

Second Ordinary Session of the Pan-African Parliament

PAN-AFRICAN PARLIAMENT



PARLEMENT PANAFRICAIN

البرلمان الأفريقي

PARLAMENTO PAN-AFRICANO

Tel : (+27) 11 545 5000- Fax : (+27) 11 805 1939 - Website : www.panafricanparliament.org

**PAN-AFRICAN PARLIAMENT
Second Ordinary Session
16 September – 1st October 2004
Midrand, South Africa**

Original: English

**Res. 1-6 (II) and
Rec. 1-6 (II)**

RESOLUTIONS AND RECOMMENDATIONS

**RESOLUTION THANKING THE REPUBLIC OF SOUTH AFRICA
FOR HOSTING THE PAN-AFRICAN PARLIAMENT**

(PAP-Res 001/04)

the Pan-African Parliament,

1. In terms of the Article 16 of the Protocol, the seat of the Pan-African Parliament shall be determined by the Assembly and shall be located in the territory of a State party to this Protocol;
2. **NOTING** the decision of the Assembly of the Heads of State (Assembly/AU/Dec.39(III)) held 6-8 July, 2004, in Addis Ababa, to award the Republic of South Africa the seat of the Pan-African Parliament;
3. **FURTHER** noting the Host Country Agreement concluded between the African Union and the Republic of the South Africa on 16 September 2004;
4. **CONVEYS** our gratitude to H.E. Thabo Mbeki, the President of the Republic of South Africa, the government and the peoples of the Republic of South Africa;
5. **CONGRATULATES** the Government of the Republic of South Africa for accepting the honour and responsibility of hosting one of the important Organs of the African Union;
6. **COMMENDS** the People and the Government of the Republic of South Africa for the support and cooperation already shown during the Second Session as a clear indication of South Africa's commitment to support efforts of establishing a strong Pan-African Parliament as a democratic institution.

RESOLUTION ON CONFLICT RESOLUTION

(PAP-Res 002/04)

The Pan-African Parliament,

- (a) **RECALLING** Articles 11(1) and 11(4) of the AU Constitutive Act and its Protocol and Rules 5(1) (a) and (1) (c) and the PAP's Rules of Procedure,
- (b) **ACKNOWLEDGING** the presentation of the Deputy Chairperson of the African Union Commission to the Second Session of the Pan African Parliament, considering the successes of the AU in resolving conflicts in Africa,
- (c) **ACKNOWLEDGING** the efforts of the Inter-Government Authority on Development (IGAD) as a Sub-regional Organization in resolving the protracted civil war in Southern Sudan,
- (d) **RECALLING** the general debate by the members of the Pan African Parliament (PAP) on the resolution of conflicts in the Continent of Africa, and the reference to the Conflict in the region of Darfur in the Republic of the Sudan,
- (e) **ACKNOWLEDGING** the way the AU is currently handling the conflict resolution process in Darfur,
- (f) **WELCOMING** the leadership role and engagement of the African Union in addressing the situation in Darfur,

The Pan African Parliament:

1. **CALLS** upon the AU to exert all its efforts to resolve the conflict in Darfur;

2. **CALLS** upon the Government of the Sudan to fully cooperate with the African Union to put an end to the war in Darfur and to disarm the Janjaweed and other militants in the region;
3. **URGES** the parties to the conflict to strictly adhere to the N'Djamena Ceasefire Agreement;
4. **CALLS** upon the African countries, the International Community and the NGOs to continue their current efforts to address the humanitarian needs of the people of Darfur;
5. **DECIDES** that a fact-finding mission from PAP visit the region of Darfur to acquaint itself with the realities on the ground and to report to the PAP.

