

**REPORT OF THE PAN-AFRICAN PARLIAMENT/ SADC PARLIAMENTARY
FORUM SEMINAR ON THE HARMONISATION OF REGIONAL ECONOMIC
COMMUNITIES AND REGIONAL PARLIAMENTARY BODIES**

*Mowana Lodge - Kasane, Botswana
12–13 March 2007*

Executive Summary

From 22 to 23 September 2006, the Pan-African Parliament (PAP) hosted the second of its series of regional consultative seminars aimed at forging consensus between the PAP, Regional Economic Communities (RECs) and Regional Parliamentary Bodies (RPBs) on how to accelerate the process of harmonising and rationalising RECs. This process was part of a broader discourse in the African Union located within the context of continental integration.

As a continuation, the PAP, in collaboration with the Southern African Development Community Parliamentary Forum (SADC-PF), convened the second of the seminar series in Kasane, Botswana, from 12 to March 2007 to provide a platform for stakeholders in the SADC region to also share their perspectives.

Among the issues given thorough attention are: the role of the PAP and RPBs in promoting democracy and human rights; the challenges and opportunities involved in transforming Regional Parliaments from an advisory to a legislative-making capacity; and the avenues of enhancing dialogue between the PAP and RPBs. Following vibrant deliberations on the issues, the seminar recommended that:

- the initiative by the PAP of hosting regional consultative seminars be encouraged and that, the AU Commission participate fully;
- a time frame on the implementation of the rationalisation agenda should be considered by the PAP and RPBs;
- the PAP should constitute a Technical Group of African experts to develop a draft PAP Position Paper on the African Union Government to be considered by the next PAP Session and for subsequent submission to the next AU Summit in July 2007 in Accra, Ghana;
- the PAP should promote the coordination and harmonization of policies, measures, programmes and activities of Regional Parliamentary Assemblies in accordance with Article 18 of the PAP Protocol, particularly by serving as an interface between PAP, RECs, Regional Parliamentary Assemblies and National Parliaments;
- the PAP and RPBs should study legal systems and instruments governing sub-regional bodies with the view to identifying and seeking solutions to those that impede the process of integration and harmonization; and
- the PAP and RPBs should be more vocal in protecting and promoting good governance, in respect of democracy, human rights and economic governance.

1. Background

Regional integration in Africa has its roots in the Pan-Africanist Movement that propelled decolonisation from the late 1950s onwards. Yet despite the vision, Africa has still not achieved desired levels of continental unity. Organisationally, the vision of continental unity has led to a mushrooming of RECs dealing with a range of politico-economic issues.

The process of integration has also seen the emergence of regional parliamentary bodies (RPBs), bringing together parliamentarians from specific sub-regions into consultative bodies. While most of these bodies do not have legislative powers, a debate on the need to confer legislative powers on them is taking place. The East African Legislative Assembly (EALA) is an important example.

Unfortunately, regional bodies have yet to function in a collaborative and integrated manner. The number of RECs has been growing without harmonisation and coordination. A daunting question is, therefore, how to harmonise and rationalise the mandates and programmes of these bodies. Even more important is the need to clarify as to which one should precede between harmonisation and integration, as well to clarifying the conceptual nuances that distinguish the two concepts

Indeed, the launch of the Pan-African Parliament (PAP) in 2003 opened up new opportunities for continental integration. For example, Article 11(7) of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament (referred to below as the PAP Protocol), among others, enjoins the PAP to 'promote the coordination and harmonisation of policies, measures, programmes and activities of the regional economic communities and the parliamentary fora of Africa'. Thus, the PAP has a unique role to serve as a critical link between RECs and RPBs. However, this role is yet to be fully elaborated on.

Against this background, the Pan-African Parliament in 2006 embarked upon a consultative process involving RECs and RPBs with the view of forging consensus on how to deal with the twin challenges of rationalisation and harmonisation. The first in the series of consultative seminars took place in Arusha, Tanzania, from 22 to 23 September 2006. This was meant to provide a forum for the PAP to dialogue with relevant actors in the East Africa region.

