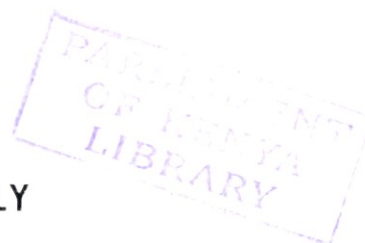


Paper laid by Hon.
Manyara on 12.11.08
Ajali
12.11.08



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT- SECOND SESSION

**REPORT OF THE 10TH SESSION OF THE PAN-AFRICAN
PARLIAMENT OF THE AFRICAN UNION**

GALLAGHER ESTATE, MIDRAND, GAUTENG PROVINCE, SOUTH AFRICA

27th OCTOBER TO 7TH NOVEMBER 2008

CLERKS CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER 2008

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LIST OF ABBREVIATIONS

PAP	-	Pan African Parliament
AU	-	African Union
UN	-	United Nations
NEPAD	-	New Economic Partnership for Africa Development
APRM	-	Africa Peer Review Mechanism
CEMAC	-	Economic Community of Central Africa
SADC	-	Southern Africa Development Community
ICC	-	International Criminal Court
ASF	-	African Standby Force
PCRD	-	Post Conflict Reconstruction and Development

PREFACE

Hon. Speaker,

The Kenya delegation to the 10th Ordinary Session of the Pan-African Parliament comprised of the following,

- a) Hon. Gitobu Imanyara, M.P - Leader of Delegation.
- b) Hon. Rachel Shebesh, M.P
- c) Hon. Abdul Bahari, M.P.
- d) Hon. Gideon Mungaro, M P
- e) Hon. Musa Sirma, M P
- f) Mr. M A Mohamed –Secretary to the Delegation

The delegation fully participated the deliberations of the 10th Ordinary Session of the Pan African Parliament including sittings of the Permanent Committees of the House. The report therefore covers the proceedings of the House and Committees.

The delegation is grateful to you for allowing it attend the Session and the office of the Clerk for facilitating the travel and providing logistical and technical support.

It is now my pleasant duty, on behalf of the delegation, to present and commend this report for adoption by the House.


Hon. Gitobu Imanyara, MP.

LEADER OF DELEGATION.

INTRODUCTION

The Pan African Parliament was established in the Protocol to the Treaty establishing the African Economic Community Article 2 of the Protocol provides,

"Member States hereby establish a Pan African Parliament, the composition, functions, power and organization of which shall be governed by the present protocol."

The ultimate aim of the Pan African Parliament shall be to evolve into an institution with full legislative powers, whose members are elected by Universal adult suffrage

The Pan African Parliament's mandate and objectives in accordance with Article 3 of the Protocol is to *inter alia*,

- a) Facilitate the effective implementation of the policies and objectives of the OAU / AEC and ultimately of the African Union;
- b) Promote the principles of human rights and democracy in Africa,
- c) Encourage good governance, transparency and accountability in Member States,
- d) Promote peace, security and stability,
- e) Facilitate Co-operation & development in Africa,

- f) Strengthen continental solidarity and build a sense of common destiny among the people of Africa

Article 11 of the Protocol provides further that in the first term of existence, the Pan African Parliament shall exercise advisory and consultative powers and in this regard it may inter alia;

- a) Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly of other policy organs and make any recommendations that it may deem fit on matters relating to respect of human rights, consolidation of democratic institutions and the culture of democracy, good governance and the rule of law,
- b) Discuss its budget and the budget of the Union and make recommendations thereon prior to its approval by the Assembly,
- c) Work towards the harmonization and co-ordination of the laws of the member states,
- d) Adopt its own 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;
- e) 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;

In accordance with Article 22, the Protocol Establishing the African Economic Community relating to the Pan-African Parliament came into force on 14th December 2003 and 46 States have so far ratified the Protocol

Article 25 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament provides that,

"five years after the entry into force of this Protocol, a Conference of the States of Parties to this Protocol shall be held to review the operation and effectiveness of this Protocol, with a view to ensuring that the objectives and purposes of this Protocol as well as the vision underlying the Protocol, are being realized and that the Protocol meets with the evolving needs of the African continent"

The House therefore took cognizant of the provisions of the above Article and deliberated on the need to expedite the review process.

The Committee on Rules and Procedure tabled a roadmap of the review process which sets out the necessary stages for the process culminating into submission of a new protocol to the Assembly of the Heads of State for adoption

EXECUTIVE SUMMARY

The Tenth Ordinary Session of the Pan African Parliament was held in Gallagher Estate, Midrand, South Africa from 27th October to 7th November 2008

The Agenda of the session was adopted as,

- a. Opening Ceremony
- b. Swearing in of new Members of Parliament
- c. Presentation and Debate on Matters of the African Union
- d. Presentation and Debate on Peace and Security in Africa
- e. Brief on the African charter on Democracy, Elections and Governance
- f. Presentation and consideration of the report of the run-off Presidential elections in Zimbabwe, the General elections in Angola and Swaziland,
- g. Presentation and Debate on the APRM country reports of the Republic of Algeria and South Africa,
- h. Presentation and Debate on the NEPAD report on the status on infrastructure in Africa,
- i. Presentation and consideration of the report and outcome of the Eleventh Assembly of the Heads of State and Government of the African Union,
- j. Presentation and debate on the report of the audit of the Financial Statements and Accounts of the

PAP for the Fiscal Year 2007 by the Board of External Auditors of the Union,

k. Presentation and the debate on the budget of the PAP for 2009,

l. Presentation, consideration and adoption of the reports on the work, activities, recommendations and resolutions of the Permanent Committees of the PAP,
m. Closure and Adjournment.

The Kenyan Delegation to the Tenth Session comprised of Five Pan-African Members of Parliament and one Member of Staff:

- g) Hon. Gitobu Imanyara, M.P. - Leader of the Delegation.
- h) Hon. Rachel Shebesh, M.P.
- i) Hon. Abdul Bahari, M.P.
- j) Hon. Gideon Mungaro, M.P.
- k) Hon. Musa Sirma, M.P
- l) Mr. M. A. Mohamed – Secretary to the Delegation

The President of the Pan African Parliament Hon. Ambassador Getrude Ibengwe Mongella officially opened the Tenth Session and took cognizant of the provisions of Article 25 of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan African Parliament which provides that five years after the entry into force of the Protocol, a conference of the State parties to the Protocol shall be held to review the operation and effectiveness of the said protocol.

The following dignitaries attended the opening Session and gave messages of solidarity to the House under the special invitation of the Bureau of the Pan African Parliament,

- i. H.E Hans-Gert Pottering - President of the European Parliament
- ii. H.E Sen Sonia Escudero - Secretray General of the Latin American Parliament
- iii. H. E. Dr. Ahmed Fathi Sorour - Speaker of the People's Assembly of Egypt
- iv. H E. Cavaye Yegue Djibril - Speaker of the National Assembly of Cameroon
- v. H.E. Laurent G Pampali - President of the Inter-Parliamentary Commission of CEMAC
- vi. Mrs Prof. Akua Kuenyehia - Vice President of the International Criminal Court

The President of the United Republic of Tanzania and the Chairman of the African Union was the Chief Guest and gave a keynote address to the Members during the opening ceremony

The following Members took and subscribed the oath of a Member of the Pan-African Parliament:

- i. Hon Diallo El Hadj Amirou – Guinea
- ii. Hon. Mana Parfait Florent – Madagascar
- iii. Hon. Ramarojatovo Meltine Flore - Madagascar
- iv. Hon. Razafinjato Augustine Marie - Madagascar
- v. Hon Booy's Hans Gabriel - Namibia
- vi. Hon. Oyo Ebule Evangelina - Equatorial Guinea
- vii. Hon. Nsue Mokuy Alfonso - Equatorial Guinea
- viii. Hon Obama Nve Justino - Equatorial Guinea
- ix. Hon Shamakokera Tharcisse - Rwanda
- x. Hon. Neto Jaime Bessa- Mozambique

The Deputy Chairperson of the African Union Commission, H.E Erastus Mwencha, who is a Kenyan citizen and formerly the

- Executive Secretary of COMESA, appeared before the House to apprise Members on matters of the African Union

The AU Special Representative to Somalia and the Executive Secretary for International Conference on the Great Lakes Region briefed the House on peace and security situation in the regions and in the Continent

The AU Commissioner for Political Affairs apprised the House on the provisions of the Charter on democracy, elections and good governance by the African Union

- The House considered and adopted a report on Zimbabwe and called on the SADC leaders working together with the African union to engage the broader political leadership in Zimbabwe into a negotiated transitional settlement. The House further adopted the reports on elections in Swaziland and Angola

The Executive Director of Africa Peer Review Mechanism presented the APRM country reports for the Republics of Algeria and South Africa

- The Chairperson of the Permanent Committee on Transport, Industry, Communication, Energy, Science and Technology of the Pan-African Parliament made a presentation to the House on the status of infrastructure in Africa. The House deliberated and subsequently adopted the report of the Committee

The Permanent Committee on Monetary and Financial Affairs presented the External Auditors report to the House for debate and consideration

The Permanent Committee on Monetary and Financial Affairs further presented the Budget for PAP for 2009 Fiscal year to the House for consideration and adoption. The House adopted the report without any amendments

The House considered and adopted the resolutions and recommendations of the various Permanent Committees

The House debated on a Motion to applaud the President Elect of the United States of America, Barack Obama which was introduced by Hon Gitobu Imanyara, the leader of the Kenya delegation, a Motion to applaud the women of Rwanda for attaining 57% of the seats in Parliament and a Motion to thank Mr. Jakaya Kikwete, President of the united Republic of Tanzania and the Chairperson of AU on his propitious speech during the opening ceremony.

The Permanent Committee on Rules, Privileges and Discipline was expanded to include the Chairpersons of the Regional Caucuses and some Members from the other Permanent Committees to ensure that the transition process reflected the consensus of the broad membership of the House. The recommendations on the roadmap which sets out the necessary stages for the process

culminating into submission of anew Protocol to the Heads of State for adoption was adopted by the House

The House was adjourned on Friday 7th November 2008 at 11 30 am

This report covers the proceedings of the House and the deliberations, resolutions and recommendations of the Permanent Committees of the Pan-African Parliament

RECORD OF PROCEEDINGS
TENTH SESSION OF THE PAN AFRICAN PARLIAMENT

1.0: OPENING CEREMONY

The President of the Pan-African Parliament Hon. Ambassador Getrude Ibengwe Mongella officially opened the Tenth Session. The President welcomed back all the Honourable members of the Pan African Parliament and expressed her appreciation to the members for their timely arrival for the Session.

The following dignitaries attended the opening Session and gave messages of solidarity to the House under the special invitation of the Bureau of the Pan African Parliament;

- vii. H.E. Hans-Gert Pottering - President of the European Parliament
- viii. H.E. Sen. Sonia Escudero - Secretary General of the Latin American Parliament
- ix. H. E. Dr. Ahmed Fathi Sorour - Speaker of the People's Assembly of Egypt
- x. H.E. Cavaye Yeguie Djibril - Speaker of the National Assembly of Cameroon
- xi. H.E Laurent G. Pampali - President of the Inter-Parliamentary Commission of CEMAC
- xii. Mrs Prof. Akua Kuenyehia - Vice President of the International Criminal Court

The President of the United Republic of Tanzania and the Chairman of the African Union was the Chief Guest and gave a keynote address to the Members during the opening Sitting.

In his address, the AU Chairman addressed issues relating to conflict resolution, the GDP economic growth and challenges facing key sectoral areas of the Continent that are central to prosperity. The Chairman further urged the Members to be more proactive on the issues of Africa's economic integration **(The Keynote address is annexed to the report)**

2.0: SWEARING IN OF MEMBERS OF PARLIAMENT

The following Members took and subscribed the oath of a Member of the Pan-African Parliament

- i Hon. Diallo El Hadj Amirou – Guinea
- ii Hon. Mana Parfait Florent – Madagascar
- iii Hon. Ramarojatovo Meltine Flore - Madagascar
- iv Hon. Razafinjato Augustine Marie - Madagascar
- v. Hon Booy's Hans Gabriel - Namibia
- vi Hon. Oyo Ebule Evangelina - Equatorial Guinea
- vii. Hon. Nsue Mokuy Alfonso - Equatorial Guinea
- viii Hon. Obama Nve Justino - Equatorial Guinea
- ix Hon. Shamakokera Tharcisse Rwanda
- x Hon. Neto Jaime Bessa- Mozambique

3.0: PRESENTATION AND DEBATE ON MATTERS OF THE AFRICAN UNION

The Deputy Chairperson of the African Union Commission, H.E. Eratus Mwencha appeared before the House to apprise Members on matters of the African Union.

The Second Commission was inaugurated in April 2008 and is currently putting in place a four year strategic Plan (2009-2012) based on four strategic pillars namely; peace and security,

development, cooperation and regional integration, shared values and institution and capacity building

Under peace and Security pillar, the new Commission has continued to operationalize the peace architecture. The Panel of Wise is in place and the Continental Early Warning System and the African Standby force with their regional mechanisms are also gradually operationalized as well.

The Commission has recently signed Memorandum of Understanding with Regional Economic Communities.

The vice Chairperson also outlined that the hybrid peace keeping force by the AU and UN in Darfur was deployed from 1st January 2008.

The Vice Chairperson further highlighted the Commission's involvement in conflict areas such as Somalia, Sudan, Democratic Republic of Congo as well as territorial disputes between Eritrea and Ethiopia, and Eritrea and Djibouti. ***(The presentation is annexed to the report)***

PRESENTATION AND DEBATE ON PEACE AND SECURITY IN AFRICA

The AU Special Representative to Somalia and the Executive Secretary for International Conference on the Great Lakes Region briefed the House on peace and security situation in the regions and in the Continent.

In his presentation, the AU Representative briefly outlined the situations of conflict in Africa i.e. DR Congo, Sudan, Somalia and the response of the African Union in each conflict case. He noted that because of the persistence of conflict within Africa, the AU had had put in place an institutional framework comprised of, Peace and Security Council; The African Standby Force and the Continental Early Warning System.

The 18th Ordinary Session of the Assembly of the Union held in Addis Ababa in January 2007 appointed the following personalities as Members of the Panel of wise for a period of three years:

- a) Dr. Salim Ahmed Salim, Former Secretary General of the OAU
- B) Dr. Brigalia Hlophe Bam, President of the Electoral commission of S. Africa
- c) Ahmed Ben. Bella, Former President of Algeria
- d) Elizabeth K. Pognon, President of the Constitutional court of Benin
- e) Miguel Trovoadá, former President of Sao Tome and Principe

The Panel of Wise was formally inaugurated in Addis Ababa on 18th December 2007.

The 2nd Ordinary Session of African Ministers of Defence and Security on 28th March 2008 adopted the African Standby Force (ASF) policy documents on doctrine, logistics, trainings and evaluations and other related recommendations.

On Post-conflict reconstruction and development (PCRD), the 9th Ordinary Session of the Executive Council held in Banjul, in 2006 endorsed a policy on PCRD and requested the Commission and other stakeholders to take all the necessary steps for the effective implementation of the PCRD policy. Since then the Commission has implemented the decision of the Executive Council and has finalized Strategic Plan for PCRD, steps to operationalize AU Volunteers Corps, finalization of draft post conflict reconstruction assessment guide and the development of a database of African Experts in PCRD.

The Executive Secretary of the Conference on Great Lakes briefed the House on the on-going initiatives at the regional and international level to instill stability and sustainable peace and harmony in the Great Lakes region

The signing of the comprehensive Pact on Security, Stability and Development in the Great Lakes Region by Heads of State of the 11 Member states on 15th December 2006 in Nairobi, Kenya ushered a new hope for the region

The Pact has four key pillars namely; Peace and Security, Democracy and Good Governance, Humanitarian and Social issues and economic Development and Regional integration. Central to the Pact are 33 projects and 10 protocols and programmes of action of the Great Lakes Region. A Special Fund for Reconstruction

and Development has also been established with a view to financing the relevant projects

The Secretary further informed the House that a Joint Communiqué was signed between the Democratic Republic of Congo and Rwanda on 9th November 2007 to enable the two countries to agree on a common approach to address the threat posed by the continued presence of armed groups in the Eastern DRC.

Moreover, a USA led Tripartite plus Mechanism which brings together the governments of Uganda, Rwanda, DRC and Burundi to jointly work for mutual peace and stability has been recently put in place.

BRIEF ON THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

The AU Commissioner for Political Affairs apprised the House on the provisions of the Charter

The Charter marks the culmination of commitments that have been collectively taken by the African Member States to democratic governance through numerous declaration, decisions and instruments.

The Commissioner further informed that only 25 States have initialed the Charter and that the main challenge has been that some Heads

of State and Government have been calling for review of their constitutions to extend their mandate

**PRESENTATION AND CONSIDERATION OF THE REPORT OF THE RUN –OFF
PRESIDENTIAL ELECTION IN ZIMBABWE, THE GENERAL ELCTION IN
ANGOLA AND SWAZILAND**

The Leaders of the Pan African Parliament Election observation Missions to the above countries made a presentation on the above

In Zimbabwe, it was observed that the atmosphere prevailing in the country at the time did not give rise to the conduct of free, fair and credible elections

On the General election held in Swaziland, the mission observed that the 2008 House of Assembly elections was peaceful, transparent and credible while noting the unique nature of the electoral system in that country due to its Monarchy leadership

On the General election held in Angola, the mission also observed that the Angolan Legislative Assembly election held on 5th September 2008 was generally free and fair.

The House considered and adopted the report on Zimbabwe and called on the SADC leaders working together with the African union to engage the broader political leadership in Zimbabwe into a

negotiated transitional settlement. The House further adopted the reports on elections in Swaziland and Angola.

PRESENTATION AND DEBATE ON THE APRM COUNTRY REPORTS ON THE REPUBLIC OF ALGERIA AND THE REPUBLIC OF SOUTH AFRICA

The Executive Director of Africa Peer Review Mechanism presented the APRM country reports for the Republics of Algeria and South Africa.

From the onset, the Director informed the House that to date, 29 countries have signed up to the APRM and 7 countries namely, Ghana, Rwanda, South Africa, Kenya, Benin, Nigeria and Algeria have completed the process.

The Director outlined that the two countries have put in place APR focal points, a National Governing Council and have successfully completed the five broad stages of the APRM process namely, preparation and self assessment, country review mission, final country assessment, peer review by Heads of State and presentation to the Public and African institutions.

PRESENTATION AND DEBATE ON THE NEPAD REPORT ON THE STATUS OF INFRASTRUCTURE IN AFRICA

The Chairperson of the Permanent Committee on Transport, Industry, Communication, Energy, Science and Technology of the Pan-African Parliament made a presentation to the House on the status of infrastructure in Africa.

The Committee made the following observations in their report,

1. The missing sections of the Trans-African highway represent 33% over the total connectivity in Africa,

- ii The average cost of transporting containers in the corridors amounts to 2 43 USD per container/KM in the continent,
- iii Nearly 12% of the values of import and 25% of the exports are absorbed by transport costs compared to world averages between 5% and 8.8% in the continent.
- iv. Sub-Saharan Africa, hosting 34 least developed countries has only 5 KM of road per KM squared against 20 in Asia and Latin America,

The House deliberated and subsequently adopted the report of the Committee.

PRESENTATION AND DEBATE ON THE REPORT OF THE AUDIT OF THE FINANCIAL STATEMENTS AND ACCOUNTS OF THE PAP FOR THE FISCAL YEAR 2007 BY THE BOARD OF EXTERNAL AUDITORS OF THE AFRICAN UNION

The Permanent Committee on Monetary and Financial Affairs presented the External Auditors report to the House for debate and consideration.

In the report, the External Auditors highlighted that the operations of the Parliament revealed some lapses in the system of internal controls and checks such as processing of salaries, unclear administrative structures, lack of audit charter, lack of guidelines on payment of allowances and the risk of disbursing monies without following AU financial rules and regulations as well as proper accounting controls and procedures.

