

THE ROLE OF THE PAN AFRICAN PARLIAMENT IN SHAPING GOOD GOVERNANCE AND DEVELOPMENT IN AFRICA

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Historical Background

The Pan-African Parliament origins are traced from the Abuja Treaty signed by African leaders in Abuja, Nigeria, in June, 1991, this treaty took effect in May, 1994. After the Abuja Treaty, the Fourth Extra-ordinary Session of the Assembly of Heads of State and Government held in Sirte, Libya on September 8-9, 1999, adopted the Sirte Declaration. The Sirte Declaration called for the speedy establishment of the institutions (including the Pan African Parliament) provided for in the treaty establishing the African Economic Community.

In support of this a subsequent meeting took place in Addis Ababa, Ethiopia, April 17-21, 2000 convened by the Secretary-General of the OAU, Dr. Salim Ahmed Salim and composed of legal experts and parliamentarians who considered the Draft Treaty on the establishment of the African Union and the Draft Protocol of the Treaty establishing the African Economic Community relating to the Pan-African Parliament. This was followed by the 36th Ordinary Session of the Assembly of Heads of State and Government of the Organisation of African Unity (OAU) which convened in Lome, Togo from 10th to 12th July, 2000. The meeting approved and adopted the Draft Constitutive Act of the African Union and the Pan-African Parliament (PAP).

During 5 - 17 November, 2000, about 191 delegates from 41 OAU Member States, comprising, among others, State Representatives, Speakers, Deputy Speakers, Clerks and parliamentary staff, attended the historic meeting of Parliamentarians in Pretoria, South Africa. The meeting was the first of its kind to be organised specifically for parliamentarians drawn from Member States of the OAU since its founding which was 37 years earlier.

The main objective of the meeting in South Africa was to examine and finalise the Draft Protocol of the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament. The South African government released a statement asserting that it "wishes to affirm that the objectives of the Pan African Parliament, which include the promotion of democracy and good governance on the continent, are in keeping with our overall objectives of promoting the principles of the African Renaissance. In keeping with the spirit of the Sirte Declaration, which aims at addressing the new social, political and economic realities in Africa, eliminating the scourges of conflict and poverty on

the Continent, the South African government welcomes the opportunity to host the Pan African Parliament Meeting".

The delegates expressed support for the establishment of the Pan-African Parliament as a way of involving the African peoples in the on-going process of political and socio-economic integration on the continent. They were, therefore, prepared to chart the way forward by determining the configuration of the Pan-African Parliament, which would enjoy the support, and confidence of the African people.

On March 18, 2004, the AU inaugurated the Pan-African Parliament (PAP) in Addis Ababa, Ethiopia. It is a unicameral body of 265 MPs, five from each Member State, at least one of whom should be a woman. As of September 2005, the PAP had representatives from 46 Member States. For the first five years, the Pan African Parliament was expected to function as a consultative and advisory body without any legislative powers. This initial mandate allows it to discuss any matter it wishes to take a position on and to make its views and positions known to the African Heads of State and Government as well as to all African citizens.

In July 2004, a decision was taken by the Assembly of the Heads of State and Government to make the Republic of South Africa the host nation of PAP in accordance with Article 16 of the Protocol.

Objectives of the PAP

The objectives of the Pan African Parliament, as listed in Article 3 of the Protocol are:

1. *facilitate the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union;*
2. *promote the principles of human rights and democracy in Africa;*
3. *encourage good governance, transparency and accountability in Member States;*
4. *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;*
5. *promote peace, security and stability;*
6. *contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;*
7. *facilitate cooperation and development in Africa;*

8. *strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa;*
9. *facilitate cooperation among regional economic communities and their parliamentary fora.*¹

The goals of the Pan African Parliament are grouped into five main areas:

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1. Facilitate continental and regional integration as well as cooperation and development based on self-reliance in Africa

The PAP aims at engaging African countries' resources and capacity in a cooperative effort to support the African Agenda set by the African Union for the accelerated growth, sustainable development and socio-economic integration of the African continent.

The PAP is expected to become one of the key continental organizations for pushing an enlightened global economic and political cooperation agenda. It should struggle for new modes of political and economic organization that transcend crude liberal democracy and economics. In the emerging global political and economic alignments and realignments, Africa seems to have been bypassed. The continent's exponential marginality and vulnerability will most likely obliterate its ability to exert any leverage in the emerging global political economy. National and collective self-reliance seems to be the only logical and viable strategy for Africa's sustainable development. This is a system of governance that is based on democratic citizens' participation, regional economic cooperation and integration, constructive management of social diversity, respect for fundamental human rights, and equitable distribution of national wealth and opportunities for development.

To this end also as one part of its roles, PAP should seek to make efforts to increase the awareness of national parliaments on the development agenda of the African Union, supporting their participation in the revision of the NEPAD development scheme and also through involvement in the monitoring activity of the Africa Peer Review Mechanism (APRM) suggesting, if necessary, the adjustment of codes, criteria and standards set by the review mechanism.

