

African Union, African Regional Bodies

Activity Report of the Pan-African Parliament, January to June 2011

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1. Introduction

- 1.1 On behalf of the Pan-African Parliament I would like to congratulate the people of Equatorial Guinea who through their Government have hosted and welcomed us to this beautiful and hospitable sister country.
- 1.2 This report is an outline of the activities done by the Pan-African Parliament (PAP) during the period January to June 2011. The report is a humble indication by the Pan-African Parliament to demonstrate its willingness to discharge its objectives for establishment in the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament.
- 1.3 The Pan-African Parliament as an Organ of the African Union was established to ensure the full participation of the peoples' of Africa in the decisions of the AU about development, economic integration and unity of the Continent. It is about five (5) months now since the last AU Summit in Addis Ababa in January 2011, during which the PAP made some recommendations as empowered by its Protocol which were adopted by the Executive Council.
- 1.4 The PAP wishes to recall the Executive Council Decision EX.CL/647 XVIII concerning the recommendations of the PAP: After noting the PAP report with appreciation, the Council welcomed the retreat that was held between the PAP and the PRC, and the resultant closer working together between these sisters' organs of the AU.
- 1.5 The Executive Council then requested the PRC and the relevant Sub-Committee to consider the PAP proposals regarding the adoption of the structure of PAP, budgetary matters and to make appropriate recommendations. Lastly the Council stressed the need to accelerate the process of reviewing the Protocol to the Treaty establishing the African Economic Community related to the Pan African Parliament. The Executive Council is enjoined by the Constitutive Act of the AU to monitor the implementation of its decisions through a Sub-Committee.
- 1.6 During the January 2011 Summit there was a discussion on the pivotal matter of ensuring that all Member States of the Union subscribe to the same Shared Values that are enshrined in various legal instruments and decisions of the AU as building blocks for a united Continent. Indeed Member States were unanimous in stating that the Continent ought to be built on the basis of Shared Values. Amongst the Shared Values that were discussed was the critical issue of deepening democracy and good governance in our Continent.
- 1.7 The PAP on its part in order to contribute not only in implementing the Assembly decisions but also to ensure that indeed the Continent is built on Shared Values, has been advocating for the ratification of the African Charter on Democracy, Elections and Governance.
- 1.8 However, immediately subsequent to the January Summit in Ethiopia, the peoples of Africa in the North Africa Region rose up in an unprecedented manner and collectively raised the same values that were discussed by the Summit, namely the need for democratization and good governance.
- 1.9 The North Africans have raised the matter of democratization very sharply and spontaneously in the streets of their capitals, the same values that the Assembly in Addis had consensus on, amongst others the need for democratization of state institutions. Their protests seem to disprove the notion held by some states that democracy and good governance were foreign concepts in Africa.
- 1.10 Indeed their protests echoed the consensus reached at the January 2011 AU Summit by the Assembly on Shared Values that are enshrined in the African Charter on Democracy, Elections and Governance. This is the Charter that the PanAfrican Parliament in collaboration with the Political Affairs Department of the African Union Commission, spent the major part of its activities in 2010 promoting in regions of Africa. During the campaign to have the Charter signed and ratified by at least fifteen member states by 2011, the PAP consulted and advised National Parliaments to urge

their executive to expedite the processing of the Charter. As a direct consequence of this campaign some states signed and ratified the Charter.

