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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT- THIRD SESSION

**REPORT OF THE 11TH SESSION OF THE PAN-AFRICAN
PARLIAMENT OF THE AFRICAN UNION**

GALLAGHER ESTATE, MIDRAND, GAUTENG PROVINCE, SOUTH AFRICA

18TH-29TH MAY 2009

CLERKS CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

JUNE 2009

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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

PREFACE

Hon. Speaker,

The Kenya delegation to the 11th 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 11th Ordinary Session of the Pan African Parliament including sittings of the Permanent Committees of the House.

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 adopted proposed amendments to the Protocol.

The House conducted elections in cognizant of the decision of the Summit of Heads of State of the African Union to the Parliament to urgently fix a term limit for its Bureau drawing inspiration from the other AU organs, to immediately hold new elections to renew the mandate of the current Bureau or elect a new one and to amend its Rules of Procedure to conform to the legal instruments of the AU.

EXECUTIVE SUMMARY

The Eleventh Ordinary Session of the Pan African Parliament was held in Gallagher Estate, Midrand, South Africa from 18th to 29th May 2009.

The Agenda of the session was;

- a. Opening Ceremony
- b. Swearing in of new Members of Parliament
- c. Presentation and Debate on the report on the review of the Protocol
- d. Presentation and debate on the budget of the AU for the fiscal year 2009,
- e. Presentation and consideration of the report of the general and run-off elections in Ghana in 2008,

However, the House debated on the agenda items on review of the Protocol due to the Election of the Bureau.

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 Eleventh 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 Vice President of the Republic of Ghana was the Chief Guest and gave a keynote address to the Members during the opening Sitting.

In his address, the the Vice President addressed issues relating to conflict resolution, the economic recession 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)**

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

- i. Hon. Enoch Mensah – Ghana
- ii. Hon. Ambrose Dery- Ghana
- iii. Hon. Elizabeth Agyemang- Ghana
- iv. Hon. Caterina Domingos- Angola
- v. Hon. Joao Marcelino-Angola
- vi. Hon. Luis Cuanga- Angola
- vii. Hon. Ernesto Mulato- Angola
- viii. Hon. Rene Radembino- Gabon
- ix. Hon. Parmessur Ramloll- Mauritius
- x. Hon. Louis Von-Mally – Mauritius
- xi. Hon. Erimenziah Matamisa – Zimbabwe
- xii. Hon. Tshelang Masisi- Botswana
- xiii. Hon. Kusa Dlamini- Swaziland
- xiv. Hon. Phumelele – Dlamini- Swaziland
- xv. Hon. Ela Ndong Jaime- Equatorial Guinea
- xvi. Hon. Rodriguez Siosa - Equatorial Guinea
- xvii. Hon. Momose Cheyo – Tanzania
- xviii. Hon. Saredo Abdalla- Somalia
- xix. Hon. Mavis Ntebaleng – South Africa

- xx. Hon. Moses Asaga- Ghana
- xxi. Hon. Matha Luc Boniface- Benin
- xxii. Hon. Ahounou Benjamin- Benin
- xxiii. Hon. Takpara Dauda- Benin

The Chairman of the Permanent Committee on rules and Procedure tabled and presented report on Review of the protocol as recommended by a working group of Members.

In the report the working group made various recommendations on objectives of the Pan-African Parliament, Election, tenure and vacancies in Pan African Parliament, functions and powers of the Parliament among other issues.

The House adopted the report with minor amendments for further consideration by the Union.

A delegation from the African Union attended the Session and advised the House as follows;

- (i) that there was no provision in the Constitutive Act, the Protocol and the PAP Rules of Procedure of a Term of Office of the President and of the Parliament.
- (ii) That the Executive Council had therefore, requested the PAP to fix the Term of Office in line with other Organs of the AU.
- (iii) that, the request for the AU Chairperson at the first election of the PAP in 2004 was necessitated by the fact that it was the first Sitting of the first Parliament and therefore, called on the need for the Head of the Assembly to preside..

- (iv) That notwithstanding, the elections would proceed as programmed.

The Parliament thereafter conducted elections for the Members of its Bureau under the following modalities;

- (i) In accordance with Rule 15(1) of the Rules of Procedure, each Region should nominate one candidate for the position of President and two candidates for the position of Vice – Presidents.
- (ii) Each candidate would be given five minutes to make a presentation.
- (iii) The election would take place at Three O'clock PM.
- (iv) The candidates for the position of the President were as follows:
 - a) Hon.Lassane SAWADOGO(Burkina Faso)- Western Africa
 - b) Hon. Dr.Idriss Ndele MOUSSA(Chad)- Central Africa
 - c) Hon. Mostefa Abdelaziz EL – GENDY(Egypt) - Northern Africa
 - d) Hon. Angelo BEDA(Sudan)- Eastern Africa

The candidates for the Positions of the four Vice – Presidents were as follows;

- a) **Central Africa-** Hon. Zely Pierre MASSANGA INZOUGOU(Congo) and Hon. Marie – Therese TOYI(Burundi)

- b) **Eastern Africa** - Hon. Ahmed Hassen ABDUSELAM(Ethiopia)and Hon.Mary MUGYENYI(Uganda)
- c) **Northern Africa-** Hon. Laroussi HAMMI(Algeria) and Hon. Georgette KALLINY(Egypt)
- d) **Western Africa-** Hon.Adjaratou ABDOULAYE(Togo) and Hon.Bethel AMADI(Nigeria)
- e) **Southern Africa -** Hon. Moggie MBAKAANYI(Botswana) and Hon. Yoram Macdonald GUMBO(Zimbabwe)

The results of the election for the position of the Presidency was announced as follows:

i.	Total Ballots Cast	-	133
ii.	Hon. Mostefa Abdelaziz EL- GENDY	-	13
iii.	Hon. Lassane SAWADOGO	-	34
iv.	Hon. Dr. Idriss Ndele MOUSSA	-	82
v.	Spoilt Ballots	-	04

The Hon. Dr. Idriss Ndele MOUSSA was declared the President- Elect of the Pan- African Parliament.