The House adopted the report and asked the Bureau and the Secretariat to implement the recommendations of the Auditors.

PRESENTATION AND DEBATE ON THE BUDGET OF THE PAN-AFRICAN PARLIAMENT FOR THE 2009 FISCAL YEAR

The Permanent Committee on Monetary and Financial Affairs presented the Budget for PAP for 2009 Fiscal year to the House for consideration and adoption

The Chairperson of the Committee noted that pursuant to Article 15 of the protocol and the Rule 26(2)(a) of the Rules of Procedure it was necessary that the Committee presents the budget of the House

In his presentation, he noted that the annual budget of the Pan African Parliament was an integral part of the regular budget of the African Union. He further noted that when the budget was being drawn up they followed the financial rules and regulations of the African Union and that the budget required the approval of the Assembly of the Heads of State until such time that the Parliament would start to exercise legislative powers. He observed that the above rules and regulations had posed a challenge to the preparation of the budget

The Budget was prepared on the basis of the Decision No Ex CL/Dec.407 (XII) of the Twelfth Ordinary Session of the Executive Council held in January 2008 and the trend of actual expenditure of previous years

The Budget had made provisions for the following inter alia,

- a) Two ordinary sessions per year, each a maximum of ten working days ,
- b) Four meetings of the Bureau;
- c) Two meetings of the Bureau and Bureaux of Committees;
- d) Two Sessions of sittings of Committees;
- e) Participation in meetings and other Parliaments and other organs of the Union,
- f) Three meetings of Regional Caucuses;
- g) Operational costs, Salary and allowances for staff members (on the basis of the salary structure of the African Union) including recruitment costs,
- h) Per diems for the President, Vice- Presidents and Observer and fact finding missions;
- i) Medical care for members during statutory missions and ordinary meetings,

The Committee prepared a budget of 22,836,126 US dollars for 2009 against an annualized expenditure for 2008 of 12,198,583 US dollars translating to 48% increase. The Staff budgeted for under the 2009 fiscal year are 84 against the total approved establishment of 108 Staff **(the Draft Budget is annexed to the report)**

The House adopted the report without any amendments and asked the Bureau to operationalize the PAP Trust Fund.

PRESENTATION, CONSIDERATION AND ADOPTION OF THE REPORTS ON THE WORK, ACTIVITIES, RECOMMENDATIONS AND RESOLUTIONS OF THE PERMANENT COMMITTEES OF PAP

The House considered and adopted the resolutions and recommendations of the various permanent Committees as stipulate below;

- I Committee on Transport, Industry, Communications, Energy, science and Technology
 - a. That the leaders of the Member States to fully ratify and implement all the pertinent legal instruments and to adopt the enabling texts in the domain of transport,
 - b. That National Parliaments to enact harmonized legislations to foster transport infrastructure development,
 - c. That African Governments to embark on immediate appraisal of the progress made on transport within the NEPAD framework,
 - d. That Governments actualize the big integration projects on rail and road corridors,
 - e. That African Leaders work towards the lifting of all barriers to the promotion of transport facilities,
 - f. That the African Union enters into negotiation with former colonial powers to enlist their contribution to the financing of transport infrastructure in Africa.

- II Committee on Rural Economy, Agriculture, Natural resources and Environment.
 - a. That the Maputo decision that countries should allocate at least 10% of their budgetary resources to agriculture should be widely disseminated by the Union,
 - b. That the countries that have complied with the Maputo declaration should be ascertained and recognized by the Parliament and the Union,
 - c. That there is a need to debate on the issue of Genetically Modified Organisms (GMOs) technology and its impact on Africa's agricultural sector,

- d. That the Au should establish monitoring mechanisms in all countries to mitigate occurrence of food security related disasters,
- iii. Committee on health, Labour and Social Affairs
 - a. That PAP should advocate for the implementation of the AU programmes especially on the Abuja Declaration on the commitment of 15% of the national budgets to the health sector,
 - b. That the PAP needs to put more collaboration mechanisms with the regional economic communities for follow up strategies.
- iv. Committee on Justice and Human Rights
 - a. The Member States should fully ratify the Protocol establishing African Court of Justice and Human Rights,
 - b. The AU should consider expanding the scope of the Court to include trying of criminal cases,
- v. Committee on Gender, Family, Youth and People with Disability.
 - a. A continental networking forum among Parliamentarians interested in disability issues be established,
- vi. Committee on Cooperation, International Relations and Conflict Resolution.
 - a. All Members States should ratify, implement and respect all the instruments of the African Union relating to peace, human rights, elections, unconstitutional change of governments, democracy and governance,
 - b. The African Union must take disciplinary measures against any party or parties that violate any agreement or efforts towards conflict resolution,
 - c. The African Union and the International Partners must take urgent steps to address the unfolding humanitarian disasters in Darfur, DRC, Somalia and Zimbabwe,

- d The African Union and Partners should assist the Central African Republic to address the structural causes of the prevailing conflict and to assist with democratization process,
- e The African Union must send a fact-finding mission to investigate allegations of human rights abuses in the Central African Republic,
- f All the Parties to the Chadian conflict must support and engage in an inclusive dialogue towards reconciliation,
- g. The African Union and United Nations Security Council should increase their efforts to resolve the diplomatic tensions between Chad and Sudan,
- h. The African Union and the Pan African Parliament should send election observation and monitoring teams before, during and after the elections in Cote D'Ivoire,
- i The African union and the United Nations and Stakeholders must be enjoined to ensure full implementation of the commitments made under the Nairobi and Goma peace agreements on the situation the Democratic republic of Congo,
- j. The African Union Members States and the united Nations must uphold their commitments to contribute a strong military force for Somalia,
- k The African Union and the United Nations should take a stern action against those involved in the attacks on people in displaced camps and on the peace keepers and to also ensure full implementation of the Comprehensive Peace Agreement in Sudan,
- l. The African Union should work out modalities to resolve the conflict situation in Saharawi Arab Democratic Republic and exert pressure on Morocco to end its occupation of the Saharawi Republic,
- m The African Union and SADC must encourage and support all parties to fully implement the Zimbabwe Unity Agreement,
- n The European Union and the United States of America Should lift sanctions on Zimbabwe to avoid further humanitarian catastrophe,

- vii. Committee on Rules, Privileges and Discipline – on 2008/2009 work plan on the transformation and review programme for Pan-African Parliament
- a. The work plan of revised road map is based on 12 to 15 months period starting from November 2008 to January 2010 to complete the transformation process,
 - b. From November 2008 to January 2009, the Committee is to finalize its consultations formulation and development of an elaborate report and proposals,
 - c. In February 2009, the PAP Bureau and the Committee will hold meetings with other AU organs, in particular PRC with a view to agree on the way forward in implementing Article 25 of the Protocol,
 - d. In March 2009, the working group of PAP will be briefed and updated the final document agreed to,
 - e. In March-April 2009, a draft document will be sent to all PAP Members to comment and discuss with their National Stakeholders,
 - f. During the 11th Session of PAP, the draft proposals will be adopted by the Plenary and forwarded to the Heads of State Summit which will constitute the review Conference,
 - g. After June/July Summit of Heads of State, the process of ratification is expected to follow,
 - h. The period of ratification is expected to take six Months,
 - i. Its is expected that by January 2010, a new protocol or an amended one will be in place The period of ratification will be used to amend the Rules of Procedure of PAP.

ADJOURNMENT

The House was adjourned on Friday 7th November 2008 at 11.30 am following closing remarks of the President. The next Session is expected to be held in March 2009.

ADDRESS BY HIS EXCELLENCY JAKAYA MRISHO
KIKWETE, PRESIDENT OF THE UNITED REPUBLIC OF
TANZANIA AND CHAIRMAN OF AU TO THE PAN-
AFRICAN PARLIAMENT, MIDRAND, SOUTH AFRICA,
27TH OCTOBER, 2008

Madam President of the Pan – African Parliament;

Invited Speakers of National Parliaments;

Honourable Members of Parliament;

Members of the Diplomatic Corps;

Distinguished Guests;

Ladies and Gentlemen;

Introduction

I feel greatly honoured and privileged to be invited to address the tenth session of this august Assembly. I thank you Madam President for your invitation. I also thank you for hospitality and for the kind words you have just spoken about me.

Since I am speaking here for the first time, allow me Madam President, to take this opportunity to extend to you all my warm congratulations on your election to this House. Your election through your respective legislatures is testimony of the immense confidence and trust reposed in you. I wish you great success in your noble responsibilities of promoting the common aspirations of our people on the continent.

Madam President;

I must confess that when I accepted your invitation I had some difficulty in deciding on what I should say here today. This was so because I was not told what to say. I consider that to be very kind of you. So, I have decided to speak about the political and economic situation of our dear continent and request this august assembly to reflect on it and advise on the way forward.

Africa on the Move

Madam President and Honourable Members;

Let me start off by saying that Africa is a continent on the move. I dare say that Africa is irreversibly moving towards more vibrant democratic governance, observance of the rule of law, respect for human rights, deeper integration and greater economic prosperity. Throughout the continent today one sees evidence of these phenomena unfolding.

Change is taking place and it is change for the better. Democracy and good governance are taking root. There is greater awareness of the evils of corruption and the fight against the vice is unrelenting and gaining momentum in all corners of the continent. The economies of many nations in Africa are growing steadily and macro-economic fundamentals are good. The people of Africa are increasingly taking in their own hands the destiny of their nations and their dear continent.

You will agree with me that the Africa of today is not the Africa of yesterday. Neither will the Africa of tomorrow be the same as the Africa of today. For Africa is no longer the continent of despair, contempt and stagnation as was perceived by some in the past. Africa is now a continent of great dynamism, a continent of great hopes and a continent of great opportunities. All of these achievements and prospects are very much a function of the emergence of a new breed of leaders who are committed to change and modernity. They have put in place the right political and economic policies and they are taking the appropriate measures. Since this is the trend emerging throughout the continent, it gives me every reason to believe and hope that things will get much better with every passing year. What is required of us now is consolidation of the gains and advancement of these policies and measures.

Political Situation

Politically Africa enjoys more stability today than at any other time in its recent history. There are fewer political and violent conflicts of great concern on the continent.

Democracy, as I said, is on the march and there is no turning back. The culture of holding periodic democratic elections to elect leaders in African nations is being fully embraced and has become an institutionalized practice. Records show, for example, that since the inception of this Parliament in 2004 democratic elections have been held in 45 African countries.

This year alone we witnessed democratic elections being held in five countries and we expect two more in Zambia and Guinea Bissau in October and November respectively.

The other comforting thing about elections in Africa is that the organization and management of elections has improved tremendously. These days elections are better organized and managed. There is greater transparency, freedom and fairness in elections in most African countries. Observers from within and outside the continent have been allowed to monitor the conduct of elections and their verdicts have been positive in most nations except for very few. This is good for Africa.

Africa has indeed awakened. The principle of leaders coming into office through democratic processes has been underscored and duly emphasized by the African Union.

This is well defined and embedded in the AU Constitutive Act. Any government which comes into office through undemocratic means will not be tolerated and will be censured and suspended from AU membership. Indeed, the principle has been invoked a few times and the countries concerned have been sanctioned, Mauritania being the latest.

Madam President;

While we have every reason to rejoice in the successes we have so far made, we should bear in mind that there are still pockets of difficult situations on the continent. Sometimes, these imperfections tend to eclipse or even ridicule the many successes we have achieved. The good thing, however, is that all of us are aware of these shortcomings and are also aware of the efforts being made to help resolve them. We expect this Parliament to be supportive of such efforts and do the needful where possible. I am sure, there is as many of you who are knowledgeable and experienced enough to assist in resolving some of these conflict situations.

The old principle of non-interference in internal affairs of member states is no longer tenable on our continent. Africa, these days no longer stands by and watches when democratic values are being infringed upon or when governments brutalize their own people. Usually the AU, RECs or even countries neighbouring the troubled nation would act.

We expect this Parliament to be that added voice of reason and perhaps for action on these cardinal tenets. You should compliment the voice of the Assembly of Heads of States and Government and the relevant councils of the AU on these matters. I am glad you are already being seen and felt in election monitoring in the continent these days. We need to see more of you in governance and human rights issues as well. Keep on reminding African leaders and peoples about their duties and responsibilities with regard to these important issues. Let you be heard and felt where things are not right and suggest what needs to be done.

Conflict Resolution

Madam President and Honourable Members;

I mentioned earlier on that there are fewer political and violent conflicts of great concern in Africa today than they were a decade ago. There were then several violent conflicts raging in all regions. The conflicts were within nations and between nations on the continent. Today apart from the situation in Darfur, Somalia, Eastern DRC, Chad and Zimbabwe the rest of the continent is peaceful and stable to the comfort of all of us.

It is important to underscore the fact that Africa has gotten this far because democracy, good governance, rule of law, respect for human rights are taking root. Democracy, peace and security are inseparable. They are interdependent and self reinforcing. Democracy thrives best where there is peace, security and stability. But, also there can be no durable peace, security and stability where democracy is in serious deficit and human rights are grossly violated.

Strengthening of peace and security is therefore a pre-requisite for consolidation and advancement of democracy, rule of law and respect for human rights on the African continent and vice versa.

Fortunately, we have already made great progress in this area. But this should not make us complacent. We should continue to be vigilant and expend maximum possible efforts on conflict prevention and if not successful on conflict management and resolution. The AU has been doing a commendable job in this regard. However, the AU peace and Security Architecture needs to be further strengthened to enhance its capabilities in forestalling conflicts and in dealing with conflicts as and when they arise.

We should do the same with regard to regional peace-building mechanisms. Our ultimate goal should be the building of a continent that is conflict free. Only then can we guarantee the growth of a strong and sustainable democracy which is essential for the political stability and sustainable socio-economic growth on our dear continent.

African Economy

Madam President and Honourable Members;

Like its political scene, Africa's economic landscape is also changing very fast. Economically, Africa is on the rise today. The comprehensive economic reforms which our countries undertook a few years ago are paying handsome dividends.

Africa is no longer the hopeless case which we were previously made to believe. It is now a continent of great hope. Economic growth in Africa has exceeded five percent over the last few years. If this trend is sustained and if higher growth levels are attained, Africa's economic situation will be much better in the next decade or so.

For example, in 2007 real GDP in Sub-Saharan Africa grew by 6.5 percent, the highest in decades. This performance has made even those who only yesterday sought to paint a grim picture of the continent to admit that Africa has a very bright future. Africa is now seen as the potential future economic powerhouse of the world.

There is suddenly a heightened global interest in Africa. Everyone is talking about the continent's economic opportunities and many are showing keen interest to do business with Africa.

This is good for Africa. It is an opportunity we cannot afford to lose. We need to seize the unfolding opportunities and leverage Africa's economic advantages for the benefit of our people and our countries. We expect this august House to be part of the efforts of promoting Africa's economic interests within and outside the continent. Whatever you can do to mobilize investments and encourage businessmen and women from abroad to do business with Africa will be highly appreciated.

Challenges

Madam President;

Despite the positive things I have alluded to above, Africa still faces some daunting challenges both politically and economically. The first is related to peace and security. There are still a number of hot spots on the continent which pose serious challenges to the respective countries and tarnish the image of Africa's stability. We need to work together to see these conflicts resolved. I am glad that PAP has demonstrated readiness to be proactive and been active in contribute towards resolving some of these conflict situations. I implore you to do more.

The second is the long standing dream of political and economic integration of Africa into one nation, the United States of Africa with one continental government and one economy. As you all know this matter has been on the table since 1963. It was given momentum in September, 1999 with the Sirte Declaration and the subsequent transformation of the OAU into the African Union. The African Union embraced the political aspirations of the OAU charter and economic aspiration of the Abuja Treaty and the Lagos plan of action. Both the OAU and the AU acknowledged the regional economic groupings as the building blocks for Africa's political and economic integration. The recent AU summit at Sharm El Sheikh, Egypt, reaffirmed this important strategic principle when discussing the possibility of establishing of the Union Government.

In this regard, therefore, the decision reached last week by three regional groupings – SADC, COMESA and EAC - to merge into a single Free Trade Area with the objective of later moving into one Customs Union and ultimately into one economic grouping is a step in the right direction. I hope that other regional groupings will emulate this example so as to hasten the process of African integration. I humbly implore this august House to acknowledge and fully support this landmark Kampala decision of leaders of SADC, COMESA and EAC.

Madam President;

Economically the majority of African countries are developing nations and Africa is the poorest and least developed continent. It is the last frontier in humanity's quest for development. Out of the 50 Least Developed Nations in the world Africa is home to 33 of these. There are too many structural and other constraints that negatively impact on Africa's pace of growth and development.

Much more needs to be done by African nations themselves and the international community and humanity as a whole to assist Africa overcome her many development challenges. This way, Africa would increase the pace of socio-economic growth and catch up with the rest of the continents. Africa, in this regards, needs more ODA, unhindered access to markets and technology of the developed nations. We expect the Pan African Parliament to be that added voice pitching for support for Africa's development endeavours. Let your voice be heard to compliment that of African leaders in this regard.

Agriculture

Madame President;

One critical sector which unfortunately Africa continues to under perform is agriculture. I am sure this is a source of great concern to all of us in Africa. We know that between 70 and 80 percent of our people in Sub-Saharan Africa live in the rural areas and depend on agriculture as a source of their livelihood. Agriculture is the largest sector in the economies of many nations in sub-Saharan Africa. It is a major source of export earnings, food supply and raw materials for the manufacturing sector.

However, African agriculture could have contributed much more only that it is underdeveloped and still backward. Because of that African agriculture is plagued with the serious problems of low productivity. African agriculture needs a green revolution to modernize it and overcome the many constraints to the growth and development of the sector.

Among the interventions that need to be made include mechanization, expansion of irrigated agriculture, increase the use of high yielding seeds, increase the use of fertilizers, provide extension services to help impart skills to farmers, deal with post-harvest losses, improve crop marketing and provide the requisite rural infrastructure.

We need to take deliberate measures to accord agriculture the top priority it deserves. I know a lot is being done but it is not enough, we need to do a lot more.

We can do it. What is required of us is to mobilize political will to do that on our part as African nations and on the part of Africa's friends and development partners. It is time we walked the talk on the agriculture.

Infrastructure

Madam President and Honourable Members;

Another critical sector worth mentioning here today is infrastructure. Africa lags far behind in infrastructure development which

is essential for stimulating economic growth. An elaborate and well functioning infrastructure need no over emphasizing as being a key pre-requisite for economic growth and development. Yet Africa's infrastructure today is grossly inadequate and the little that is available is not in good state. It does not provide sufficient linkages to promote the growth of the African economies.

Let's take the example of road transport. This is the main mode of transport in Africa which accounts for 80 – 90 percent of the continent's goods traffic. According to available statistics, only 12-17 percent of the road network in Sub-Saharan Africa is paved. And about 80 percent of the unpaved roads are seasonal roads accessible only during dry seasons. About 60 percent of Africa's population who live in rural areas have no access to all weather roads, which are mainly found in urban areas.

The other important factor worth noting here is that there are few roads linking African countries. This impedes intra African trade.

Madame President;

The story of road transport being poor and inadequate is similar to all other elements of infrastructure such as power, water, railways, ports and air transport on our continent. The poor and inadequate infrastructure seriously undermines Africa's competitiveness because it debilitates production and provision of services and increases the cost of doing business. It also holds back the growth of a viable African market.

What Needs to be Done

Madam President, Honourable Members and Distinguished Guests;

In a nutshell, this is Africa's reality today. The question that all of us must ask ourselves is what can be done to consolidate Africa's political stability and speed-up socio-economic growth and development. I know that there are no easy answers particularly to the development question especially because of the serious resource constraints that most of our nations are faced with. However, I believe that there are certain basic things that can be done to take Africa from where it is now and propel it to new heights.

First, it is imperative that we consolidate the economic gains that Africa has attained in recent years. We should continue to enhance the conducive macro-economic environment in order to sustain the positive economic growth.

