

PAN-AFRICAN PARLIAMENT

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PARLAMENTO PAN-AFRICANO

AFRICAN UNION

**NINTH ORDINARY SESSION OF
THE EXECUTIVE COUNCIL
BANJUL, THE GAMBIA**

JULY 28 – 29, 2006

THE PAN-AFRICAN PARLIAMENT

**REPORT OF THE PRESIDENT FOR THE PERIOD
JANUARY-JUNE, 2006**

**Johannesburg, RSA
June 21, 2006**

INTRODUCTION

1. This report of the Pan-African Parliament (PAP) is for the period since the Sixth Ordinary Assembly of the African Union (AU), held in Khartoum, the Sudan, January, 2006. The report briefly describes the work and activities of the key organs of PAP and the accomplishments.
2. The Pan-African Parliament marked its third year of operation on March 18, since inauguration in Addis Ababa. In that brief span of time, the presence, influence and contribution of PAP to the realization of the objectives of the AU, has been felt within the African continent. Indeed, that has been due to the diligent execution of its own mandate.
3. This report is presented pursuant to provisions of Article 3 of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (the Protocol), and Rule 76 of the Rules of Procedure of PAP. The work and activities are described as carried out by the Bureau of PAP, the ten Permanent Committees and the Session.
4. The objective of this report to support of the work of the AU and bring the recommendations of the Fifth Ordinary Session (May 02 to 12, 2006) to the attention of the Executive Council and the Assembly, for action. The recommendations are made in fulfillment of provisions of Article 11(5) of the Protocol, which are the objectives of PAP. These are, *“Make recommendations aimed at contributing to the attainment of the objectives of OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them”*

WORK AND ACTIVITIES OF THE BUREAU OF PAP

5. The Bureau of PAP continued to carry out its mandate and functions as provided for both by Article 12(5) of the Protocol and Rule 17 of the Rules of Procedure.

6. In the period under review, the Bureau held two meetings; i.e. March 08, 09 and 10; and April 25, 26, 2006. At those meetings the Bureau deliberated on various matters and made decisions; most of which were for the facilitation of the work of the Fifth Ordinary Session; amongst these were:
 - 6.1 the preparation of the agenda and work of the ten Permanent Committees, which sat between March 07 and April 09, 2006; and April 23 – 30 2006;
 - 6.2 the installation into office of the Secretary General of PAP, the Deputy Secretary General (Leg. Bus.) and the Deputy Secretary General (Finance & Admin);
 - 6.3 finalized the recruitment of the twenty-five (25) permanent staff of PAP;
 - 6.4 finalization of the work plans of the activities for the implementation of the Strategic Plan of PAP 2006-2010;
 - 6.5 finalization of the trust deed of the PAP Trust Fund, for registration;
 - 6.6 preparation of the programme and agenda of the Fifth Ordinary Session;
 - 6.7 preparation of the fact-finding mission of the Permanent Committee on Cooperation, International Relations and Conflict Resolution to Chad (May 25 to June 04, 2006);
 - 6.8 deliberation and decisions on the management and administration of PAP;
 - 6.9 the deliberation on and appointment of a firm of auditors to audit the statements of accounts of PAP for the fiscal years 2004 and 2005; the report will be submitted to the Sixth Ordinary Session of PAP in November, 2006 and after to the AU;

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

- (i) the International Conference of Islamic States, Istanbul, April, 2006;
- (ii) the Western European Parliamentary Association, Strasburg, France, April, 2006;
- (iii) the Latin American Parliament, Guatemala City June 25 to 27, 2006.

WORK AND ACTIVITIES OF PERMANENT COMMITTEES

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

8. In the period under review, the Committees continued to execute their mandate. They carried out, amongst others, the following:

8.1 held several sittings though specifically, in the period March 07 to April 09, 2006; and April 23 to 30, 2006;

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

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

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

8.5 most Committees participated in outreach activities, for instance:

- (i) a fact finding mission to Chad by the Committee on Cooperation, International Relations and Conflict Resolution – May 25 to June 04, 2006; the report will be submitted to next Session;
- (ii) there are several conferences attended by several members.