The results of the election for the positions of the four Vice Presidents were announced as follows:

Western Africa

Hon. Bethel Amadi(Nigeria)	100
Spoilt Ballots	03

Eastern Africa

Hon. Ahmed Hassen ABDUSELAM(Ethiopia)	31
Hon.Mary MUGYENYI(Uganda)	90
Spoilt Ballots	10

Northern Africa

Hon. Georgette KALLINY(Egypt)	45
Hon. Laroussi HAMMI(Algeria)	72
Spoilt Ballots	16

Southern Africa

Hon. Moggie MBAKAANYI(Botswana)	51
Hon. Yoram Macdonald GUMBO(Zimbabwe)	70
Spoilt Ballots	12

The Hon. Vice – Presidents were sworn as follows:

- (i) Hon. Bethel Amadi - First Vice – President
- (ii) Hon. Mary Mugenyi - Second Vice – President
- (iii) Hon. Laroussi Hammi - Third Vice – President

(iv) Hon. Joram Macdonald Gumbo - Fourth Vice – President

The House was adjourned on Friday 29th May 2009 at 10.00 am. In his closing remarks, the President announced that election of Chairpersons of permanent Committees and Caucuses would be held during the forthcoming session.

RECORD OF PROCEEDINGS
ELEVENTH 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 Eleventh 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 Vice President of the Republic of Ghana was the Chief Guest and gave a keynote address to the Members during the opening Sitting.

In his address, the the Vice President addressed issues relating to conflict resolution, the economic recession 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. Enoch Mensah – Ghana
- ii. Hon. Ambrose Dery- Ghana
- iii. Hon. Elizabeth Agyemang- Ghana
- iv. Hon. Caterina Domingos- Angola
- v. Hon. Joao Marcelino-Angola
- vi. Hon. Luis Cuanga- Angola

- vii. Hon. Ernesto Mulato- Angola
- viii. Hon. Rene Radembino- Gabon
- ix. Hon. Parmessur Ramloll- Mauritius
- x. Hon. Louis Von-Mally – Mauritius
- xi. Hon. Erimenziah Matamisa – Zimbabwe
- xii. Hon. Tshelang Masisi- Botswana
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- xviii. Hon. Saredo Abdalla- Somalia
- xix. Hon. Mavis Ntebaleng – South Africa
- xx. Hon. Moses Asaga- Ghana
- xxi. Hon. Matha Luc Boniface- Benin
- xxii. Hon. Ahounou Benjamin- Benin
- xxiii. Hon. Takpara Dauda- Benin

3.0: REPORT ON THE REVIEW OF THE PROTOCOL TO THE TREATY ESTABLISHING THE AFRICAN ECONOMIC COMMUNITY RELATING TO THE PAN-AFRICAN PARLIAMENT.

The Chairman of the Permanent Committee on rules and Procedure tabled and presented report on Review of the protocol as recommended by a working group of Members.

In the report the working group made various recommendations on objectives of the Pan-African Parliament, Election, tenure and vacancies in Pan African Parliament, functions and powers of the Parliament among other issues. ***(The report is annexed to the report)***

The House adopted the report with minor amendments for further consideration by the Union.

4: Report on the election of the Members of the Bureau of Pan-African Parliament

The Chairperson of the Ad Hoc Committee of Elections, Hon. Chief Fortune Charumbira (Zimbabwe), announced the modalities for the conduct of the elections as follows:

- (v) In accordance with Rule 15(1) of the Rules of Procedure, each Region should nominate one candidate for the position of President and two candidates for the position of Vice – Presidents.
- (vi) Each candidate would be given five minutes to make a presentation.
- (vii) The election would take place at Three O'clock PM.
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- (vi) Hon. Mary Mugenyi - Second Vice – President
- (vii) Hon. Laroussi Hammi - Third Vice – President

(viii) Hon. Joram Macdonald Gumbo - Fourth Vice – President

ADJOURMENT

The House was adjourned on Friday 29th May 2009 at 10.00 am. In his closing remarks, the President announced that election of Chairpersons of permanent Committees and Caucuses would be held during the forthcoming session.



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PLENARY

Eleventh Ordinary Session

May 18-29, 2009.

Midrand, Republic of SOUTH AFRICA.

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DRAFT PROGRAMME OF THE ELEVENTH ORDINARY SESSION OF THE PAP

DAY AND DATE	EVENT/ BUSINESS	PRESIDING
<p>Monday, May 18, 2009</p>	<p>OFFICIAL OPENING</p> <p>09:00 – 12:30 hrs</p> <p>(i) Official Opening of the Eleventh Ordinary Session</p> <p>(ii) Administration of Oath (Swearing in of New Members)</p> <p>(iii) Business - Statements</p> <hr/> <p>14:30 – 18:00 hrs</p> <p>- The Meetings of the Regional Caucuses</p>	<p>The President</p>
<p>Tuesday, May 19, 2009</p>	<p>09:00 – 12:30 hrs</p> <p>Presentation and debate on the report on the Review of the Protocol</p> <p><u>Presenter:</u></p> <p>- The Chairperson of the Permanent Committee on Rules, Privileges and Discipline</p> <p>14:30 – 18:00 hrs</p> <p>Presentation and debate on the report on the Review of the Protocol</p> <p><u>Presenter:</u></p>	<p>The President</p> <p>The President</p>

	<ul style="list-style-type: none"> - The Chairperson of the Permanent Committee on Rules, Privileges and Discipline 	
Wednesday, May 20, 2009	<p>09:00 – 12:30 hrs</p> <p>Presentation and debate on the report on the Review of the Protocol</p> <p><u>Presenter:</u></p> <ul style="list-style-type: none"> - The Chairperson of the Permanent Committee on Rules, Privileges and Discipline <hr/> <p>14:30 – 18:00 hrs</p> <p>Presentation and debate on the report on the Review of the Protocol</p> <p><u>Presenter:</u></p> <ul style="list-style-type: none"> - The Chairperson of the Permanent Committee on Rules, Privileges and Discipline 	<p style="text-align: center;">The President</p>
Thursday, May 21, 2009	<p>09:00 – 12:30 hrs</p> <ul style="list-style-type: none"> • Presentation and debate on the report on the Review of the Protocol <p><u>Presenter:</u></p> <ul style="list-style-type: none"> - The Chairperson of the Permanent Committee on Rules, Privileges and Discipline 	<p style="text-align: center;">The President</p> <p style="text-align: center;">The President</p>

	<ul style="list-style-type: none"> • Report of the AU Summit on the PAP <p><u>Presenter:</u></p> <ul style="list-style-type: none"> - The President of the PAP <hr/> <p>14:30 – 18:00 hrs</p> <p>Sittings of the Permanent Committees</p>	
Friday, May 22, 2009	<p>09:00 – 11:00 hrs</p> <p>Election of the Fourth Vice-President</p> <hr/> <p>14:30 – 18:00 hrs</p> <ul style="list-style-type: none"> - Sittings of the Permanent Committees 	The President
Monday, May 25, 2009	<p>09:00 – 18:00hrs</p> <p>Africa Day Celebration</p>	The President
Tuesday, May 26, 2009	<p>09:00 – 12: 30 hrs</p> <p>Presentation and debate on the budget of the African Union for the Fiscal Year, 2009.</p> <p><u>Presenter</u></p> <ul style="list-style-type: none"> - African Union Commission <hr/> <p>14:30 – 18:00 hrs</p> <p>Presentation and debate on the budget of the African Union for the Fiscal Year, 2009.</p>	The President