2. The Uprisings in North Africa (Tunisia, Egypt And Libya)

- 2.1 The PAP commends the people and authorities in Tunisia and Egypt for their responsiveness and eventually allowing the process of democratization without too much blood being shared by the ordinary people. After all democracy is the Government of the people by the people and for the people.
- 2.2 However, the same cannot be said about the uprisings in Libya, where protests were responded to by violence. When the violence escalated in Libya with the opposition taking up arms resulting in a war and deaths of civilians, the PAP did not hesitate to issue a statement condemning violence.
- 2.3 In its statement of the 22nd February, 2011 the PAP strongly condemned all forms of violence that resulted in deaths of many innocent people, stressed and underscored the right of the Libyans to voice their concerns to the Government in a peaceful and free manner, called on all parties to immediately end violence and negotiate peacefully, and called on Libya to honour its commitment to the African Charter on Human and Peoples Rights which it had signed and ratified.
- 2.4 Lastly, the PAP in its statement used the occasion to urge Member States to recommit themselves to sign and ratify the African Charter on Democracy, Elections and Governance adopted by the AU Summit in 2007.
- 2.5 The PAP whilst endorsing the right of the people to peaceful protests on issues of democracy, believes that it is much better to harness this energy in an organised manner through the strengthening of institutions in all Member States of the African Union to ensure that the voices of the people are heard. Since the PAP statement on Libya, much has occurred in that sister country regarding the escalation of violence.
- 2.6 The PAP too would like to join the growing consensus in Africa that the level of destruction that NATO forces are inflicting in Libya is contrary to the spirit of promoting democratization. The PAP also calls for ceasefire and dialogue to resolve the matter within the African Union structures that were created to resolve conflicts.

3. The review of the Pan-African Parliament Protocol to make it an effective Parliament

- 3.1 The PAP draft Protocol is undergoing a validation process in line with the Assembly decision that authorized the review of the Protocol. *Article 25* of the PAP Protocol that provides for the review of the Protocol, stipulates that amongst the factors that ought to be considered in the review process is to see whether the Protocol meets with the evolving needs of the African Continent.
- 3.2 The PAP believes that the ensuing protests by the African people in North Africa are evidence that the needs of the people and involvement in decision making by State institutions are not adequately met. The PAP believes that the AU needs to urgently address the democracy deficit on the Continent by empowering the PAP to play its designed role of being the voice of the people. When the people feel that their voices are heard and heeded in institutions of Government like the PAP, they will be less inclined to protests in the streets.
- 3.3 Therefore, whilst the PAP commends the African Union Commission through the Legal Counsel in facilitating the review process, it also calls upon the Executive Council to ensure that the review of the Protocol is expedited. The PAP is of the opinion that if it is empowered as proposed in the new draft, to have full time Members of the Parliament dedicated only to the work of the Parliament, this will go a long way to ensure that the voices of the people of Africa are represented in the decision making process of the AU.

4. Pan-African Parliament activities between February and June 2011

- 4.1 The PAP Joint-Planning Committee composed of the Members of Parliament held a planning meeting for the activities of 2011 and commenced the process of crafting the Strategic Plan for 2011 to 2013. Thereafter the PAP convened the first parliamentary session of the year during May 2011 at the PAP precincts in Midrand, Republic of South Africa.

4.2 The PAP would like to take this opportunity to commend the African Union Commission for the very good cooperative atmosphere that is developing between the PAP and the AUC. During the PAP May parliamentary session senior AUC and other AU officials responded positively to the requests of the PAP to make presentations of their activities at the parliament's relevant committees and the plenary. These presentations gave valuable information to the parliament for the members to disseminate it to their National Parliaments and the people at grassroots level. Some of the presentations were debated by the members and as a result the parliament adopted some resolutions and recommendations to the AU June/July Summit.

5. The Fourth Ordinary Session of the Second Parliament of the Pan-African Parliament

5.1 The Pan-African Parliament held its Fourth Ordinary Session of the Second Parliament from 09 to 20 May 2011 at its precincts in Midrand, Republic of South Africa.