PAP should seek to facilitate the adoption and implementation of the development policies of the African Union at the national level by recommending the integration of African Union decisions in the national legislations and assisting National Parliaments in overseeing the Executive. The discussion and

¹ "Article 3", *Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament*, 2 March 2001.

approval of the AU budget is another way by which the PAP can ensure the accountability of the African Union's policies and programmes to National Parliaments of Member States.

At the international level, PAP is well-placed to effectively engage the international community and the struggle for a global redistribution of power and resources that will empower the under-represented sectors of society and reduce systemic inequalities. PAP should also lead the debate on important global issues affecting the Continent such as global peace and security, fair international trade, debt cancellation, commitment to Millennium Development Goals (MDGs) as well as the urgent need to institutionalize quality foreign aid and direct foreign investment flows. In this regard, PAP must keep Africa's policy stances and demands at the forefront of all major global economic and political negotiations.

2. Encourage the adoption of the principles of human rights, democracy and continental solidarity in the context of Africa Union objectives and policies

One of the primary responsibilities of PAP is to defend and promote the observance of human rights in Africa. In order to accomplish this objective, PAP should seek to promote with equal forcefulness political and civil rights as well as social and economic rights. Regarding political and civil rights (right to life, right to personal freedom and integrity, freedom of expression and conscience), PAP should seek to promote the protection of citizens from state repression and give them the opportunity to participate in the running of state affairs. With respect to social and economic rights, PAP should seek to encourage Member States to provide their citizens with certain basic standards of living. These rights include the right to education, health care, a minimum income, a pension and the like. The rationale for enforcing social and economic rights is that political and civil rights by themselves may not be able to guarantee a people's effective participation in decision-making. In order to concretize the idea of human rights, PAP is expected to reinforce Member States' commitment to the observance of international agreements (e.g. the African Charter for Human and People's Rights and Duties, Convention on the Elimination of All Forms of Discrimination against Women etc.), the Maputo Declaration of Gender Parity and enlightened national legal norms.

Nourishing a democratic culture and values through electoral systems and legal infrastructure is within the domain of PAP parliamentarians. The PAP provides the continental mechanism for bringing it about and sustaining it. The establishment and sustenance of legislative infrastructure is part of the mandate of the legislature. The PAP is qualified to institutionalize the observation of

elections in African countries, and to promote a democratic culture all over Africa. It should always be remembered that democracy is not merely about the freedom to make choices, but also about trying to make the right choices or the best possible choices in relation to the development of communities, countries and the quality of people's lives. Because the PAP includes members of both government and opposition parties from across the continent it is able to act as an impartial institution for the observation of elections and it embodies the full representational nature of democracy.

Merely voting in elections is not enough to maintain a democracy. It is therefore within the mandate of the PAP to encourage member countries to encourage their citizens to participate in politics through free civil associations (such as farmers associations, youth associations, academic associations, different non-governmental associations etc). These are important because they protect group interests; they also facilitate participation which is educational and make participants enlightened and permit citizens to effectively question government decisions and plans.

As a democratic representative body of the peoples of Africa, through its Members the PAP is in the position of making the policies and programmes of the African Union known to, and therefore accountable to the members of the African societies, strengthening continental solidarity and building a common destiny among Africans. This is largely because the development challenges confronting the African continent have both domestic and external dimensions. It is therefore important that the PAP serve as one of the vehicles that responds collectively and responsibly to these challenges.

Despite the fact that democracy means everyone has equal rights and equal participation, women often have been left out of political decision-making. When women are not involved in making laws and policies, there is always a possibility that these laws and policies made largely by men will not protect women's rights and special needs. In its mission for the protection of human rights, the PAP advocates gender equity in that its "Protocol" stipulates that "each Member State shall be represented in the Pan-African Parliament by five members, at least one of whom must be a woman" and it is fully committed to the Maputo Declaration on Gender Parity.

3. Encourage good governance, transparency and accountability in AU Member States

One of the most important outcomes of democratic governance is that it tends to open the political space to new and more actors – legislatures, political parties, civil society groups, research centres and in some cases even the civil service and local governments – to participate in the policy making and management process. Arguably, their resulting inputs tend to make public policies more

rational in terms of factual content and thus to make them more politically acceptable. To be sure, popular democracy demands that institutions make policies that are organically participative, responsive to real citizen needs, transparent, accountable and predictable. Moreover, policies must protect fundamental rights of every citizen.

The PAP advocates for democratic legitimacy and effectiveness of governance in African countries by supporting National Parliaments in the transparent and accountable performance of their functions. Due to their representative nature, Parliaments are directly accountable for the effective formulation and implementation of national policies. Actually, parliaments are expected to ensure that development issues concerning their constituents are put on the agenda of their country.