RESOLUTION ON PEACE AND SECURITY; WOMEN AND CHILDREN IN ARMED CONFLICTS

(PAP-Res 003/04)

We, representatives of the African people meeting under the banner of the Pan-African Parliament during the Second Session held in South Africa on the 17th of September to the 30th of September 2004:

1. **NOTE** the challenges faced by Africa in the area of Peace and Security and how these relate to and negatively affect Africa's potential socio-economic development;
2. **FURTHER NOTE** the study conducted by Mrs Graca Machel in her capacity as Expert of the Secretary-General of the United Nations, entitled "Impact of Armed Conflict on Children", in which it is recommended that children in armed conflict should be treated as a distinct and priority concern;
3. **RECALL** Africa's past commitments in global and continental legal instruments, including Resolution 1314 on Children and Armed Conflict as well as UN Security Council Resolution 1325, which highlights the need to pay special attention to the issue of Women, War and Peace. The report of a study done as a follow up to this resolution highlights the need to see women not only as victims of wars. Women are also survivors, peacemakers and leaders during the phase of reconstructing their societies;
4. **RESOLVE** that the relevant committees of the Pan-African Parliament (.e. Committee on Cooperation, International Relations and Conflict Resolution; Committee on Gender, Family, Youth and People with Disability; Committee on Justice and Human Rights) be mandated to study the recommendations of the Report by UNIFEM, entitled Women, War and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building, with the view to monitor and ensure follow-up work in Africa;

5. **FURTHER RESOLVE** that the relevant Committees report to ~~the House by not later than the Third Ordinary Session of the Pan-African Parliament in 2005 on the recommendations to be made to the appropriate structures of the African Union.~~

RESOLUTION ON OVERSIGHT

(PAP-Res 004/04)

We, representatives of the African people meeting under the banner of the Pan-African Parliament during the Second Session held in South Africa on the 17th of September to the 30th of September 2004:

1. **RECALL** the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, with particular reference to Article 11 that relates to the Functions and Powers of the Pan-African Parliament, Sub-article 9 which gives this house the possibility to empower parliament "as it deems appropriate";
2. **FURTHER RECALL** the objectives of the Pan-African Parliament, as set out in Article 3 of the Protocol, specifically the objectives to facilitate the effective implementation of the policies of the African Union, to promote the principles of human rights and democracy in Africa, to encourage good governance, transparency and accountability in Member States, to promote peace, security and stability, and to facilitate co-operation and development in Africa;
3. **RECOGNISE** that a new era has dawned on the continent, with African people determined to take their destiny in their own hands;
4. **CONFIRM** that this House forms a vital component of the African Union's machinery to achieve the goals stated in the Constitutive Act of the African Union;
5. **WELCOME** the adoption of rules of the Pan-African Parliament which provide for the exercise of the oversight function to ensure progress on the objectives stated in the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament;

6. **RESOLVE** that the Pan-African Parliament's Committee on Rules, Privileges and Discipline hold further discussions with a view to put specific recommendations in place on how these functions should be realized by the House and its Committees.

RESOLUTION ON CORRUPTION

(PAP-Res 005/04)

The Pan-African Parliament,

- (a) **CONSIDERING** the fact that corruption has led to the impoverishment of our African peoples,
- (b) **AWARE** that Parliamentarians from the National Parliaments have established an African Parliamentarians Network Against Corruption (APNAC) Committee,

THIS HOUSE resolves:

1. That each member of the Pan-African Parliament becomes a member of APNAC in order to strengthen the fight against corruption.

**RESOLUTION ON RATIFICATION OF PROTOCOL
ON WOMEN'S RIGHTS IN AFRICA**

(PAP-Res 006/04)

The Pan-African Parliament,

1. The Pan-African Parliament appreciates that at the Summit of the Heads of State in Maputo in Mozambique in July 2003, the Summit adopted a Protocol entitled "The Protocol on the Rights of Women in Africa"
2. The rights are categorized into four:
 - (a) Civil and political rights,
 - (b) Economic, social and cultural rights,
 - (c) The right to development and peace,
 - (d) Reproductive and sexual rights.
3. In spirit of Pan-African Parliament supporting the principle of gender equality, and
4. Having approved the setting up of a Pan-African Parliament Committee on Gender, Youth, Family and People with Disability,
5. We appeal to all countries that have not yet ratified the Protocol to do so without delay.
6. This Protocol, when it comes into force, will be a powerful new tool to address the issue of gender parity by African Nations thereby appreciating integrative gender perspectives in their policies, legislations, development plans and activities to ensure the overall well-being of society.

