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THE AFRICAN UNION

REPORT ON MEETING OF AFRICAN PARLIAMENTS JUNE 27 - 28, 2002

PARLIAMENT OF SOUTH AFRICA, CAPE TOWN

PARLIAMENT BUILDINGS
NAIROBI

JULY 2002

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Mr. Speaker Sir,

1.0. INTRODUCTION

1.1. The meeting of African Parliamentarians took place in Cape Town, South Africa on 27th and 28th June, 2002. The meeting was sponsored and organized by the Parliament of South Africa to continue dialogue between Parliamentarians from Africa, initiated at the African Parliamentarians Conference held in Pretoria in July 2000 on how parliaments can be involved in the establishment of the African Union (AU), the Pan African Parliament (PAP) and other organs of the Union, such as the Central Bank of Africa, the Committee of Experts among others, and to make final proposals on the operationalization of the Protocol for the establishment of the Pan African Parliament.

2.0. ATTENDANCE

1.1. The meeting attracted delegates from most African Parliaments with several delegates led by a Speaker/Presiding Officer or his Deputy, four Members and one Parliamentary Official. The following countries participated:-

Algeria, Angola, Benin, Botswana, Burundi, Cameroon, Cape Verde, Central Africa Republic, Egypt, Ethiopia, Gabon, Gambia, Ghana, Guinea Equatorial, Kenya, Lesotho, Libya, Madagascar, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Saharawi Arab Democratic Republic, Seychelles, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, and Zimbabwe.

- 2.2. The Kenya delegation to the meeting was led by the Hon. Peter O. Odoyo, M.P., Assistant Minister for Foreign Affairs. The other delegates were:-

The Hon. (Dr.) Mukhisa Kituyi, M.P. for Kimilili (FORD-Kenya)

The Hon. Martha Karua, M.P. for Gichugu (Democratic Party)

The Hon. Kyalo Kaindi, M.P. for Kathiani (Social Democratic Party)

The Hon. James C. Koskei, M.P. for Kuresoi, (KANU)

Mr. Justin Bundi - Secretary to the delegation.

3.0. OPENING SESSION

- 3.1. The meeting was officially opened by H.E. (Dr.) Z. Skweiyiya, M.P., Acting Minister for Foreign Affairs on behalf of President Thabo Mbeki who was attending the G8 Summit in Canada, and was therefore unable to attend.

- 3.2. Before the opening, the following addressed the meeting:-

- (a) The Hon. (Dr.) Frene Ginwala, M.P. Speaker of the National Assembly of South Africa.
- (b) The Hon. G.N.M. Pandor, Chairperson of the National Council of Provinces, Parliament of South Africa.
- (c) The Hon. (Dr.) Ahmed Fathi Sorour, Speaker of the Egyptian People's Assembly.

In her opening remarks, the Hon. Dr. F.N. Ginwala, Speaker of the National Assembly, Parliament of South Africa, welcomed all delegates from the Parliaments of Africa. She stressed that this

was an important meeting of parliaments to discuss issues facing the continent especially in light of the need for parliaments to contribute to building the institutions of African Union.

On her part the Hon. Dr. G.N.M. Pandor, chairperson of the National Council of Provinces, Parliament of South Africa paid special tribute to authors Marcus Garvey and W.E.B. du Bois for the contribution their work has made to the ideal of Pan Africanism.

In his address, Dr. Ahmed Father Sorour, Speaker of the Egyptian Peoples Assembly expressed hope that the establishment of the African Union would serve as a mechanism to bring about peace and stability on the African continent resulting in much yearned for development and economic reform. He said that the creation of the Pan African parliament although currently envisaged as an institution with only consultative authority, it is hoped would lead to a Pan African Parliament which is able to legislate and perform tasks for the continent. The Pan African Parliament would therefore be responsible for the promotion of institutions of democratic culture, good governance, sovereignty and human rights as well as for coordination of legislation amongst member states.

- 3.3. The meeting was chaired by the Speaker of South African Parliament and co-chaired by the Chairman of the National Council of Provinces, the Speakers of Uganda, Benin and Sudan.

4.0. TOPICS AND PROGRAMMES OF THE SEMINAR

4.1. The subjects and topics of the seminar were as follows:-

DAY 1

- (a) The Role of the National Parliaments in relation to the Pan African Parliament, and the African Union.
- (b) The relationship between the Pan African Parliament and Other Organs of the African Union.
- (c) The Pan African Parliament and Regional Parliamentary Formations.

DAY II

- (a) Formalization of the processes towards the establishment of the African Union and its Organs.
- (b) Overview of the protocol to Treaty establishing the African Economic Community relating to the Pan African Parliament.
- (c) Political and Economic Integration building on existing regional initiatives such as Community of sahel and Sub-Saharan countries. ECOWAS, COMESA, SADC, ECCAS.
- (d) Peace and Human Security.
- (e) Civil Society involvement in the Pan African Parliament.