	<p><u>Presenter</u></p> <p>- African Union Commission</p>	
<p>Wednesday, May 27, 2009</p>	<p>09:00 – 12:30 hrs</p> <p>Presentation and debate on the budget of the African Union for the Fiscal Year, 2009.</p> <p><u>Presenter</u></p> <p>- African Union Commission</p> <hr/> <p>14:30 – 18:00 hrs</p> <p>Motion on Protection of Maritime Space in East Africa</p> <p><u>Presenter:</u></p> <p>- Hon. Mostafa El Gendy</p>	<p>The President</p>
<p>Thursday, May 28, 2009</p>	<p>09:00 – 12:30 hrs</p> <p>Presentation and consideration of the report of the Presidential and Parliamentary Election and Run-Off of Presidential Election in Ghana, December 7, 2008 , and December 28, 2008</p> <p><u>Presenter</u></p> <p>- Hon. Minshehe Athuman Saidi Janguo, Leader of the delegation</p> <hr/> <p>14:30 – 18:00 hrs</p>	<p>The President</p>

	<p>Presentation and consideration of the report of the Presidential and Parliamentary Election and Run-Off of Presidential Election in Ghana, December 7, 2008 , and December 28, 2008</p> <p><u>Presenter</u></p> <ul style="list-style-type: none"> - Hon. Minshehe Athuman Saidi Janguo, Leader of the delegation 	
<p>Friday May 29, 2009</p>	<p>09:00 – 12:30 hrs</p> <p>Official Closing of the Eleventh Ordinary Session</p> <hr style="width: 20%; margin-left: auto; margin-right: auto;"/>	<p>The President</p>



**PROTOCOL TO THE TREATY ESTABLISHING THE
AFRICAN ECONOMIC COMMUNITY RELATING TO THE
PAN-AFRICAN PARLIAMENT**

**FINAL DRAFT
(18 May 2009)**

PREAMBLE

The Member States of the Organization of African Unity States Parties to the Treaty Establishing the African Economic Community:

Bearing in mind the Sirte Declaration adopted at the Fourth Extraordinary Session of the Assembly of Heads of State and Government held in the Great Socialist People's Libyan Arab Jamahiriya on 9.9.99 establishing the African Union and calling for the speedy establishment of the institutions provided for in the Treaty establishing the African Economic Community signed in Abuja, Nigeria, on 3 June, 1991 and the establishment of the Pan-African Parliament by the year 2000;

Noting, in particular, the adoption by the Assembly of Heads of State and Government meeting in its 36th Ordinary Session in Lome, Togo, from 10 to 12 July, 2000, of the Constitutive Act of the African Union, thereby giving concrete expression to the common vision of a united, integrated and strong Africa;

Further noting that the establishment of the Pan-Parliament is informed by a vision to provide a common platform for African peoples and their grass-roots organizations to be more involved in discussions and decision-making on the problems and challenges facing the Continent.

Conscious of the imperative and urgent need to further consolidate the aspiration of the African peoples for greater unity, solidarity and cohesion in a larger community transcending cultural, ideological, ethnic, religious, gender and national differences;

Considering the principles and objectives stated in the Charter of the Organization of African Unity;

Further considering that Articles 5 and 17 of the Constitutive Act of the African Union and Articles 7 and 14 of the Treaty establishing the African Economic Community provide for a Pan-African Parliament of the African Union, whose composition, functions, powers and organization shall be defined in a related Protocol;

Recalling the Cairo Agenda for Action which was endorsed by the Thirty-first Ordinary Session of the Assembly held in Addis Ababa, Ethiopia, from 26 to 28 June 1995 (AHG/Res. 236 (XXXI)), and which recommended the speeding up of the rationalization of the institutional framework in order to achieve economic

integration at the regional level;

Recalling further the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, which was adopted by the Twenty-sixth Ordinary Session of the Assembly in Addis Ababa, Ethiopia, on 11 July 1990;

Considering that by the Algiers Declaration (AHG/Decl. 1 (XXXV) of 14 July 1999 the Assembly reaffirmed its faith in the African Economic Community;

Determined to promote democratic principles and popular participation, to consolidate democratic institutions and culture and to ensure good governance;

Further determined to promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;

Conscious of the obligations and legal implications for Member States of the need to establish the Pan-African Parliament;

Firmly convinced that the establishment of the Pan-African Parliament will ensure effectively the full participation of the African peoples in the economic development and integration of the continent;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

Definitions

In this Protocol, the following expressions shall have the meanings assigned to them hereunder:

“AU” means the African Union

"Assembly" means the Assembly of Heads of State and Government **of the African Union;**

"Bill" means matter submitted to the Pan-African Parliament for enactment;

"Bureau" **means the Bureau of the Pan-African Parliament ;**

“Chairperson of the Commission” means the Chairperson of the African Union Commission

"Clerk" means the Clerk of the Pan-African Parliament;

"Community" means the African Economic Community;

"Council" means the Executive Council **of the African Union;**

"Court of Justice" means the Court of Justice **of the African Union;**

"Deputy Clerk" means *the* Deputy clerk of the Pan African Parliament";

"Member of Pan-African Parliament" or "Pan-African Parliamentarian" means a person elected in accordance with Article 5 of this Protocol;

"Member State" **means a member State of the African Union;**

"OAU" means the Organization of African Unity;

"Parliament" herein is Pan African Parliament (PAP);

"Act of the Pan-African Parliament" means an Act passed by the Pan African Parliament and assented to by the Assembly.

"President" means **the President of the Pan-African Parliament;**

"Region of Africa" shall have the meaning assigned to it in Article 1 of the Treaty establishing the African Economic Community;

"Treaty" means the Treaty establishing the African Economic Community.

ARTICLE 2

Establishment of the Pan-African Parliament (PAP)

1. Member States hereby establish a Pan-African Parliament the composition, functions, powers and organization of which shall be governed by the present Protocol.
2. The Pan-African Parliamentarians shall represent all the peoples of Africa.
3. **The Pan-African Parliament shall be a legislative body of the African Union, whose members are elected ultimately by universal adult suffrage. However, until such time as the Member States decide**

otherwise by an amendment to this Protocol, the Members of the Pan African Parliament shall be elected or nominated as provided for in Article 5 of this Protocol.