Secondly, we need to stay the course on democracy and good governance. We must continue to build and consolidate the culture of democracy in our countries by strengthening the institutions that underpin it. For it is only through the existence of vibrant democratic culture and governing our nations well that we can effectively harness the energies and creativities of our people for sustainable long-term development.

Thirdly, and as I mentioned earlier, we should strengthen mechanisms for conflict prevention and conflict resolution. Africa needs peace and security to survive and grow. We must see to it that what causes instability in nations is avoided, in the first place.

At the same time, we should ensure that the AU peace and security architecture is enabled to perform its functions effectively and efficiently. This entails clarity of vision and mission as well as making available the requisite resources for building its capacity. The same should be done with regard to peace-building mechanisms under the Regional Economic Communities.

Furthermore, we need to harness Africa's human and natural resource endowments more effectively than it is the case at the moment. Africa is richly endowed with human and natural resources of all types. It is unacceptable for Africa to remain poor and underdeveloped amidst all these resources. We must make sure that these God given resources are put to better use for the benefit of our people and our countries.

With regards to human capital we need to invest more in education and training for our boys and girls and our young men and women.

MDGs

Madam President;

The Millennium Development Goals (MDGs) provide a good framework for addressing the other critical factors of development such as gender parity, education and health care. Africa must therefore endeavour to meet the MDG targets by 2015 as part of its overall strategy to scale-up development on the continent.

In this regard, we should mobilize own domestic resources and urge Africa's development partners to honour their promise and deliver on their commitments. For Africa cannot meet the MDG targets without the support of the international community

Food, Oil and Financial Crises

Madame President;

But Africa faces new dangers posed by the current global food, oil and financial crises. These triple crises over which Africa has no capacity to control threaten to reverse the humble development gains made in most African countries. Already food bills have increased by over 40 percent over the last one year. On the other hand oil prices have gone up by over 100 percent since 2005. For most of the non-oil producing African countries even the current drop in oil prices has not eased the burden on their economies because prices are still far higher than what they were in 2005.

The situation has been further compounded by the recent global financial crisis. Africa is likely to be affected sooner or later if the crisis is not resolved at the earliest possible time. With developed economies being in recession, demand for commodities from our countries may decline to our detriment. There is also the possibility of some development partners cutting down development assistance to the continent

It is an imperative necessity, therefore, for us in Africa to closely monitor the crisis and speak with one voice on the matter. The international community especially the major economic powers should act quickly to reverse the situation and find a lasting solution to the crisis. In this regard, I welcome the many initiatives taken by world leaders to deal with the financial crisis and most recently the decision of US President George Bush to convene an international conference to discuss the financial crisis.

All in all Africa does not expect its development partners to reduce the all important development assistance to the continent as a result of the current crisis. I am happy that a number of them have already assured us that they will not take such a decision. If such action is taken it would have terrible consequences to the economies and welfare of the people of

our dear continent. I am glad PAP has taken time to discuss the food crisis. I hope you will do the same with other burning issues which may have a crippling capacity to African economies

Role of PAP

Madam President and Distinguished Members;

What then is the role that the Pan-African Parliament as an organ of the African Union can play in accelerating Africa's political and economic integration and development? I believe that you are better disposed to answer this question than me. As members of this House you know your role better than anyone else especially as the House reaches its first five years of existence

However, let me try to share some more thoughts of my own besides what I have mentioned earlier. I think the first thing that you can do is to keep up pressure on African governments to fully embrace democracy and good governance. This should include holding regularly free and fair democratic elections as well as respect for the rule of law human rights and the fight against corruption.

You are already involved in monitoring elections in African countries. Your verdicts have been quite useful in judging the credibility or otherwise of those elections. I encourage you to continue doing so. Always be fair but firm in giving your opinion on the elections. You should avoid the temptation of being biased for whatever reason because that can also easily erode your own credibility.

We also expect you to be more proactive on the issue of Africa's economic integration. As a matter of fact this is a central responsibility of this House. The PAP was established under the Abuja Treaty essentially to take care of the economic integration of our continent. However, over the years we have added other responsibilities because the broader objective of AU. You should therefore be seen to be playing those roles effectively and efficiently.

Madame President;

One of the important issue which you have to do and be seen to be doing is to promote or encourage Regional Economic Communities to develop closer cooperation and rationalize their activities with the ultimate aim of merging into bigger blocs. As you know RECs are the

ultimate building blocks for a united Africa as envisaged by the founding fathers of OAU in 1963. Another related matter is the issue of free movement of people on the continent. You could reflect on the matter and advise accordingly.

Please forward your proposals to the AU Summit through the Executive Council. I promise you that we will consider them favourably.

Madam President;

In proposing all this to you, I am not oblivious of the many constraints that you face in terms of financial resources or structural inadequacies. I know that PAP is not richly endowed with financial resources. I am supportive of the proposed establishment of a Trust Fund under PAP. I am confident that it will help us improve matters. But the fund is one way, we could do more. Let us use the opportunity of reviewing the Protocol establishing PAP to come up with pertinent proposals to change the present structure of financing the activities of PAP including its members. Currently it is the responsibility of National Parliaments. Is it not the time to make it the responsibility of the AU Commission? Argue that case logically I am sure you will get support of many leaders including myself. You could also come up with proposals that will help overcome other structural constraints which impede smooth functioning of PAP.

Conclusion

Madam President, Honourable Members of Parliament and Distinguished Members;

Let me end as I started. I thank you again, Madam President, for inviting me and for the warmth of reception and hospitality. I am grateful for the opportunity to speak on a subject that, I believe, is closer to our hearts. In my speech today I have touched mainly on three things.

First, I have underscored the fact that Africa has made tremendous progress in recent decades. The continent is no longer a hopeless case as previously perceived by some. It is currently on an irreversible move, the economy is steadily growing and democracy is blossoming.

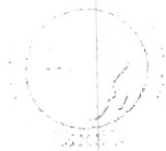
Secondly, I have alluded to some of the challenges that Africa still faces. I have called for deliberate measures to deal with those challenges.

Thirdly, I have shared with you my views on what you, as members of the Pan-African Parliament, can do to help accelerate Africa's transformation. I have emphasized the important need for you to play a more proactive role in the promotion of Africa's political stability and in the continent's economic and political integration processes

I believe that together we can build a politically strong and economically prosperous Africa. An Africa in which each one of us will live a happy and prosperous life.

God bless Africa,

I thank you for your kind attention



PAN-AFRICAN PARLIAMENT

Callaghan Estate, Midrand, Johannesburg
Republic of South Africa.

PLENARY

TENTH ORDINARY SESSION

October 27 – November 07, 2008
Midrand, Johannesburg.
Republic of South Africa

Ref.: PAP/C.12/CCIRCR/RPT/46/08
Orig: ENGLISH

Item on the Draft Programme

REPORT OF THE PAN-AFRICAN PARLIAMENT PERMANENT COMMITTEE ON COOPERATION, INTERNATIONAL RELATIONS AND CONFLICT RESOLUTION:

Peace and Security Situation in Africa

**Presented to the 10th Ordinary Session of the Pan-African Parliament in
October 27- November 07, 2008**

Midrand, Republic of South Africa



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REPORT ON PEACE AND SECURITY
IN AFRICA

29 October 2008

Midrand, Republic of South Africa

Situation in Central African Republic

Introduction

- 1 The Central African Republic (CAR) is heading to an uncertain future as opposition parties and major rebel groups have failed to reach an agreement to end years of bloodshed and instability. The current political impasse arises from failing attempts towards democratization in CAR and the problems relating to the Comprehensive Peace Agreement.
- 2 The Comprehensive Peace Agreement was signed on 21 June 2008, in Libreville, Gabon, between the government of the CAR and the rebel groups, with the exception of the *Front démocratique pour le peuple centrafricain* (FDPC). The FDPC's leadership, which is based in Libya, fears arrests in connection with proceedings by the International Criminal Court (ICC).
- 3 Since independence, CAR has experienced dictatorial rule, corruption, and severe political instability. In the last decade alone, the CAR has witnessed at least 10 military coup attempts and army mutinies, and an almost constant state of rebellion.

Structural causes of instability in CAR

- 4 CAR remains one of the poorest countries in the world with an unemployment rate of over 40% of the active population. It lacks strong democratic institutions to negotiate and manage elite interest, resulting in fierce contestation between the political elite over control of the state, and lacks critical infrastructure and other state institutions.
- 5 Thus, the control of state power in the country has become the only means of accumulation of wealth and power; this is against a backdrop of the absence of the private sector as an alternative means of accumulation.

Economic Potential

6. However, in spite of its status as a poor country, CAR has extensive potential in the mining and agricultural sectors that would serve to boost the country if adequately used.

Politics as zero sum game

- 7 CAR's politics have become a zero sum game. This is in view of the nature of the electoral system and an over-powerful Presidency vis-à-vis other branches of Government (such as Parliament and the Judiciary). As a result, losing power in CAR becomes a difficult option to be entertained by politicians. Thus the country remains characterised by a skewed political liberalisation process that began in the early 1990s.

Foreign Interests and regional dynamics

- 8 Whilst it should be appreciated that the crisis in CAR have also been compounded by the competing foreign interests (e.g. France, Libya, and Chad), however the spill over of the crises in Darfur and Chad, and the regional dynamics of the conflict, should not be overemphasized. The current regional dynamics only seems to legitimize the lack of internal dialogue in the country, and provides an excuse to shift blame to external actors.
- 9 Any emphasis on regional dynamics would be to the detriment of addressing the internal causes of the conflict, especially the skewed democratization process. Rather, the regional character of the conflicts in the central Africa region is much more a reflection of the domestic crisis in CAR, Chad and Sudan.

Recent Political Developments

- 10 On 21 June 2008 the government, the main rebel group APRD and the Union of Democratic Forces for Unity (UFDR) signed a Comprehensive Peace Agreement to consolidate the various ceasefire agreements signed between the government and the various rebel groups. The Comprehensive Peace Agreement is a framework to inform a comprehensive national dialogue, which is premised on the legislation relating to a general amnesty to all the parties concerned.
11. It seems that the general amnesty legislation was aimed to protect select group of rebels and the government leadership from prosecution for crimes committed during the war. After a number of movements in and out of peace talks, the status quo remains the same with Jean-Jacques Demafouth and the APRD are refusing to participate in the peace processes until the amnesty laws are amended to reflect their wishes.
12. The independence of the judiciary seems to have been compromised with the recent promulgation of a law that allows the Executive to play a more significant role in the appointment of key magistrates. In this sense, the executive has an increased say in the appointment of magistrates to the Conseil Supérieur de la Magistrature (CSM). After a long period of strikes (collective action) by a number of magistrates to oppose the reforms and following a ruling by the Constitutional Court, this law is currently under review by parliament to address concerns raised by the Constitutional Court.

Amnesty law

- 13 On 1 August 2008, the law on amnesty was presented to the parliament. This law is meant to grant amnesty to all those politico-military groups who committed crimes after 15th of March 2003, which led to General Bozizé seizing power from former-President Patassé. Between the 2nd and 5th of August 2008, both the political opposition and the rebels walked out of a preparation for comprehensive national dialogue, arguing that the law is skewed to protect President Bozizé and his soldiers from any

prosecution, which is contrary to the spirit and letter of article 2 of the Libreville Comprehensive Peace Agreement

14 In this context, it is logical to conclude that a principal incentive for the rebels to adhere to the peace agreements and subsequent participation in the comprehensive national dialogue is contingent on the possibility that they would not be prosecuted in future.

15 Taking this into account, the government reviewed the said laws to cover actions undertaken by principal rebel/opposition leaders such as Jean-Jacques Demafouth and Abdoulaye. The laws further require the APRD to undergo the initial stages of a DDR process (demobilisation and cantonment) within 2 months. However, the APRD refuses to accede to this, as it considers as an unrealistic demand. As a result, the peace talks have again stalled, and clashes with the national army continue in the east

What is at Stake?

16 Unless the parties not become seriously committed to coming to a peace accord and towards a better future for the peoples of the CAR, the vicious cycle will continue. There is a need to devise other strategies to get the parties to a common agreement, especially in view of the upcoming 2009 elections

17 Possible tensions may arise between the Sudan and CAR governments as the latter has accused the former of favouring rebel attacks on the shared border and this has heightened the security tensions in the country.

Situation in Chad

Diplomatic fallout with Sudan

18 The recent fall-out between Chad and Sudan relates to the quest for political survival of both regimes in Khartoum and N'djamena. The diplomatic tension is the residue of the political strategy of alignment and re-alignment. Consequently, the conflicts in Western Darfur and Eastern Chad have become an extension of Chad and Sudan's domestic political arenas

19 Tensions between Chad and Sudan are a function of domestic political calculations in Khartoum and N'djamena. As president Déby was preparing to change the constitution to stay on beyond the two-term limit imposed by the constitution, he was faced with a political dilemma. How to maintain cohesion within and manage ambitions within the ruling elite; respond to calls from Darfurian rebels for support, but most importantly keep his strategic alliance with Khartoum? Khartoum and Sudanese

Zaghawas who were instrumental in Déby's ascendance to power but have over time parted ways

20 Déby's refusal to grant refuge and support to the Darfur rebels provided opportunity to some of his close collaborators such as Timane Erdim to strengthen their political base and present themselves as people the Zaghawas can count on. In response Khartoum started supporting Chadian rebel groups who have sought sanctuary in Darfur.

21 Clearly Déby would prefer a harmonious relationship with Sudan, as it would spare him political and military energy to engage his enemies

Resumption of diplomatic relations

22 Recently however, the two countries have resumed diplomatic relations and it is hoped that this continues to yield positive results. They have, as a sign of good faith, agreed to set up a joint military force to which each party would contribute 1000 forces. Also, both parties have engaged to return their respective ambassadors to the respective missions and engage with Libya to ensure implementation of the Tripoli and Sirte accord to which they are party.

Control of the oil wealth

23 The first critical issue is the struggle for the soul of the Chadian state and by extension the oil wealth in the south. Anyone who controls N'djamena will control oil rents since these accrue directly to the state through production sharing contracts. This explains why battle for N'djamena has been intense and brutal

Regional dynamics

24. The second critical issue is that of regional stability. It is clear that the destabilization of Chad would affect the whole region specifically, Darfur, Central Africa Republic and Cameroon. This aspect of the crisis to a large extent helped President Déby because he is being perceived as the only person who can ensure some semblance of peace in the region. As a consequence he has painted the crisis as one of choosing between him, and chaos

Continuation of Status Quo (low intensity conflict)

25 In the space of over three years, Chadian rebels supported by Sudan have come close to toppling Déby, but this has not been the case with the rebels fighting against Khartoum. From a strategic perspective, continued crisis between Chad and Sudan has played into the hands of both Presidents Déby and Bashir.

26 With the ending of the rainy season, the resumption in attacks directed at Ndjamena is highly likely as rebel groups remain unhappy with President Deby. Evidence exists that these groups are busy in Sudan, building up capacity to match the Chadian army's re-enforcement in capacity. Evidence exists that these groups are busy building up capacity to match the Chadian army's re-enforcement. Furthermore, they are meeting to devise a common political strategy to enhance their attacks on the capital.

27. Another important factor that needs to be attended to relates to the resolution of the internal political turmoil resulting from the assassination of Dr. Ibnı Mahamat Saleh, allegedly by the Chadian government. The follow-up commission tasked with reviewing the report of the previous commission, which had investigated the incident, must have its mandate renewed in order to shed some light on this issue. This remains critical for the peace process and the protection of human rights in the country.

Resolving Domestic Political Crisis

28. There is need to increase attempts to solve the domestic political crisis in Chad and Sudan. As pointed out, tension between Chad and Sudan is an extension of the deepening political crisis in these countries.

29. A recent report by the International Crisis Group is instructive as it provides three basic steps towards achieving peace in the country (namely, enforcing the peace agreement, encouraging national dialogue, and installation of an inclusive transitional government).

Humanitarian Support

30. There should be a concerted effort to enhance humanitarian activities along the common border between Chad and Sudan. This matter is extremely critical and should in no way be undermined amidst the political turmoil that receives the bulk of the attention. A positive step towards this would be to request for the mandate of the EUFOR to continue beyond March 2009 as they have engaged positively with humanitarian concerns in the country and in the region. This assistance should continue until such a period that MINURCAT and the DIS (Detachement Integre Securitaire) are fully capable of conducting their duties efficiently.

Situation in Cote d'Ivoire

Introduction

31 The main preoccupation for Cote d'Ivoire is whether the elections will be held in November 2008 as scheduled, or not. It is critical that attention be given to the perennial challenges still facing the preparations towards the electoral process.

32 It is increasingly becoming clear that the elections will not be held in November 2008, but will be postponed for early 2009. In this regard, whereas there is not formal announcement to this effect, there are ongoing consultations between key political players to postpone the elections. A formal announcement to this effect is expected by the end of October 2008.

Political and security developments

33 Indeed, since April 14, 2008, when the date was set for the presidential and legislative elections in Côte d'Ivoire, President Laurent Gbagbo often repeated that the war is over. Indeed, if this symbolizes at least the end of violent armed clashes between government forces and the rebels, it might also be understood as the improvement of the security situation in Côte d'Ivoire and certainly capture the major steps taken to achieve lasting peace in the country. In other words, the widespread violence which has for years crippled Côte d'Ivoire - once a model of "stability" - has almost ceased totally now.

34 These developments at the security front have had a significant impact on the normalization of the socio-political atmosphere and contributed to the improvement of the movement of the people between the North and the South.

United Nations Peacekeeping Mission (UNOCI)

35 On the 31 July 2008, owing to the positive developments on the security front, the United Nations peacekeeping mission in Côte d'Ivoire (UNOCI) has dismantled the military component of the mission, including the military post along the so-called Green Line between the Government-controlled south and the north of the country, where former Forces Nouvelles rebels are based, in line with a peace agreement signed last year. The civilian component of UNOCI has been retained to observe the elections in Côte d'Ivoire.

Political campaigning

36 As a result, key political actors have continued to tour the country to mobilize their supporters in preparation for the upcoming elections. This suggests that leaders in Côte d'Ivoire have resolved to make the best out of the political process and one can safely say, at least theoretically, that, though at loggerhead with others, they are all geared towards the upcoming elections.

Certification process and securing the electoral process

37 With the certification of the various steps of the electoral process, the international community mainly the United Nations also seems to have recovered its authority in the peace process and manifests its commitment to help plan and deliver free and fair elections. The recent renewal of the UNOCI (primarily the civilian component) for the next six months attests to

this While the involvement of the UN could be a guarantee for a more or less acceptable electoral process, the main issue here is related to the leverage that the world organization has over the authorities whose actions are not necessarily in line with holding the elections

Challenges

38 Though most of the Ivorian citizens have high hopes for the elections that hold the key for the normalization of the political environment and the redefinition of a new social contract between the leaders and the people, serious challenges persist that cast doubt over the November 2008 deadline. Indeed, there is confusion surrounding the funding of the electoral process, which remains a matter of concern.

Problems with disbursing funds

39 According to Michel Arion, head of European Union (EU) delegation visiting Cote d'Ivoire at the beginning of August 2008, 90 percent of the required funds (3.5 billions CFA) have already been disbursed. It remains to be seen whether the government or its development will now act beyond promises to provide the electoral monitoring institutions with the adequate funding to discharge their duties

Disarmament challenges

40. The funding problem also means that the DDRR process has not recorded significant progress since April 2008. The disarmament process will cost approximately FCFA 8 billion (more than \$ 18.8 million) but has been affected by the unavailability of funds, which makes the situation extremely precarious

41 Insufficient funds also continue to hamper the completion of the process and this contributes to the unrest and various incidences of riots witnessed recently within the ranks of the rebels. In addition, internal frictions continue to affect the former rebels due to the trial of a former rebel leader Ibrahim Coulibally (IB) and the dismissal of Zacharias Kone, a force commander of Seguela for act of indiscipline. If attention is not paid to those problems and technical as well as logistical issues are not addressed carefully, it is clear that the DDRR process will be concluded as planned.