WORK OF THE FIFTH ORDINARY SESSION

9. The Fifth Ordinary Session was held from May 02 to 12, 2006, pursuant to provisions of Article 14(2) of the Protocol, and Rule 28(1) of the Rules of Procedure. The Session deliberated and made recommendations on the following Agenda:

- 1. *The Rationalization of the Regional Economic Communities (RECs) in Africa.***
- 2. *Motion on Perspectives on and of Africa. Inaugural Lecture delivered by H.E. THABO MBEKI on 1 April 2006 during the Parliamentary Millennium Project in the PAP Chamber.***
- 3. *Peace and Security in Africa, focusing on :***
 - a. *The Great Lakes Region***
 - b. *Darfur in the Sudan***
 - c. *Côte d'Ivoire***
 - d. *Democratic Republic of Congo***
 - e. *Chad***
- 4. *The PAP/Civil Society linkages in enhancing the effective implementation of the policies and programmes of NEPAD/ APRM.***
- 5. *Presentation and debate on the implementation of Strategic Plan of PAP for 2006 – 2010.***

10. The Recommendations adopted on each of the Agenda are annexed to this report.

OPPORTUNITIES AND CHALLENGES FACING THE PAP

11. The opportunities at the disposal of PAP and the challenges it has to grapple with abound and require urgent attention. The proper and effective address call for concerted effort of the entire family of the AU and beyond. PAP is grateful that, such support has been forthcoming and yet continues to urge for an increase in the amount of the support.
12. The support, PAP is looking for, need not be financial, but could be the expression of solidarity, for instance, by attending and participating in some of its work/ activities. PAP is grateful to the Hon Chairperson of the Commission for the support received in the very candid thought provoking and forward looking address delivered by the Commissioner for Economic Affairs on the Rationalization of Regional Economic Communities (RECs).
13. The Challenges confronting PAP at the moment are many, but for now, only the following highlighted:

Financial Support

14. The approved budget of PAP for the year 2006 stand at USD 5.89 m. However, PAP is grateful, that following meetings with the AUC in February, 2006 and the Sub-Committee of PRC early this month, there are strong indications that, the original sum of USD 11.9 m. will be availed for the current year. While, PAP is grateful to the Chairperson of the Commission for the remittances of USD 3 m., we urge that future remittances be done on time to enable proper placing and execution of programmes. Yet, even that sum of USD 11.9 m. remain insufficient, considering the enormity of the work and activities PAP should carry out as per its mandate.
15. The second challenge relate to the transformation of PAP from its current status of an advisory/ consultative body into fully fledged legislative body. The transformation is expected to be accomplished within the remaining less than three years of the life of the current First Parliament (18.03.2004 to

18.03.2009); subject to decision of the Assembly. That, notwithstanding, PAP is anxious that, there appear to be no movement preparations to that end. On its part, finances allowing, PAP would like to commence deliberations on this, though the Permanent Committee on Rules, Privileges and Disciplines. At any rate PAP, may consider establishing a separate Committee to be backed by experts consultants.

16. The third challenge relate to the consequences of Decision No. EX.CO. Dec.98(V) of the Fifth Ordinary Session of the Executive Council, held July, 2004, which require that, National Parliaments to meet the costs of the participation of their Members in the work and activities of PAP during the First Parliament. The consequences of this decision are negative and hamper the due execution/operation of PAP. For instance:

16.1 some National Parliaments are not able to meet the costs of their members, either for the scheduled meetings in a year or for the duration of one such meeting; thus, some Members do not attend completely or attend for as few as five of the ten days. This results in lack of the requisite quorum to transact business as per statute/ rules.

16.2 where the National Parliament provide for the costs, the sum they provide is way below the average daily rate of upkeep at the seat of PAP. The consequence of this is as at (16.1) above.

16.3 the Members constituting the Bureau of PAP are not Members by the designation of their National Parliaments, but by the entire membership of PAP; thus, it seems appropriate that, the cost of their participation be borne by PAP (by extension the AU).

16.4 the Bureau and specifically, the President carry out diplomatic/public relations work for PAP, when they receive, entertain and hold discussions for the mutual benefit of PAP and AU; yet there is no provision to facilitate their effective carrying out those of chores.

17. To deal with the foregoing challenges, the Bureau of PAP proposes the following for consideration.

17.1 the budget of PAP for 2007 should make provision for a process to transform PAP from its present status into a fully-pledged legislative body;

17.2 the budget of PAP for 2007 should provide for the costs of the Bureau relating to per diem, sitting allowances, entertainment and communication;

17.3 the decision No. EX.CO. Dec.98 (V) of the Executive Council of July, 2004, be reviewed and varied to facilitate the inclusion of the costs of the participation of all Members in the work and activities of PAP, Bureau and Committees, etcetera, i.e. per diem, sitting allowances, medical care, insurance; in the budget of PAP.