4. The mandate of the legislature of the PAP shall be for a period of 5 years.

ARTICLE 3

Objectives

The Pan African Parliament shall discharge its mandate in order to achieve the objectives of the African Union stated in the Constitutive Act as follows:

- a) Achieve greater unity and solidarity between the African countries and the peoples of Africa;
- b) Defend the sovereignty, territorial integrity and independence of its Member States;
- c) Accelerate the political and socio-economic integration of the continent;
- d) Promote and defend African common positions on issues of interest to the continent and its peoples;
- e) Encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- f) Promote peace, security, and stability on the continent;
- g) Promote democratic principles and institutions, popular participation and good governance;
- h) Promote and protect Human and Peoples' Rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- i) Establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- j) Promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- k) Promote co-operation in all fields of human activity to raise the living standards of African peoples;
- l) Coordinate and harmonize the policies between the existing and

future Regional Economic Communities for the gradual attainment of the objectives of the Union;

m) Advance the development of the continent by promoting research in all fields, in particular in science and technology;

n) Work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

ARTICLE 4

Composition

1. Until the Assembly decides otherwise, the Member States shall be represented at the PAP by an equal number of MPs.
2. Each member State shall be represented in the Pan-African Parliament by 5 (five) members, of whom at least two (2) must be from either sex.
3. The representation of each Member State must reflect the diversity of the political opinions in each National Parliament or other deliberative body.

ARTICLE 5

Election, Tenure and Vacancies

1. **Subject to Article 2 (3) supra, the Pan-African Parliamentarians shall be elected or designated by their respective National Parliaments or other deliberative bodies of the Member States.**
2. **The term duration of a member of the Pan African Parliament shall run concurrently with the five year term of the Parliament.**
3. The seat of a Member of the Pan-African Parliament shall become vacant if he or she:
 - a) dies;

- b) resigns in writing ;
- c) is unable to perform his or her functions for reasons of physical or mental incapacity;
- d) is removed on grounds of misconduct;
- e) or withdrawal or suspension of the State of origin of the Member of Parliament from the AU.

ARTICLE 6

Voting

The Pan-African Parliamentarians shall vote in their personal and independent capacity.

ARTICLE 7

Incompatibility

Membership of the Pan-African Parliament shall not be compatible with the exercise of executive or judicial functions in a Member State.

ARTICLE 8

Privileges and Immunities of Pan-African Parliamentarians

1. The Pan-African Parliamentarians, while exercising their functions, shall enjoy in the territory of each Member State the immunities and privileges extended to representatives of Member States under the General Convention on the Privileges and Immunities of the OAU and the Vienna Convention on Diplomatic Relations.
2. Without prejudice to Paragraph (1) of this Article, the Pan-African Parliament shall have the power to waive the immunity of a member in accordance with its Rules of Procedure.

ARTICLE 9

Parliamentary Immunities

1. The Pan-African Parliamentarians shall enjoy parliamentary immunity in each Member State. Accordingly, a member of the Pan-African Parliament shall not be liable to civil or criminal proceedings, arrest, imprisonment or damages for what is said or done by him or her within or outside the Pan-

African Parliament in his or her capacity as a member of Parliament in the discharge of his or her duties.

2. Without prejudice to Paragraph (1) of this Article, the Pan-African Parliament shall have the power to waive the immunity of a member in accordance with its Rules of Procedure.

ARTICLE 10

Allowances

The Pan-African Parliament shall pay allowances to its members to cover expenses incurred in the discharge of their duties.

ARTICLE 11

Functions and Powers

The Pan-African Parliament shall be vested with legislative, oversight and consultative powers.

1. **In the discharge of its Legislative powers it will among other things undertake the following responsibilities:**
 - a) **The respect of Human and Peoples' Rights;**
 - b) **The consolidation of Democratic Institutions and the Culture of Democracy;**
 - c) **The Promotion of good governance and the Rule of Law;**
 - d) **The promotion of Gender equality;**
 - e) **Examine ,debate and adopt the AU Budget;**
 - f) **The attainment of the objectives of the AU as defined in the Constitutive Act;**
 - g) **The harmonisation of the Laws of the Members States;**
 - h) **The Promotion of the Programmes of the AU in the constituencies of the Member States;**
 - i) **The Coordination and harmonisation of policies, measures, programmes and activities in the Regional Economic Communities.**

The Pan African Parliament shall:

- j) **adopt its Rules of Procedures and establish such committees as it**

deems fit for the proper discharge of its functions;

May

- k) authorise the ratification of Treaties and International Conventions.
2. With regard to its oversight and consultative functions, the PAP may:
- a) Examine, debate, or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make recommendations;
 - b) Debate issues and make appropriate recommendations thereon aimed at contributing to the attainment of the objectives of the AU and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them;
 - c) Call upon the AU officials to attend its sessions, and present programmes and action plans as well as any relevant documents that will be required;
 - d) Consider all periodic reports of the specialised organs of the AU and make any appropriate recommendations thereon;
 - e) Debate on measures towards finding the way forward to promote the programmes and objectives of the African Union in the constituencies of the Members States;
 - f) Debate on matters that will promote the coordination and harmonisation of policies, measures, programmes and activities of the Regional Economic Communities and Parliamentary Fora of Africa;
 - g) Undertake Fact-Finding and Elections Observations Missions;
3. Any other matters that the Assembly may refer to the Parliament.

ARTICLE 12

Rules of Procedure and organization of the Pan-African Parliament

1. The Pan-African Parliament shall adopt its own Rules of Procedure on the basis of a two-thirds majority of all its members.
2. The Pan-African Parliament shall elect, at its first legislature sitting, by secret ballot, from among its members and in accordance with its Rules of Procedure, a President and four (4) Vice Presidents representing the Regions of Africa as determined by the AU. The election shall, in each case, be by simple majority of the members present and voting.
3. The terms of office of the President and the Vice-Presidents shall be five

(5) years renewable once.