Furthermore, Parliaments are central in overseeing the decision-making and implementation activities of the Executive. In performing this function, they are also strategic in the dissemination of public domain information, ensuring the democratic participation of constituents and civil society in the policy-making and oversight process. By strengthening the legislative and oversight capacity of National Parliaments, the PAP will also facilitate the harmonization of national laws with the policy framework set by the African Union.

4. Promote peace, security and stability throughout Africa

Conflict has devastated the African continent. Millions of lives have been lost, human rights abused and entire populations forced to abandon their homes. About a fifth of the African population lives in conflict zones. Indeed, there can be no development without peace. PAP's political credibility will depend on its capacity to offer African solutions to African conflicts. In this regard, PAP should provide a parallel institutional mechanism to the AU Peace and Security Council for the promotion and maintenance of peace, security and stability on the continent through conflict prevention, management and resolution.

In pursuance of peace, security and stability in Africa, the PAP is entitled to request the Peace and Security Council to report on the decisions and measures taken for the prevention, management and resolution of conflicts in Africa. The Committee on International Relations also collects information on conflicts in Africa and their resolution through its peace missions to the conflict-affected areas.

This allows the members of the PAP to express their informed opinions and considerations and be included in the PAP's recommendations, advising the African Union on the best actions to be taken for conflict prevention and resolution. Thus, the African peoples will participate in the promotion of security and stability in their countries through their representatives sitting in the PAP.

The capacity of the African peace and security institutions remains largely underdeveloped and under great operating pressure. PAP together with other AU Organs need to discuss and finally articulate a clear strategic vision for the African peace and security architecture, improve financial management systems and coordinate the enhanced support that will be needed from member states and the international community.

In this regard, PAP will seek to develop strategic alliances with all AU Organs, civil society organizations at the local, national, regional and international levels in order to build constituencies for the support of peace and security and to ensure timely and meaningful consultations and participation while maintaining continued collaboration with its governmental stakeholders.

5.Strengthen parliamentarism, inter-parliamentary and inter-institutional collaboration in Africa

The PAP mandate is to promote the collaboration of African Parliaments with the institutions of the African Union, the regional economic communities and their parliamentary fora. The goal is to strengthen the parliamentary system in Africa by encouraging exchange of experiences and fostering capacity building. By sharing best-practices and learning from experiences, Parliaments will be better empowered and able to take more informed decisions overall about regional and continental development issues thus being in a position to accelerate the economic growth of their countries and the continent.

The challenge of capacity building for Parliaments in Africa lies not simply in training and strengthening institutions per se. More importantly, it has to deal squarely with complex, rather intangible issues such as changing norms, values, political capital and incentives. One of the unconventional mechanisms for strengthening the capacity of parliaments is to create and promote operational networks at all national, regional and international levels. Such networks involve strategic collaboration and cooperation among partner institutions, groups and individuals in sharing and exchanging information, experiences and best practices. The primary rationale for promoting parliamentary networks is to appreciate what actually works elsewhere, what does not work and establish why they faltered. Above all, professional networks of this kind help individuals and institutions to avoid easy temptations of continuing to pursue mistaken policies and flawed practices under the sheer weight of inertia.

In the same spirit, it will be important to facilitate the cooperation and exchange of experiences between African Parliaments and other international parliamentary institutions and organizations, such as the European Parliament and the International Parliamentary Union (IPU).

Roles, Functions and Powers of the PAP

Article 11 on the functions and powers reads as follows "...The Pan-African Parliament shall be vested with legislative powers to be defined by the Assembly. However, during the first term of its office, the Pan African Parliament shall exercise advisory and consultative powers only. In this regard, it may:

1. Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make any recommendations it may deem fit relating to, inter alia, matters pertaining to respect for human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law.
2. Discuss its budget and the budget of the Community and make recommendations thereon prior to its approval by the Assembly.
3. Work towards the harmonization or co-ordination of the laws of Member States.
4. Make recommendations aimed at contributing to the attainment of the objectives of the OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them.
5. Request officials of the OAU/AEC to attend its sessions, produce documents, or assist in the discharge of its duties.
6. Promote the programmes and objectives of the OAU/AEC, in the constituencies of the Member States.
7. Promote the coordination and harmonization of policies, measures, programmes and activities of the Regional Economic Communities and the parliamentary fora of Africa.
8. Adopt its Rules of Procedure, elect its own President and propose to the Council and the Assembly the size and nature of the support staff of the Pan-African Parliament.
9. Perform such other functions as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol".²

The Pan African Parliament as an Organ of the African Union

The Parliament is established by the Assembly decision contained in the Constitutive Act of the African Union and the Protocol to the Treaty Establishing the African Economic Community relating to the Pan African Parliament (these documents can be viewed from the African Union website under Pan African Parliament organ-www.africa-union.org), as per decision 17(II) of the Second Ordinary Session of the Assembly of the Union held in Maputo, Mozambique from 10 to 12 July 2003.