42 There are concerns that the delay in implementing and completing the demobilization, disarmament and reintegration process leaves rebel groups armed

Identification process and voters roll

43 Since the completion of the first step of the identification process (that is, the issuance of birth certificates to only 488000 citizens, out of 8 million eligible voters according to UNOCI), there has not been any substantial progress in the decisive component of voter rolls. The French

company, "Sagem Securite", which has been contracted to handle the identification operations and produce the voter registration list ahead of the country's upcoming presidential polls, has not yet issued all the IDs (in protest for non-payment by the government) This process, which was set to begin on July 1, 2008, and was to be completed by August 30, 2008, had not been completed at the writing of this report

44 To make matters worse, the electoral material has not been delivered to the Commission responsible for elections Although Sagem started to deliver some of the identification equipment to the government, the distribution of ID cards to citizens has been considerably delayed Indeed, as stipulated by the Ougadougou Peace Agreement, the identification operation in Cote d'Ivoire is one of the key stages to restore peace in the country.

Electoral Monitoring Structures

45 Tensions among various electoral monitoring structures over the recruitment and training of electoral staff further add to the challenges that might derail the whole process Underlining causes of conflicts are related to political manipulations of key political actors to gain control over the process

46 It is becoming increasingly clear that, arising from the aforementioned challenges relating to the electoral preparation processes in Cote d'Ivoire, that the elections will have to be postponed and that conditions are not ideal.

Situation in the Democratic Republic of Congo

Introduction

47. Since the end of hostilities and the installation of a democratically elected government in the Democratic Republic of Congo (DRC), conflict situation in the eastern parts, namely in the Kivu provinces, has continued unabated This conflict situation threatens to undermine the regional stability, as well as the legitimacy of the Congolese state. Attempts to deal with the crisis further demonstrate the key weaknesses and fragility of the Congolese political constellation, including the challenges posed by the slow Demobilisation, Disarmament and Reintegration (DDR) and Security Sector Reform (SSR) processes

Nairobi and Goma Agreements

48 Two critical agreements, the 'Nairobi Agreement' and the 'Goma Acte d'engagement', the latter is a framework of the Amani process, were signed 9 November 2007 and 23 January 2008 respectively These agreements seek to deal with key issues that were not adequately dealt with in the previous peace agreements, such as the all-inclusive agreement, which concluded the inter-Congolese dialogue.

49 Both agreements provide a framework for an integrated process. a possibility to end the status quo in the Kivus. Although the neighbours of the DRC have their share of the responsibility to meet their commitments under these agreements, the implementation largely depends on the political will and operational capacities of the Congolese government, in partnership with the international community – particularly the United Nations Mission to the Democratic Republic of Congo (MONUC)

Continued presence of rebels

50 The continued presence of rebels, especially foreign rebel groups, continues to threaten the fragile stability in the DRC and the region. Specifically the presence of groups such as the Rwandan Hutu rebels, the *Forces Démocratiques de Libération du Rwanda* (FDLR), accused of genocide in Rwanda in 1994, as well as the existence of armed Congolese groups, such as the rebel group led by the renegade General Laurent Nkunda, Congrès National pour la Défense du Peuple (CNDP) and Mai Mai militia pose a threat to the consolidation of peace and stability in the DRC

51. Regarding dealing with the FDLR, it seems that the only realistic option would be a combination of economic (freezing of assets of FDLR leaders abroad and cutting off its financing from the coltan and gold trade) and military pressure by FARDC/MONUC, as well as the continuation of the current, voluntary, DDRRR program. This, however, requires meeting the following prerequisites.

- Political will from both the Government of the DRC and Rwanda to implement all their commitments from the signed agreements,
- Pressure from the international community towards the implementation of the Nairobi and Goma agreements,
- Continuous liaison between MONUC, the DRC and Rwanda on the implementation of the Nairobi agreement,
- Speeding up progress in the DDR process, especially the voluntary integration of rebels forces into the FARDC in the Eastern DRC (as per Goma agreement);
- Use of the lessons learned by MONUC Eastern Division during their 2005/2006 military campaign against FDLR

Challenges

52 The resumption of hostilities in the eastern parts of the DRC after a fragile ceasefire had temporarily held up, there is danger that the dynamic presented by the Goma process will be lost. This is especially true since the implementation of the Nairobi agreement and the Demobilisation, Disarmament, Reintegration, Repatriation and Resettlement (DDRRR) of the FDLR, which is a key bone of contention between the CNDP and the DRC government, had shown little progress

53. The implementations of the process of DDR of the armed groups and the *brassage* of those willing to integrate into the *Forces Armées de la*

République Démocratique du Congo (FARDC) remains the biggest challenges to the implementation of the Goma process. Equally important is that the work on the technical modalities preparing the start of the DDR is proving quite long.

54 The signing of the two agreements came at a time when the relationship between the DRC and the international community became increasingly strained. An example of this was the publication by MONUC of the human rights report on the crackdown on movement Bundu-Dia-Congo in June 2008 by the Congolese government and also the difficulties encountered in prolonging the European Union's EUSEC mission.

Situation in the Kivus

55 Fierce fighting has broken out between the government forces, FARDC, and the Nkunda's rebels in North Kivu. This is seen as the worst fighting since the signing of the peace deal in Goma in January 2008, and has resulted in the displacement of civilians.

56 In the period under review, the renegade General Nkunda called for a general insurrection against the Congolese government. Such a call, if it is heeded, has the potential to undermine efforts towards finding a peaceful and lasting solution to the conflict situation in the DRC.

57 In order to stabilise the situation in the Kivu Provinces an integrated approach is necessary, taking into consideration the different structural causes of the conflict, including access to land, justice and reconciliation, nationality and political rights. However, in the current context of rampant insecurity this rather seems unlikely. The precondition would be to re-establish basic security, which makes SSR and DDR first priorities. The problem of the FDLR should also be a priority of the Government. Their presence serves as a justification for the Nkunda camp to maintain its posture in 'defense' of the Rwandophone communities.

58 The peacekeeping operations in the Kivus needs to be re-addressed as the current solution is not working; particularly in view of the continuation and even worsening security situation in the region. There is a need to develop and make use of a different approach to resolving the security situation that would be more appropriate. This would involve a clever mix of military and political tactics.

Addressing justice and reconciliation and the issue of the ICC

59 Another delicate issue relates to dealing with issues of justice and reconciliation. The DRC presents a test case on these issues, especially taking into account the arrest of three relatively low-key warlords from the Ituri region and the prosecution of former vice-President and opposition leader Jean-Pierre Bemba by the ICC. Although the prosecution of Jean-Pierre Bemba is not related to activities committed in the DRC, but in the Central African Republic.

60 Bemba's transfer to The Hague highlights and even poses the general problem relating to issue of human rights violations during the Congolese war. The question is whether this signifies prospective ICC prosecution of crimes that were committed by all actors, including those in the current government. Indeed, the reaction of the CNDP has been to support Jean-Pierre Bemba, whilst the Government has seemingly delivered every service possible to the ICC in the political elimination of its major opponent, and at the same time it is lobbying in the UN to discontinue the mandate of the UN Human Rights rapporteur for the DRC.

Human Rights issues

61 The report on the human rights violations in the Bas-Congo Province reflects the need for an independent verification process on human rights in the DRC. Furthermore, there is the issue of transitional justice that is absolutely relevant to the current processes in the Kivu Provinces. Another important issue relates to the FDLR leadership, which is suspected of involvement in the 1994 Rwandan genocide.

62 It is clear that the issue of impunity and injustice must be addressed, without necessarily undermining the dual imperatives of justice and reconciliation.

Situation in the Sudan

Introduction

63. The months between May and September 2008 have witnessed a great deal of turmoil in various parts of the Sudan, with implications for both the Comprehensive Peace Agreement and attempts to revive the Darfur Peace Agreement.

Attacks on Omdurman and on the IDP camps

64. On 10 May a large rebel force of the Justice and Equality Movement (JEM) made its way from Darfur across the sparsely inhabited region of northern Kordofan to launch an attack on an airbase near Khartoum. Though the JEM insurgents were compelled to retreat, this incident constituted a major blow to the Sudanese security establishment, and also drew attention to the urgency with which a solution must be sought to the Darfur crisis if other parts of the country are not also to be drawn into the conflict.

65 In late August 2008, JEM issued a statement threatening to take military action against Khartoum if the death sentences against 8 of its captured members are carried out. A Sudanese court sentenced these JEM rebels, including the half-brother of JEM leader Khalil Ibrahim, to death for the attack on Omdurman.

66 Equally significant is the creation of Anti-Terrorist Special Courts to try those arrested for the attack and these courts are expected to try about

100 people. However, the UN and human rights groups have criticized these tribunals because they do not meet international standards.

67. Also in August 2008, we witnessed attacks on the internally displaced camps (IDP) camps of Kalma (where over 100 people were killed) and in Zam Zam, Darfur, which led to members of the executive and legislative from the SPLM and the ruling NCP to resign in protest. These attacks on IDP camps point to a possible shift in the frontlines of the conflict, from rebel strongholds and remote villages to IDP camps. The international community also voiced its condemnation of these attacks.

The decision of the ICC on President Al Bashir

68. The decision in mid-July by the chief prosecutor of the International Criminal Court (ICC), to seek a warrant of arrest against President Beshir for alleged war crimes in Darfur, also led to an unexpected consolidation of national support for the president, rather than the adverse military reaction that some had anticipated.

69. One of the consequences of the ICC possible indictment has been the emergence of a political debate and, for the first time in Sudan, a serious and real national debate. This has led to the creation of special Crisis Committee, headed by vice-president Salva Kiir, to find a way of addressing the ICC issue.

70. It is by no means certain, of course, that the ICC's judges will approve the issuing of an arrest warrant, or that the UN Security Council will allow the process to proceed unhindered, but this controversial development has certainly drawn renewed attention to the urgency of bringing the Darfur tragedy to an end.

The new chief mediator for Darfur

71. The new UN-AU Chief Mediator for Darfur, Djibril Bassole, has recently taken over his position and faces the challenge of identifying ways of resurrecting the Darfur Peace Agreement. Furthermore, he needs to bring other rebel movements to the negotiation table, address concerns of victims, and manage the consequences of the pending arrest warrant for President Al-Bashir.

Attacks on the UNAMID

72. A week before the ICC announcement a deadly attack was made by militia presumed to be allied to the government against a UNAMID patrol, resulting in the deaths of seven peacekeepers and the wounding of several others. This incident, too, highlighted the seriousness of the situation and the continued weakness of the UNAMID force in a hostile physical and security environment. Over the months Khartoum's role in obstructing the effective deployment of a more robust and better equipped force, capable of providing better protection for the civilian population of Darfur has drawn repeated comment. It is also possible that President Beshir will now be

moved to do more to facilitate UNAMID's reinforcement, though this is by no means certain and will, in any event, take more time and effort than most outsiders realize

Status of Abyei

73 An outbreak of violence in the contended border town of Abyei seemed for a while to threaten the entire fabric of the Comprehensive Peace Agreement (CPA). The status of Abyei has been a matter of contention since before the signing of the CPA and was supposed to have been dealt with by an independent boundary commission which was to have decided on the extent of the Abyei territory, whose population was meant ultimately to decide on incorporation with either the North or South. This issue was particularly fraught because Abyei is the source of much of the North's oil at present, which has economic and political implications for Sudan's future.

74 The Abyei crisis caused a great deal of alarm as integrated military units broke into their component parts before engaging with each other in exchanges of heavy weapons fire that left much of the town devastated and its population displaced. Peace was eventually restored and, perhaps recognizing how close disaster had come, the SPLM and Khartoum managed to agree on a road map for negotiating a way forward.

Challenges facing the implementation of the CPA

75. The implementation of the CPA has also taken another hesitant step with the completion of a national census, though this, too, occasioned a measure of discontent especially in the South, which fears that the large number of southerners who remain displaced in the North will not be taken into account in delimiting political constituencies. The national electoral law was signed in mid-July and some progress is being made that suggests that elections may be held as scheduled next year

Problems confronting the SPLM

76 Within the SPLM itself slow progress is being made towards the transformation of a resistance movement into a nationally oriented political party. This process is impeded by a lack of trained personnel and also by the need to divert massive funding to paying the large number of SPLA cadres still under arms. The SPLM also held only its second national convention in May, and after an element of discord, elected its leadership for the first time, Salva Kiir retaining the chairmanship

77 Although the SPLM's official part line accords with the idea of a united New Sudan, as espoused by the late Dr John Garang, there is little doubt that most of the rank and file and not a few of the leadership actually want secession and independence. This tension is reflected in internal disagreements as to the relative importance the party should place on establishing a national political presence in Khartoum and consolidating its political hold on the south, where it is by no means unchallenged.

Challenges ahead

78 The few months ahead will undoubtedly see a number of attempts at political consolidation and alliance building in the run-up to the elections of 2009. There will also be a number of important deadlines to be met if the implementation of the CPA is to proceed relatively smoothly, and these will involve administrative efficiency and political compromise.

79 In short, the following months will be a time for cool heads and the avoidance of over-excitement about imagined threats to Sudan's statehood. It is difficult to identify any external forces with an interest in the fragmentation of the Sudan, which may eventually pose a problem for the SPLM should its members wish to take the South to independence.

80. In the meantime, the authorities in Khartoum would seem well advised to seek ways in which genuinely to engage forces currently opposed to them. Too much attention is currently being given to the ICC indictments, which are a symptom rather than a root cause of Sudan's troubles. Showing an eagerness to address some of the deeper issues now manifesting themselves in the Darfur crisis would be strategy worth considering.

Situation in Somalia

Introduction

81 The developments in the Somalia crisis have been defined largely by the sudden conclusion of a cease-fire accord between some of the parties to the civil war, the ongoing deterioration of both the security and humanitarian situation.

The Djibouti Ceasefire Agreement

82 On 9 June, after a week-long meeting in Djibouti involving representatives of Somalia's Transitional Federal Government (TFG) and leaders of the Alliance for the Re-Liberation of Somalia (ARS), the two sides engaged in direct talks for the first time and produced what was essentially a cease-fire agreement. The accord committed both parties and their allies to cease hostilities against each other within thirty days, for an initial period of three months. They also promised to permit unhindered humanitarian access to an increasingly needy population, to refrain from inflammatory declarations or actions, and to establish a joint security committee under the chairmanship of the UN.

Calls for a stabilisation force

83 The key to the Djibouti agreement lay in those articles that addressed the need for withdrawal from Somalia of the Ethiopian forces supporting the TFG. It called on the UN to provide a stabilisation mission to permit the

withdrawal from Somalia of the Ethiopian forces within four months. Such a stabilisation force had been anticipated in the UN Secretary-General's March report on Somalia, though it may be doubted whether he foresaw so urgent a need for its deployment. There was also an element of ambiguity in the Djibouti agreement that left open the degree to which Ethiopian withdrawal was dependent upon the arrival of foreign peacekeepers, and the nature of their mandate.

Deteriorating security and humanitarian situation

84 Since June 2008, the security and humanitarian situation in Somalia has significantly deteriorated. This has been marked by an increase in IDPs, aggravated by intensified fighting in Mogadishu. According to the UN agencies, an estimated 15 000 people were displaced by the recent fighting, adding to the 700 000 that already remains displaced.

85 The displaced are faced with additional difficulties such as the lack of access to food, basic health care, clean water and other support mechanisms. Their situation is further compounded by the rise in global food prices and obstacles of the delivery of food aid because of piracy, among other things. Overall, the country has about 3.2 million inhabitants (43 percent of the population) who depend on international aid.

86 Humanitarian workers are also being targeted. In July 2008, the Head of the UNDP, Osman Ali Ahmed was assassinated in Mogadishu, leading to the evacuation of some UN staff and the suspension of critical activities.

87 There are increasing efforts to tackle the lawless Somali coastline, and this intervention by the recently created anti-piracy NATO fleet, will provide additional security to the UN aid shipments.

Political players in Somali conflict

88 There were plenty of actors in the Somali tragedy, many of who conspire to thwart the peacemakers. Not least among these include the militant youth of al-Shabaab, designated a terrorist organisation by the US government, as well as elements of the ARS and the Islamic Courts. Rifts within the ARS leadership also emerged, as hardliners in Asmara denounced as "sell-outs" those who signed the Djibouti Accord. It seems that the Eritrean government is determined for reasons of its own to keep the Ethiopian army committed in Somalia by manipulating the Somali leadership based in Asmara.

Role of Eritrea in the Somali conflict

89 The hardliners in Asmara, under the leadership of Sheikh Hassan Dahir Aweys, condemned in Ethiopia and US for alleged links with al Qaeda, rejected the Djibouti agreement as irrelevant to the liberation struggle in Somalia, clearly indicating that forces loyal to him would not be bound by the ceasefire. Aweys moved subsequently to usurp the leadership

of the ARS, only to be opposed by others still in Asmara. This meant that the ARS had effectively split in three.

Problems facing the Transitional Federal Government

90 By early August the TFG leadership was also in disarray. Rifts between the Prime Minister Nur "Adde", who leads a moderate faction, and President Abdullahi Yusuf, who is viewed as a hardliner, are becoming harder to mend. The President completely rejects all forms of political Islam, which severely constrains any dialogue with other political actors, while the Prime Minister has reached out to the opposition pledging his commitment to unconditional peace talks.

Islamic Courts

91 There has been further fragmentation within the Islamic Courts. It is hard to establish if the Islamic Courts are in rapid ascendancy or just gaining ground where the TFG is faltering. This is in light of their retaking of the southern port of Kismayo in late August 2008.

92 The two main figures within the moderate wing of the Islamic Courts are Sharif Hassan Sheikh Aden (a former speaker of the TFG) and Sheikh Sharif Sheikh Ahmed (a traditional Sufi cleric). However, the most powerful figure within the Islamic Courts is Hassan Dahir Aweys, a hardliner and former head of the Al-Ittihad Al-Islamiyya, that heads a faction of the Islamist opposition that reject talks with the TFG.

Visit by the UN Security Council

93. Nevertheless, however improbable such a deployment, it seemed that a visit by the UN Security Council to Djibouti to bolster the talks in June 2008 sent a signal that this matter had received serious thought and that plans might well be advanced towards fulfilling this condition. It was hoped that the visit by the world body would have led to a positive development and brought about tangible action to stop the disaster in Somalia.

Report of the UN Secretary-General

94 The report of the UN Secretary-General late in July 2008 speaks of sending a security assessment mission to Somalia only in September, so any hope of a peacekeeping deployment within a timeframe in which it might pave the way for Ethiopian withdrawal seems out of the question.

Increasing militia attacks

95 As was to be expected, no sooner had the agreement been signed than the spoilers on both sides intensified their efforts to thwart its realization. As the violence ratcheted upwards, the humanitarian situation on the ground deteriorated still further and made international relief less likely for the two million or so Somalis now dependent upon it for survival.

96 In the meantime the militias fighting to evict the Ethiopians appear to be extending their operations and adopting an increasingly aggressive posture, completely rejecting the idea of a negotiated settlement. This, of course, suits Eritrea's government, which seeks to enmesh Ethiopia in an unwinnable war of attrition in Somalia that proves embarrassing to the authorities in Addis and a distraction from the unfinished business of settling their mutual border dispute

97 There are credible accounts of Mogadishu warlords rearming to reassert their interests in the local war economy against the revival of the fortunes of the Islamic courts and the political ambitions of the jihadist el-Shabaab militias.

98. Piracy equally remains as a major threat to an already thin security fabric in the country and should be equally addressed.

Situation in Zimbabwe

Introduction

99 In recent months, we have witnessed a deepening of the political and economic crisis in Zimbabwe. The situation is further aggravated by the political developments in that country, arising from the recently held presidential and parliamentary elections held in March and June 2008.

