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KENYA NATIONAL ASSEMBLY  
NINTH PARLIAMENT – FIFTH SESSION

**REPORT OF THE FIFTH ORDINARY SESSION OF  
THE  
PAN-AFRICAN PARLIAMENT OF THE AFRICAN  
UNION**

**GALLAGHER ESTATE, MIDRAND, SOUTH AFRICA  
MAY 02 TO 12 2006**

KENYA NATIONAL ASSEMBLY  
Accession: 10012985

Call No: 328-404 KNA



Clerks Chambers  
Parliament Buildings  
**NAIROBI**

May 2006

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**REPORT OF THE FIFTH ORDINARY SESSION OF THE PAN  
AFRICAN PARLIAMENT OF THE AFRICAN UNION HELD IN  
PARLIAMENT BUILDINGS, GHALLAGHER ESTATE,  
MIDRAND, SOUTH AFRICA MAY- 02-12, 2006**

**Mr. Speaker Sir,**

I beg to move that the House adopts the Report of the Kenya delegation to the Fifth Ordinary Session of the Pan African Parliament (PAP).

**PREFACE**

**Mr. Speaker Sir,**

The Pan African Parliament, which came in being in March, 2004, is an organ of the African Union established under Article 2 of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan African Parliament, in accordance with Article 17 of the Constitutive Act of the African Union. The establishment of the Pan-African Parliament is informed by a vision to provide a common platform for African peoples and their grass-roots organisations to be more involved in discussions and decision-making on the problems and challenges facing the continent.

**Mr. Speaker,**

The Pan- African Parliament whose seat is in Midrand, South Africa is a representative body of all peoples of Africa. The ultimate aim of the Parliament is to evolve into an institution with full legislative powers, whose members are elected by universal suffrage. The objectives of the PAP are to:-

- Facilitate the effective implementation of the policies and objectives of OAU/AEC and, ultimately, of the African Union
- Promote the principles of human rights and democracy in Africa
- Encourage good governance, transparency and accountability in Member States

- Familiarize the peoples of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the African Union
- Promote peace, security and stability
- Contribute to a more prosperous future for the people of Africa by promoting collective self reliance and economic recovery
- Facilitate cooperation and development in Africa
- Strengthen continental solidarity and build a sense of common destiny among the peoples of Africa
- Facilitate cooperation among Regional Economic Communities and their Parliamentary fora.

### **MEMBERSHIP OF THE KENYA DELEGATION**

The Kenya delegation was comprised as follows:-

The Hon. Oparanya, MP - **Head of Delegation** (NARC)  
 The Hon. Nyiva Mwendwa, MP (NARC)  
 The Hon. Mwanicha Okioma, MP (FORD P)  
 The Hon. Njoki Ndungu, MP(NARC)  
 Mrs. Serah Kioko - Secretary of Delegation

The delegation acknowledges with satisfaction the good work being undertaken by the incumbent Clerk of PAP, Mr. Murumba Werunga who is a Kenyan. The officer who for a long time has served as a Clerk Assistant rising to the level of Deputy Clerk in the Kenya National Assembly has injected professionalism into the running of PAP affairs.

The delegation has actively been involved in the activities of PAP both in the plenary and committees. I am currently the Chair of the Committee on Monetary and Financial Affairs and a member of the PAP Bureau. During the last Session, the Hon. Okioma and I filled Questions, which were deliberated on and the entire delegation took active participation in all plenary and committee sessions. We nevertheless, wish to note with concern that a motion filed by the Hon. Njoki Ndungu has failed to be allocated time to be deliberated upon during the last two sessions but are following up with a view to having it slotted for discussion during the next Session.

The delegation is grateful to the House and to you Mr. Speaker, for entrusting them with the responsibility of representing Kenya in PAP, which is a key and unique continental forum, and to the office of the Clerk for providing the necessary facilitation.