The Pan-African Parliament is one of the eleven (11) Organs provided for in Article 5 of The Constitutive Act of the African Union and the Protocol on Amendments to the Constitutive act of the African Union. The Protocol to the

²"Article 11", Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, 2 March 2001.

Treaty Establishing the African Economic Community relating to the Pan African Parliament has been ratified by 46 countries.

CONTRIBUTION OF PAP TO AU, NATIONAL GOVERNMENTS, PUBLIC /PRIVATE SECTORS AND CIVIL SOCIETY

In order to achieve the comprehensive and democratic integration of Africa, the establishment of the PAP has been a very important landmark in efforts aimed at eventually moving toward full popular participation of directly elected peoples' representatives. Prior to PAP there was no continental mechanism for debating and securing wider informed views on development and other issues affecting the peoples and countries of Africa. There also was no mechanism for introducing and sustaining a continental agenda in the National Parliaments.

The PAP has been created with the precise objective of supporting the process of African integration through the legislative actions of National Parliaments in accordance with the recommendations and opinions of the PAP.

The core functions of the PAP are the harmonisation and coordination of national legislation, as well as the policies, measures, programmes and activities of the Regional Economic Communities and the parliamentary fora of Africa. The role of the PAP has been clearly framed by taking into account the national prerogatives, and within the boundaries of shared principles of subsidiarity.

It is critical for the PAP to define the boundaries of what is meant by subsidiarity because it is only by collaborating within defined limits that the collaboration and partnership between PAP and African National Parliaments can grow and thrive. Under the political framework of the AU and the regulating functions of harmonisation and subsidiarity, the PAP has the following unique strategic characteristics:

- can work with and conduct continental and regional business directly with the African national Parliaments;
- is better positioned to influence continental/regional action on issues related to legislation, policy regulations and administrative procedures, e.g. harmonisation and convergence;
- is better positioned to accelerate the adoption and implementation of African protocols, agreements and declarations;
- is central to strengthening the oversight capacity of national Parliaments in order to hold the executive branches of government accountable with respect to the implementation of AU agreements and programmes;
- can easily access the peoples of Africa, as its Members are also Members of National Parliaments who presumably are in touch directly with their constituencies;

- provides the continental mechanism for bringing about and sustaining democratic values through electoral systems and legal infrastructure;
- is qualified to institutionalize the observation of elections in African countries, in furtherance of promoting a regional democratic culture;
- is central in promoting gender equity in that its “Protocol” stipulates that women be represented in its policy organs by making it a requirement for every Parliament; and,
- is composed of elected members of the opposition and the Government in the national Parliaments, it thus, embodies the full representational characteristics of democracy acting as an impartial body with first-hand experience in the nascent pluralistic politics of the Continent.
- **Vision**

The Pan African Parliament is informed by the AU vision -

“to build an integrated Africa, a prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena”

as well as the Protocol to the Treaty Establishing The African Economic Community Relating to the Pan African Parliament:

“ . . .to provide a common platform for African peoples and their grass-roots organizations to be more involved in discussions and decision-making on the problems and challenges facing the Continent.”³

“...evolve into an institution with legal powers, whose members are elected by universal adult suffrage.” According to Article 2 (3) of the PAP Protocol

Accordingly, the PAP vision is aligned and stated below:

“A continental institution harnessing one Africa with one voice.”

The PAP envisions a Pan-African Parliamentary institution that will provide a common platform for African peoples to fully participate in the decision-making process for the political and socio-economic development and integration of the Continent particularly through the harmonization and coordination of the policies and laws made at national and regional levels and by promoting a sense of common destiny among the peoples of Africa.

The PAP Vision has a long-term horizon, but the strategy to get there is necessarily sequential. This document contains the 2006-2010 horizon in the

³ “Preamble”, *Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament*, 2 March 2001.

spirit of realism and pragmatism. It spells out the broad outlines around which the action program of the PAP should be built.

PAP has a vast array of issues to tackle. It can only succeed by harnessing the expertise and resources of all actors. It must therefore become a networking organ of the AU with reflexes and capacity to link up, enable and facilitate the mandates of all stakeholders. PAP will therefore be deliberately guided by the principles of complementarity, feasibility and division of labour. It will seek to lead other constituent bodies where human, financial and institutional conditions permit while recognizing the role of other Organs and players.