4. **The terms of office of members of the Bureaux of the committees and caucuses of the PAP shall be five (5) years renewable once.**
5. **The Vice-Presidents shall be ranked in the order of First, Second, Third and Fourth Vice-President, in accordance with the result of the vote and subsequently by rotation.**
6. In case of a vacancy in the Office of a member of an organ of the PAP during their term of office, the person elected in his/her place shall complete his/her term, which may be renewed.
7. The Bureau shall be composed of the President and the Vice-Presidents.
 - a) The Bureau, under the leadership of the President and subject to the guidelines issued by the PAP, shall be responsible for the management and administration of the affairs and property of the Pan-African Parliament and its organs.
 - b) In the discharge of its duties, the Bureau shall be assisted by the Clerk of the Pan African Parliament.
8. The Pan-African Parliament shall appoint a Clerk, two Deputy Clerks and such other staff and functionaries as it may deem necessary for the proper discharge of its functions; it may, by regulations, set their terms and conditions of service in accordance with the relevant AU practice as appropriate, taking into account the specificities linked to the operation of a continental Parliament.
9. The President shall preside over all Parliamentary proceedings except those held in committees and, in his or her absence, the Vice-Presidents shall act in rotation, in accordance with the Rules of Procedure which shall also deal with the powers of the person presiding over Parliamentary proceedings.
10. The Office of the President or Vice-President shall become vacant if he or she:
 - a) dies;
 - b) resigns in writing;

- c) is unable to perform his or her functions for reasons of physical or mental incapacity;
 - d) is absent without good cause for two consecutive sessions;
 - e) is removed on grounds of misconduct;
 - f) ceases to be a Pan-African Parliamentarian in terms of Article 5 above of this Protocol;
11. Removal on the grounds stipulated in **10(e)** above shall be on a motion to be decided on by secret ballot and supported at the end of debate by two-thirds majority of all the Pan-African Parliamentarians. In the case of removal on the grounds stipulated in **10(e)** the motion shall, in addition, be supported by a medical report.
12. A vacancy in the Office of the President or Vice-President shall be filled at the sitting of the Pan-African Parliament immediately following its occurrence.
13. The quorum for a meeting of the Pan-African Parliament shall be constituted by a simple majority.
14. Each Member of the PAP shall have one vote. Decisions shall be made by consensus or, failing which, by a two-thirds majority of all the members present and voting. However, procedural matters, including the question of whether a matter is one of procedure or not, shall be decided by a simple majority of those present and voting, unless otherwise stipulated in the rules of procedure. In event of an equal number of votes, the person presiding shall have a casting vote.

ARTICLE 13

Oath of office

At its first sitting, after the election and before proceeding with any other matter, the Pan-African Parliamentarians shall take an Oath or make a Solemn Declaration which shall be set out as an Addendum to this Protocol.

ARTICLE 14

Sessions

1. The inaugural session shall be presided over by the **Chairperson of the African Union** until the election of the President of the Pan-African parliament who shall thereafter preside.

2. The Pan-African parliament shall meet in ordinary session at least twice a year, within a period to be determined in the Rules of procedure. Each ordinary session may last up to one month.
3. Two-thirds of the pan-African parliamentarians, the Assembly, or the Council through the **Chairperson of the AU** may, by written notification addressed to the President, request an extraordinary session. The request shall provide a motivation for and details of the matters to be discussed at the proposed extraordinary session. The President shall convene such a session which shall discuss only the matters stipulated in the request. The session shall end upon exhaustion of the agenda.
4. The proceedings of the Pan-African parliament shall be open to the public, unless otherwise directed by the Bureau.

ARTICLE 15

Budget

1. The annual budget of the Pan-African Parliament shall constitute an integral part of the regular budget of **the AU**.
2. **The budget shall be drawn up by the Pan-African Parliament in accordance with the Financial Rules and Regulations of the AU.**

ARTICLE 16

Seat of the Pan-African Parliament

The seat of the Pan-African Parliament shall be determined by the Assembly. It shall be located in the territory of a State party to this protocol. However, the Pan-African Parliament may convene in the territory of any Member State at the invitation of that Member State.

ARTICLE 17

Working Languages

The official languages of the Pan-African Parliament shall be: Arabic, English, French, Portuguese, Spanish, Kiswahili and any other African language as determined by the Assembly.

ARTICLE 18

The Relationship between the Pan-African Parliament and the Parliaments of Regional Economic Communities and National Parliaments or other deliberative bodies ** and the African Court of Justice.

1. The Pan-African Parliament shall work in close co-operation with the Parliaments of the Regional Economic Communities and the National Parliaments or other deliberative **bodies** of Member States. To this effect, the Pan-African Parliament may, in accordance with its Rules of Procedure, convene annual consultative fora with the Parliaments of the Regional Economic Communities and the National Parliaments or other deliberative **organs** to discuss matters of common interest.
2. The PAP may call upon the Regional Economic Communities to provide information about their activities for consideration and recommendations.
3. Matters that have been tabled before the African Court of Justice shall not be the subject of discussion by the Pan-African Parliament.
4. The Pan-African Parliament may solicit interpretation of legal instruments of the AU by the African Court of Justice.
5. The Pan-African Parliament may request from the National Parliaments any information relevant to the lives of the peoples of Member States.

ARTICLE 19

Withdrawal

The Parliamentarians from a Member State which withdraws from the African Union shall automatically cease to be Pan African Parliamentarians.

ARTICLE 20

Interpretation

The Court of Justice shall be seized with all matters of interpretation emanating from this Protocol.

ARTICLE 21

Signature and Ratification

1. This Protocol, as amended, shall be signed and ratified by the Member States in accordance with their respective Constitutional procedures.

2. The instruments of ratification or accession shall be deposited with the Chairperson of the AU Commission.

ARTICLE 22

Entry into Force

This Protocol shall enter into force thirty (30) days after the deposit of the instruments of ratification with the Chairperson of the Commission by a simple majority of the Member States.

ARTICLE 23

Accession

1. Any Member State may notify the Chairperson of the AU Commission of its intention to accede to this Protocol after its entry into force. The Chairperson of the AU Commission shall, upon receipt of such notification, transmit copies thereof to all Member States.
2. For any Member State acceding to this Protocol, the Protocol shall come into force on the date of the deposit of its instruments of accession.

ARTICLE 24

Amendment or Revision of the Protocol

1. This Protocol may be amended or revised by a decision taken by a **two-thirds** majority of the Assembly.
2. Any Member State party to this Protocol or the Pan-African Parliament may propose, in writing to the Chairperson of the AU Commission, any amendment or revision of the Protocol.
3. The Chairperson of the AU Commission shall notify the proposal to all Member States at least thirty (30) days before the meeting of the Assembly, which is to consider the proposal.
4. The Chairperson of the AU Commission shall request the opinion of the Pan-African Parliament on the proposal and shall transmit the opinion, if any, to the Assembly, which may adopt the proposal, taking into account the opinion of the Pan-African Parliament.
5. The amendment or revision shall enter into force thirty (30) days after its ratification by the PAP in accordance of this Protocol or after deposit of

the instruments of ratification with the Chairperson of the Commission by two-thirds of Member States.