**RECOMMENDATION ON THE ESTABLISHMENT OF A TENURE
FOR THE PAN-AFRICAN PARLIAMENT**

(PAP-Rec 01/04)

The Pan-African Parliament,

- (a) **NOTING** the provisions of Article 24(2) that the Pan African Parliament may propose any amendment or revision of the Protocol establishing the Parliament;
- (b) **BEARING IN MIND**, the provisions of Article 11 which states among other things that during the first term of its existence, the Pan African Parliament shall exercise advisory and consultative powers only;
- (c) **NOTING** that under Article 5(2) the assembly should determine the beginning of the first term of office of the Pan African Parliament without any mention of the duration of the term;

Recommends:

1. That the Assembly reviews the protocol establishing the parliament with a view to establish a clear term limit for the parliament;
2. That the Assembly considers a term limit of five years for the first term of Parliament.

**RECOMMENDATIONS ON THE NEW PARTNERSHIP FOR
AFRICA'S DEVELOPMENT AND THE AFRICAN PEER REVIEW
MECHANISM**

(PAP-Rec 002/04)

The Pan-African Parliament,

- (a) **RECALLING** the presentation on the New Partnership on Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM) to the Committee of the Whole House by Professor Wiseman Nkuhlu of the NEPAD Secretariat and the general debate on 23 September 2004;
- (b) **NOTING** that the NEPAD represents the plan of action of the AU for the socio-economic reconstruction and development of Africa thereby giving effect to the Vision, Mission and Strategic Plan of the AU;
- (c) **FURTHER NOTING** that the African Peer Review Mechanism is an instrument of the AU that promotes good governance, democracy, accountability and transparency;
- (d) **ACKNOWLEDGING** the rationale for the voluntary accession by Member States to the APRM;
- (e) **CONGRATULATING** the twenty-three Member States that have acceded to the APRM;
- (f) **HIGHLIGHTING** the role of the Pan-African Parliament in facilitating the implementation of the NEPAD through engagement with National and Regional parliaments, civil society and other Organs of the AU as well as exercising oversight of the implementation of policies and programmes of the AU;

Recommends:

1. That National Parliaments of all Member States that have not signed the APRM urge their governments to accede to the APRM as a demonstration of their commitment to democracy and good governance in Africa;
2. That the NEPAD Secretariat submits regular progress reports on the implementation of the NEPAD to the Pan-African Parliament for consideration by the parliamentary Committees and debate in the House;
3. That all peer review reports be tabled in the Pan-African Parliament for debate, observations and recommendations.

RECOMMENDATIONS ON PEACE AND SECURITY IN AFRICA

(PAP-Rec 003/04)

The Pan-African Parliament;

- (a) **RECALLING** the presentation on Peace and Security to the Committee of the Whole House by the Deputy Chairperson of the AU Commission, H.E. Mr. Patrick Mazimhaka and the general debate on 23 September 2004;
- (b) **EXPRESSING** concern for the continued conflicts in Africa, particularly with regards to the devastating effects on human security, and the unequal negative effects of conflict on the poor, families, women and children;
- (c) **ACKNOWLEDGING** the interventions of the AU in seeking peaceful resolutions to the conflicts and the successes in this regard;
- (d) **HIGHLIGHTING** the inextricable linkages between peace, stability and security in Africa and the socio-economic development of Africa as elucidated in the NEPAD and the Vision, Mission and Strategic Plan of the AU;
- (e) **CONGRATULATING** the AU on the establishment of the Peace and Security Council;
- (f) **NOTING** the important role of the Panel of the Wise as an independent, objective advisory body to the Peace and Security Council;

Recommends:

1. That the President of the Pan-African Parliament be a member of the Panel of the Wise;
2. That the AU intensifies its efforts in bringing about peaceful resolutions to the conflicts in Africa including the urgent finalization of the establishment of the African Standby Force;

3. That the reports of the Peace and Security Council on conflict resolution efforts of the AU be tabled in the Pan-African Parliament for consideration, observations and recommendations.

**RECOMMENDATIONS ON THE BUDGET FOR THE PAN-AFRICAN
PARLIAMENT**

(PAP-Rec 004/04)

The Pan-African Parliament;

