have responded positively to refugees.

8.2 The socio-economic consequences of the crisis

The political and security crisis in Central Africa has resulted in disastrous consequences on the socio-economic sectors of the country.

8.2.1 The education sector

There were several interruptions in the education system at the beginning of the 2012-2013 academic year in the Central African Republic which operates a two tier system. While examinations are organised in Bangui and in some localities of the country, it was during this time that classes resumed tentatively in some areas. Since December 10, 2012, teachers have abandoned their posts to escape to Bangui. School infrastructures were destroyed and the lack of security prevents parents from sending their children to school.

8.2.2 The health sector

The health sector has also experienced disastrous disruptions. The health personnel were not spared the atrocities and deserted hospitals and health centres countrywide. The health facilities were destroyed and damaged and medication was not even available for first aid. Few health workers who remained

in the provinces were subject to threats and harassment from Seleka elements. Women gave birth in the bush without any medical assistance.

8.2.3 Religious conflict

According to some interlocutors, religious conflicts pose new security risks in the country. Some people say that there are worrying trends of inter-religious conflict. Others have said that the inter-religious conflict does not exist at the moment because it is not supported by religious leaders. Indeed, the discussions held by them did not produce any sign of belligerence. The prevailing religious conflict relates to the Seleka elements which are closer to Muslims.

8.2.4 Economic sector

The economic consequences of the political and security crisis in the Central African Republic are numerous and dramatic. These consequences take into account:

- The non-payment of salaries to civil servants (civil servants have not been paid since almost 4 months));
- The regression of trade flows between the Central African Republic and other neighbouring countries such as Cameroon;
- The economic suffocation of the CAR by the rebels who attacked the main sources of public revenue for their personal accounts;
- The damage and harm to the economic operators in the private sector;
- The blocking of the socio-economic and agricultural activities throughout the Central African territory;
- Discontinuation of the activities of farmers, breeders, fishermen and others which could lead to food shortages in CAR.

8.2.5 The plight of Parliamentarians of the former parliament

Parliamentarians of the Fifth parliament whom the mission met indicated that since March 24, 2013, the Peace Accords of Libreville and the N'Djamena Declaration by Heads of State of the ECCAS were never complied with to allow for the establishment of an environment conducive to peace and reconciliation.

They indicated that Article 7 of the Libreville Agreement, which States: "The National Assembly shall maintain its prerogatives until the next anticipated legislative elections..." was not respected.

These former parliamentarians voiced their concerns over silence on article 7 of the political agreements in Libreville from 11 January 2013 in international meetings to resolve the crisis in the Central African Republic.

According to them, this situation makes the 105 members of the National Transitional Council and their constituents sceptical about prospects of peace. This situation is not likely to facilitate the creation of an environment conducive to the promotion of national reconciliation, peace and security

IX. SEARCH FOR A SOLUTION BY STAKEHOLDERS

9.1 Actions of the Transitional Government in the search for a solution

The Transitional Government has taken a number of measures in the search for solutions to the political, security and humanitarian crisis prevailing in the country. These are:

- *The launching of the disarmament operation:* In July 2013, the Government proceeded to the disarmament exercise in the country in collaboration with the multinational force of ECCAS (FOMAC). According to the members of the Government disarmament of Seleka elements helped to liberate the city of Bangui. Civil society members believed that there were many inconsistencies during the process. They also noted some inconsistencies that relate to the involvement of certain Seleka elements in the disarmament operation that resulted in the flight of many of them and the fact that the Chadian contingent does not disarm the Seleka of Chadian origin. According to international observers, the disarmament of the rebel operation is carried out effectively with the help of FOMAC.

- *The dissolution of the Seleka:* The Transition Head of State proceeded to the dissolution of the Seleka by Decree 13.334 on September 22, 2013. Despite this dissolution of the Seleka, the abuses continue to be committed by the rebels;

- *The establishment of a joint committee of investigations:* This is a Committee that has national jurisdiction and which is responsible for carrying out surveys on the prevailing situation in the country. But the Committee has no means to carry out missions in the provinces of the country to collect information.

