



REPUBLIC OF KENYA

NATIONAL ASSEMBLY

EIGHTH PARLIAMENT - FIFTH SESSION

**REPORT OF THE CPA KENYA BRANCH
DELEGATION TO THE 35TH CPA
(AFRICAN REGION) CONFERENCE
LOBAMBA - SWAZILAND**

7TH - 15TH August, 2004

PREFACE

The 35th Commonwealth Parliamentary Association (CPA) Conference Africa Region was held in Lobamba, Kingdom of Swaziland from 7th August 2004 upto 15th August 2004. The Conference took place at the magnificent and elegant Royal Swazi Sun, Convention Centre and was attended by delegates from the CPA African Region. Mr. Andrew Imlach from the CPA Headquarters represented the CPA Secretary General on observer status.

The Kenyan delegation was consisted of the following:

The Hon. K.F.X ole Kaparo, MP - Speaker of the National Assembly,
Chairman of the CPA, African Region
and Kenya CPA Branch Chairman,
The Hon. Daniel L. Khamasi, MP- Leader of the Delegation,
The Hon. Naomi ShaabAn, MP - Branch Representative,
The Hon. Abdilrahman A. Hassan, MP,
Ms. Mary Chesire - Secretary to the delegation,
Mrs. Nancy W. Mukunya - Personal Assistant to the Speaker.

The Conference, whose main theme was "Peace, Sovereignty and Democracy", focused on the importance of strengthening peace initiatives in the prevention of conflicts in the society and the importance of promoting democracy in the continent. This saw participants actively involved in the presentation and deliberation of the following topics in the plenary and the panels:

- (i) Transforming Warfare to welfare states.
How far has Africa gone?
- (ii) The role of Parliament in the promotion of:
 - (a) Peace, security and stability in the world
 - (b) Accountability of the Executive on International Relations and War
 - (c) Prevention and combat of International Terrorism
 - (d) Education for peace.
- (iii) Women in politics with reference to:
 - (a) Electoral Systems
 - (b) Access to political office
 - (c) Pan African Parliament
 - (d) Equity goals of 30% by 2005.

- (iv) The Role of African Parliaments in promoting the Rights of persons with disabilities.
- (v) The role of Electoral Systems in the promotion of Democracy in Africa.

The meeting was graced by His Majesty King Mswati III, who in his opening speech challenged African Parliaments which have continually been affected negatively by globalization and the resultant north-south divide, to add their voices in support of the call for an equitable international economic order. He stressed that CPA as a small economy, should create new alliances that will enable them to communicate effectively and influence the developed nations in favour of small economies.

The delegation had an opportunity to see for themselves the rich resources of the Kingdom of Swaziland when they went for two days pre-conference tours to the eastern, western and southern parts of the Kingdom.

In keeping with the CPA constitutional requirements, the Speaker of the Swaziland, the Hon. Sgayoyo Magongo and Speaker of the Parliament of Cameroon were elected, respectively, as Chairman and Vice-Chairman of the CPA Africa Region to replace the former office holders whose term had lapsed.

The Cameroon CPA Branch will host the 35th Conference to be held in Younde in 2005. On behalf of the Kenyan delegation to the Conference, I would like to thank the Speaker for nominating us to represent Kenya during the 35th CPA Conference. The occasion was an opportunity for us to join delegates from other African countries and share experiences touching, among other things, on the prevention and combat of terrorism, and ideals of parliamentary democracy.



HON. DANIEL L. KHAMASI, MP
LEADER OF THE DELEGATION

PLENARY SESSIONS

The Conference held six plenary sessions and two panel discussions and the following topics were presented and deliberated upon by the plenary. There were no plenary debate on the panel presentations instead a presentations was made on Tinkhundla system of governance in Swaziland, hence the Regional Secretariat was asked to sent the reports to the Branches.

1. Transforming Warfare States to Welfare States. How far has African gone.

The presenter of the topic Hon. Elizabeth Amakugo, MP of the National Assembly of Namibia in her introduction stated that, all of Africa, with the exception of very few countries, has gone through war in one way or another, ranging from tribal conflicts to colonial resistance. Colonial oppression has specifically served to impoverish the African continent through a process of exploitation of natural and human resources. As it has been observed in the NEPAD document that the post colonial Africa states not only inherited weak states and dysfunctional economies, but that poor leadership, corruption and bad governance stalled development in many African countries.