### **OPENING CEREMONY**

The Session was opened through a communication by the President of the Pan African Parliament, Dr. the Hon. Amb. Gertrude I. Mongella, MP during which she:-

- Welcomed all members and invited guests to the Official Opening of the Session;
- Congratulated H.E. President Dennis Sassou Nguesso of Congo Brazaville for his election as the Chair of the African Union and paid tribute to outgoing AU Chair, H.E. President Olusegun Obasanjo of Nigeria for the outstanding service during his tenure;
- Enumerated the achievements of PAP since its inception;
- Expounded on issues to be addressed by the Fifth Session;
- Stated challenges facing PAP emphasising financial constraints;
- Expressed gratitude to the Government and people of South Africa for their continued support to PAP;
- Appreciated the support of PAP partners including the Germany Technical Foundation, (GTZ), European Parliamentarians for Africa (AWEPA) and the United Nations Department of Economics and Social Affairs (UNDESA); and
- Emphasised the pivotal role of committees in the work of Parliament.

### **WORK OF THE FIFTH ORDINARY SESSION**

The Fifth Ordinary Session of the Pan African Parliament commenced on May 02, 2006 and ended on 12<sup>th</sup> May 2006. It was held pursuant to the provisions of the Article 14(2) of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan African Parliament and Rule 28(1) of the Rules of Procedure. Approximately two hundred and twenty-five (225) Members from forty-five (45) African nations were in attendance.

Under the leadership of the President, Dr. the Hon. Amb. Gertrude I. Mongella, MP, the Parliament transacted business both in Plenary and Committees during which Members deliberated and made recommendations on the following issues:

1. 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 April 01 2006 during the Parliamentary Millennium Project in the PAP Chamber
3. Peace and security in Africa, focusing on:
  - The Great Lakes Region
  - Dafur in the Sudan
  - Court d'Ivoire
  - Democratic Republic of Congo
  - 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.

**Mr. Speaker Sir,**

During debates on the various items, emphasis was placed on the issue of general peace and security situation in Africa during which Members expressed concern over the approximately 2.5 million displaced people in Dafur, which has raised concern internationally. The PAP pledged to facilitate cooperation between the Sudan and Chad whose stability has greatly been threatened by the Dafur crises.

The PAP advocated for the extension jurisdiction of the Africa Court on human rights and peoples rights to serve as an African Criminal Court.

Members resolved to support the efforts of resolving conflicts as spearheaded by the AU and expressed hope that the on-going processes in search of peace in the Democratic Republic of Congo, Ivory Coast, the Great Lakes Region in general and Chad would continue.

Confidence was also expressed that Africans, particularly, African leaders would come up with solutions to the on-going conflicts. Indeed the Constitutive Act of the AU and the framework for resolution of conflicts have sufficient force to effect the ending of conflicts. Members further expressed confidence that peace initiatives such as negotiations and missions to conflict prone regions of Africa would enhance the processes in search of peace. They were of the view that such negotiations and missions should include the input of parliamentarians at national, regional and continental levels.

The PAP resolved to carryout missions to the areas of conflict under discussion and report to next Session for debate.

On RECs, Members appreciated the merit in the establishment of the current RECs and acknowledged the role played by the RECs in awakening the spirit of integration amongst the peoples of Africa. They observed that time had come for a review of RECs so as to harmonize their efforts in line with the goals and objectives for continental integration.

On the inaugural lecture by H.E. Thabo Mbeki, which was directed at the development of an integrated, free and self reliant economy of Africa, Members underscored the concepts developed in the lecture on good governance, accountability, the rule of law and leadership ethics as necessary input in the quest for economic development.

On NEPAD and APRM, parliamentarians pledged support for NEPAD and APRM but noted with concern the limited participation of ordinary citizens in the NEPAD and APRM processes. It was further noted that there was no concrete information dissemination mechanism on the NEPAD and APRM and concerned parties were called upon to step up public education.



The resolutions adopted on each item of the agenda are annexed to this report.

### **MESSAGE OF GOODWILL**

The President recognised the presence of Senator Raynell Andreychuck, Co-Chair of the Canada-Africa Association and invited her to address the House. In her address, Senator Andreychuck expressed gratitude for the recognition and commended the PAP Strategic Plan. She also assured the House of the support of Canada to PAP and exhorted Members to ensure that the legislature effectively plays its oversight role over the Executive.