100 The outcome of the March 2008 elections have resulted, for the first time since independence in 1980, in Zimbabwe African National Union - Patriotic Front (ZANU-PF) losing its majority in parliament to the opposition Movement for Democratic Change (MDC). In the first round of the presidential elections, the MDC leader Morgan Tsvangirai winning 47.9% of the total votes compared with Robert Mugabe's 43.2%. The outcome of the first round elections did not produce an outright winner requiring a run-off. However, Morgan Tsvangirai announced his withdrawal from the race, citing the increased violence against his supporters, but Robert Mugabe stood as the sole candidate and was ultimately installed as the president. The run-off took place in spite of numerous calls, including from SADC, and the resultant condemnation by the international community

101. This report reflects on the current political and economic developments in Zimbabwe, which have led to the present impasse and an uncertain future facing the country.

Political developments

102 After the disputed elections in Zimbabwe, the protagonists to the political crisis signed a Memorandum of Understanding (MoU) in July 21, 2008. The MoU committed the parties to a dialogue and committed the parties to find a negotiated settlement to the crises facing the country.

103 In August 25, 2008 a significant political development took place in Zimbabwe when Parliament was sworn-in but most significant was the election of a new Speaker, Lovemore Moyo from the MDC-Tsvangirai faction

104 After much uncertainty and following tense negotiations both ZANU-PF and the two factions of the MDC signed a historic power sharing agreement, known as the Zimbabwe Unity Agreement on September 15, 2008. The Unity Agreement marks the first tentative steps towards finding a lasting peaceful resolution to the political and economic crises facing Zimbabwe. However, much depends on the actions and political will of the parties, as well as the commitment to implement fully the conditions of the agreement.

Framework for an Inclusive Government

105. The Zimbabwe Unity Agreement creates a framework for a new inclusive government. In terms of this agreement, the executive authority of the Inclusive Government is to be shared between ZANU-PF and the two MDC factions, of Morgan Tsvangirai and Arthur Mutambara. In this regard, Morgan Tsvangirai will become the Prime Minister and Robert Mugabe retains the position of the President.

106 The composition of the Executive will be as follows, there will be two vice-presidents (nominated by ZANU-PF) and two deputy prime ministers (shared by the two MDC factions). Furthermore, there shall be 31 Ministers, to be shared as follows: 15 Ministers shall be nominated by ZANU-PF, 13 by MDC-Tsvangirai, and 3 from MDC-Mutambara. Also, there is provision for 15 Deputy Ministers, with 8 for ZANU-PF, 6 for MDC-T and 1 for MDC-M.

Other elements of the Unity Agreement

107 The Unity Agreement also addressed a number of critical issues that have been at the core of the disagreement between the parties. To this end, there was an agreement on the following key issues:

- The sharing of executive authority between the President and the Prime Minister;
- Restoration of economic stability and growth;
- Called for the suspension of sanctions and measures;
- Acceptance of the irreversibility of the land acquisition and redistribution, but also calls for a land audit
- Outlines a process for the writing of a new Constitution within a period of two and a half years,
- Calls for an end to political violence, as well as the respect for the rule of law, free political activity, free press, and non-partisan state institutions, among other things

The allocation of ministries and ZANU-PF bad faith

108 The Agreement did not address the important issue, nor did it allocate the various portfolios or ministries to the three protagonists. This matter was left

to the parties to address amongst themselves, possibly as a confidence building measure

109 Unfortunately, but indicating a sign of bad faith and prevailing mistrust, President Mugabe unilaterally announced that ZANU-PF will hold on to powerful ministries such as foreign affairs, home affairs (which controls the police), finance and defence. If this situation were to obtain, it left MDC with less significant ministries, but more significantly it relegated MDC to a junior partner in the cabinet. For its part, MDC maintained that the Unity Agreement calls for power-sharing and rejected this unilateral action. MDC strongly argued that it must be allocated the ministries of home affairs, which controls the police, as well as finance, if ZANU-PF gets defence and foreign affairs.

110. The state of affairs led to the former South African President Thabo Mbeki, who is a SADC-mandated facilitator and was instrumental in brokering the Unity Agreement, was called in to broker a deal. However, the facilitator failed to unlock the deadlock, the matter was referred to the SADC troika (chaired by Swaziland).

111 SADC troika called for an extraordinary summit of the Organ on Politics, Defence and Security Cooperation to discuss the deadlocked negotiations, which was held in Mbabane, Swaziland, on October 20, 2008. However, the summit had to be postponed after Tsvangirai, a key figure in the crisis and a prime minister-designate, failed to travel to Swaziland because his passport has been withheld for over a year, instead he was granted emergency travelling document (which is only valid for one trip).

112. The failure of the Zimbabwe officials to grant Tsvangirai with a new passport, particularly given the fact that he is a prime minister-designate, clearly reflects that ZANU-PF and President Mugabe are not willing to proceed in the spirit of the agreement and of power-sharing.

113. The current deadlock to agree on the allocations of ministries, including the failure to issue the prime minister-designate a passport, as well as the possibility of the MDC boycotting the SADC troika meeting scheduled in Harare, all point to a likely breakdown in the power-sharing deal. Such an outcome will undermine efforts to pull the country out of the political and economic turmoil.

The economic meltdown and unfolding humanitarian disaster

114 The state of Zimbabwe's economy poses perhaps the most pressing threat to peace and security for both the country and the region. The current estimates put the annual inflation rate at more than 300 million percent, the highest in the world. Business groups and potential investors have warned that the political and economic situation in Zimbabwe not only damages that country's economy, but has the potential to negatively affect the region and the integration process.

- 115 The United Nations Office on Humanitarian Affairs has recently reported that almost a third of the population of Zimbabwe need urgent food, health care, and agriculture support in the next three months. To this end it appealed for at least \$240 million for emergency humanitarian aid in Zimbabwe. On the other hand, the UN World Food Program (WFP) has also made an appeal for funds calling for approximately \$140 million in order to feed four million people in Zimbabwe over the next six months. The reports by these two agencies suggest an impending humanitarian disaster facing ordinary people in Zimbabwe.
- 116 Furthermore, all indications paint a grim picture of the humanitarian situation unfolding in Zimbabwe as a result of the economic and political crises. Civil society groups have lent their voice, indicating that close to two million children face starvation.
- 117 Based on the aforementioned, the realisation of a power-sharing agreement and its full implementation by the parties in Zimbabwe might see an end to the international isolation of Zimbabwe and mark an end to the suffering of the Zimbabwean people. However, given the bad-faith demonstrated by President Mugabe and ZANU-PF and the prevailing mistrust, the MDC has threatened to withdraw from the power-sharing agreement and this is likely to prolong the crisis and increase the suffering. It is incumbent on the protagonists, especially President Mugabe and ZANU-PF to realize the folly of failing to commit to the spirit and letter of the power-sharing agreement.

Situation in Western Sahara

A brief historical background of the negotiation process

- 118 There have been many attempts to resolve the question of Western Sahara, coming from the OAU, the UN and individual countries. The latest of such attempts is the Manhasset talks under the auspices of the UN. These talks seek to implement Security Council resolutions that call on the parties to continue negotiations without preconditions and in good faith in view of achieving a just, lasting and mutually acceptable political solution to the question of Western Sahara.

Political Developments

- 119 An attentive reading of the 14 April's report of the Secretary General and Security Council Resolution 1813 of 30 April 2008 gives the impression that both the SG and the current members of the Council - with the notable exception of South Africa and Costa Rica - share the opinion of the former Special Representative as regards the situation in the Western Sahara. Indeed, in the above-mentioned report, the SG maintained that "realism and a spirit of compromise by the parties are essential to maintain the momentum of the process of negotiations", and the Council endorsed this recommendation in its aforementioned resolution.

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- 120 After the withdrawal of the former special representative and the fourth round of negotiations held on 16-18 March 2008, the parties reiterated their commitment to continuing the negotiations at a date to be determined by common agreement. But with this state of affairs, the least one could say is that the process is in a serious impasse.
- 121 This notwithstanding, the extension of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2009 and the absence of any violent confrontation in the territories are a mitigating factor. Another equally mitigating factor is the planned meeting between the Polisario and the Secretary General of the UN in early November 2008 to attempt to resolve the impasse currently faced.

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PRESENTATION AND DEBATE ON AFRICAN UNION MATTERS

STATEMENT BY:

H. E. Erastus J. O. Mwencha

Deputy Chairperson of the Africa Union Commission

AT THE TENTH ORDINARY SESSION OF
THE PAN-AFRICAN PARLIAMENT (PAP)

28 OCTOBER 2008
MIDRAND, JOHANNESBURG

Madam President,
Honorable Members of the Pan African Parliament
Distinguished Ladies and Gentlemen,

1. Thank you for your kind words and May I on behalf of the Commission express sincere appreciation to Madam President for inviting H.E. Jean Ping, Chairperson of the Commission of the African Union to address this August Parliament on “Matters of the African Union”. The Chairperson would have liked to be here in person but he was unable to do so because of prior commitments. I bring you his greetings and best wishes.

2. Because of the importance the Chairperson attaches to the relationship between the Pan-African Parliament and the Commission, he has asked me to represent the Commission at this very important Session of PAP. We salute you for your contribution and for upholding high standards and reputation over the last five years of your existence. A lot more responsibilities await you as you transform yourself into a truly legislative body of our esteemed organization. As you know, the Parliament and the Commission are two of the major pillars of our organization hence the absolute need for collaboration since we serve a common cause.

3. In this regard, occasions of this nature provide both organs of the Union an opportunity to inform one another about our respective activities and exchange views on common challenges that we face, and together, seek ways of addressing them in a collaborative and

joint manner. This statement will therefore deal with strategic priorities with a brief indication of some of the activities the Commission has been engaged in, in the recent past.

At this juncture, allow me, Madam President, to pay tribute to H. E. Jakaya Mrisho Kikwete, President of the United Republic of Tanzania and Chairperson of the Africa Union for the brilliant and comprehensive statement on policy and political agenda of the Union.

Madam President,
Honorable Members of PAP,
Distinguished Ladies and Gentlemen,

4. The new Commission is exactly six months old today. As you would recall, the handover by the first Commission under the leadership of President Alpha Oumar Konare took place on 28 April 2008.

5. Since assuming office in April 2008, the new Commission has made efforts to consolidate the gains made by and to build on the solid foundation that the first Commission laid. In this endeavor our aim is to build a Union that is result-oriented, people-centered and people-owned. The first Commission did much to give the African Union visibility and respect. AU's activities in the area of peace and security are well known to the extent that they sometimes overshadow everything else..

6. To change the perception that the African Union is only concerned with peace and security issues, the new Commission is putting in place a four-year strategic plan (2009-2012) based on four strategic pillars. The draft strategic plan is ready and will be submitted to the Assembly in January 2009 for consideration and endorsement.

The four pillars are:

- i) Peace and Security;
- ii) Development, Cooperation and Regional Integration;
- iii) Shared Values; and
- iv) Institution and Capacity Building.

Let me say a little more about each of these four pillars:

I) Peace and Security

7. This pillar has in place an architecture which consists of the Peace and Security Council; the African Standby Force with its regional brigades; the Panel of the Wise and the Continental Early Warning System. In addition, a Memorandum of Understanding (MOU) between the AU and the Regional Economic Communities (RECs) which defines the relationship between them was signed early this year.

8. One other element of the peace architecture is the Peace Fund, designed as a facility to make the architecture function effectively. The Peace and Security pillar is up and running even though there are still many challenges that we need to deal with. The new Commission will continue to give priority to peace and security as it is a pre-condition for development.

II) Integration, Development and Cooperation

9. The second pillar is integration, development and cooperation. As indicated earlier, peace and security is a condition precedent to development just as there is symbiotic relationship between development and integration. The Commission has therefore made development and integration a priority. Hence, six of the eight departments have as their core mandate, socio-economic development as their major agenda. These departments are:

- i) Trade and Industry;
- ii) Economic Affairs;
- iii) Infrastructure and Energy;
- iv) Human Resources, Science and Technology;
- v) Social Affairs; and
- vi) Rural Economy and Agriculture.

10. Although, these departments have done considerable work and recorded a lot of achievements much still remains to be done. Their efforts and activities need to be better coordinated within the

Commission and amongst the organs of the Union. In particular there is need to harmonize and rationalize activities with Regional Economic Communities so as to avoid duplication and waste of resources. There is also need to promote specific infrastructure projects and programs aimed at enhancing Africa's connectivity and integration.

11. Madam President, one common challenge that both of us face is the financing of continental and regional programs. The Constitutive Act envisages the establishment of financial institutions including the African Central Bank, the African Investment Bank and the African Monetary Fund. Besides the financial institutions we need to identify and to promote alternative sources of funds for operation and institutional capacity building. We will count on your collective wisdom to help us achieve that goal. Recent studies have demonstrated that for Africa to upgrade its infrastructure to levels that will enable the continent to be internationally competitive, sustained investment of about US\$ 75 bn for at least 10 years will be required. As I said earlier, we need your inputs on this important subject.

12. Similarly, we are working hard to integrate NEPAD into the African Union structures and processes so that NEPAD agenda will be managed as a programme of the Commission.

13. The Commission has embarked on strengthening relationship with the Regional Economic Communities (RECs), as pillars of the

Union, through which development can reach our regions and our Member States. It is our intention that through the development and integration architecture, the RECs will work with the Commission on the basis of the principle of subsidiarity. In this regard, a minimum integration program to be implemented jointly with the RECs is being prepared. The immediate priority is to establish a Free Trade Area and thereafter an African Common Market in line with the Abuja Treaty.

Madam President,
Honorable Members,

14. The thrust of the Commission's work is to move beyond planning, organizing seminars and workshops and writing papers, to the stage of action. It is our hope that all the Departments of the Commission will, through the development pillar, facilitate implementation of specific activities on the ground with tangible benefits. Such activities should lead, for example, to the building roads, railways and energy infrastructure that connect our regions; facilitate inter-and intra-regional trade, movement of people, goods and services; improve connectivity between and within our regions and establish regional centers of excellence, Pan-African Universities and other institutions. In this regard we have identified specific projects for implementation in the agricultural and manufacturing sectors. The realization of these projects and programs, we believe, will not only give visibility to the African Union, but will endear Africans to their organization and more importantly contribute to

raising the living standards of our people through increased economic activities and make the integration of the continent easier and acceptable. We are therefore determined to make this pillar a major priority during the mandate of this Commission.

III) Shared Values

15. It is the intention of this Commission to build on the work that has been put in place in promoting values that are shared within the Union and beyond. These shared values are contained in many of the instruments already adopted by the Assembly. The instruments include the Charter of the OAU; the AU Constitutive Act; the Declaration on Unconstitutional Change of Government; the African Charter on Democracy, Elections and Governance; the Human Rights Instruments; and several others including those that relate to Gender & Youth. Many of these instruments are regarded as some of the best in the world.

In this regard, the African Peer Review Mechanism (APRM) has a special role to play and the Commission will work with all the stakeholders to enlarge the number of Member States that have subscribed to it and to ensure that the work done through the APRM becomes useful to all our Member States.

IV) Institutional and Capacity Building

16. Madam President, Honorable Members of PAP, the fourth pillar is on Institution and Capacity Building. For the AU to achieve its vision, mission and mandate, it needs solid institutions, with qualified and skilled staff who are motivated. It also requires prudent and transparent financial and administrative management systems that instills confidence it stakeholders. The Union must seek to unite its entire citizenry within and outside the continent especially those in the Diaspora.

17. As you are aware the Assembly at its Summit in Sharm El Sheikh agreed to the establishment of a Union Government leading to a United States of Africa. Under this rubric, the transformation of the Commission, the PAP and the Court of Justice and Human Rights will need to be synchronized since these three will constitute complimentary organs of the Union. This is indeed an opportunity to give shape and content to the respective organs of the Union.

18. In this respect, the Commission is working on a report that it will present to the next sessions of the Executive Council and the Assembly of Heads of State and Government that seeks to implement the Sharm El Sheikh decision. There will be consultations with the Parliament before the report is submitted to the Assembly in January 2009. We urge PAP to reflect on and make proposals on how the Union Government can be strengthened and what roles it

should play. It is our view that the existing Protocol needs to be reviewed to reflect the changes that PAP has to undergo to make it a truly legislative organ. The same has to be done for the Court. In addition to assuming legislative role the PAP, given its composition, should contribute to:

- a) the popularization of the Union Integration agenda; and
- b) ratification of Union Instruments through national parliaments.

19. One avenue through which the Union can scale up implementation of programs and projects is to establish National Coordination Commissions (NCC) as recommended by the High Level Audit team and whose recommendations were approved by the Summit in July 2008. NCC membership should comprise all stakeholders including Members of Parliament, Government line Ministries, the Private Sector and non state actors.

Madam President,
Honorable Members of PAP,

20. Bearing in mind the decision of Heads of State and Government during the Accra Summit in 2007, which recognized that the ultimate goal of the continental integration process is the United States of Africa (USA), we shall propose some amendment to the AU Vision adopted in 2004. The 2009-2012 Strategic Plan will be based and focus on the four pillars that I have referred to. The proposed

changes will be shared with you once we finalize consultations with the Commission.

Current Activities of the Commission

21. Madam President, I will now very briefly indicate some of the activities we have been engaged in since assuming office six months ago.

22. Under the Peace and Security pillar we have continued to operationalize the peace architecture. The Panel of the Wise is in place. The Panel held its third meeting in Algiers, Algeria mid this month.

23. The Continental Early Warning System and the African Standby Force with their regional mechanisms are gradually being operationalized as well. The MOU between the Commission and the RECs has been signed and we are working towards its operationalisation even though many aspects of its provisions are already functioning.

24. Madam President, as you are aware that the Peace and Security Council has become one of the most effective tools of our organs which meets promptly and takes required actions when the need arises. The PSC has extended its reach and partnership and now has a framework of consultation with the UN Security Council. On 1st

October this year, the PSC met its European counterpart and this opened a new chapter of synergy between the two.

25. The state of Peace and Security on the continent has been a major source of concern for the Commission and correspondingly, a major source of focus. Undoubtedly, significant progress has been made in recent years in the area of peace and stability. Thus, peace has been restored in some countries and in some regions. However, overall, the situation remains fragile in many places.

26. Consequently, we have remained engaged in the Sudan, particularly in Darfur where the hybrid force - UNAMID - was deployed from 1st of January this year. This joint mission by the AU and the UN has encountered many challenges but we are beginning to see the light at the end of the tunnel with respect to its deployment. The Chairperson of the Commission has remained in constant touch with the Sudanese authorities and thus raising the level of confidence that is necessary in pursuing the twin objectives of peace and justice in the Sudan.

27. Madame President, Somalia is another conflict area where agreements made under the Nairobi and Djibouti Processes remain under serious challenge. The Commission has stepped up efforts and is working with other partners particularly the UN, IGAD, the League of Arab States and the Organization of Islamic Conference to contain and find a lasting solution to the situation. The deployment of an adequate AMISOM is extremely important. We therefore urge the UN

and other partners to assist in restoring hope in Somalia. A Pledging Conference is planned for mid-November 2008 and mini AU/IGAD Summit is scheduled to take place in Nairobi tomorrow.

28. The Commission is concerned with the recent outbreak of hostilities at the time it was deeply engaged in peace efforts in the Great Lakes Region in general but in the Democratic Republic of Congo (DRC) and Burundi, in particular. The Chairperson was recently in Kinshasa where he had fruitful discussions with the authorities there. The Commission has engaged in consultations with the leaders of the other countries in the region notably, Rwanda, Uganda, Kenya as Chair of the Great Lakes Region Peace Initiative and Tanzania as Chair of the African Union.

29. On the long standing conflict between Eritrea and Ethiopia, the Chairperson paid a visit to Asmara, Eritrea, the first in a long while from an African Union leader. His engagement with the President and other leaders was extremely useful, something we hope to build upon in the search for peace and security in the Horn of Africa.

30. Other conflict areas have also been on the Commission's agenda. You are fully aware of the role the African Union played in Kenya and also in Zimbabwe, following the violence that erupted in both countries after elections. We are taking the lessons learnt in both cases very seriously and we have no doubt, this will be useful to us in the future. The Commission has also re-acted appropriately on the recent coup in Mauritania. Our position is that constitutional

order must be restored. Until this condition is made, Mauritania remains suspended from the Africa Union.