Mission Goals

To translate the Vision into concrete key performance areas, the following Mission Goals have been defined by the PAP:

1. To foster rural economies, agriculture, natural resources and the environment.
2. To secure and manage appropriate financial resources within PAP.
3. To stimulate and promote global and intra-Africa trade.
4. To minimize conflict, strengthen democratic processes and encourage cooperation on development among Member States and within States.
5. To facilitate the bridging of the infrastructure gap – transport, industry, communications, energy, and science and technology.
6. To co-ordinate poverty relief through health, labour and social affairs.
7. To harmonize and co-ordinate education, culture, tourism and human resources policies and activities among member states to create a competitive advantage on the continent.
8. To foster an empowering process of including women, youth and the disabled in the development of the continent.
9. To defend and promote the protection, development, attainment and observance of human rights in Africa as well as a culture of human rights on the continent.
10. To establish and maintain objective modalities to regulate PAP affairs.
11. To build the capacity of the PAP Bureau, Committees and Secretariat.

Environmental Analysis

In order to plan in a realistic and practical manner, the PAP examined the external and internal factors that impact on its ability to implement its vision and mission goals. PAP Bureau, Committees and staff were presented with a general outlook on ways to analyse their external and internal environments when planning in order to maximize opportunities with their strengths while minimizing threats and internal weaknesses. They were requested to scan their environment by looking at the following external factors:

- Forces and trends that impact their activities (e.g., political, economic, social and technological)
- Opportunities and threats to the PAP

They were also requested to scan their internal environment by looking at:

- Internal resources (people, information, financial)
- Strengths
- Weaknesses

The brief environmental analysis has enabled PAP to adjust its strategic plan to its reality, and to identify critical assumptions – those factors which may be outside the control of PAP, yet which will influence its success in achieving its vision and mission goals.

Structural, Political and Institutional Environment

The Pan-African Strategic Plan (2006-2010) is being prepared at a critical historical juncture of the African Union (AU), its Organs, Member States and the African people. While the Continent continues to face daunting development challenges, there have emerged windows of development opportunity engendered by the transformation of the Organization of African Unity (OAU) into the African Union, a dynamic vision of the New Partnership for African Development (NEPAD) and by the growing good will from the international community to engage African's development actors more constructively than before. Particularly in the post- 9/11 political consensus, there are compelling strategic reasons (oil, Islam and terrorism) for countries in the North wanting to prevent Africa from slipping further into poverty, despair and conflict. These developments have generated unprecedented consensus and galvanized boundless energies among African leaders, citizens and the international community to convert the political consensus to meaningful collective actions. Notwithstanding the above constellation of forces, Africa's development challenges remain complex and intractable.

In the last few years, there have been encouraging developments in the area of peace and security in Africa. There has been a marked reduction in violent conflict. Thanks to the new AU mandate and the good will from the international community, positive developments toward the restoration and consolidation of peace have been recorded in Angola, the Democratic Republic of Congo (DRC), Sierra Leone, the Sudan, and Ethiopia and Eritrea. However, the continuing crises in Eastern DRC, Burundi, Cote d'Ivoire and Sudan's Darfur region are clear reminders that peace progress can be swiftly reversed. West Africa, the Great Lakes, the Horn of Africa and North Africa remain acutely vulnerable to the risk of open conflict.

Africa's future will also depend on how African governments, societies and their development partners seize the opportunities that have become available in

recent years. PAP together with the AU Peace and Security Council and sub-regional economic communities should position themselves as the prime interlocutors on peace and security on the Continent. The recent PAP Peace Missions to Darfur, Cote d'Ivoire and the Great Lakes are a clear testimony of its resolve to promote peace, security and stability on the Continent. At the national level, more attention should be paid to the structural causes of conflict such as weak and unaccountable governments, social exclusion and inequality in order to generate timely and effective preventive action.⁴ At the regional level, efforts must be directed at expanding and strengthening the role of Regional Economic Communities (RECs) in conflict prevention, management and resolution. It is only through regional cooperation efforts that states emerging from conflict can address important regional dimensions of conflict like migration, the spread of deadly diseases, refugees, organized crime, and the cross-border trafficking in illegally exploited resources, arms, people and money. At the global level, AU organs should seek to engage the international community to deal with those negative aspects of the global economy and global governance that tend directly or indirectly to fuel African wars.

Economic Environment

The emerging goodwill from the international community has been demonstrated by promises made at recent international conferences in Doha, Monterrey, the TICAD process, G-8 Summits in Kananaskis, Evian, Sea Island and Gleneagles, and the World Summit on Sustainable Development. A growing consensus is steadily emerging among developed countries on the importance of paying increased attention to the problems of low income countries, and particularly the problems and challenges of Africa's development. As noted earlier, the underlying rationale is that it is in the best interest of global security, the control of communicable diseases and global environmental management to promote development and democracy in African countries. The G-8 is currently thinking about coordinated and harmonized mechanisms and modalities for more and better development assistance, trade justice, debt cancellation, and the technologies needed to prevent disease, promote energy efficiency and foster agricultural productivity. Africa should immediately seek to make full use of this international goodwill.