She stated that given the new established Pan-African Parliament, Members of Parliament should utilize it to the full in expressing the wishes of the African people. Sub-regional institutions such as SADC, ECOWAS and the EAC should be used to strengthen and promote inter-regional cooperation and economic integration.

Parliamentarians were challenged to safeguard democratic principles, the rule of law and respect for human rights and also strive to ensure that the basic needs for the people they represent were sufficiently met.

The delegates were challenged that it was their duty and responsibility to ensure that all that are the breeding ground for civil strife and wars were eradicated from the face of the continent. This can only be realised by tackling the various social ills such as bad governance and corruption, gender inequalities and ensuring equal partnership in the social political and economic fields. There was need to undertake concerted efforts in poverty alleviation by having in place strategies to empower the more disadvantaged sections of the people and by providing educational opportunities as well as essential health services and facilities.

While seconding the topic, a delegate from Zambia, the Hon. Mwitila Shumina, MP stated that democracy is not static and thrives on private

ownership, where the political field requires that those who seek people's mandate must enter into contract on what they will offer to the electorate.

He stressed that whereas welfare states can candidly exist in a state of war, Africa realized the need to ensure that the sad history of military governments and genocide does not resurface on the continent. Bad governance and weak institutions of state were some of the factors that impede the process of the socio-economic transformation of the African continent and that it is crucial to map out these factors because they serve as pre-condition for the process of transformation from warfare to welfare state.

He stated that the demise of the African socialism was clearly recorded in a number of military attempts to take over power without the mandate of the people. The era and Africa effort to acquire political power and by so doing attain self determination in many African countries was a history of war and terror and the liberation therefore formed part of the period of the warfare states.

He further stated that concerted efforts by African leaders in a bid for peace building and the creation of welfare states, saw the Heads of State and Governments converge in Egypt in 1993 under the umbrella of the then OAU and established the mechanism for conflict prevention management and resolution, commonly known as the central organ. Later on in the 1999 members of parliament in the Great Lakes Region sought an opportunity for parliamentary diplomacy in 1999 and founded the Great Lakes Parliamentary Forum on Peace commonly known as the Amani Forum.

He decried that the negative contact with other continents slowed the pace and the learning period of early independence days contributed to some of the creation of some warfare states in Africa. Nevertheless, the determination shown by the Africa people in improving their welfare through democracy and peace building gives the continents citizens a window of hope.

2. The Role of Parliament in the Promotion of:

- (i) Peace, Security and Stability in the World**
- (ii) Accountability of the Executive on International Relations and War**
- (iii) Prevention and combat of International Terrorism**
- (iv) Education for peace.**

The presenter of the topic, the Hon. Thandie Ruth Modise of South Africa stated that an enhanced understanding of human security links the concept of peace with justice, equality and development. Security is an all encompassing state in which individual citizens live in freedom, peace and safety, participate fully in the process of governance, enjoy the protection of fundamental human rights and have access to resources and the necessities of life, including health and education.

The participation of national parliaments in international parliamentary structures provides opportunity for dialogue and exchange of views, shared experiences leading to better solutions to common problems and ability to lobby and influence decisions across parliaments. The cooperation of international Parliaments like Pan African Parliament (PAP) and the European parliaments can serve as a collective influence in international peace and security issues.

Parliaments were challenged to ensure that regular free and fair elections, respect for the political rights of the opposition parties and freedom of the press, representation of women and minority groups in parliament and active promotion of respect for human rights and international humanitarian law. She challenged parliaments to be seen as custodians of human rights within their countries by enhancing proper utilization of parliamentary oversight.

She stated the role of parliamentary diplomacy is vital especially in the use of inter-parliamentary diplomacy initiatives to assist in the protection of human rights and resolution of conflicts across the world. It is crucial that parliaments participate in the decision to deploy peace Forces abroad by ensuring that the deployment is approved by parliament and ensure that the executive explains the reasons for the deployment. In so doing, parliaments must establish strong committees responsible for defence and security issues with capacity to oversee the military and scrutinize executive decisions in terms of international agreements and other instruments.

Parliaments were challenged to ensure that they adopt special anti-terrorism laws or adapt existing laws to deal with prevention and combating of terrorism in line with the requirements of international conventions and protocols. Parliaments should ensure that mechanisms to address terrorism also take into account the root causes of terrorism so that initiatives are effective over the long term rather than the short term.