- *The consolidation of all the armed forces Central African (FACA):* The FACA are the regular army of the Central African Republic which currently has a strength of 6,000 men out of the required 7,000. The elements of Seleka underwent an assessment for their placement in the National Army. A total of approximately 7910 elements of Seleka have been identified and those who remained were declared unfit and were subjected to the process of disarmament. Out of 7910 Seleka elements, around 2000 decided not to join the army and the remaining 5910 are in military training centres. However, the maintenance of the forces of the army in training centres poses huge problems because the State does not have the necessary means to cover their maintenance.

- *The abandonment of foreign forces members of the Seleka:* The Seleka coalition consisted of Sudanese forces headed by General Moussa of Sudan. They received from the Transition Head of State an honorary award on October 4, 2013 and should have returned to Sudan the same day. As for elements of the Chadian forces, Government decided to reintegrate them into the national army since they were part of the FACA and were registered members of the national

army. The Central African army would eventually consist of 12,000 men. The national army added to the African forces that will join the CAR in January 2014 will ensure security throughout country and the elections may be freely organised;

- *The development of the road map to a successful transition:* The road map recently developed by the Transitional Government is lodged at the National Transitional Council for consideration and adoption.

9.2 Proposals for solutions by the civil society and the different socio-political groups

Civil society and the different socio-political groups proposed that:

- The Transitional Government scrupulously respects the different agreements signed and the provisions of the Constitutional Charter of Transition to a successful transition;

- The international community provides multifaceted support to the Central African Government for the restoration of security and public order as well as the promotion of human rights and the fight against impunity in CAR;

- The Transitional Government should return non-conventional foreign forces to their respective countries;

- The Transitional Government organises an all-inclusive dialogue in order to create a climate of peace and national reconciliation;

- The Transitional Government identifies and brings to justice the perpetrators of crimes and atrocities against the population;

- The international community (the African Union) assists the transitional authorities to prepare serious, transparent and credible elections at the end of the transition, in order to avoid undemocratic challenges and violence as was the case in 2011.

X. THE SEARCH FOR SOLUTIONS BY OTHER PARTIES

10.1 The actions undertaken by the economic community of Central Africa States (ECCAS)

The Economic Community of Central African States (ECCAS) plays a very important role in the resolution of the crisis in the Central African Republic. Since the beginning of the crisis in December 2012, ECCAS has taken certain measures dealing with:

- *The signing of the Libreville agreement on the resolution of the political crisis in the Central African Republic:* The declaration of principles of the parties to the negotiations in Libreville on the crisis in Central Africa was considered and adopted on 11 January 2013 by all parties involved in the conflict;

- *The N'Djamena Declaration of April 18, 2013*: This declaration was adopted after the coup d'état of March 24, 2013. It sets the provisions for the management of the transition period which is between 18 to 24 months and the organisation of presidential and legislative elections;

- The establishment of a multinational force of ECCAS (FOMAC): This multinational force is made up of soldiers from the Central African countries. FOMAC was made up of 700 men at the beginning of the crisis, whose mission was to form elements in the Central African army. But when the situation deteriorated FOMAC forces readapted to the situation by providing security. They are present in the Central West, in the North in the Ndele region. Thanks to FOMAC, security returned to the capital Bangui. FOMAC forces secured the economic highway of the country; Bangui - Douala corridor that had been held hostage by the rebels. FOMAC also undertook an operation of disarmament and depositing arms in depots in Bangui by the rebels and civilians. The forces of FOMAC are not sufficient to ensure security throughout the Central African territory;

- *Assuming the responsibility for payment of civil service salaries and salary arrears due to public officers by Congo*: Efforts are being made by the Ombudsman of ECCAS for the payment of arrears of salaries to officials. The first instalment of arrears is already paid and the second would soon be paid.

10.2 Actions taken by the African Union (AU) to strengthen security

The African Union is very concerned about the security situation that continues to deteriorate in the CAR despite the efforts by the Transitional Government. Since the coup d'état of March 24, 2013, the security situation in the CAR increasingly calls for the intervention of the African Union. The Peace and Security Council of the AU decided to implement an International Support Mission to the Central African Republic (MISCA).