- 4.2. Before presentation and debate on the topics listed above, leaders of delegations made brief opening statements. After thanking the Parliament of South Africa for the initiative in organizing the conference, and the satisfactory services offered to the delegations, leaders of delegations expressed concern that very few had ratified the Constitutive Act of the African Union and the Protocol on the Pan African Parliament. Leaders pledged to support the AU and PAP by discussing it in their parliaments, and in public so that Africans could appreciate the significance of the establishment of the new institutions.
- 4.3. After general remarks by the leaders of delegations, all the subjects listed above were discussed in the plenary. Some of the papers presented have been deposited in the library.

5.0. ISSUES THAT EMERGED

- 5.1. Contributions from the leaders of delegations and the general debate in the plenary on the listed topics indicated that not many parliaments had debated the Constitutive Act and the protocol on the Pan African Parliament. Not many citizens of Africa had sufficient knowledge of the proposed changes, and how they will affect them.
- 5.2. While all the delegates supported the formation of the African Union and the Pan African Parliament, several member countries had ratified the AU and PAP and deposited the instruments of ratification with the OAU Secretariat. If the protocol on PAP is not ratified by 2/3 of the member states there would be difficulties in establishing the Pan African Parliament.

- 5.3. Fears were expressed by several countries that the establishment of AU and PAP will cause substantial loss of sovereignty because when fully established, the two organizations will have power to make decisions that will affect and influence the decisions of Government. PAP will also make laws that will have to be domesticated by the National Parliaments. The constitutional authority of legislating that is vested only in the National Parliaments will be eroded. National Parliaments will have to decide how to accommodate the AU and PAP.
- 5.4. According to the draft protocol, PAP does not have sufficient oversight role in the budgetary process of the AU and, without budgetary powers, PAP will not be able to enhance its own objectives which include facilitating the effective implementation of policies and objectives of the AU and promoting peace, security and stability.
- 5.5. Since the AU will be funded by contributions from the national budget, it is appropriate that the representatives of the Pan African Parliaments should have an oversight role of the budget.
- 5.6. Relationships between PAP and the other organs of the AU should be properly defined to reduce the potential for conflict, for example the relationship between PAP and the Permanent Representatives Commission.
- 5.7. The issue of financing the AU and PAP stuck out prominently because lack of sufficient finance was one of the problems that made the Organization of African Union (OAU) ineffective. The PAP stipulates that every national parliament will send five members. It was estimated that the costs of five (5) members will be \$5

million per annum. National Parliaments will have to allocate this contribution from the national budgets.

- 5.8. On representation, some delegates were of the view that the fact that *one-fifth* of the delegation to the PAP should be women was not enough. The women members should be at least *one-third* and that parliaments should not only speak of gender equality but also should practice what they preach.
- 5.9. A presenter raised the matter of the relationship between PAP and the Regional Parliament should be more clearly defined. Should the Regional Parliaments make nomination to the PAP or should it be the National Parliament?
- 5.10. The issue of where the Headquarters of AU and PAP would be located was discussed with South Africa and Libya expressing keen interest, and lobbying vigorously.
- 5.11. The proposal for establishing a steering committee to co-ordinate the affairs of the PAP was discussed. The steering committee was proposed to include speakers of countries that chair the following Inter-Governmental Bodies:- SADC, ECOWAS, IGAD and the Inter-Parliamentary Union. The selection would be done on the basis of Inter-Governmental Bodies that meet the OAU framework. The EAC was not considered. In the initial consultations, COMESA was not mentioned. However no resolution was made on this matter.

6.0. STATEMENT TO THE SUMMIT OF HEADS OF STATES AND GOVERNMENTS MEETING IN DURBAN

At the conclusion of the meeting in Cape Town, the delegates adopted a statement to be submitted to the Summit in Durban. The full statement is reproduced here below:

STATEMENT ADOPTED AT THE MEETING OF AFRICAN PARLIAMENTS IN CAPE TOWN, SOUTH AFRICA – 28 JUNE, 2002.

We the representatives of Parliaments of Africa:

Inspired by the heroic struggles waged by our peoples and our countries for political independence, human dignity, economic development and human security;

Convinced of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the social-economic development of Africa and to face more effectively the challenges posed by a rapidly changing world;

Noting the progress achieved since the Fourth Extra-ordinary Session of the Organization of African Unity in Sirte, Libya, and, the 37th Ordinary Session of the Assembly of Heads of State and Government of the OAU held in Lusaka, Zambia, by which the Assembly began the process of transformation of the OAU into the African Union in terms of the AU Constitutive Act, thus achieving the ultimate objectives of the Charter of our continental organization and the Treat;

6.0. Report as follows:

6.1. We **deliberated** extensively on steps that must be taken to ensure a strong and effective role for Parliaments in advancing the objectives of the African Union and those elaborated in the Pan African Parliament (PAP) Protocol;

6.2. **Re-affirmed** our commitment to implementing the PAP Protocol and welcome reports of countries that have ratified the Protocol. **Agreed** that it is essential that Parliaments proceed to ratify the Protocol as a matter of urgency;

6.3. **Affirmed in particular,**

(a) the significance of the meeting as a further advance towards unity in Africa.