One of the most encouraging development cooperation shifts in recent years has been the increase in Official Development Assistance (ODA), after a decade of steady decline in the 1990s. Expressed as a percentage of developed countries' gross national income, global ODA currently stands at 0.25 percent – still well short of the 0.33 percent reached in the late 1980s, let alone the long-standing target of 0.7 percent that was re-affirmed at the Monterrey Consensus in 2002. It is important to note that most of the recent increase in aid has been used to cancel debt and meet humanitarian and reconstruction needs in the aftermath of emergencies. What is more encouraging to note, however, is the fact that five

⁴ . Early preventive action would include, among others, institutional capacity building, early warning and early action and improved delivery of basic services.

donors have already reached the 0.7 percent target and six more nations have recently presented their respective time-tables for achieving the target. Above all, several developing countries, namely China, India and Brazil are actively participating in the international aid regime. If all new commitments are honoured, global aid is expected to exceed \$100 billion by 2010. Even then, this amount falls short of the amounts widely considered necessary to achieve the Millennium Development Goals (MDGs.)⁵

Trade is at the heart of achieving NEPAD's third primary objective of enhancing Africa's full and beneficial integration into the global economy. The World Trade Organization (WTO) framework agreements reached in Geneva in July, 2003, offer a good basis for moving forward and achieving progress for the poorest developing countries. WTO members have agreed to negotiate an end date for the elimination of all forms of agricultural export subsidies as well as to achieve substantial reduction in trade-distorting domestic support and substantial improvements in market access. To address this priority, the Doha Round of multilateral trade negotiations should be pressured to fulfil its development promise and be completed not later than 2006.⁶ Africa should seek to further strengthen its representation at WTO negotiations and stick to collective negotiation positions.

Under the Heavily Indebted Poor Countries Initiative (HIPC), \$54 billion have so far been committed to the debt relief for twenty-seven countries that have reached decision or completion points. In order to advance firmly and decisively on debt relief for poor African countries, the G-8 must be encouraged to redefine debt sustainability as the level of debt that allows a poor African country to achieve Millennium Development Goals and to reach 2015 without an increase in debt ratios.

Social / Political Environment

Moreover, the building of blocks for development in Africa should be democratic and effective states that govern justly, invest in their own people, and are accountable to them. However, the four pillars of good governance – accountability, transparency, rule of law and participation – have yet to take root. Most African countries are replete with weak institutions such as tangled laws, corrupt courts, deeply biased credit systems and elaborate business registration systems that hurt poor people and hinder development. African countries urgently need credible and legitimate institutions that perform key functions of the state including effective management of public finance and delivery of basic services. Slowly but inexorably, the process of deepening “good governance” is

⁵ . For details see UN. *Millennium Development Goals Report*. New York: UN 2005.

⁶ . In the words of Nicholas Stern of the World Bank, all the posturing of the West is sheer double standards. He adds that “it is surely hypocritical of rich countries to encourage less developing countries to liberalize trade and to tackle the associated problems of adjustment whilst at the same time succumbing to powerful interest groups in their countries that seek to perpetuate protection of narrow self-interest.” See Stern, N. *Globalization, the Investment Climate and Poverty Reduction*. New Delhi: Indian Council for Research on International Economic Relations, 2001:8.

taking place in a few African countries. Most of them continue to face serious challenges in fighting corruption and institutionalizing the norms of transparency and accountability. In fact, only fifteen countries scored well in the World Bank indicators looking at policy and institutions in 2003 compared with ten in 2002.⁷

There has been a significant progress in enshrining the enlightened principles of NEPAD into governing structures at regional and national level. African governments have collectively committed themselves to concerted action for conflict prevention, management and resolution and to implementing policies to produce good governance, effective democracy, economic growth and macroeconomic stability in the context of enhanced support from the international community through market access, debt reduction and targeted development assistance. It is therefore little wonder that by 2005, 23 countries had signed up to the ground-breaking African Peer Review Mechanism (APRM) and seven had commenced their review. Another 30 African countries had demonstrated growing commitment to periodic democratic elections. At the same time, AU has firmly and decisively remained consistent in resisting the unconstitutional transfer of power in Togo and Mauritania and admonishing its wayward peers.

As PAP seeks to build relationships with other Organs of the AU, there will be a need to redefine institutional and organizational structures in order to establish respective areas of jurisdiction without undue overlap or jurisdictional disputes. Neither the relevant Act nor the Protocol as enabling laws speaks to the functional relationship among AU Organs. There is a need not only to clarify these important issues but also to consider appointing a Committee of Arbitrators who would be responsible for settling cases of conflict among Organs.

Technological Environment

The world is witnessing a phenomenal growth in the information and communications technology (ICT). The computers and Internet have changed the ways people live, learn and do business. Wireless communication technology has transformed the way people communicate. Modern technological inventions such as teleconferencing, video conferencing, electronic mail and the World Wide Web are tools that modern parliaments are using extensively to their advantage. Ideally, and where financially feasible, these new technological inventions are being used to improve research methods and communications among parliaments and among parliamentarians, and between parliaments and civil society. By tapping the vast potential of information technology, parliaments are slowly but inexorably perfecting the governance process.