5.2 The Session deliberated on the Peace and Security situation in Africa focusing on conflict and post conflict areas in general and on the Libyan situation in particular. The Parliament resolved to send fact finding missions to Tripoli and Benghazi to study the extent of the violent conflict and meet with warring parties. Furthermore, the Parliament resolved to send goodwill missions to Tunisia, Egypt, Cote d'Ivoire and the Saharawi Arab Democratic Republic following developments in those countries. The recommendations of the Parliament on Madagascar, Somalia, Saharawi Arab Democratic Republic and Libya are as follows:

- (i) ***On the situation in Madagascar, the Parliament recommended that: SADC and the African Union exert pressure on all parties involved in the Madagascar crisis to effectively implement the agreements signed to bring about a return to constitutional order in this country.***
- (ii) ***On the situation in Somalia, the Parliament recommended that:***
 - 1) ***All parties to the Somalia conflict work together to restore peace and security in the country;***
 - 2) ***All decisions of the African Union Peace and Security Council should be adhered to.***
- (iii) ***On the decolonization of the Sahrawi Arab Democratic Republic, the Parliament recommended that: more pressure be exerted on Morocco to stop the violation of human rights in the occupied territories of Western Sahara as well as the release of all Sahrawi political prisoners;***

5.3 In line with the theme of the Summit, the Parliament adopted a recommendation of the report of the Committee on Family, Youth and People with Disability that:

- 1) ***Member States should organise Youth Parliaments to encourage the youth to understand the principles that underpin democracy.***
- 2) ***The ratification and implementation of the African Youth Charter should be promoted.***
- 3) ***The creation of National Youth Councils should be supported.***
- 4) ***Governments should increase budgetary allocation to youth programmes and activities through Ministries of Youth and other youth-related institutions.***

5.4 In preparation for COP17, the Parliament adopted a resolution to set up a platform to bring Politicians and the Executive together at National and Regional level so as to further contribute towards building and solidifying Africa's common position on Climate Change.

5.5 In the area of Human and People's rights, the Parliament adopted a recommendation which calls upon all those countries that have not yet ratified the Protocol on the African Court of Human and People's Rights to do so and to make the declaration as stated in Article 34(b).

6. Relations with African Union organs and other organizations

- 6.1 The Assembly at its January 2011 Summit in Ethiopia decided that, the Republic of South Africa should host the Diaspora Summit in 2012. The Pan-African Parliament decided also to get involved in the implementation of these decisions by making preparation in collaboration with the United Nations Office of the Under Secretary General and Special Adviser on Africa to commence a preparatory meeting of the Parliamentarians in the Diaspora. The PAP wishes to recall that its vision is to be a platform for the voices of the African People on the Continent and in the Diaspora on decisions of the AU. Therefore the PAP is doing its part of ensuring that there will be popular participation of the Africans in the Diaspora at the Summit in 2012, through their Parliamentarians and grassroots organizations.
- 6.2 The Pan-African Parliament continued in its bid to foster collaboration with other AU organs and other organizations. The attendance of the Deputy Chairperson of the AUC H.E. Erastus J.O. Mwencha and the Commissioner for Peace and Security H.E. Ambassador Ramtane Lamamra provided MPs with the opportunity to discuss issues related to financial and administrative matters of the AU as well as the peace and security situation in Africa.
- 6.3 During the discussion of financial and administrative matters, MPs revisited the issue of the status of PAP in the election observation missions. The MPs lamented the fact that the period AUC is taking to release the report was too long, as a result all election observer reports undertaken so far had not yet been released and thus could not be debated in Parliament. **It was** agreed that a discussion be held between PAP and the Chairperson of the AUC on the matter.
- 6.4 The issues of the status of PAP MPs, PAP Structure and amendments of the Protocol were referred for further consultation between PAP and the PRC.
- 6.5 The presentations made to the Parliament by the CEO of NEPAD, Dr. Ibrahim Assane Mayaki and the CEO of APRM, Mr. Assefa Shifa also strengthened the relationship of the PAP and other AU organs.
- 6.6 The Committee on Health, Labour and Social Affairs is working in cooperation with NEPAD on the Medicine Registration Harmonization in Africa. This project aims at standardization of registration of pharmaceuticals in Africa to forge integration. Lessons learnt from the collaboration between the PAP, IPA and CIS will be valuable in coming up with model laws.
- 6.7 The participation of other AU organs continued through the work of Committees. The AUC directorates sent experts to make presentations to various Committees. The AUC Directorate of human Resources, Science and Technology made a presentation to the Standing Committee on Gender, Family, Youth and People with Disability on the theme of the Summit.
- 6.8 The Committee on Cooperation, International Relations and Conflict Resolution had a meeting with a delegation from the African Union Peace and Security Council. The aim of the meeting was to put in place a mechanism of working together closely. This cooperation is to be buttressed by the Committee's cooperation with AMISOM.
- 6.9 The PAP in collaboration with the World Bank and African Development Bank, held a training program for PAP MPs on International Development and the World Bank.
- 6.10 The Committee on Justice and Human Rights received a presentation from the Prosecutor of the UN Special Court on Sierra Leone. This was followed by a visit that the Committee undertook to Sierra Leone.