In order for education for peace to thrive, parliaments were challenged to support and promote the provisions of quality education for all nationally

and internationally and support the promotion of human rights education in order to combat all forms of discrimination.

3. The role of African Parliamentarians in promoting Rights of People with disability

Disability is a global phenomenon that calls for global and local solutions. The United Nations has developed conventions and instruments that promote the rights and lives of persons with disabilities.

In presenting the topic, a delegate from Uganda, the Hon. Hood Katuramu, MP defined disability as a permanent and substantial functional limitation of daily activities caused by physical, mental or sensory impairment and environmental barriers resulting in limited participation.

While disability has for long been regarded as a medical welfare issue that had to be addressed through appropriate interventions of cure or through care confinement to institutions or segregation from mainstream society, he challenged African parliaments to revisit their Constitutions in order to accommodate the rights of persons with disability. This will enable the disable to suit their genius, ethos and aspirations.

Delegates were challenged to introduce programmes of action in their countries to make the physical environment accessible. At the same time undertake measures to provide access to information and communication and physical environment - housing, buildings, public transport, streets, outdoor environments and information services such as Braille, typing services, large print, appropriate technology and sign language.

The challenge therefore for African Parliaments to use their oversight responsibilities, influence on budget matters and legislative level to ensure the promotion of the culture of respect for human rights for the disabled people.

The conference reaffirmed the universality of all human rights and fundamental freedoms, and the rights of persons with disabilities to equal effective enjoyment of legal guarantees in a way that is humane, respectful and accommodating of their differences as a follow-up of the resolutions of the disability Human rights Conference held in Namibia in 2003.

The Conference recommended that African parliaments should put Committees in place for affirmative action programmes to ensure that people with disability are elected, to represent themselves, in the elective posts by setting aside a percentage of seats for them.

4. Women in Politics with reference to:

- (e) Electoral Systems**
- (f) Access to political office**
- (g) Pan African Parliament**
- (h) Equity goals of 30% by 2005.**

Women constitute an asset to the community and countries as a whole yet they have been marginalised in politics for decades and even when Constitutions, Laws and Degrees guarantee for political equality.

While presenting the topic, a Member of Parliament from South Africa, the Hon. Lindiwe Maseko, MP stated that the gender equality and women empowerment has continued to dominate international, regional and national agenda and consequently world leaders have given way to equality of suffrage.

Governments have signed and ratified various Charters and international Conventions that seek to protect women rights but little has been done to implement these charters and conventions hence women have continued to be underrepresented.

She reminded the Conference of the various past women conferences and specifically the Beijing in 1995 which called for greater support for participation of women in all aspects of electoral processes, political and decision making positions and reaffirmed that women have the equal right to participate in governance. The empowerment, autonomy and full citizenship of women are essential for their advancement in other spheres of life and for the more transparent and accountable governance.

Having in mind that there are obstacles that hinder women's full participation in political and public life, African Parliaments were challenged to come up with concerted efforts for women to be included in decision making process and establish women caucuses which should be supported and resourced by Parliament.

She was of the view that a networking system among women should be established with men support and women be left to compete on their own if proportional representation formula/strategy is applied to ensure that more women were elected to the elective posts.

On the Pan African Parliament, the Conference was informed that through the oversight role of the PAP, the African Woman can gain mileage to monitor the progress being made towards the implementation of the Beijing Platform for Action, Convention on Elimination of Discrimination against women, NEPAD, and Protocol on the African Charter on Human People's Rights by their respective national governments.

Since the PAP protocol confers upon the Parliament to establish Committees, this provides a fertile ground upon which women can exert themselves by campaigning for gender mainstreaming through these systems. As a result more women will occupy seats in these committees and hence influence the outcome of decisions. Women lobbyists and women parliamentarians were challenged to redouble their efforts to campaign for a gender sensitive PAP for it is the top decision making regional body.

She stressed that for Africa to achieve the equity target of 30% women representation by 2005, the political goodwill by national governments and reforms in the electoral and political systems are required. Urgent interventions are needed to ensure women are elected to offices and to effectively participate at all levels in public life and in order that sustainable development is realised.

The Conference recommended that for the campaign for political representation to add value to women lives, national governments could, among other things:-

- (a) provide civil education focusing on the women on the importance of registering, voting and contesting for elections;
- (b) appropriating more women to the public office as grounds for training and building confidence;
- (c) enact laws on the proportion of the number of seats to be occupied by women;
- (d) abolish and enforce laws and decrees against traditional practices that suppress women.