Madam President,
Honorable Members of PAP,

31. The development pillar has also made substantial progress. On governance and democracy, we would say that the Commission, working with Member States, has given significant attention to the critical issues of democracy, good governance and respect for human rights. The Commission has focused its implementation efforts on the promotion of the Charter on Democracy, Elections and Governance. This is also important to PAP and very much appreciate your contribution in election monitoring and observance and the promotion of anti-corruption, human rights and humanitarian actions.

32. The Commission has also continued to implement programmes in trade and industry. These activities include the development and harmonization of Africa's customs administration and laws and negotiations on the Economic Partnership Agreements (EPAs) between the EU and the ACP. EPAs as currently designed will not only balkanize the continent but also make it difficult to achieve the Abuja Treaty of common market. If there is one area where Africa needs to speak with one voice, it is in the negotiations of the Economic Partnerships with the European Union.

33. Honourable Members the Commission has, from the onset, recognized the critical importance of infrastructure and energy in facilitating and enhancing socio-economic development of the Continent. Thus, the Commission is working with all Union's partners to develop regional and inter-regional projects that will facilitate regional integration and development. It is our firm belief that these efforts will bear concrete results in the near future.

34. The Commission has elaborated programs on science and technology, education especially higher education, health, youth, culture, gender, food security, climate change and environment.

35. Madam President, we value co-operation with development partners, both at bilateral and multilateral levels. A number of summits have been held in pursuit of this objective. The Commission has remained engaged in follow up and implantation of the agreed agenda under respective bilateral agreements.. For example, we are working with Member States to implement the Africa-EU Joint Strategy signed last December. Similarly, implementation of the programs identified under our partnership with China, Japan, India and Turkey is well underway. The second Africa-South America Summit which was to take place in Caracas in November 2008 will now take place in the first quarter of next year. This will indeed open a new chapter of cooperation. In 2009, the Africa Growth & Opportunity Act Summit will take place in Africa.

36. The Africa-Diaspora Summit, which was to have been held here in Johannesburg earlier this month, was postponed as a result of the political developments South Africa. We plan to hold the Summit next year. The preparatory work has demonstrated the value of Africa's relationship with the African Diaspora. As you are aware Africa's population in the Diaspora is estimated at 4 million and whose remittances are about US\$ 50 billion annually.

37. As you might be aware, ECOSOCC, one of the AU's organs was launched on 9th September 2008 by the Chairperson of the Union in Dar es Salaam, Tanzania. This organ has thus become operational. It offers an avenue for consultation with our civil societies and the Diaspora and is set to contribute to the rapid development of our organization.

Madam President,
Honorable Members of PAP,

38. We cannot end our statement without a brief reference to the global turbulences which have had negative impact on Africa. These are the high and volatile energy prices, climate change, food and financial crises. For the last 5 years, Africa has consistently registered an impressive growth rate of about 5% per annum. This growth is now threatened as the global economy is literally in a recession. Africa is also unlikely to meet many of the Millennium Development Goals in the wake of a prolonged global recession. Africa cannot stand aloof and let these crises run it down. This is

why the Commission, working in concert with others, has taken action to contribute to finding solutions to these problems. These actions include consultations with other organisations on the food crisis which have led to action being taken to cushion the effect, in the short run, but more importantly, to provide long-term solutions. For the long term the implementation of the Comprehensive Africa Agricultural Development Programme (CAADP) is very important. As you are aware in the theme of the Summit was on Food Security. We have since embarked on resource mobilization to provide emergency food for the vulnerable.

39. With respect to the financial crisis, among other actions, we are working with the ADB and ECA to organize a meeting of African Ministers of Finance and Governors of Central Bank. This is to take place in Tunis, Tunisia on 12 November 2008 and it is our hope that it will lead to decisions on decisive actions to be taken to help Africa meet this challenge of the moment. Although the full impact of the crisis is yet to be determined, its negative consequences are already manifesting in many sectors of our economies.

AUC-PAP Relations

40. Finally, Madam President, Honorable Members of PAP, let me conclude by reflecting briefly on PAP-AUC relations and the role we expect PAP to be playing in all the actions identified above.

41. With respect to PAP-AUC relations, it is the desire of the Commission to see our working relations blossom and reach greater heights. We plan to work with you as is required under our respective mandates. We also believe that this has already been demonstrated. The Chairperson demands it of all the Commissioners to nurture and to promote good working relations with all organs of the Union. In this connection the Commission will do its best to honour your call to brief this August House on the Commission's activities.

42. We would like to, specifically, encourage PAP to help AU Member States to implement decisions that are taken by the Union. It is our considered view that PAP could, and should play a pivotal role in the ratification, harmonization and implementation of African integration agenda since it is the only AU organ whose members include serving Members of parliament

43. Finally, and as alluded to by the Chairperson of the Union, PAP needs to begin reflection on what changes should be made on the Protocol establishing it in order to confer it with enhanced authority with respect to the role it should play when the Union Government is established. We are ready to work with you on this.

Conclusion

44. Our statement has not only endeavored to indicate the priorities that we are pursuing but also the modalities for co-

operation as well as implementation activities. Thank you Madam President, for giving us this opportunity to share our views and thoughts with you. Let's continue to speak with one voice for the sake of over 900 million people of Africa.

45. May your deliberations be fruitful as we continue to “build an integrated, prosperous and peaceful Africa, an Africa driven and managed by its own citizens and representing a dynamic force in the international arena”.

Madam President

Members of PAP -I thank you for your kind attention.

PAN-AFRICAN PARLIAMENT

PARLEMENT PANAFRICAIN

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PAN-AFRICAN PARLIAMENT
MIDRAND, JOHANNESBURG,
REPUBLIC OF SOUTH AFRICA

DRAFT BUDGET FOR THE FINANCIAL YEAR, 2009

(Nov. 2008)

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I. INTRODUCTION

- 1 In accordance with the mandate given by Rule 26(2)(a) of the Rules of Procedure of the Pan-African Parliament, the Permanent Committee on Monetary and Financial Affairs do now submit to this House, the budget proposal for the Financial Year, 2009. The budget shall, subsequently, be submitted to the AU Assembly as provided for in Article 15(2) of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament (the PAP Protocol).
- 2 This budget is prepared on the basis of the Decision No Ex CL/Dec.407 (XII) of the Twelfth Ordinary Session of the Executive Council of the African Union, January 2008, and the trend of actual expenditure of previous years.
3. The budget has been prepared based on the objectives and functions of PAP, respectively, set out in Articles 3, 10 and 11 of the Protocol and the adopted Work Plans which are a summary of the activities of the ten Permanent Committees as derived from PAP Strategic Plan 2006-2010 and other activities that, the Parliament plan to carry out.
- 4 The budget will be financed by the African Union, Development Partners and the Trust Fund.

II. OBJECTIVES OF THE BUDGET

- 5 The budget is an essential means to achieve the objectives of the Pan African Parliament as stated in Article 3 of the PAP Protocol, viz
- (i) Facilitate the effective implementation of the policies and objectives of the OAU/AEC and ultimately, of the African Union
 - (ii) Promote the principles of human rights and democracy in Africa.
 - (iii) Encourage good governance, transparency and accountability in Member States.
 - (iv) Familiarize the people of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the African Union
 - (v) Promote peace, security and stability
 - (vi) Contribute to a more prosperous future for the people of Africa by promoting collective self-reliance and economic recovery
 - (vii) Facilitate co-operation and development in Africa
 - (viii) Strengthen continental solidarity and build a sense of common destiny among the peoples of Africa
 - (ix) Facilitate co-operation among Regional Economic Communities and Parliamentary fora.

- 7 To achieve the objectives of the Strategic Plan 2006-2010, which are:

Institutional Objectives

- (i) Strengthen funding capacity of the PAP,
- (ii) Develop the capacity of the PAP in acquiring and retaining specialised expertise and knowledge in relevant fields,
- (iii) Strengthen administration, support services and programme areas,
- (iv) Develop value-added information and research services,
- (v) Develop and strengthen ICT infrastructure and use; and
- (vi) Develop and strengthen research capacity

Political objectives

- (i) Represent the voice of the people of Africa.
- (ii) Promote and defend the principles of human rights, gender parity, democracy, peace and security
- (iii) Enhance oversight capacity of the PAP,
- (iv) Promote the harmonization of continental, regional and national laws to foster continental integration;
- (v) Encourage and support inter-institutional and other deliberative organs; and
- (vi) Transform the PAP from an advisory and consultative organ into a fully fledged legislative organ

III. CHALLENGES IN IMPLEMENTATION OF THE BUDGET FOR THE YEAR 2008

8. The key challenge encountered in implementation of the budget for the year 2008.
 - (i) Zero based budgeting can not realise the needs of an evolving and growing institution like the PAP so should be discouraged
 - (ii) An adequate budget was not provided for to enable participation in election observation mission of Member States.

A. OPERATIONAL BUDGET

IV. SUMMARY OF ACTIVITIES BUDGETED FOR IN THE YEAR, 2009

- 9 The budget has taken into consideration the following activities:

Statutory Sittings

- (i) The holding of two Ordinary Plenary Sessions for a maximum duration of ten working days
- (ii) The holding of two (2) Meetings of the Bureau, to coincide with (i) above
- (iii) The holding of two (2) Joint Meetings of the Bureau and Bureaux of Committees, to coincide with (i) above

- (iv) The holding of two (2) Meetings of the Regional Caucuses to coincide with (i)
- (v) The holding of two (2) Sessions of Sittings of Committees, each Committee for a maximum duration of three (3) working days

Non-Statutory Sittings/Activities

- (vi) The holding of four (4) Ordinary Meetings of the Bureau
- (vii) The holding of one (1) Session of Sittings of Committees, each Committee for a maximum duration of three (3) working days, plus three (3) travelling days.
- (viii) The holding of the two (2) additional sitting for the Committee on Monetary and Financial Affairs, to carry out its oversight role.
- (xi) Oversight and monitoring role of office bearers of the Committee on Monetary and Financial Affairs to carryout their functions as stated in the PAP Rules of Procedure and as resolved by the Committee and approved by the Bureau. The office bearers will report their findings to the Bureau.

Strategic Plan 2006-2010

10. Provision is made for activities such as workshop and seminars to execute the strategic plan through ten permanent Committees as stipulated in their Work Plans.

Missions of the Parliament

11. The following missions have been provided for in accordance with the mandate, objectives and functions of the PAP, pursuant, to the Protocol:
- (i) Election observation missions in Member States of the AU,
 - (ii) Fact finding missions to conflict and other areas,
 - (iii) Fundraising and advocacy missions,
 - (iv) Co-operation and information missions to African and non-African Parliaments; and
 - (v) Participation of the Members in Regional Parliamentary Fora

V. BASIS AND ASSUMPTIONS FOR COMPUTATIONS OF THE ACTIVITIES AND SERVICES

Communication, Advocacy and Co-ordination Allowance

- 12 Provision has been made for the payment of Communication, Advocacy and Co-ordination Allowance to members of the Bureau, Chairpersons of Regional Caucuses, Chairpersons, Vice-Chairpersons and Rapporteurs of Committees while at sittings, as adopted by the Parliament.
- (i) For each Meeting of the Bureau of the PAP, the President shall be paid a Communication, Advocacy and Co-ordination Allowance of USD 4,000 00
 - (ii) For each Meeting of the Bureau of the PAP, each Vice President shall be paid Communication, Advocacy and Co-ordination Allowance of USD 2,000.00
 - (iii) For each Meeting of the Regional Caucuses, each Office Bearer shall be paid as follows:
 - a) Chairperson of a Regional Caucus shall be paid USD 1,500 00.
 - b) Deputy Chairpersons and Rapporteurs of Regional Caucuses shall each be paid USD 1,000.00
 - (iv) For each sitting of a Committee, each Office Bearer shall be paid as follows:
 - (a) Chairperson of a Committee shall be paid USD 1,500 00.
 - (b) Deputy Chairpersons and Rapporteurs shall each be paid USD 1,000.00.

Responsibility Allowance

- 13 A provision of USD 492,000 under this item is for the Bureau who are responsible for the management and administration of the affairs and facilities of the Parliament as stated in the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament. In similar manner, the Office Bearers of Regional Caucuses and Committees shoulder sizeable responsibilities in the co-ordination of the work of their Committees. These responsibilities are in addition to their normal duties in National Parliaments and take a lot of their time. Hence, payment of this allowance will enable Members to discharge these responsibilities and ensure the full participation of Members in work of the Bureau, Regional Caucuses and the Committees.

Rotational Expenses for the Members of the Bureau

- 14 The Bureau is vested with the responsibilities for management and administration of the affairs and facilities of the Pan-African Parliament and its organs as provided for under Article 12 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament and as per Rule 17 of the Rules of Procedure as adopted by the Parliament. To discharge these responsibilities, at least one Member of the Bureau should be present in the Parliament for a minimum of ten (10) working days every month. Hence, provision is made in the budget to cover related expenses.

Sitting Allowance for Members

15. Members of National Parliaments receive sitting allowances from their respective Parliaments whilst undertaking various activities be it committee meetings or plenary sessions. When these members travel to PAP they lose this allowance. Despite the fact that decision 407 compels national parliaments to pay these allowances this is not adhered to resulting in often very poor attendance at our plenary sessions and statutory committee meetings. This allowance has been included to compensate members for the loss they incur whilst carrying out statutory activities of the PAP and to improve the attendance at these very important activities. This allowance will be paid based on an attendance register.

Staff Salaries and Allowances

- 16 The salaries and allowances of the staff are provided for on the basis of the salary structure and scale of the African Union

Medical Insurance Scheme

- 17 A medical insurance scheme has been implemented for all Honourable Members whilst attending Plenary Sessions, Statutory and Non-Statutory Committee Meetings as well as all PAP missions. The Pan-African Parliament also provides medical assistance and insurance cover to its staff

Preparation of documents

- 18 There is a need for prior translation service of documents for use during sittings of the Committees and the Plenaries. Therefore, provision is made for use of freelance translators in the preparation of the working documents

Plenary Sessions

- 19 During the Sessions, the Secretariat would continue to use freelance and support staff to service the Plenary and Committees, as follows
- (i) One fifth of freelance staff shall be recruited locally
 - (ii) Translations and interpretations into six official languages (English, French, Arabic, Portuguese, Spanish and Swahili).
 - (iii) Average economy class tickets for freelance and support staff are estimated at the rate of USD 1,800 per ticket

Activities of Committees

- 20 In addition to the sittings, Committees plan to conduct workshops and seminars for periods of a maximum of three working days and a maximum of three travelling days for each. Thus, an average of USD 2,800 is provided for an air ticket per Member.
21. Provision is also made of USD 50 for transportation for each local Interpreter/Translators per day

External Auditors

22. Provision is made to cover cost of the AU Board of External Auditors for tickets, per diem and local transport

VI. EXPECTED OUTPUT OF THE BUDGET

23 The followings are the expected key outputs of the budget

- (i) Affirmation of the status and presence of the Pan-African Parliament in Africa and beyond
- (ii) Capacity building of parliamentarians to equip them with necessary skills for appropriate and effective discharge of the roles, functions and objectives assigned to the Parliament
- (iii) Expansion of space of engagement of the people of Africa in their governance and attainment of priorities and critical issues of the continent
- (iv) Creation of strong co-operation among Regional Economic Communities and Regional Parliamentary Fora (RPF).
- (v) Substantive participation of the PAP in the overall fulfilment and accomplishment of the objectives of the African Union.
- (vi) Development of capacity to translate PAP from advisory/ consultative status into a legislative organ of the AU
- (vii) The general implementation of the objectives of PAP

B. PROGRAMMES

24. In addition to the Sessions and Sittings of Committees, provision is made for various activities drawn from the Strategic Plan for the Bureau and the ten Committees as stipulated in their Work Plans. Some of the activities provided for include; organizing capacity building and exposure programmes for MPs and staff, public education and sensitization of the people of Africa, exchange visits to regional and other Parliaments and each Permanent Committee of PAP to undertake at least one consultative and planning session with the relevant Commissioner and/ Directorate at the African Union Commission. These activities are included in the programme budget and will be implemented with support from development partners and are in line with the objectives of PAP as stated in the PAP Protocol

Programmes for capacity building and exposure

- 25 One of the key functions of the PAP in terms of the Protocol is to undertake oversight of AU organs and institutions including the NEPAD, APRM. The PAP is composed of MPs with different experiences in oversight mechanisms depending on the parliamentary system they work in. There is therefore need to develop an oversight model which will enable them to undertake their oversight function effectively. After this model has been validated and accepted by the AU, there is need to develop the capacity of the MPs to understand its principles and to the mechanisms to be applied. Funds have therefore been budgeted to build the oversight capacity of the MPs.

Public Education, to sensitize the people of Africa on the practices and processes of the Pan African Parliament

- 26 The PAP was established to create a platform for citizen participation in governance processes in Africa. Article 2 of the PAP Protocol states "*The Pan African Parliament shall represent all the peoples of Africa.*" Article 3 of the same requires the PAP to 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. Efforts are currently underway to set up a framework to promote dialogue between civil society and the PAP. The objective of the framework is to fill up the democratic deficit in terms of citizen participation in AU governance processes. The provision will therefore enable the PAP to undertake the following activities:

- i.) Develop mechanisms for dialogue between civil society and the AU organs;
- ii.) Develop a data base of all civil society organizations in Africa along the 10 thematic committees of the PAP and the AU,
- iii.) Link civil society organizations with Committees of the PAP,
- iv.) Develop linkages with civil society dialogue units at the AU, EU-Parliament, Regional Parliamentary Fora;
- v.) Develop an outreach programme with civil society to disseminate information on the PAP and the AU,

- vi) Print and disseminate the basic documents including the Rules of Procedure of the PAP to Civil Society Organizations to enable them to participate effectively in work of the Committees of the PAP,
 - vii) Establish a dialogue unit at the PAP to enable civil society organizations to interact on a continuous basis with the PAP
- 27 The overall objective is to strengthen the linkages between the Civil Society Organizations (CSOs) in Africa and the PAP to improve the quality of their participation in the advisory/Consultative processes of the PAP.

Exchange Visits to Regional Parliaments

- 28 Article 3(9) of the Protocol require the PAP to facilitate cooperation among Regional Economic Communities and their Parliamentary Fora, Article 18 of the PAP Protocol require the PAP to work in close cooperation with the Parliaments of the Regional Economic Communities and the National Parliaments. To this effect the PAP, in accordance, with its Rules of Procedure, will convene a series of meetings with the Parliaments of Regional Economic Communities and National Parliaments to discuss matters of common interest
- 29 Speakers of National Parliaments would be invited to Sessions of the PAP, while the Bureau would engage in dialogue with them
- 30 Delegations headed by the members of the Bureau would visit National Parliaments to promote the work of the PAP in Africa.