The African continent is not only by far the least computerized region in the world, but it also lacks the minimum infrastructure required to make use of computers. If one excludes the Republic of South Africa, only 25,000 computers were permanently connected to the Internet in Africa. Before effectively moving into electronics, the AU will need to promote a continent-wide drive of putting in

⁷. See World Bank. *World Bank Country Policy and Institutions Assessment*. Washington, DC World Bank, 2003.

place a reliable electricity supply and telecommunications infrastructure. It should be noted also that, if physical infrastructure is lagging behind, the human skills to operate and service the information technology remains total inadequate in most of Africa.

Internal Environment: Constraints to Effectiveness

Various factors are hampering PAP's will to effectively implement its mandate and achieve its objectives. The bottlenecks have identified:

Weak Financial Base

According to Article 15 of the Protocol, the Annual budget of PAP shall constitute an integral part of the regular budget of the AU. Annual contributions by Member States underpin the budget. Further, Section 2 of Article 15 states that the budget shall be drawn up by PAP in accordance with the Financial Rules and Regulations of the AU and shall be approved by the Assembly until such a time as PAP shall start to exercise legislative powers. The first year of experience has demonstrated that the approved funds are either not transferred on time or are simply cut. Because of such circumstances, PAP programs have been poorly executed.

The Assembly Decision on the Budget by the Executive Council of July 2004 in Addis directed that Member States should bear the expenses of their respective members of Parliament, including Members of the PAP Bureau and Committees (i.e. air tickets, per diems and other related expenses etc.) at statutory meetings of the Parliament and its Committees during the first five years of its expenditure. Some National Parliaments were unable to support their PAP representatives' participation at meetings, committees failed to execute their work plans, the Bureau's work was severely constrained by inadequate funding, and reduced sessions of PAP meetings hampered PAP's effectiveness. In short, PAP's inadequate funding seriously hampered its effectiveness in the critical areas of research, knowledge management, training, advocacy and communication.

There is an urgent need to identify alternative sources of financing to reinforce the available resources, thereby enabling PAP to successfully implement its agenda. The concept of a trust fund has been identified as one alternative source of funding.

Weak and Loosely Defined Legal Mandate

As an advisory body vested with consultative powers, the PAP still appears to need a stronger legal mandate to be able to better promote the integration of policies and programs developed at continental and regional levels into national legislation. These limitations represent a considerable constraint to its capacity of harmonizing and coordinating the legislation of Member States. For this purpose, the only legal tools it can access are non-binding recommendations and

resolutions, but not enforcement provisions that facilitate their effective implementation. In the foreseeable future, therefore, PAP's decisions, recommendations and opinions are not likely to receive the attention that they deserve from the African Heads of State and Government.⁸

Moreover, there is not enough awareness and understanding of a set of principles and functions that are at the very foundation of the PAP, such as harmonisation and subsidiarity and there is no really shared consensus that clarifies the legal competences at each level of jurisdiction from the PAP, down to the Regional and National Assemblies.

According to the principle of subsidiarity, a determined authority should perform only those tasks which cannot be performed effectively at a more immediate or lower level. In this case, the formulation of a legal framework that clearly specifies the role of PAP and Member States regarding the recommendations and resolutions of the PAP could expedite the effective harmonization of national legislations and, as a consequence, the socio-economic integration of the Continent.

In order to increase synergies and achieve maximum complementarity, there is also a need to undertake a study that will recommend some level of standardization of mandates, and harmonization and coordination of various AU Organs. Such standards will facilitate confidence building, strengthen ownership of the AU mission, promote mutual dialogue and clarify boundaries in all decision-making processes.

All these issues and themes need to be further debated and appreciated by all AU organs, and National Parliaments' Members in order to establish a fruitful and collaborative relationship.

Weak Inter-institutional Linkage

Few PAP National Parliaments have parliamentary mechanisms for coordinating PAP or PAP-related Parliamentary activities. The mechanism for sharing information commonly used is through the National Parliaments and their committees (where they exist) on Foreign Affairs and Regional Cooperation. Other sector ministries also occasionally report on PAP matters. There is a need to identify more organic structures to mainstream PAP deliberations into national Parliamentary debates and *vice versa*.

One possibility might be to set up special committees that would formulate and initiate an agenda for regional issues to be debated in the National Parliaments. These committees would also serve as contact points for the PAP and be structurally linked to the PAP Bureau, thereby ensuring smooth and efficient

⁸ . Although the European Parliament was established in 1952, the first direct elections were held in 1979, 27 years after it was established.

information flow and access to the support services of PAP.