ARTICLE 25

Review of the Protocol

Ten (10) years after the entry into force of this Protocol, a Conference of the States 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 realised and that the Protocol meets the evolving needs of the African Continent.

Such Review Conferences may be convened at an interval of less than ten (10) years, if so decided by the Pan-African Parliament.

Done at on.....

**ADDRESS DELIVERED BY HIS EXCELLENCY, JOHN MAHAMA,
VICE-PRESIDENT OF THE REPUBLIC OF GHANA ON THE
OCCASION OF THE IITH ORDINARY SESSION OF THE PAN-
AFRICAN PARLIAMENT ON MONDAY, 18TH MAY 2009**

President of the Pan-African Parliament,

Invited Speakers of National Parliaments,

My colleague Honourable Members of this August House,

Members of the Diplomatic Corps,

Distinguished Guests,

Ladies and Gentlemen.

I feel greatly honoured and privileged to be invited to address the 11th Ordinary Session of this Assembly. I thank Madam President for the honour done me and the Republic of Ghana for the invitation.

As most Hon. Members are aware, I am not new to this House. I have been part of this House since it was founded in March 2004 until the end of the 10th Ordinary Session in November 2008. At the last Session when I said farewell to my colleagues, little did I know that I will have the opportunity to be in this House again. Today, however, by the grace of

the almighty God I find myself here in the capacity as the Vice-President of the Republic of Ghana.

Madam President, Ghana has come out of peaceful and successful general elections. The elections were a test not only of the democratic credentials of Ghana, but also of the entire African Continent. The 2008 elections in Ghana attracted the attention of the entire democratic world. It was, therefore, not surprising that several Election Observer/Monitoring Missions were present in Ghana to observe and monitor the elections. The outcome of these elections in Ghana left behind a simple but significant message to Africa; that free and fair elections underpinned by strong, resilient democratic structures and institutions that allow a free expression of the will of the masses of our people, constitute the best instrument for fostering the progress and prosperity of our continent.

The 2008 elections were arguably the most competitive in our history. The knife edge tension that built up both before and during elections led many to fear that Ghana would descend into violence and chaos. It took a courageous leadership of the electoral process and a great sense of maturity and purpose of civil society groups, traditional leadership and

the masses of our people to ensure that our ship of state remained on an even keel.

Madam President, this august House sent the biggest Election Monitoring Team to observe the elections in Ghana. Let me express the gratitude of the Government and People of Ghana to you Madam President and indeed the entire house for endorsing the decision to deploy an observer mission to Ghana during the past elections. Indeed, admittedly I felt a very large sense of comfort knowing that a team of my peers from such a respected house were part of the eyes of the international community keeping watch over our elections. I am informed that the Report of this mission will be laid and discussed during this Session. I will not attempt to prejudice the discussion of this report in this house, but would just say that your views and comments on this report will be valuable for strengthening the electoral and democratic processes not only in Ghana but on the continent at large.

Rt. Hon. President, the holding of democratic elections at constitutionally determined intervals is becoming an accepted practice in much of the continent. Africa is awake to the political and economic transformation

taking place all over the world. The principle of sovereignty resting on the will of the people is a time tested principle of democratic governance. The honour of leadership is a privilege best bestowed by the democratic will of our people. It is not a divine right or a birth right bestowed on any leader, no matter how charismatic or intelligent. Political office is transient and like a relay race you give of your best while you have the baton, drawing on your last energies to see your team win. And when you have handed over the baton, despite the pounding in your chest and the gasping for air, you watch with a deep sense of pride as your team breasts the tape at the finish line.

Madam President, the era of political dinosaurs who considered our countries as their bona fide property and pillaged the resources for the comfort of themselves and a small political elite is probably over. Leaders who had stashed away in foreign banks money equivalent to the entire budget of their countries are becoming a rare breed on the continent. This pleasant wind of change has often been attributed to a so-called new crop of transformational leaders with a vision and determination to lead their people out of poverty into a society of prosperity for all. I daresay this transformation is the result of the frustration of our people with the

abject poverty and squalor they have had to contend with often in the midst of some of the most valuable and extensive natural resources that can be found anywhere in this world. Our people are tired of the poverty and disease, of the conflict and banditry. They have come to the realization that things can only change if they take their destinies into their own hands. The rise of strong civil society organizations, vibrant and vocal media institutions in Africa were not bestowed by some benevolent leadership. They reflect the will of the people to hold the leadership of their countries accountable.

I would like at this juncture to congratulate the people of South Africa on their recent successful elections. I wish to congratulate the new President of South Africa Comrade Jacob Zuma and urge him to work relentlessly towards creating a better life for the masses of the people of this beautiful country.

Madam President, even as I speak the world is caught in the grips of an unprecedented economic crisis. A crisis that is not the making of Africa. We do not have a mortgage crisis. Indeed as a result of weak mortgage markets property ownership in Africa, from our simple mud and thatch

houses to the beautiful urban villas are almost 100% owner financed. And yet Africa faces the danger of being the worst affected if this global crisis is prolonged. While our financial institutions have avoided the worst forms of this crisis due to stronger 20th century style regulation, declining remittances and collapsing commodity prices might still erode the modest gains we have made in the last two decades. A large chunk of our people are in danger of slipping back below the poverty line if we do not collectively strategize to deal with this crisis. Probably the era of unbridled, unregulated white knuckled capitalism is over. The question that one asks is; why has it not been obvious that this bubble was destined to burst one day. Virtual markets that existed only in the mind and governed by the greed to make even more profits while divorced from the reality of the production process, created a situation which was taken advantage of by bands of speculators pumping money in and out of economies like giant vacuum cleaners, without an inkling that they were bound to come crashing down to the reality of earth one day.

This crisis poses a danger to Africa but also opens new possibilities to our continent. The accompanying food crisis must reveal to us that the abandoned and long suffering African farmer must become a focus of our

attention. We must assist our farmers to modernize and increase productivity in order to be able to feed us. Africa must turn away from the well lit supermarkets stocked with large quantities of imported food products that we have a comparative advantage to produce ourselves. An old African adage says your stomach cannot stop growling if your lunch is in your neighbour's kitchen. The African farmer can rise to the occasion given the right support not only to feed Africa but turn the continent into a net exporter of food. We must also quickly adopt measures to further insulate ourselves from this crisis. Africa must generate its own resources for development by being more cost effective in public financial management, avoiding waste in public expenditure and eliminating corruption, whiles creating a conducive legal and financial environment for the indigenous private sector to grow.