As a continuation, the PAP in collaboration with the Southern African Development Community Parliamentary Forum (SADC-PF), convened the second of its series of seminar at Mowana Lodge in Kasane, Botswana, to:

- exchange views and information with stakeholders from the SADC region and African experts;

- take stock of legal instruments establishing regional groupings in Africa and their impact on regional harmonisation efforts;
- explore prospects for closer cooperation between regional bodies; and
- explore practical ways and measures of taking the PAP to the citizens of Africa.

In particular, this seminar was attended by representatives of the PAP; SADC-PF; members of national parliaments in the SADC region and experts. Importantly, the seminar was graced by H.E. Mr Festus Mogae, President of the Republic of Botswana, who was guest speaker.

Also in attendance were representatives of development partners and technical contributors to the seminar, viz. the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), Friedrich Ebert Stiftung (FES) and the Institute for Security Studies (ISS).

SESSION 1

2. Welcome Address

The President of the Pan-African Parliament, Dr Gertrude Mongella, stated her address by sincerely thanking H.E. President Mogae for sparing time to come and attend the seminar. She pointed out that this was the second in a series of such seminars and that the PAP was grateful to Botswana and the SADC-PF for accepting to host the seminar. She informed the President of Botswana and the delegates that, building on the Arusha seminar, this one was convened, in addition to the objectives stated above, to deal with the following themes:

- the role of Regional Parliaments in implementing the policies and objectives of the African Union;
- the role of Regional Parliaments in promoting democracy and principles of Human Rights in Africa;
- the transformation of Regional Parliaments into Legislative organs; and
- the lessons learnt.

More importantly, President Mongella pointed out that the seminars were a follow up and implementation of the decision of the 5th Session of the AU Summit held in Banjul, the Gambia, relating to the rationalisation of Regional Economic Communities. In this regard, she stated that the PAP's objective was to create a strong voice for the people of Africa as well as to play an effective oversight role.

Critical among the issues raised by President Mongella was the need for the seminar to consider the development of a framework for interaction and cooperation among regional organisations and to explore ways of harmonising diverse national political, economic and legal systems.

In conclusion, she expressed her heartfelt gratitude to the Botswana Parliament for gracing the occasion and further thanked the SADC-PF, GTZ, FES, and ISS for their support in enabling the PAP to organise the seminars. President Mongella also expressed hope that these partners would continue to work with the PAP in its harmonisation and integration efforts.

3. Statement by SADC-PF

In his statement, Hon. Mr P. Balopi, Speaker of SAD-PF and the National Assembly of Botswana, first expressed his sincere appreciation to the President of Botswana for attending the seminar. He pointed out that this was an example of the political will of African Heads of State and Government to engage in a constructive dialogue with parliamentarians. Against this background, Hon. Balopi also welcomed delegates to his country, and to the seminar in particular.

With regard to the relations between the PAP, RECs and RPBs, Hon. Balopi observed that this seminar served as an example of the kind of cooperation that was needed between the entities. He, therefore, expressed hope that this kind of interaction would make a meaningful contribution to the ongoing debate on the rationalisation and harmonisation of RECs.

Furthermore, Hon. Balopi observed that the SADC-PF was grappling with the daunting questions of what it meant for a regional parliament with advisory powers to graduate into a body with full legislative powers. These are the same issues with which the PAP had to deal with. It is for this reason that Hon. Balopi viewed the seminar as an important forum for both the SADC-PF and the PAP to share perspectives on the issues.

Finally, Hon. Balopi emphasized the need for information sharing among the PAP, RECs and RPBs. He urged these bodies to collectively and individually identify areas of strength and share their experiences with each other. Critically, Hon. Balopi held the view that there was no need to reinvent the wheel.