Each Permanent Committee to undertake at least one consultative and planning session with the relevant Commission and/ Directorate at the AUC

31. Article 3 (1) of the Protocol require the PAP to facilitate the effective implementation of the policies and objectives of the AU. Currently, there is little exchange of information from the AU specialised Committees with the requisite PAP Committees. The Pan African Parliament is therefore currently not in a good position to seriously monitor the harmonization of laws and policies emanating from the AU, primarily because, as a new and still evolving body, it has not yet developed the institutional knowledge and capability to deal with this subject. As PAP slowly strengthens these processes and structures, it is crucial that Members are equipped with the relevant information, as well as the tools to analyse issues

32. SCHEDULE OF APPROVED POSTS

ESTABLISHMENT	STAFF			
	Actual staff	Posts Budgeted for	Vacant Posts	Total Approved Posts
Office of the President				
Director of the Bureau P6-9	1	1	0	1
Personal Assistant P4-3	1	1	0	1
Principal Legal Counsel P4-1	0	1	0	1
Administrative Assistant GSA6-6 ST	0	1	0	1
Secretary GSA5-4	1	1	0	1
Parliamentary Orderly GSA3-2	1	1	0	1
TOTAL	4	6	0	6
Office of the Clerk				
Clerk D1-10 Plus 13%	1	1	0	1
Personal Assistant P3-1	0	1	0	1
Bilingual Secretary GSA6-6	1	1	0	1
Parliamentary Orderly GSA3-3		1	0	1
TOTAL	2	4	0	4
Office of Internal Audit				
Head of Internal Audit P5-1	0	1	0	1
Principal Internal Auditor P4-3	1	1	0	1
	1	2	0	2
Admin., Finance and Intel. Relations				
Deputy Clerk D1-4	1	1	0	1
Head of Finance & Budget. P5-1	0	1	0	1
Principal Clerk-Finance P4-5	1	1	0	1
Head of Administration and Human Resources P5-1	0	1	0	1
Principal Clerk-Human Resources P4-4	1	1	0	1
Head of Serjeant-at-Arms P5-1	0	1	0	1
Principal Clerk -Serjeant at arms P4-4	1	1	0	1
Chief of Protocol P5-1	0	1	0	1

Principal Clerk-Protocol P4-3	1	1	0	1
Head of International Relations P5-1	0	1	0	1
Principal Clerk-International Rel -P4-4	1	1	0	1
Head of Comm /Media Relations P5-1	0	1	0	1
Principal Clerk-Comm & Media P4-	1	1	0	1
Bilingual Secretary GSA 5 -4	1	1	0	1
IT System Administrator P2-4	1	1	0	1
Parliamentary Orderly GSA3-2	1	1	0	1
Driver GSB 7-1	2	3	0	3
Bilingual Secretary GSA 5-7(Local)	1	1	0	1
Information Officer P1-1	0	0	1	1
Communication Officer P1-1	0	0	1	1
Protocol Assistant P2-1	0	0	1	1
Finance Officer P2-1	0	1	0	1
Assistant Accountant GSA5-1	0	1	0	1
Cashier GSA5-2	1	1	0	1
Store Keeper GSA5-1	0	1	0	1
Bilingual Secretary GSA 5 -1	0	1	0	1
Administration Officer P2-1	0	0	1	1
Human Resource Assistant GSA5-1	0	0	1	1
Administration Assistant GSA6-7	1	1	0	1
Administration Assistant GSA5-1	0	1	0	1
Data Processor GSA3-2	1	1	0	1
Administrative Clerk GSA3-2	1	1	0	1
Procurement & Supply Assistant GSA5-1	0	1	0	1
Telephone Operator/receptionist GSA3-2	1	1	0	1
TOTAL	18	31	11	42
Legislatives Affairs				
Deputy Clerk D1-4	1	1	0	1
Head of Legislative Procedural Division P5-1	0	1	0	1
Principal Clerk-LB P4-4	1	1	0	1
Principal Assistant Clerk, Committees P4-4	1	1	0	1

Head of Hansard & Journal Division P5-1	0	1	0	1
Principal Clerk-Hansard P4-3	1	1	0	1
Senior Assistant Clerk P3-4	1	1	0	1
Assistant Clerk P2-1	0	5	0	5
Translator/Interpreter P4-4	4	4	0	4
Translators P3-1	0	4	0	4
Reproduction Officer P2-4	1	1	0	1
Document Controller P1-3	1	1	0	1
Assistant Clerk P2-4	2	2	0	2
Bilingual Secretary GSA 5-7	1	1	0	1
Bilingual Secretary GSA 5-4	1	1	0	1
Bilingual Secretary GSA 5-4	1	1	0	1
Secretary GSA 5 -1	0	0	1	1
Cataloguist GSA 5 -2	0	0	1	1
Parliamentary Orderly GSA3-3	3	3	0	3
Driver GSB 7-1	0	0	1	1
Reproduction Technician GSA5-3	0	0	1	1
Hansard Reporter P2-4	1	1	0	0
Deputy Editor Hansard P3-1	0	0	3	3
Bilingual Secretary GSA 5 -1	0	0	2	2
Head of Research and Library P5-1	0	1	0	1
Research Officer P2-1	0	2	1	3
Research Assistant P1-1	0	3	0	3
Bilingual Secretary GSA 5 -1	0	3	0	1
Librarian P2-1	1	1	0	1
Senior Assistant Clerk (Committees) P3-1	0	0	1	1
Senior Assistant Clerk (Journals) P3-1	0	0	1	1
Bilingual Secretary GSA 5 -1	0	0	1	1
TOTAL	21	41	13	54
TOTAL POSTS	46	84	24	108

VII. SUMMARY OF PAP BUDGET FOR YEAR, 2009

1	2	3	4	5	6	7	
Account Code	Description	Ref.	Appropriation 2008	Annualized Expenditure 2008	Budget for 2009	Increase/ (decrease)	(%) change 2009/2008
100	Basic salary	a 5	1,552,948	1,508,731	2,245,881	692,933	45%
101	Post adjustment allowance	a 5	852,924	556,769	1,937,646	1,084,722	127%
102	Temporary assistance/Consultancy	p	10,000	9,317	60,000	50,000	500%
103	Overtime payment	p	7,000	7,153	7,000	0	0%
104	AU External Auditors	p	15,000	17,671	30,000	15,000	100%
105	MPs Insurance	p	500,000	386,402	304,150	(195,850)	-39%
106	Communication & Co-ordination Allowance	a 2	207,000	240,000	222,500	15,500	7 5%
107	Responsibility All.	a 3	240,000	207,000	512,000	272,000	1133%
108	Sitting Allowance	a 4	0	0	1,152,000	1,152,000	∞
200-218	Common staff cost	t.1	4,159,637	2,460,370	4,106,611	53,026	-1 2%
300-303	Official Missions	t 2	810,000	1,417,225	1,550,000	740,000	91%
400-410	Maintenance costs	t 3	45,643	49,449	64,593	18,950	42%
501-506	Communication costs	t 4	135,131	145,540	153,642	18,511	14%
600-609	Supplies and Services	t.5	247,390	247,091	277,438	30,048	12%
702-705	Equipment and supplies	t 6	15,825	15,825	147,500	131,675	832%
801-805	Meetings and Seminars	t 7	4,729,372	3,983,149	5,112,492	383,120	8 1%
901-906	Departmental Costs /programme Contribution	t 8	120,000	120,000	1,049,226	929,226	774%
1301	Contingency funds	p	52,750	52,750	80,000	27,250	52%
Sub-Total Operational Budget			12,626,303	12,132,601	19,012,679	6,886,376	50.5%
907	Programmes	a 6	2,773,600	227,682	3,823,447	1,049,847	38%
Grand-Total PAP Budget for 2009			15,399,903	12,198,583	22,836,126	7,436,223	48%

Note

Key a - appendix
t - Table

VIII. DETAILED BREAKDOWN OF THE BUDGET TO SUPPORT THE SUMMARY**Table 1**

Common Staff Costs						
1	2	3	4	5	6	7
Account Code	Description	Appropriation 2008	Actual for 2008 Expenditure	Budget for 2009	Increase/ (decrease)	(%) Change
200	Recruitment Costs	174,009	150,000	150,000	24,009	-14%
201	Travel on Home leave	291,644	342,600	150,000	141,644	-48%
203	Installation Allowance	350,000	100,000	250,000	100,000	-29%
204	Dependence Allowance	162,795	66,803	161,862	933	0.5%
205	House Allowance	1,243,921	653,080	1,309,752	65,831	5%
206	Pension Scheme	265,213	161,777	336,882	71,669	27%
207	Group Insurance	99,170	133,120	100,000	,830	0.8%
208	Medical expenses	250,000	250,237	285,815	35,815	14%
210	Training Cost	50,000	50,000	50,000	0,000	0%
212	Education Allowance	1,152,060	468,047	1,152,300	240	0%
215	Interview for recruitment	0	0	0	0	0%
217	Separation costs	115,825	82,206	150,000	34,175	29%
218	Acting allowance	5,000	2,500	10,000	0	100%
	Total	4,159,637	2,460,370	4,106,611	53,026	9%

Table 2

Official Mission						
1	2	3	4	5	6	7
Account Code	Description	Appropriation 2008	Actual Expenditure 2008	Budget for 2009	Increase/ (decrease)	(%) Change
300	Bureau Members	200,000	328,687	300,000	100,000	50%
301	Parliamentarians	350,000	480,046	500,000	150,000	43%
302	Staff Members	160,000	247,494	250,000	90,000	56%
303	Election observation	100,000	1,360,998	500,000	400,000	400%
	Total	810,000	2,417,225	1,550,000	740,000	91%

Table 3

Maintenance costs						
1	2	3	4	5	6	7
Account Code	Description	Appropriation 2008	Actual 2008 Expenditure	Budget for 2009	Increase/ (decrease)	(%) Change
400	Rental of Premises	0	0	0		
401	Maintenance of vehicle	10,128	10,864	15,000	4,872	48%
402	Maintenance of equipment	18,660	18,660	19,593	933	5%
403	Maintenance of premises	0	0	0	0	0
404	Utilities	0	0	0	0	0
405	Insurance of vehicles	7,695	7,695	10,000	2,305	30%
410	Fuel and Lubricants	9,160	12,966	20,000	10,840	118%
	Total	45,643	49,449	64,593	18,950	42%

Budget for maintenance of equipment includes monthly service contracts (maintenance plan) for the photocopy machines

Table 4

Communications						
1	2	3	4	5	6	7
Account Code	Description	Appropriation 2008	Actual For 2008 Expenditure	Budget for 2009	Increase/ (decrease)	(%) Change
500	Telex	0	0	0	0	0
501	Telephone	131,131	138,081	143,642	12,511	10%
502	Postage	3,000	7,458	10,000	7,000	233%
504	Freight	1,000	0	0	(1,000)	-100
505	Fax	0	0	0	0	0
506	Internet & website services	0	0	0	0	0
	Total	135,131	145,539	153,642	18,511	14%

Please note that telephone, fax and internet bills are paid from Code 501 This is due to inability to separate the bills of the above service, thus, in the current budget provision for these items was included in the Code 501

Table 5

Supplies and Services						
1	2	3	4	5	6	7
Account Code	Description	Appropriation 2008	Actual For 2008 Expenditure	Budget for 2009	Increase/ (decrease)	(%) Change
600	Stationery and office supplies	73,938	61,013	73,938	0	0
601	Cash delivery service & Bank charges	68,177	94,533	80,000	11,823	17.3%
603	Hospitality	50,000	50,000	50,000	0	0
604	Staff welfare	15,000	15,000	20,000	5,000	33%
605	Library Books	10,000	5,000	15,000	5,000	50%
606	Newspapers and periodicals	5,000	2,000	2,500	2,500	-50%
607	Other supplies and services	10,000	10,000	20,000	10,000	50%
608	Printing and binding	10,000	6,697	10,000	0	0
609	Publication	5,275	2,848	6,000	725	14%
	Total	247,390	247,091	277,438	30,048	12%

Table 6 Improvement, Furniture & equipment

1	2	3	4	5	6	7
Account Code	Description	Appropriation 2007	Actual For 2008 Expenditure	Budget for 2009	Increase/ (decrease)	(%) Change
701	Improvement to premises	0	0	0	0	0%
702	Furniture and fixture	5,275	5,275	10,000	4,725	90%
703	Office equipment	10,550	10,550	12,500	1,950	18%
704	Purchase of vehicles	0	0	75,000	75,000	∞
705	Purchase of minibus	0	0	50,000	50,000	∞
	Total	15,825	15,825	147,500	131,675	832%

PAP currently rents Vehicles for Members of the Bureau for their Meetings and Rotational duties Renting has become expensive for the Parliament, hence the provision made to buy one Mercedes Benz for the Bureau Members in Code 704 In addition, provision is also made to buy 5 (five) laptops for the use of the secretariat as indicated in code 703

Table 7

Meetings and seminars						
1	2	3	4	5	6	7
Account Code	Description	Appropriation 2008	Actual For 2008 Expenditure	Budget for 2009	Increase/ (decrease)	(%) Change
801	Preparation of documents	117,660	117,660	158,880	41,220	35%
802	Plenary sessions	2,134,868	1,995,463	2,470,432	335,564	16%
803	Bureau meetings	381,724	446,559	385,600	3,876	1%
804	Local transport	60,000	60,000	60,000	0	0%
805	Committee Sittings	565,120	710,694	711,580	146,460	26%
806	None-Statutory committees activities	1,470,000	652,773	1,326,000	-144,000	-9%
Total		4,729,372	3,983,149	5,112,492	383,120	8 1%

Table 8 Departmental costs

1	2	3	4	5	6	7	
Account Code	Description	Note	Appropriation 2008	Actual For 2008 Expenditure	Budget for 2009	Increase/ (decrease)	(%) change
901	Bureau	a.5	0	0	108,990	108,990	∞
902	Internal Audit	a.5	0	0	20,000	20,000	∞
903	Communication & Media	a.5	0	0	225,000	225,000	∞
904	Serjent at arms	a.5	0	0	36,000	36,000	∞
905	ICT		0	0	59,236	0	∞
906	PAP Programme contribution		120,000	120,000	600 000	480,000	400%
	Total		120,000	120,000	1,049,226	929,226	774%

Note.-The contribution of PAP to the programme budget is only USD 600,000 00 However, the difference is expected to be financed from the Trust Fund

MEETINGS AND SEMINARS

801
Preparation of Documents:

2 Ordinary Plenary Sessions and 2 Committee Sittings

	No of Freelance	Duration	Salary	Per diem	Transport expenses	Airport tax	Terminal	Visa fee	Total per session	TOTAL
Translators	5	15days	210	190	1800	20	24	100	39,720	158,880
TOTAL										158,880

802

Parliamentary sessions: 2 Ordinary Sessions

Freelance	Number of Freelance	Duration	Salary	Per diem	Transport expenses	Airport tax	Terminal	Visa fee	Total per session	TOTAL
Interpreters (International)	50	20	325	190	1800	20	24	100	612,200	1,224,400
Interpreters	10	20	325						65,000	130,000
Translators(Int)	10	20	220	190	1800	20	24	100	101,440	202,880
Translators	5	20	220						22,000	44,000
Secretaries	8	15	82						9,840	19,680
Sub-TOTAL	83								810,480	1,620,960

Support Staff	No of	Duration	Salary	Per diem	Air ticket	Airport tax	Terminal	Visa fees	Total per session	TOTAL
Committee Clerks	7	15		190	1800	20	24	100	33,558	67,116
Admin Assistants	2	18	82	190	1800	20	24	100	13,480	26,960
Hansard Reporters	24	18	82	190	1800	20	24	100	164,160	328,320
Hansard Editors	8	18	220	190	1800	20	24	100	111,888	223,776
Protocol Assis	8	25	190						47,500	95,000
Documentation	6	18	190						34,200	68,400
Asher	7	15	190						19,950	39,900
Sub-Total	54								424,736	849,472
Grand TOTAL									1,235,216	2,470,432

Appendix 1
3 of 7

803 Bureau Meetings

								TOTAL
								45,000
Hospitality/Refreshment								80,000
Local Transport								24,000
Maintenance of President House								
Sub-total								149,000

COST OF ROTATIONAL DUTIES OF THE BUREAU

	Number of Rotation	Duration	Per diem & sitting all Rate	Total Per diem	Air ticket cost	TOTAL COST
President	3	15 days	600	27,000	9,000	36,000
1 st Vice President	3	15 days	400	18,000	9,000	27,000
2 nd Vice President	2	15 days	400	12,000	6,000	18,000
3 rd Vice President	2	15 days	400	12,000	6,000	18,000
4 th Vice President	2	15 days	400	12,000	6,000	18,000
Sub-total						117,000

Cost of Meetings of the Bureau-Non Statutory

Per diem ,Ticket And Communication Allowance	Number of Bureau Meetings	Duration For one meeting	Per diem Rate	Total Per diem	Air ticket cost	TOTAL COST
President	4	7 days	600	16,800	10,000	26,800
1 st Vice President	4	7 days	400	11,200	12,000	23,200
2 nd Vice President	4	7 days	400	11,200	12,000	23,200
3 rd Vice President	4	7 days	400	11,200	12,000	23,200
4 th Vice President	4	7 days	400	11,200	12,000	23,200
Sub-total				61,600	58,000.	119,600
Grand total-Bureau Cost						385,600

804 LOCAL TRANSPORTS

Rental cost of mini buses per Session/Committee Sittings @ US \$12,000 for two Plenary sessions and three Committee Sittings	60,000
TOTAL	60,000

Provision is made for local transport for Member of the Pan-African Parliament and support staff from National Parliament during the sittings of the committee and before the Sessions from their respective hotels to PAP and back.

805 Committees Sittings

(10 Committees, 2 Sittings per year 2 additional meetings for the Financial Committee) -Only three interpreters and two translators are expected to be recruited from out side of the Republic of South Africa. In addition, it considered the in-house Interpreter/translators

	Number of Freelance	Duration	Salary	Per diem	Transport expenses	Terminal/ Airport tax	fuel**	Visa fee	Total per Sitting	TOTAL
Committee Clerks	7	6		190	1,800.00	44		100	21,588	43,176
Interpreters	40	9	325	190	1,800 00	44		100	263,160	526,320
International	15	9	325						29,250	58,500
Translators	8	8	220	190	1,800 00	44		100	41,792	83,584
SUB-Total Committee Sittings										711,580

Please note that ten Interpreters and five translators will be recruited locally

Cost of Members Participation in non statutory Meetings

	No. of committees	Number of Sittings	Duration For one Sittings	Ava. No. of Members	Rate	TOTAL cost
All Committees	10	1	6 days	20	400	480,000
Finance Committee	1	2	6 days	20	400	96,000
Ticket costs						750,000
Total						1,326,000

Please Note the following assumptions for computation of cost of members for participation in not statutory sittings of the committee

- 1 Provision is made for per diem and ticket costs of Hon Members for one extra committee Sittings of each Committee
- 2 Committee on Financial and Monetary affairs will have two extra sittings to discharge its responsibility.
- 3 The duration of each sittings of each committee will be a maximum of 5 working days, plus two traveling days.
- 4 The per diem rate that was adopted in the house is used to compute (\$400)
- 5 An average of US \$ 2,500 00 is used to provide for cost of air ticket of Hon Members

Appendix 2

COMMUNICATION AND CO-ORDINATION ALLOWANCE

		No. of meetings	Amount In USD	No. of Person	total Amount in USD
1	President	6	4,000 00	1	24,000.00
2	Vice Presidents	6	2,000 00	4	48,000.00
3	Chairpersons of the Regional Caucuses	2	1,500 00	5	15,000 00
4	Deputy Chairperson-Regional Caucuses	2	1,000 00	5	10,000 00
5	Rapporteur of Regional Caucuses	2	1,000 00	5	10,000 00
6	Woman Caucuses	2	3500.00	1	7,000 00
6	Chairperson of the Committee	3	1,500 00	10	45,000 00
7	Deputy Chairperson	3	1,000 00	10	30,000 00
8	Rapporteur of Committees	3	1,000 00	10	30,000.00
9	One extra sitting for Committee on Monitory and Financial Affairs	1	3,500.00	1	3,500 00
	Total				222,500.00

Communication & Co-ordination Allowance is budgeted to assist Members of the Bureau and officer bearers of the caucuses and committees in organizing and managing the affairs of PAP from their respective Countries.