Madam President, this crisis must also reveal to us the folly of continuing to passionately cling to boundaries that were bequeathed to us by our former colonial masters. The progress on the African unification project has been frustratingly slow. We have parochially clung to our little flags and national anthems without seeing the advantages a more united Africa offers us. We have restricted the movement of our people in little States,

many of which lack the resources or capacity to ensure the full realization of the potential of our people. There are little geniuses and prodigies in the small villages across Africa who are condemned to a life of illiteracy because their States cannot leverage the resources to provide them the access to the quality education they deserve, to explore their full potential.

Our people are tired of the debate of gradualists and instantiates of union or authority. All that Africans want is a continent where they can hold up their heads with dignity and pride as Africans.

In West Africa, our children have responded to this lack of opportunity by hazarding their fortunes on fragile little boats. They hazard the rough Mediterranean seas and risk death to reach the shores of Europe, where they believe they have a chance of living a more dignified life. And this, is at a time the developed world is slamming the door in our faces and introducing new rules that promote only selective migration of the skilled and educated human resource of Africa. Every corpse that washes up on shore, of these young people who drown at sea in such a hazardous journey, must be a scar on the conscience of all of us in leadership in

Africa, that we must work to make this continent a land of opportunity for our youth. We must draw our synergies together to create a better environment for our young people. We must work towards a borderless Africa that allows free movement of goods and people as existed before the cruel colonial partition. We must also foster south-south cooperation by increasing trade between Africa and other nations of the south that face the same challenges as we do.

With my experience of having been a member of this Parliament I am sure that this topic would form a major part of your deliberations in this session and with the knowledge and experience aggregated in his house, I am sure you will do justice to this topic.

Madam President, the Pan-African Parliament is five years old and inspite of the difficulties and challenges it has faced, it has performed its role creditably. The debates on the floor of this house have been spirited and the Parliament has never feared to accept and debate any motions however sensitive or controversial they might be. And as I said earlier the PAP's observer missions have been the most objective, neutral, and non partisan missions in recent times.

Madam President, the Pan-African Parliament is at a critical period of its life when the Protocol establishing it as stipulated in Article 25 requires that a review is carried out after five years.

At the 14th Ordinary Session of the African Union held in Addis Ababa which I had the privilege to attend representing my President, the Executive Council requested the Commission to carry out a comprehensive study on the review taking into account the views of the Pan-African Parliament for appropriate recommendations to be made by the AU Policy Organs through the Permanent Representative Committee for consideration at the next Ordinary Session of the Union in July this year.

I am aware that the Bureau of this Parliament has already put in motion a mechanism to come out with far reaching ideas and recommendations to be considered during the review. I would like to urge Hon. Members to participate actively in expressing their views during this review exercise in

order to assist the Executive Council make appropriate recommendations to the African Union.

Hon. Madam President, the Executive Council also requested the Pan-African Parliament to amend its Rules of Procedure to conform to the legal instruments of the African Union: to fix a term limit for the Bureau and to conduct new elections of officers or to renew the mandate of the Bureau. You face a chicken and egg situation here. Must elections be conducted without the appropriate directions contained in the protocol?, or must the protocol be amended to provide a legislative basis for the elections?. I am positive that this house would thoroughly debate this issue and come out with a recommendation that is in the interest of a strong and independent continental legislative body that we can all be proud of.

Hon. Members, I am aware that the Pan-African Parliament may be facing financial challenges in its operations for the 2009 financial year due to the reduction of its budget. Despite the advocacy we carried out at the last Addis Ababa summit it appears that the petty wrangling and squabbling that have characterized the relations between the PAP on the one hand

and the Permanent Representative Council (PRC) and AU Commission still persists. The budget of the Parliament was significantly reduced. This will constrain you in your programmes and activities, but I urge you to remain unfazed and carry out your duties in the interest of the people of our dear continent Africa.

Madam President, in conclusion, let me reiterate that I am most grateful for the opportunity offered me to address this August House today. I can assure you Madam President and Hon. Members that although I am no longer a Member of the Pan-African Parliament, issues concerning this House will remain very dear to my heart, and I will continue to be a strong advocate for this Parliament because of my conviction of the effective role this house will play, given the right encouragement and opportunity.

On this note, I thank you all and wish you a fruitful Session. God Bless Africa.

PAN-AFRICAN PARLIAMENT

البرلمان الأفريقي



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**REPORT ON THE DECISIONS OF THE TWELFTH (12th) ORDINARY
SESSION OF THE AFRICAN UNION ASSEMBLY (ADDIS ABABA,
ETHIOPIA, JANUARY-FEBRUARY 2009) PRESENTED BY MADAM
PRESIDENT OF THE PAN-AFRICAN PARLIAMENT**

1. I have the honour to present before this august Assembly the major decisions of the Twelfth (12th) Ordinary Session of the African Union Assembly held in Addis Ababa, Ethiopia in February 2009 at which I represented the Pan-African Parliament in the company of an important delegation.
2. In this brief report, I will discuss the three main decisions adopted by the Assembly. The first decision concerns the transformation of the African Union Commission, the second is related to the review of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament and lastly, the third is on the budget of the African Union and the PAP.

TRANSFORMATION OF THE AFRICAN UNION COMMISSION

3. The Assembly of the Union set aside the day of 1 January 2009 for the holding of a special session devoted essentially to the consideration of the report of the Commission on the implementation of the Decision of the Assembly Dec. 206 (xi) on the Union Government.
4. The special session was characterized by intense contributions on the subject. Two camps emerged, one in favour of a gradual process evolving through the strengthening of Regional Economic Communities before culminating in the putting in place of a Union Government while the second camp is in favour of the immediate putting in place of this Union Government.
5. Conclusions on this debate gave rise to a proposal on transformation as the first step from the Union Commission into an Authority with a Chairperson, a Deputy Chairperson, and Secretaries with portfolios based on common domains of competence.
6. The Assembly approved the recommendation of the Executive Council requesting an in-depth consideration of this proposal. In this regard, the Executive Council should hold an extraordinary session on this matter before the next summit in July 2009.