PAP is facing similar constraints when there is need to coordinate with other international, African and regional institutions, but above all, when there is need for linkage among all the African Union members. In this case the set up of a committee liaising with such institutions could facilitate PAP's cooperation and exchange of information with the AU. Such constraints are also of a logistics nature. There is a lack of adequate resources allocated to the missions of Committee Members to African, regional and national institutions.

There is also the need for an information exchange platform that would expedite the exchange of information between PAP, the National Parliaments and other institutions, facilitating the work of all and improving the capacity of PAP to scrutinise the activities that are of common interest and competence.

Limited Access to Value-added Information and Dissemination of Pan African and Regional Content

Without information, knowledge, and adequate competencies on continental development issues at both national and regional levels, the PAP and national Parliaments cannot effectively exercise their influence and legislative roles for the socio-economic integration of the continent for the benefit of its people.

Both PAP and National Parliaments need access to value-added information on various policy and development issues to support the work of their Committees. First, there is a need for PAP to build its internal capacity so that it is able to generate and disseminate relevant knowledge and information to MPs, civil society and private actors. Second, there is a need to build strategic partnerships with relevant universities, research institutes and think-tanks from which to pool the necessary expertise and knowledge resources. A comprehensive information generation and dissemination system on Pan African and regional issues is required to increase the awareness of African and regional development challenges, policies and programs as well as on the issues of continental integration and development.

The advocacy and communication obligation imposed on PAP by Article 17 (1) of the Constitutive Act, requires it to champion the communication and advocacy of the missions, visions, objectives and activities of all organs of the AU. In this regard, the PAP should facilitate the access to legislative and specialized information resources by MPs and parliamentary staff across the continent. Drawing from this pool of resources, National Parliaments could better act upon PAP's resolutions in their national legislations and enhance the continental integration process. PAP should explore mechanisms for accessing member states' broadcasting and TV facilities in order to generate important information services for African citizens, and use Member States' capacities and knowledge to make PAP-disseminated communications locally relevant and informative. Most importantly, PAP should encourage collaborative information services that

will promote regional integration laws, policies and processes among the African public.

Inadequate Infrastructure

Essential infrastructure is still lacking such as a professional Library and Documentation Unit, Research Department, professional databases and internet-connected computers. The PAP Library and Documentation Unit should seek to acquire and stock relevant books, journals and magazines as well as state-of-art computers and their accessories. It is with this kind of infrastructure that PAP will raise PAP's overall profile as one of the ranking learning organizations on the Continent and seek to set the pace for sub-regional and national parliaments.

In addition, PAP, like other parliaments in the world, ought to be adequately supplied with a robust infrastructure for research and documentation in order to execute its mandate effectively and efficiently. The rationale is that knowledge is, or at least should be, an essential component of any rational policy management process. The PAP Research Department is expected to provide scientifically sound and credible information that will empower MPs, civil society and the private sector actors to analyze and interpret its economic and social policies, and where possible, articulate alternative proposals.

Due to its newness, PAP still is poorly supplied with research personnel, reading materials, funds and computer equipment. This paucity of resources directly contributes to a limited knowledge base from which debates, discussions and oversight functions are conducted.

With additional resources, the Library and Documentation Unit and the Research Department will be empowered to form dynamic knowledge-based networks with sub-regional and national parliaments, think tanks and research institutes. Additional PAP in-house capacity will encourage professional re-packaging of information to produce user-friendly, non-technical research briefings. This will include preparing research reports in languages and styles that are easily understood by the average MPs, civil society and private sector actors. Above all, more resources will also facilitate a wider distribution of PAP debates, discussions and policy positions through print and electronic media.

In this regard, PAP needs to create and strengthen an elaborate institutional mechanism for sharing information and best practices by exploiting the opportunities offered by the information and communication technology (ICT). At first, PAP may consider establishing an e-parliament which would involve Internet communication with sub-regional and national parliaments. At a more complex level, an e-parliament would seek to be interactive. This process would revolutionize networking activities by involving citizens in the governance process throughout the policy cycle and at all levels, through on-line discussions and

direct submissions.

CONCLUSION:

The Pan African Parliament is a continental organization that has a continental vision. It is an African Union organ that promote human and people rights, consolidate democratic institutions and culture, good governance, transparency and the rules of laws by all organs of the AU, Regional Economic Communities and member States. The PAP participates in creating awareness among the people of Africa on: the objectives, policies, aims and programmes of the African Union; the strengthening of continental solidarity, cooperation and development', the promotion of peace, security and stability on the African continent and; the necessity for the pursuit of a common economic recovery strategy. As NEPAD and the APRM the vision of the PAP is also to adopt clear codes, standards and indicators of good governance at national, sub-regional and continental levels, ensure the effective functioning of parliaments and other accountability institutions in our respective countries, including parliamentary committees and anti-corruption bodies; and ensure the independence of the judicial system that will be able to prevent abuse of power and corruption