Appendix 3

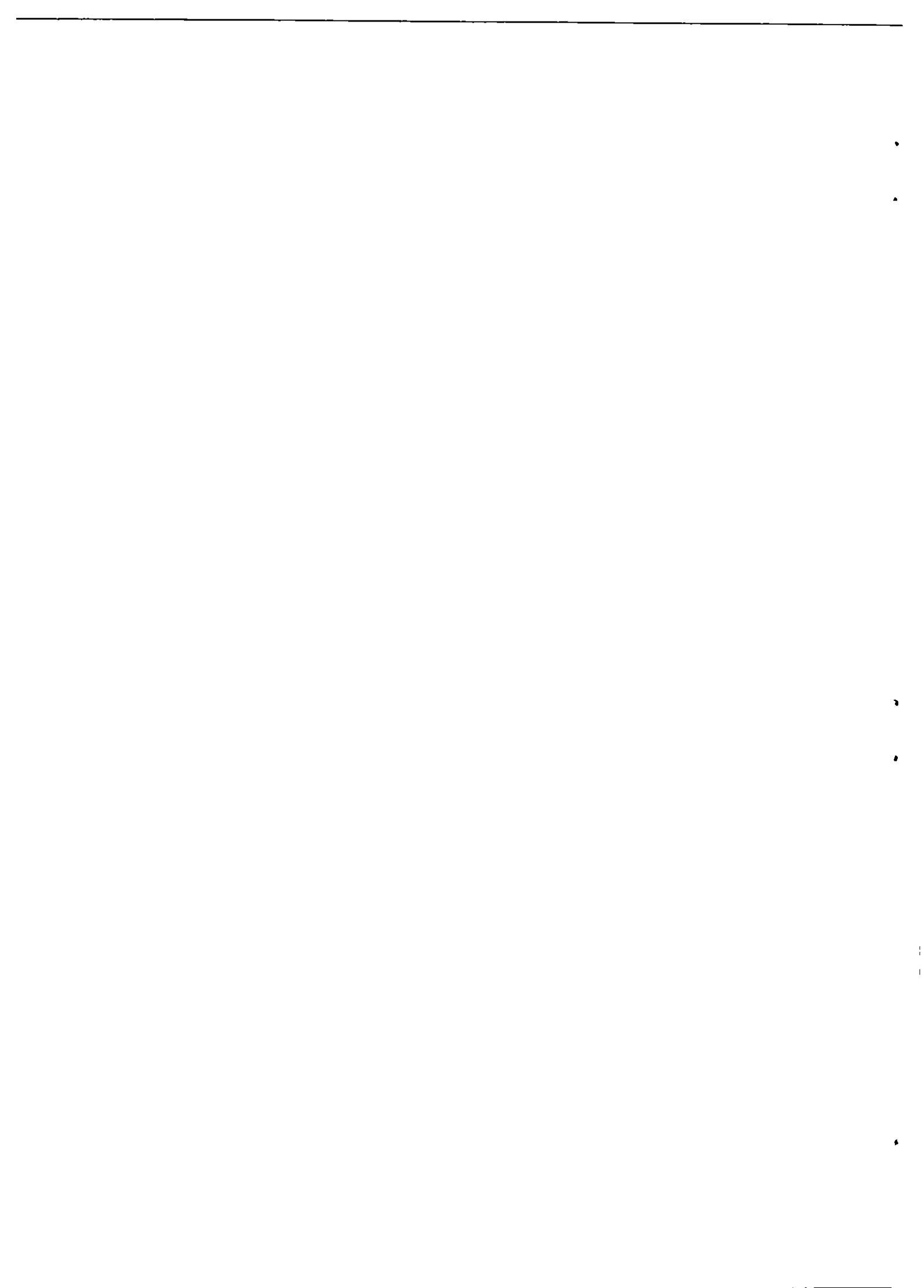
Responsibility Allowance for Members

Responsibility	No. of Members	Number of payments	Monthly Rate	Quarterly Rate	Total Allowance
President	1	12	4,000		48,000
Vice Presidents	4	12	3,000		144,000
Chairperson of Regional Caucuses	5	4	0	2,000	40,000
Deputy and Secretary of Regional Caucuses	10	4	0	1,500	60,000
Woman Caucuses	3	4		5,000	20,000
Chairperson of Committees	10	4		2,000	80,000
Deputy Chair & Secretary	20	4	0	1,500	120,000
Grand-total					512,000

Appendix 4

Sitting Allowance for Members-Statutory meeting

Sitting Allowance	No. of Members	Number of Sessions	Daily Rate	Maximum no of days	Total Allowance
Ordinary Session	240	2	150	10	720,000
Committee sitting	240	2	150	6	432,000
Grand-total					1,152,000



PAN-AFRICAN PARLIAMENT

PLENARY TENTH ORDINARY SESSION October 27 – November 07, 2008 Midrand, Johannesburg Republic of South Africa	Ref PAP/S/FR/80/08 Orig: ENGLISH
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Item on the Draft Programme

<p>Pan African Parliament</p> <p>Management Letter</p> <p>Year ended 31 December 2007</p>
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PAN-AFRICAN PARLIAMENT



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Pan African Parliament

Management Letter

For the Financial Year ended 31 December 2007

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2 May 2008

The Clerk
Pan African Parliament
Gallagher Estate
Richards Drive
Midrand, Johannesburg 1685
Republic of South Africa

Dear Sir,

**REPORT TO MANAGEMENT ON THE AUDIT OF FINANCIAL STATEMENTS OF
PAN AFRICAN PARLIAMENT FOR THE YEAR ENDED 31 DECEMBER 2007**

Introduction

We were engaged as the Board of External Auditors for the African Union and its organs. Over and above our contractual obligation to express an independent opinion on the truth and fairness of the financial statements, we report to the Pan African Parliament Management, those audit matters of governance interest that have come to our attention as a result of the performance of the audit.

The matters of governance interest contained in this report are only those that came to our attention and this should therefore not be viewed as exhaustive.

Statement of Management Responsibilities

An audit of financial statements is not designed to disclose all material matters that may be relevant to those charged with governance. Consequently, this audit does not ordinarily identify all such matters.

The Pan African Parliament Management is required to prepare accounts for each financial year which give a true and fair view of the state of affairs of the Parliament as at the end of the financial year, and of the surplus or deficit for that year.

The Pan African Parliament Management considers that in preparing the accounts, they have used the most appropriate accounting policies, consistently applied and supported by reasonable and prudent judgment and estimates, and that all International Accounting Standards which they consider to be applicable have been followed.

The Pan African Parliament Management has the responsibility of ensuring that the Parliament keeps accounting records which disclose with reasonable

accuracy their financial position and which enable the Pan African Management to ensure that the accounts comply with the relevant legislation. They also have a general responsibility for taking such steps as are reasonably open to them to safeguard the assets of the Parliament and prevent and detect fraud and other irregularities.

Results of audit review

An audit review of the financial statements and records of the Pan African Parliament's final accounts for the year ended 31 December 2007 was conducted from 23 April to 2 May 2007.

The audit review gave rise to matters of governance interest which are highlighted in the following paragraphs, to which management comments, responses and action were invited.

Conclusion

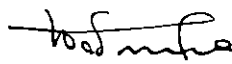
A review of the Pan African Parliament's operations revealed some lapses in the system of internal controls and checks which need to be redressed to avoid exposing the Parliament to risk of loss. These are detailed in Section 4 of this report.

We would like to take this opportunity to express our sincere appreciation for the courtesy, assistance and the cooperation rendered by the Pan African Parliament Management and staff during the entire period of the audit review.

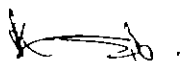
Yours faithfully



Rexie L H Chiluzi
Chairman - Board of External Auditors



Charles Ndorimana
Vice Chairman - Board of External Auditors



Rinniah A Situmbeko
Member-Board of External Auditors

2 May 2008
Johannesburg, RSA

1. Terms of Reference

Our mandate

1.1. The Board of External Auditors was appointed to carry out a posteriori external audit of the accounts of Pan African Parliament.

1.2. In executing the audit assignment, the Board of the External Auditors is required to:

1.2.1. Ensure that the audit is conducted in conformity with International Auditing Standards;

1.2.2. Verify the way and the manner in which the Accounting Officer and those answerable to him have performed their accounting duties and responsibilities;

1.2.3. Formulate all proposals likely to increase the efficiency of methods of budgetary and financial management, including accounting systems, internal liaisons between the various authorities responsible for framing, preparation and administration the biennial programme budget;

1.2.4. Indicate the form in which the Financial Report shall be prepared;

1.2.5. Examine the accounts and assure itself of the existence and validity of the supporting documents provided for by the rules and regulations of the Organization.

1.3 Carry out an audit of accounts, including all Trust, Project and Special Funds, in accordance with International Auditing Standards in order to satisfy itself that:

1.3.1. The financial statements and the schedules are in agreement with the books and records of the Organization;

1.3.2. The financial transactions reflected in the statements have been prepared in accordance with Rules and Regulations, the budgetary provisions and other applicable directives;

1.3.3. The securities and monies on deposit and on hand have been verified by certificates received direct from the depositories of the Organization or by actual count;

- 1.3.4. All imprest held are retired on or before the end of the fiscal year;
- 1.3.5 The internal controls, including the internal audit which embrace the following:
 - 1.3.5.1 Compliance Review, i.e. the review of the financial transactions to determine whether they are in compliance with Financial and Staff Rules and Regulations, Resolutions of the Council of Ministers and Administrative Instructions issued from time to time;
 - 1.3.5.2. Economy and Efficiency Appraisals, i.e. appraisals of operational efficiency and economy with which financial, physical and human resources are utilized; and
 - 1.3.5.3. Effectiveness Review, i.e. if programmes and activities financed from resources both regular budgetary and extra budgetary sources to compare attainment of outputs with the commitment set out in the programme narratives of the approved Programme Budget, are adequate in the light of the extent of reliance placed thereupon.
- 1.3.6 Procedures satisfactory to the auditors have been applied in the recording of all assets, liabilities, surplus and deficits.
- 1.4. Have no power to disallow items in the accounts but shall draw the attention of the accounting officer for appropriate action on any transactions to which it entertains doubt as to legality or propriety. Audit objections to these or any other transactions arising during the examination of the accounts shall be communicated immediately to the Accounting officer.
- 1.5. Express and sign an opinion on the financial statements which shall state as appropriate whether:
 - 1.5.1. The financial statements presents fairly the financial position as at the end of the period and the results of its operation;
 - 1.5.2 The Financial statements were prepared on a basis consistent with accepted accounting standards;

1.5.3. The accounting principles were applied on a basis consistent with that of the preceding financial period and in accordance with acceptable accounting authority

1.5.4. The transactions were in accordance with Financial Rules and regulations and legislative authority.

1.6. Pursuant to our appointment, we have carried out an audit of Pan African Parliament's financial statements for the Year ended 31 December 2007.

2. Audit Methodology

2.1 Our chosen audit approach was more of substantive testing with limited tests of controls.

2.2 Our direct substantive audit tests were primarily designed to enable us obtain assurance as to whether:

2.2.1 Expenditure has been in accordance with the approved Financial Rules and Regulations;

2.2.2 Proper books of accounts have been kept.

2.2.3 Financial statements are in agreement with underlying records;

2.2.4 Financial statements have been prepared in accordance with International Public Sector Accounting Standards.

3 Detailed Audit Findings and Recommendations

3.1 Accounting systems

Observations

- 3.1.1 We observed that the Parliament like in the previous years uses Pastel Accounting package software to maintain its financial ledgers. It was however observed that although the Parliament had installed the package for the preparation of its payroll, salaries were still being prepared on an excel sheet as at the date of audit.

Risk/implication

- 3.1.2 We still maintain our previous observation that in a situation where salaries are processed through an excel sheet, risks of including unauthorized transactions are high.

Recommendation

- 3.1.3 Since the package has already been installed for the payroll, Management is advised to start using the package immediately for the payroll preparation to enhance its integrity.

Management responses

- 3.1.4. The operationalization of the newly installed package has been delayed since it did not have a multi currency payment system which has now been resolved and the package will soon be put to use.
- 3.1.4 In addition, the Parliament is currently in the process of installing the appropriate financial and human resource package with relevant facilities. Therefore, it is our belief that the new accounting package will address most of the shortfalls in the existing system.

3.2 Staff costs

Observation

- 3.2.1. We observed during a review of established records that although the Parliament was trying hard in its bid to institute systems of internal controls to safeguard its assets as evidenced by the employment of a Senior Internal Auditor, the establishment in the accounting section was still inadequate as it comprised of only three members of accounting personnel. It was further observed that the internal audit section was only manned by a single officer.

Risks/ Implication

- 3.2.2 Since the Parliament has a lot of obligations to fulfill as evidenced by large volume of financial transactions, there is a risk that other irregularities may remain undetected due to limited segregation of duties resulting from inadequate staff levels.

Recommendation

- 3.2.3 Management is advised to increase accounting personnel especially at a senior level as well as in the internal audit section to strengthen the controls and enhance checks and balances.

Management response

- 3.2.4 The Parliament has taken note of the recommendation and it will receive priority in the next phase of recruitment of required personnel.

3.3 Operations of Internal Audit Section

Observation

- 3.3.1 We noted with admiration that the Parliament had established an Internal Audit Section in order to improve the systems of internal controls. It was however observed that the Internal Audit was operating without an Internal Audit Charter which is a fundamental document as it assists in effective internal audit operations.
- 3.3.2 A review of the internal audit reports submitted to the Bureau of the Pan African Parliament disclosed that the findings were communicated to the Bureau before inviting the members of the secretariat for their comments and responses. In normal circumstances audit observations are supposed to be communicated to the affected officers for their comments before the report is submitted.

Risks/ Implication

- 3.3.3 In a situation where audit findings are communicated to the Bureau without inviting comments from the concerned officers, the risk of creating animosity amongst staff members is very high and the audit observations may not have positive impact on the management operations.

Recommendation

- 3.3.4 Management is advised to ensure that an approved audit charter is in place as soon as possible to enhance effective internal audit practice.
- 3.3.5 Since the internal audit function was established to enhance internal control systems, we recommend that the internal auditor should invite comments from the concerned officers before concluding his findings so as to promote transparency and accountability in management operations.

Management response

- 3.3.6 The Internal Audit Division has developed draft Internal Audit Charter which is being discussed by the relevant organs of the Parliament and it will soon be adopted and put in place to guide the operations of internal audit division.
- 3.3.7 The Parliament takes note and while acknowledging that some of the observations of the Internal Auditor had been discussed with the concerned officers prior to submission to the Bureau, would urge that all future observations be dealt with through prior discussion within the Secretariat before reaching the Bureau.

3.4 Missions, Sessions and Meetings

Observation

- 3.4.1 We noted that like in the previous period the Parliament continued to pay per diems to the Bureau and other Members of Parliament using rates which were determined by the Parliament itself as follows:

The President	- US\$600 per day (\$350 Per diem and \$250 sitting allowance)
The Vice President	- US\$400 per day (\$250 Per diem and \$150 sitting allowance)
Members of Parliament	- US\$400 per day(\$250 Per diem and \$150 sitting allowance)

During 2007 financial year, a total of US\$ 256,091.20 in respect of per diems was paid to Bureau Members and Parliamentarians who went on various missions as well as attending meetings as shown below:

Account Code	Description	Amount (US\$)
0300/140	Per diem for Bureau Members	62,769.40
0301/140	Per diem for Parliamentarians	144,721.80
0803/140	Per diem for Bureau meetings	48,600.00
		256,091.20

While we appreciate the fact that Bureau and other Members of Parliament need to be paid for the commendable work they do to ensure that the Parliament discharges its mandate, we are of the opinion that there is a need for these rates to be ratified by an appropriate AU organ as was the case with decision EX.CL Dec 407 (XII) of January 2007.

Risk/ implication

3.4.2 In a situation where rates of allowances are determined without any guidelines, the probability of abusing the facility is very high.

Recommendation

3.4.3 Management is advised to take these proposed rates of allowances to an appropriate AU organ for approval.

Management Response

3.4.4 It is important to note that the amount mentioned above is not only per diem. It is made up of USD 350 of per diem and USD 250 of sitting allowance for the President and USD 250 of per diem and USD 150 of sitting allowance for other Members. These rates were adopted by all parliamentarians in their plenary session held on September, 29, 2004, after considering parliamentary practices and have always been part of the PAP budget that was submitted to the AU Organs according to Article 10 of the Protocol Establishing the Pan-African Parliament.

3.4.5 The amount allocated to the missions or meetings are computed on the basis of the rates mentioned above and these rates have been found to be less than the rates of the African Union in some cases.

3.4.6 It is important to note that, parliamentarians receive a sitting allowance in their respective Parliaments which they lose when attending to PAP activities and missions. Thus it is necessary for them to be compensated accordingly.

3.5 Communication

Observation

3.5.1 Article 10 of the Protocol to the Treaty Establishing the African Economic Community relating to Pan African Parliament provides that Parliamentarians shall be paid an allowance to meet expenses in the discharge of their duties.

A review of disbursement vouchers pertaining to communication expenses disclosed that the Parliament paid a total of US\$ 52,500.00 to Bureau Members and office bearers of Committees as communication allowances. While we appreciate the provisions of the above quoted article and the important role Bureau Members play in the running of the Parliament, it was difficult for the inspecting auditors to satisfy themselves how the rates paid for the communication allowances were determined in absence of any guidelines to substantiate the payments.

Below are the details:

Date	Account Code	DV/AV Number	Description	Amount (US\$)
18/01/07	0803/108	DV 34/01	Comm Allowance	2,000.00
"	"	DV 35/01	"	4,000.00
"	"	DV 36/01	"	2,000.00
"	"	DV 37/01	"	2,000.00
"	"	DV 47/01	"	2,000.00
03/12/07	"	DV 15/12	"	6,000.00
"	"	DV 16/12	"	12,000.00
"	"	DV 17/12	"	6,000.00
18/05/07	0805/108	DV 76/05	"	1,000.00
26/10/07	"	DV 89/10	"	3,500.00
14/12/07	"	DV 14/12	"	4,000.00
05/12/07	"	DV 20/12	"	1,000.00

“	“	DV 21/12	“	3,000.00
“	“	DV 22/12	“	2,500.00
27/12/07	“	DV 71/12	“	1,500.00
				52,500.00

Risk/implication

3.5.2 In a situation where rates of allowances are determined without any guidelines, the probability of abusing the facility is very high.

Recommendation

3.5.3 Since Members of the Bureau and Parliamentarians are not employees of Pan African Parliament and bearing in mind that the operations of Pan African Parliament are different from other Organs of the Union we recommend that the Parliament should come up with clear Financial Rules and Regulations and guidelines for the Members of the Bureau and Parliamentarians which should be ratified by the appropriate organ of the African Union as was the case with decision EX.CL Dec.407(XII) of January 2008.

Management response

3.5.4 Currently the Parliament is using as the guideline a motion which was adopted by the Plenary Session held on September, 29, 2004. These allowances are to facilitate the Bureau, office bearers of committees and other Members of the Parliament since they do not reside in the host country.

3.6 Accounts receivables

Observation

3.6.1 We observed that in March 2007 imprest amounting to US\$ 120,000 was withdrawn from the bank to service Kasane meetings in Botswana through DV 16/03 dated 16th March, 2007. It was however noted that the cash was taken to Botswana from South Africa by officers of Parliament without fidelity insurance cover for cash in transit as a way of mitigating it against loss.

3.6.2 We also noted that in certain cases senior officers who were not finance officers were entrusted with imprest cash to service missions abroad as detailed below:

DATE	DV/AV NO	AMOUNT (\$)	MISSION
04/12/07	DV11/12	14,749.26	EU Mission in Lisbon
04/12/07	DV12/12	10,000.00	EU Mission in Lisbon
31/12/07	DV 64/12	10,000.00	Kenya Mission
26/03/07	DV 42/03	70,000.00	Algiers
		104,749.26	

Risk/ Implication

3.6.3 There is a risk that money can be disbursed without following AU financial rules and regulations as well as proper accounting controls and procedures.

3.6.4 In a situation that a lot of cash is taken from one place to another without fidelity insurance cover, there is a risk that in the event that cash is lost in transit the Parliament will incur a loss.

Recommendation

3.6.5 Disbursement of imprest cash should only be handled by accounting personnel.

3.6.6 The Parliament is advised to always arrange for fidelity insurance cover to safeguard cash in transit

Management response

3.6.7 Financial matters will only be handled by the appropriate officers as per the recommendation.

3.6.8 The Bureau has discussed and made a decision to undertake an insurance policy when there is a need to carry money on various missions.