**REVIEW OF THE PROTOCOL TO THE TREATY ESTABLISHING
THE AFRICAN ECONOMIC COMMUNITY RELATING TO
THE PAN-AFRICAN PARLIAMENT**

7. On the item relating to legal and institutional matters, the Assembly considered the report of the African Union Commission on the review of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament.
8. As a reminder, the Pan-African Parliament had taken the initiative since about a year now to conduct a self-evaluation in order to highlight the strengths and weaknesses emanating from the implementation of the Protocol five years after its existence. This process was crowned by the report on the proposals on the amendments to the Protocol that we have programmed during this Eleventh Ordinary Session.
9. Debates on this item that were organized during the African Union Summit laid much emphasis on the contradictions that exist between PAP's Rules of Procedure, the Protocol creating it and the other legal instruments of the African Union.
10. With regard to these remarks, the representatives of the PAP had clearly pointed out that there is no contradiction between the texts given that PAP's Rules of Procedure emanate directly from the Protocol.
11. The Assembly concluded its proceedings by adopting the report of the African Union Commission as set out in the decision enclosed under Annex 1.

2009 BUDGET OF THE UNION AND THE PAP

12. After intense debates on the budget organized at the levels of the PRC and the Executive Council and in spite of the efforts made by His Excellency John Mahama, Vice-President of Ghana to convince the Heads of State of the need to allocate to the PAP at least the 2008 operational budget.

The Assembly adopted the decision enclosed under Annex 2:
Annex 1

Assembly/AU/Dec. 223(XII)

**DECISION ON THE REVIEW OF THE PROTOCOL RELATING TO
THE PAN-AFRICAN PARLIAMENT (PAP)
DOC. EX.CL/459 (XIV)**

The Assembly:

TAKES NOTE of the Report of the Commission on the Review of the Protocol relating to the Pan-African Parliament (PAP);

AUTHORIZES the Commission to initiate the review process of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament;

REQUESTS the Commission to draft and finalize the Terms of Reference for the review in consultation with the Permanent Representative Committee (PRC), taking into account the views of the PAP;

FURTHER REQUESTS the Commission to carry out a comprehensive study on the review of the Protocol based on terms of reference, taking into account the views of the PAP and make appropriate recommendations thereto to the African Union (AU) Policy Organs through the PRC, for consideration during their next ordinary session in July 2009 ;

ALSO REQUESTS the PAP to amend its Rules of Procedure to conform to the legal instruments of the AU;

FINALLY REQUESTS the PAP to urgently fix a term limit for its Bureau drawing inspiration from other AU Organs and to immediately hold new elections to renew the mandate of the current Bureau or elect a new one.

Annex 2

Assembly/AU/Dec. 208(XII)

DECISION ON THE BUDGET FOR THE AFRICAN UNION FOR THE 2009 FINANCIAL YEAR Doc. EX.CL/445 (XIV)

The Assembly:

ADOPTS the Budget of the African Union (AU) for the Financial Year 2009 amounting to US \$ 164.256.817 to be distributed as follows:

- i. A total amount of US \$ 93,804, 243 assessed to Member States on the basis of the approved Scale of Assessment;
- ii. A total amount of US \$ 57.412.574 earmarked for the programmes secured from International Partners;
- iii. An amount of US \$ 13.040.000 to be financed from forty per cent (40%) of the Surpluses from the Year 2004 to 2007 Budgets.

ADOPTS the Budget breakdown between the AU Organs as follows:

	Operational Budget in (US\$)	Program Budget in (US \$)	Total in (US\$)
Pan-African Parliament (PAP)	9.535.477	3.943.447	13.478.924
African Commission on Human and People's Rights (ACHPR)	2.376.639	1.295.127	3.671.766
African Court on Human and People's Rights (AfCHPR)	6.892.269	750.000	7.642.269
Economic Social and Cultural Council (ECOSOCC)	1.606.500	-	1.606.500
African Union	75.164.886	62.692.472	137.857.358

Commission (AUC)			
Total	95.575.771	68.681.046	164.256.817

REQUESTS the Commission to develop templates for budget formulation and presentation, and submit it to the Permanent Committee (PRC) through its Sub-Committee on Administrative, Budgetary and Financial Matters for consideration;

DECIDES that all AU Organs, namely PAP, ACHPR, AfCHPR and ECOSOCC shall work closely with the Commission in the preparation of their respective budgets to ensure that they comply with the AU Financial Rules and Regulations and the AU Staff Rules and Regulations, as well as the standardized templates of budget formulation and presentation;

REQUESTS the Commission to ensure that ledger codes of budgets of all AU Organs are standardized;

ALSO REQUESTS the Office of the Internal Audit of the Commission to periodically audit the accounts of all other AU Organs;

REQUESTS the Commission to ensure that the expenses related to the Board of External Auditors are centralised under the Commission Budget;

REQUESTS the Commission to monitor the budget preparation by all AU Organs in order to ensure compliance with the AU Financial Rules and Regulations and the AU Staff Rules and Regulations;

FURTHER REQUESTS all AU Organs to submit monthly returns to the Commission for the purpose of monitoring budget execution and compliance with the AU Financial Rules and Regulations;

DECIDES that all AU Organs shall submit their requests for virement in conformity with the AU Financial Rules and Regulations to the PRC through its Sub-Committee on Administrative, Budgetary and Financial Matters for consideration.

REQUESTS the Commission to verify the recruitment process of staff members within all the AU Organs and to ensure that the recruitment contracts are standardized;

ALSO REQUESTS the Commission to discuss future drafts budgets with the Bureau of the Sub-Committee on Administrative, Budgetary and Financial Matters before submitting them to the Sub-Committee for consideration;

REQUESTS the PAP:

- i. To stop applying fifty-eight percent (58%) Post Adjustment Allowance to its staff members as and when their contracts expire in 2009 and apply the forty percent (40%), rate as per the AU Staff Rules and Regulations;
- ii. To Send to the Commission copies of contracts for the members of staff who will be affected by this Decision;
- iii. To calculate Post Adjustment Allowance on basic salary only without including the housing allowance;
- iv. To stop implementing any decisions of the Bureau of PAP which have financial implications until approved by the AU Policy Organs;
- v. To submit the Organization Structure of PAP to the Sub-Committee on Structures for consideration before the July 2009 Summit;
- vi. To adhere strictly to the AU Financial Rules and Regulations and the Staff Rules and Regulations in the preparation and execution of the Budget as well as the provisions of Article 15 of the PAP's Protocol dealing with budget preparation;
- vii. Not to include any unauthorized budget lines in the 2009 Budget in particular the Sitting, Advocacy and Communication, Coordination and Responsibility Allowances;
- viii. To apply the Daily Subsistence Allowance (DSA) rates as per the AU Financial Rules and Regulations;

ix. To stop paying higher housing allowance rates and apply the AU approved rates.