Military officers from the AU, in collaboration with ECCAS officials assessed the needs on the ground for the establishment of the MISCA which is scheduled for deployment early 2014. There was a draft agreement between the African Union, ECCAS and the Transitional Government in the implementation of the MISCA. Contrary to the will of the AU, the MISCA can be functional in January 2014.

The MISCA command will be under the auspices of the African Union. The MISCA is an African force which will be composed of 3652 soldiers including 3500 soldiers, 152 policemen. It is a robust force that will protect the entire Central African population and help to restore security in the country. The MISCA will replace the FOMAC and train an African common force that will provide security throughout the territory.

10.3 The role of the United Nations in resolving the crisis in Central Africa

Since the beginning of the crisis, the United Nations partnered the Central African Republic through the intensification of its actions for security protection.

The UN Peace building office in CAR (BINUCA) is developing a mechanism to ensure stability in the country. The BINUCA is also seeking funds to help reform the Central African army. Two million US Dollars could be mobilised in this framework.

XI. ANALYSIS OF INFORMATION GATHERED BY THE PAP MISSION

The political, security and humanitarian situation in the Central African Republic is very alarming. The situation is so catastrophic that the Government is not able to assume its responsibilities.

The Central African Republic is experiencing an unprecedented crisis that has resulted in the degradation of morals and has resulted in serious violations of human rights. There is no correlation between violations of human rights and impunity in Central Africa.

The mission noted that the African Commission on Human and People's rights did not undertake any visits to the Central African Republic to see the level of violation of human rights in the country and the impunity that reigns.

The international community must take urgent measures to lift the country out of this situation. Transitional authorities are lacking the financial resources to restore peace and security in the country. The slowing down of socio-economic activities is likely to cause a food crisis in the country.

Sanctions imposed by the African Union against the Central African Republic have exacerbated the economic crisis in the countries whose populations are victims and have resulted in the inability of the Government to deal with its sovereign duties.

It is urgent to restore constitutional legality in Central Africa and to do so the country needs the support of the international community.

The differences that exist between the three leading actors of the transition (Transition Head of State, the Prime Minister and the President of the National Transition Council) and which are explained by the lack of trust and collaboration, hinder the development of the transition. The transitional authorities should create a level playing field and think about the interests of the people as a whole in order to successfully manage the transition for the organisation of credible and transparent elections.

XII. RECOMMENDATIONS

Given the prevailing political, security and humanitarian situation in the Central African Republic and on the strength of information gathered from all relevant stakeholders, the PAP mission hereby recommends as follows:

1. In view of the rapid deterioration and fragility of the humanitarian, peace and security situation which hinders the free movement of persons and goods in the Central African Republic, the efforts made by the African Union for the deployment of MISCA throughout the country need to be accelerated in order to facilitate a climate for the organising of transparent and free elections and the holding of election campaigns as well as the provision of humanitarian services;

2. The Transitional Government should take rapid and appropriate measures to re-settle persons displaced from their homes in order to facilitate the provision of humanitarian assistance and other social services such as health, education, water, food etc. which were destroyed during the uprising;

3. The need for the African Union to take measures towards the lifting of economic sanctions imposed on the CAR in order to build the capacity and facilitate the mobilisation of financial resources by the Transitional Government in order to pay basic public utility services such as public service salaries, utilities and other resources for organisation and preparation of credible elections as well as provision of basic public infrastructure;

4. The Transitional Government should give urgent priority to the disarmament of the heavily armed Central African militias and foreign mercenaries and expel the latter from the country who have spread throughout the country and so create the necessary environment conducive to free election campaigns, without any threat to national security;

5. The need for the international community to put pressure on the three leading actors mandated to manage the transition so that they work in close cooperation for the interest of all the people of Central Africa;

6. The need for the African Union to take urgent measures for the lifting of economic sanctions against CAR in order to guarantee a climate conducive to the return of technical and financial partners to Central Africa for the resumption of their financial support;

7. The need for the African Committee on Human and People's Rights to respond urgently to serious violations of human rights and the impunity prevailing in Central Africa;

8. The urgent need to organise an inclusive dialogue between all strata of Central African society for the establishment of a peaceful climate before the organisation of elections.

9. The urgent need for the African Union to organise a continental meeting with all stakeholders of the conflict in Central Africa.

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