### **CAUCUS MEETINGS**

Caucuses of the various regions also met to select news members for membership of Permanent Committees and nominate office bearers for certain committees to fill vacant seats.

### **ADDRESS BY MEMBERS OF THE EUROPEAN PARLIAMENT**

The President, in accordance with provisions of Rule 38 (1) (b), invited a delegation from the European Parliament, headed by the Hon. Michael Gahler, MP and the Co-President of the ACP-EU Joint Parliamentary Assembly (JPA), the Hon. Glenys Kinnock, MP to take seats in the Chamber and address the House. The Hon. Michael Gahler and the Hon. Kinnock addressed the House on behalf of the delegation.

In his address, the Hon. Gahler expressed gratitude on behalf of the six member delegation and informed the House that the European Parliament was actively involved in the implementation of the European Union Strategy for Africa and that the priority issues in the strategy included trade, infrastructure development and migration.

He stated that he was aware of the challenges facing the Pan-African Parliament such as budgetary constraints among others.

He appealed for cooperation between the European Parliament and PAP on issues of common interest and emphasized the need for the exchange of views between the two sister Parliaments.

The Hon. Gahler extended a hand of invitation to the President to visit and address the European Parliament this year for purposes of solidifying the partnership between the two Parliaments.

On her part, the Hon. Kinnock expressed appreciation for the warm reception extended to the delegation and informed the House that she had had an opportunity to visit areas mostly affected by food shortage in Kenya during which she had witnessed first hand, the suffering of the peoples of Africa due to poverty.

She stated that Pan-African Parliamentarians and those in national parliaments had a momentous task of tackling poverty and other challenges facing the continent of Africa. She further stated that it was the duty of parliamentarians to address the problems of insecurity and electoral malpractices and ensure that women in Africa are empowered.

She informed the House that seventy-eight (78) Parliaments of the Africa, Caribbean Pacific (ACP) Group were working in partnership with the European Parliament under the ACP-EU JPA arrangement. She implored Members to enforce checks and balances on the Executive and keenly monitor the appropriation of public funds for the benefit of the people they represent. She, particularly, appealed to Members to take keen interest in the implementation of Economic Partnership Agreements (EPAs) and other areas of cooperation with the European Union especially with regard to money loaned to African States.

### **OPPORTUNITIES AND CHALLENGES FACING THE PAP**

Opportunities available to PAP and challenges are myriad and need to be addressed which calls joint effort of the entire AU family and beyond. It is the responsibility of every Member State, Kenya included, to make every effort to ensure necessary support is led to PAP. Such support could be financial or expression of solidarity.

Lack of adequate funding has meant that PAP is not financially empowered to carry out its mandate. Yet still, PAP as presently constituted is an advisory body and is not empowered to legislate.

The provision that National Parliaments meet the costs of participation of their Members in the work of PAP greatly hampers its operations as some Parliaments fail to meet the costs of their Members which in turn leads to lack of quorum and therefore inability to transact business effectively.

### **RESOLUTIONS**

The Plenary considered and adopted draft recommendations and resolutions arising from the reports of the various committees and topics of discussions.

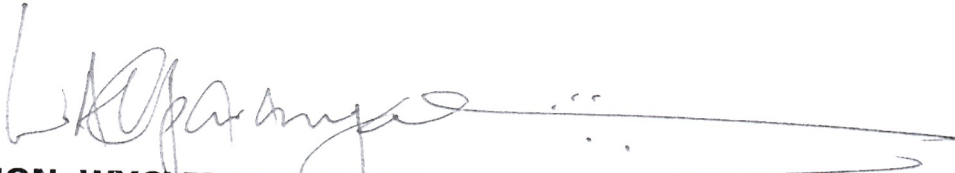
A full text of the resolutions is hereby attached.

### **ADJOURNMENT**

The Session was adjourned *sine die* at twenty-two minutes past Twelve O'clock.

**Mr. Speaker Sir,**

It is now my pleasant duty to commend this Report to the House for consideration and adoption.



**HON. WYCLIFFE AMBETSA OPARANYA, MP**  
**HEAD OF DELEGATION**

**MAY 2006**

# **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.