(b) that Parliamentarians as the representatives of the peoples of Africa must play an effective role in enhancing continental unity; and

(c) that the gathering lays a firm basis for accelerating the establishment of the Pan African Parliament.

(d) the urgent imperative of consolidating the aspirations of Africans for greater unity, solidarity and cohesion, in a united Africa wide community that will transcend cultural, ideological, ethnic, religious and national differences;

6.4. **Asserted that:**

- (a) *the objectives of the African Union cannot be effectively realized without the full involvement of Parliaments;*
- (b) *the core principles that guide Parliaments i.e. transparency, accountability, democracy and public participation will lend positive weight to the activities of the African Union;*
- (c) *the creation of the Pan African Parliament will give concrete expression to the vision of a united, integrated and strong Africa;*
- (d) *Parliaments must play a role in achieving the socio-economic development of the continent particularly as detailed in the New Partnership for Africa's Development (NEPAD); and*
- (e) *Parliaments must make a vital contribution towards the eradication of wars and conflicts on our continent;*

6.5. **Urged that:**

- (a) *effective mechanisms for ensuring the involvement and active participation of Parliaments in the present and all phases of the African Union should be put in place;*
- (b) *Heads of States and Governments should accelerate the ratification of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan*

African Parliament, and ensure its implementation in accordance with the relevant national constitutions; and

- (c) *Heads of States and Governments meeting at the launch of the African Union set a firm date for the inaugural meeting of the PAP and commit financial and any other necessary resources for this event to enable the PAP to continue to function:*

Strongly urge that Parliaments proceed to put in place structures and mechanisms to begin preparations for the inauguration of the PAP. In order to give effect to this, we recommend that the Assembly instructs the Commission to establish a representative steering committee of Parliamentarians that will support and co-ordinate the steps necessary to achieving this objective.

7.0. OBSERVATIONS

- 7.1. The meeting was timely. It enabled parliamentarians to make their contributions to the summit.
- 7.2. The subjects and topics of the seminar were well articulated, balanced and chosen. The issues that were raised in the meeting were relevant to the emerging cultural, economic, political and social circumstances and conditions in the world.

The Kenya delegation to the meeting performed exceptionally well during debate in the plenary despite abrupt change in the programme and subjects for discussion.

- 7.3. That the Kenya Parliament is ill-prepared to meet the challenges of AU and PAP. All resolutions of meeting relating to the AU are yet to be tabled in Parliament for information and debate, e.g. the Extra-Ordinary Sessions of the Organization of African Unity, in Lome - Togo, resolutions of the OAU meeting in Sirte – Libya, the 37th Ordinary Session of the assembly of Heads of States and Governments of OAU held in Lusaka – Zambia, etc.

The delegation to the African Parliamentarian meeting did not have the benefit of the contributions from the House and the citizens because the Constitutive Act on the AU and the Protocol on PAP are yet to be tabled and deliberated upon.

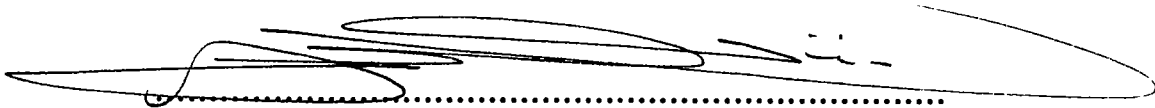
8.0. RECOMMENDATIONS

- 8.1. Kenya should set-up a working group to discuss the Constitutive Act on the AU and the Protocol on the Pan African Parliament to shed more light on the rules and procedures of AU and PAP, and the implications to the country.
- 8.2. The Ministry of Foreign Affairs should establish a closer working relationship with the National Assembly through regular interaction on issues that are listed for debate in international meetings and conferences.
- 8.3. Parliament should formally set-up an office to deal with international relations between and among various parliamentary bodies and other international organizations. This goes beyond the

Committee of Defence and Foreign Relations as is currently constituted.

9.0. APPRECIATION

I would like to take this opportunity to thank the Speaker for according me a chance to lead the delegation. I would also like to thank the Members of the delegation for the sterling performance during the meeting, and the secretary for providing administrative support.

A handwritten signature in black ink, appearing to read 'Peter Ochieng Odoyo', written over a horizontal dotted line.

**HON PETER OCHIENG ODOYO, M.P.
ASSISTANT MINISTER FOR FOREIGN AFFAIRS/
LEADER OF THE DELEGATION**

July 9, 2002