- (a) **RECALLING** the debate on the report of the Ad hoc Committee on the Budget of the Pan-African Parliament on 29 September 2004;
- (b) **EXPRESSING CONCERN** that the recommendations of the Permanent Representatives' Committee on the Budget of the Pan-African Parliament for 2004 were not in conformity with the real needs of the Pan-African Parliament;
- (c) **FURTHER CONCERNED**, at the negative impact of the shortage of funding on the activities of the Pan-African Parliament, in particular and the AU in general;
- (d) **NOTING** the decision of the Assembly (Assembly/AU/Dec.39(III) Rev.1) and the Executive Council ((EX.CL/Dec.98 (V)) that Member States should bear the expenses for the participation of members of the Pan-African Parliament at the statutory meetings of the Pan-African Parliament and its Committees during the first five years, that Members of the Bureau shall not reside at the headquarters during the first five years and that the duration of sessions of the Pan-African Parliament should be reviewed downwards;
- (e) **FURTHER NOTING** the authorization given by the Executive Council to the Permanent Representatives' Committee to consider and approve the Budget of the Pan-African Parliament for the period July to December 2004;
- (f) **HIGHLIGHTING** that the process for the authorization of the budget of the Pan-African Parliament renders the

Pan-African Parliament subordinate to the Permanent Representatives' Committee;

- (g) **RECOGNIZING** the limited resources available to the African Union.

Recommends:

1. That consideration be given to reviewing the decision of the Assembly (Assembly/AU/Dec.39 (III) Rev.1) in light of the negative effects on the progress of the Pan-African Parliament and thereby on the facilitation of the achievement of the Vision, Mission and Strategic Plan of the African Union;
2. That the budget of the Pan-African Parliament, once debated and agreed upon by the House, be presented directly to the Executive Council and the Assembly for approval with the budget of the Union;
3. That the Pan-African Parliament participates actively in the budgetary process as required by Article 11(2) of the Protocol and that appropriate mechanisms should be devised to enable this to be done and be aligned with the process entrusted to the Commission to prepare the budget of the Union (Article 15 to the Constitutive Act of the Union) and therefore the AU to give an indication of the resources available to the PAP before the process of budgeting begins;
4. That the AU Commission considers exploring alternative sources of funding for the activities of the AU such as special levies in areas of trade, industry, travel and mining, and the establishment of a Pan-African Parliament Trust Fund.

**RECOMMENDATION ON THE ROLE OF THE
PAN-AFRICAN PARLIAMENT**

(PAP-Rec 005/04)

The Pan-African Parliament;

1. **RECALLING** the presentation on the Role of the Pan-African Parliament in Africa to the Committee of the Whole House by Professor Shadrack Gutto and the general debate on 28 September 2004;
2. **NOTING** the decision by the Assembly of Heads of State and Government at its last summit directing that the Court of Justice be integrated with the African Court of Human and Peoples' Rights and acknowledging that this may be the right way to go for reasons of efficient use of scarce resources and for harmonization of justice and Union;
3. **RECOGNIZING** the heavy responsibility entrusted to all members of the PAP and to the PAP as an institution of representing all the peoples of Africa (Article 2.2. of the Protocol read with all the other relevant instruments);
4. **IN FURTHERANCE** of principles of effective, responsible accountable democratic governance;
5. **RESOLVES** that it is of utmost importance that all organs, structures and institutions of the African Union, whether established under the Constitutive Act of the Union, various protocols or self-standing treaties and agreements, should strive to respect the doctrines of cooperative governance, separation of separation of powers and mutual oversight roles;
6. **FURTHER RESOLVES** that skills development and knowledge enhancement through continuing education and capacity building in partnership with African intellectuals and experts and civil society is of critical importance to strengthening the work of the PAP and to

contribute to the principle of involving African peoples in the affairs of the Union;

7. URGES that ~~the process of integration~~ should not compromise the immediate establishment of the African Court of Human and Peoples' Rights that has already entered into force.

**RECOMMENDATION ON NEPAD SECRETARIAT TO SPEED UP
THE PROCESS OF COMPLETING NEPAD PROJECTS ON
DIFFERENT ISSUES FOR MOBILIZATION OF RESOURCES FOR
IMPLEMENTATION**

(PAP-Rec 006/04)

The Pan-African Parliament,

- a) **Having considered** the NEPAD Initiative and **noting** that the Projects emanating from this initiative have all not been finalized;
- b) **Taking into consideration** the need to accelerate the finalisation of such projects;
- c) **Requests** the NEPAD Secretariat to work with the Coordinating countries for the finalisation of the short, medium and long-term projects with their feasibility studies for submission to development partners so as to formulate a plan for their early funding and implementation;
- d) **Emphasises** the need to look for the feasibility studies on these projects.