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ANNEXURE (1):

RESOLUTIONS AS ADOPTED ON MAY 12, 2006

THE STRATEGIC PLAN OF THE PAN AFRICAN PARLIAMENT

(RESOLUTION NO. PAP – RES. 001/006)

The Pan-African Parliament, (PAP):

RECALLING its power to establish Permanent Committees for the proper and effective discharge of its mandates;

ACKNOWLEDGING that, the effective and efficient operations of the Committees is dependant on facilitation by, among others, Action Plans for the implementation of the Strategic Plan;

AWARE that, the Action Plans of all Committees were finalized and adopted in the Fifth Ordinary Session;

NOW THEREFORE RESOLVE:

To urge the Bureau to intensify the efforts in resource mobilization to ensure the effective implementation of the Pan African Parliament Strategic Plan.

AUDIT OF CONSTITUTIONS OF MEMBER STATES OF THE AU

(RESOLUTION NO. PAP – RES. 002/006)

The Pan-African Parliament, (PAP):

COGNISANT of Rule 26(9) of the Rules of Procedure, which states that, the Committee on Justice and Human Rights shall, amongst other things, *“assist Parliament in its role of harmonizing and coordinating the laws of Member States; promote respect for and develop sound principles of freedom, civil liberties, justice and human and people’s rights and fundamental rights within the Union”;*

CONCERNED about the violation of human rights and suppression of civil liberties in African countries;

HEREBY RESOLVE:

To conduct an audit of constitutions of Member States of the AU and work closely with the AU Commission on People’s and Human Rights.

**RESOLUTION ON THE VIOLATION OF HUMAN RIGHTS ON WOMEN
AND CHILDREN IN THE DARFUR REGION OF THE SUDAN**

(RESOLUTION NO. PAP – RES. 003/2006)

The Pan-African Parliament, (PAP):

COGNISANT of the fact that, there is serious violation of human rights on women and children in the Darfur Region of The Sudan;

DETERMINED to promote the principles of human rights in all parts of Africa.

THEREFORE RESOLVE, THAT:

PAP send a mission comprising of members of the Permanent Committee on Gender, Family, Youth and People with Disability to the Darfur Region of The Sudan and conduct gender assessment and report at the Sixth Ordinary Session.

ANNEXURE (2):

RECOMMENDATIONS AS ADOPTED ON MAY 12, 2006

RECOMMENDATIONS ON PEACE AND SECURITY

ISSUES IN AFRICA

(RECOMMENDATION NO. PAP-REC. 001/2006)

The Pan-African Parliament, (PAP):

DEEPLY CONCERNED by the resurgence of and the proliferation of armed conflicts in Africa;

MINDFUL of its objective to promote peace, security and stability;

CONSIDERING THAT the conflicts are caused, by among others, the lack of democracy, poor governance, poor leadership, corruption, manipulation of processes of accession to and retention of political office, in addition to ethnic conflicts;

APPRECIATING THE concerted effort spear headed by the African Union with the support of the United Nations and development partners to find long-term solutions to the armed conflicts in the Côte D' Ivoire;

The Sudan, Chad, ,the Democratic Republic of Congo and in the Great Lakes Region;

THEREFORE RECOMMENDS, THAT:

1. The African Union (AU) should develop a mechanism to enforce the provisions of the Constitutive Act concerning the promotion of peace, security and stability on the African Continent.
2. The on going efforts be intensified to secure lasting peace in Côte D' Ivoire, The Sudan, Chad, the Democratic Republic of Congo and in the Great Lakes Region.
3. The conflict prevention mechanism established under the auspices of the ACP should be operationalised.
4. All peace agreements should be signed and respected by all parties, especially, the recent Darfur Peace Agreement signed in Abuja.
5. The ongoing peace efforts led by the AU with the support of the United Nation and others are intensified to secure lasting peace.

REGIONAL ECONOMIC COMMUNITIES (RECs)

(RECOMMENDATION NO. PAP- REC. 002/2006)

The Pan-African Parliament, (PAP):

REAFFIRMING the key role of the Regional Economic Communities (RECs) as building blocks for the integration, social–political and economic development for the African Continent;

CONCERNED at the proliferation of Regional Economic Communities and their overlapping mandates;

FURTHER CONCERNED that, the proliferation of RECs has resulted into multiple membership, thus, negating the capacity to meet several financial obligations to the RECs;

APPRECIATIVE of the on going efforts led by the African Union (AU) to rationalize and harmonize the mandates, roles and objectives of the RECs;

RECALLING the obligation of Pan African Parliament pursuant to **Article 3(9)** of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament which state that, **“PAP should facilitate cooperation among Regional Economic Communities and their Parliamentary Fora”**, to

establish a working relationship with RECs and the need for PAP to contribute to the rationalization and harmonization of the RECs;

THEREFORE RECOMMENDS, THAT:

1. The efforts so far undertaken by the African Union(AU) in the rationalisation and the harmonisation of the RECs be sustained;
2. The participants in the efforts to rationalise and harmonise RECs should include the in-put of parliamentarians, civil society , private sector and the appropriate organs of the AU; and
3. All reports on the processes to harmonise and rationalise RECs should be submitted to PAP at the end of every Financial Year of the African Union.

NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)

(RECOMMENDATION NO. PAP – REC. 003/2006)

The Pan-African Parliament, (PAP):

APPALLED by the prevalent underdevelopment and the poor living conditions of the African people;

NOTING that, the New Partnership for Africa's Development (NEPAD) is a product of a number of continental initiatives aimed at boosting the social economic and political development on the Continent;

CONCERNED at the inadequate coordination and possible overlapping between the activities and mandates AU organs and NEPAD;

FURTHER CONCERNED that, despite the significant progress achieved in the implementation of NEPAD, the involvement of the various sectors of civil society, is still lacking and activities and achievements of NEPAD are not sufficiently publicised;

BEARING IN MIND that, the Africa Peer Review Mechanism (APRM), promoted by NEPAD, among others, is an important mechanism to strengthen good governance in Africa;

THEREFORE RECOMMEND, That:

1. The AU should urgently implement the AU Summit Decision of 2003, taken in Maputo (Maputo Decision), in relation to the integration of NEPAD into AU processes; and strengthen the NEPAD Secretariat to ensure that, it is fully capacitated to play its role within the provisions of the Maputo Decision.

2. **REITERATES ITS RECOMMENDATION** calling on AU Member States to accede to the APRM and set for themselves time frames within which this should be done, and calls upon the APRM Forum to present APRM country reports to the PAP.

IMPLEMENTATION OF THE AU AND PAP BUDGETS

(RECOMMENDATION NO. PAP – REC. 004/2006)

Pan-African Parliament, (PAP):

CONSIDERING the objectives of PAP, pursuant to **Articles 2 and 3** of the Protocol to the Treaty Establishing the African Economic Community Relating to The Pan African Parliament;

RECALLING that, the same Protocol at **Article 11(2)** empowers the PAP to discuss the budget of the Union and make recommendations thereon prior to its approval by the Assembly;

REALISING that, the Member States do not regularly honour their contributions which has an impact on the Budget of the African Union and consequentially on the funding of its activities;

HEREBY RECOMMEND, THAT :

1. The budget of the AU be submitted to PAP and debated upon prior to approval by the Assembly of the Heads of State.
2. The PAP Budget be approved by the Assembly pursuant to provisions of **Article 11** of the Protocol.
3. Member States should endeavour to, regularly and in timely manner honour their contributions.

MALARIA, TUBERCLOSIS AND HIV/AIDS

(RECOMMENDATION NO. PAP – REC. 005/2006)

The Pan African Parliament, (PAP):

CONSIDERING that, Malaria, Tuberculosis and HIV/AIDS remain the major killer diseases on the African Continent;

AWARE that, these diseases pose a major threat to the national and continental socio-economic-political development, peace and security;

FULLY SUPPORTING the Abuja Declaration for the accelerated action towards eradication of Malaria, Tuberculosis and HIV/AIDS.

HEREBY RECOMMEND, THAT:

The Member States of the AU should introduce legislation in their National Parliaments as well as mechanisms for monitoring the control of Malaria, Tuberculosis and HIV/AIDS.

TRADE, CUSTOMS AND IMMIGRATION

(RECOMMENDATION NO. PAP – REC. 006/2006)

The Pan-African Parliament, (PAP):

CONSIDERING the important work on the rationalization of the Regional Economic Communities; and

NOTING the report of the Permanent Committee on Trade, Customs and Immigration Matters;

RECOGNIZING the importance of harmonization of laws, protocols and treaties governing trade, immigration and customs within the African Continent;

FURTHER RECOGNIZING the importance of the development of continental trade and the free movement of people and their impact on reducing conflicts over resources.

RECOMMEND THAT:

1. Member States of the AU should ratify the protocols and agreements governing trade, customs and immigration.

2. Member States of the AU should harmonise laws and procedures governing trade, customs and immigration in order to enhance access to African common market.
3. Member States of the AU should speed up the establishment of the African Chamber of Commerce.
4. Member States of the AU should seek collective solutions to the phenomenon of immigration.
5. Member States of the AU, should adopt joint initiatives in support of African agricultural, industrial and tourism sectors to improve the economic base of Africa and thus reduce the brain drain from Africa.