5. The role of electoral systems in the promotion of democracy in Africa

Electoral systems are merely one cog in the intricate wheel of constitutional design mechanism. If the electoral system is flawed, then the whole structure of democratic governance grind to a halt. For it to

succeed, it requires the other constitutional mechanism to be equally sensitive and responsive to the divides and tensions within a particular society. Other crucial aspects of constitutional design include the choice of a parliamentary or presidential government, whether there is unicameral or bicameral structure and the degree of separation of powers among the executive, legislature and judicial levels of government

While presenting the topic, the Hon. Daniel Khamasi, MP, Kenya National Assembly stated that elections are a crucial ingredient of democratic transformation and that the value of an election to a democracy could be either enhanced or reduced depending on the nature of an electoral mode/system being used.

While elaborating between elections and governance, he stated that elections among other things, provide routine mechanism for recruiting and selecting individuals to occupy seats in representative institutions, periodic opportunities to review the government's records, accord the elected government domestic and international legitimacy as well as moral title to rule and also act as agents of political socialization and political integration, providing a unifying focus for the country concerned.

The Conference was informed of the significance of electoral systems in democracy since it encompasses procedures, rules and regulations for the electorate to exercise their right to vote and determine how elected members occupy their allocated seats in the legislature. There is no doubt that the credibility of the process, the acceptability of the outcome and the internal and international legitimacy of the leaders are important aspects for political stability in any given country.

The Conference was unanimous that despite the various electoral systems in Africa, each country should adopt a system that best suits its own party systems.

There is no model of electoral system which should be imported or imposed in any democracy.

The Conference agreed that for an electoral system to add value to democracy, it must enhance the accountability of the elected to their constituencies while at the same time ensure the broader representation of key political forces in the legislature and this makes a political system more inclusive and participatory and accords leaders legitimacy to govern

ANNUAL GENERAL MEETING

An annual General Meeting of the CPA Africa Region was held on 12th August, 2004 and was attended by all delegates of the Africa Region States.

The meeting deliberated on the following matters:

- (i) Website - the meeting resolved that the Region uses a link on the Tanzania parliament to host Regional affairs website until such a time that funds are available to host independently, while allowing to measure the number of people accessing the website.
- (ii) Approval of the Relocation of the Secretariat - the relocation of the Secretariat from Zimbabwe to Tanzania was approved and Mr. Kipenka Mussa, Clerk of the Parliament of Tanzania was confirmed as the Regional Secretary to replace Mr. Austin Zvoma from Zimbabwe, following the withdrawal of the Zimbabwe from the Commonwealth.
- (iii) Election of office Bearers - The Hon. Sgayoyo Magongo, MP Speaker of the House of Assemblies of the Kingdom of Swaziland was elected Chairman of the CPA, Africa Region while the Speaker of the Parliament of Cameroon was elected Vice-Chairman. The two, who were elected unopposed, replaced Hon. Francis ole Kaparo, MP and whose term of office as Chairman and Hon. Sgayoyo Magongo, MP Vice-Chairman had expired.
- (iv) Reports - The following reports were presented and adopted by the meeting:
 - (a) Twentieth report of the Regional Executive Committee
 - (b) Income and Expenditure for the year ended 31st December 2003
 - (c) Budget for the Secretariat for the year ended 31st December 2005
 - (d) Report of the Sub-Committee on programmes Planning and Finance.
 - (e) The Regional Representatives and Roster
 - (f) The Report of the Commonwealth Women Parliamentarians.
- (v) Next Meeting - The next meeting of the CPA Africa Region is to be held in Younde Cameroon in 2005.

THE FOLLOWING DECISIONS WERE MADE BY THE EXECUTIVE COMMITTEE MEETING HELD ON AUGUST 11, 2004

1. Election of the CWP International

The Region resolved to support the Hon. Lindiwe Maseko, MP South Africa, for the post of Chairperson CWP International, which was due to take place during the 50th CPA International Conference in Canada and resolved to lobby support of other regions for the support of the CWP candidate from Africa

2. Next Executive Committee Meeting

The Region agreed that Nigeria hosts the next meeting of the CPA Executive Committee.

The meeting ended on Saturday 14th August, 2004.