7. Status of the Members of Pan-African Parliament in line with the African Union Financial Rules & Regulations

- 7.1 The Pan African Parliament wishes to inform this august Council that since its inception in 2004, no legal document emanating from the African Union has defined the status of a Pan-African Parliamentarian in accordance with the Financial Rules and Regulations of the Union.

- 7.2 Since the Staff Rules and Regulations do not apply to Members of PAP, they should enjoy a status that specifies the details of allowances as stated in Article 10 of the Protocol to the Treaty establishing the African Economic Community related to the Pan African Parliament.
- 7.3 In this regard, and in order to encourage the Parliament to intensify its efforts and commitment to the work of Continental integration and achievement of the AU objectives, it is recommended that the AU policies considers this issue without further delay and spell out the status of the MPs accordingly.

8. Administrative and financial challenges

- 8.1 The PAP wishes to recall to the AU Policy Organs that since its inception, the continental parliament is facing a serious shortage of staff and no recruitment of necessary staff can be undertaken due to the PAP's Administrative Structure which is still under consideration within the AU policy organs. As a result, this situation is impacting negatively on the functioning of the Parliament and on the moral of the few number of staff existing in PAP. At each Ordinary Session or Committee Sitting, the PAP is requesting for support from National Parliaments to provide staff in order to ensure smooth running of the Parliament during these key meetings of PAP.
- 8.2 Once again, PAP is appealing to the AU Policy Organs to speed up process of the consideration and adoption of its Administrative Structure and to be given the necessary resources to recruit essential staff.
- 8.3 In addition to its challenges, the financial resources remain a serious obstacle for the achievement of PAP's objectives as stated by the Protocol to the Treaty establishing the African Economic Community related to the Pan African Parliament.
- 8.4 PAP is really willing to contribute efficiently to the integration of the continent and to play a great role by involving itself in all the action aiming at the improvement of the social and economic situation of Africa and its people. For this reason, necessary resources should be put at PAP's disposal to allow this continental body to achieve the objectives of the integration, peace and security, development, reduction of poverty, education, health and good governance.

9. Conclusion

- 9.1 All in all, the PAP is optimistic that the remaining internal organisational issues affecting its administration could be addressed expeditiously by the relevant Policy Organs.
- 9.2 The PAP also believes that if the matter of adherence to Shared Values by Member States is implemented through the relevant instruments, the people of Africa could experience a much more peaceful and economically prosperous Continent.
- 9.3 The PAP is delighted too by the increasing cooperation of AU Organs and undertakes to deepen these relations.

10. Recommendations

- 10.1 In accordance with the Executive Council decision (EX.CL/647 XVIII), which states that the review process of the PAP Protocol has to be accelerated, therefore the PAP recommends that the target for the endorsement of the PAP draft Protocol by the Assembly, should be at the next Summit in January 2012.
- 10.2 The PRC in accordance with the Executive Council decision (EX.CL/647 XVIII) should make recommendations to the Executive Council on PAP budgetary matters including the treatment of the MPs when on AU missions.
- 10.3 The PRC in accordance with the Executive Council decision should undertake to attend to the PAP structure approval in principle even if there are resources constraints.
- 10.4 The Executive Council should support the PAP efforts to host a side meeting of the Diaspora Parliamentarians and their grassroots organisations in order to ensure that there is popular participation of the people during the AU Diaspora Summit.