4. Opening Address

H.E. Mr Festus Mogae, President of the Republic of Botswana, started his opening address by thanking the PAP for having honoured Botswana by choosing Kasane, which is one of the country's prime holiday destinations, as the venue for the seminar. He pointed out that the seminar came at time when the PAP was beginning to make its mark as one of the important organs of the African Union. In particular, President Mogae underscored the salience of the issues the seminar was convened to deal with.

President Mogae reminded delegates that Article 11(7) of the PAP Protocol enjoins the PAP to "promote the coordination and harmonisation of policies, measures, programmes and activities of the Regional Economic Communities

and the parliamentary fora on the continent. He further pointed out that the launch of the AU in 2002 and the subsequent establishment of its organs, including the PAP, was a demonstration of the commitment of the leadership of Africa to work towards addressing the challenges facing the continent. In this regard, President Mogae observed that these challenges included HIV/AIDS, poverty and underdevelopment. It is against this background that the president challenged delegates to seek answers to the all-important question of accelerating economic growth and enhancing investment in African countries. He said this question was fundamental to the achievement of the Millennium Development Goals (MDGs).

On the issue of regional parliamentary fora, President Mogae emphasized the important role they play as instruments for the participation of ordinary Africans in the political affairs of the continent. He said these fora could enhance the work of African leaders by providing strategic advice in decision-making, as well as by exercising oversight. He, however, expressed his disagreement with the view that these fora should be conferred with legislative powers. He was of the view that the fora could still make a meaningful contribution to governance even though such contribution did not necessarily take the form of legislative prescriptions. He thus called upon delegates to give this issue serious attention.

In conclusion, President Mogae suggested that regional parliamentary fora could play a role in entrenching democracy through, among others, observing elections and ensuring that African countries adhere to good democratic standards and practices. He, therefore, wished delegates a successful seminar and indicated that he looked forward to receiving a copy of the ensuing seminar recommendations.

5. Vote of Thanks

On behalf of the bureau of the Pan-African Parliament, Hon. Fernando Jose Dias De Franca Van-Dunem, First Vice President of the PAP, expressed his sincere thanks to President Mogae for gracing the occasion. He pointed out that dealing with the socio-economic and political challenges facing the continent call for a partnership and dialogue between African leaders and the people. It is against this background that Hon. Van-Dunem viewed the presence of President Mogae at the seminar as a gesture of great importance. He, therefore, urged the President to accept future invitations from the PAP whenever need arose.

SESSION 2

6. Messages from Partners

6.1 Deutsche Gesellschaft für Technische Zusammenarbeit

Mr Klaus Brueckner, Programme Manager at GTZ, started his message of support by stating that the seminar was another milestone in the process of the

engagement of regional parliaments in the context of political integration on the African continent.

He informed the seminar that the German Government had commissioned GTZ as its main agency for technical development cooperation to assist the Pan African Parliament as it works towards becoming a parliamentary body with full legislative powers.

Given that Germany had in 2007 taken over the Presidency of the G8, Mr Brueckner took the opportunity to inform the seminar of the Africa Agenda adopted by the German Chancellor, Mme Angela Merkel, and her Personal Representative for the G8/Africa Agenda, the Federal Minister for Economic Cooperation and Development, Mme Heidemarie Wiecek Zeul. He pointed out that this agenda entitled, "Growth and Responsibility in the Global Economy", is meant to assist the African continent to have a rightful place in the global economy in order to achieve sustainable development globally and in Africa, in particular.

He further pointed out that the starting point of the G8/Africa Agenda is that Africa needs economic growth through, among others, local and foreign investment. In this regard, Mr Brueckner informed the seminar of the principles underpinning the Agenda. They are the following:

- communication of a positive message of confidence in Africa's future;
- more effective deployment of development cooperation;
- assistance in improved governance to ensure that African countries are characterized by responsible action as the basis for the trust needed for sustainable private investment; and
- demonstration that the G8 stand by Africa and are taking their commitments seriously through ongoing dialogue and cooperation.

Mr Brueckner further shared with delegates that the Agenda focuses on the following areas:

- good governance for economic growth and investment;
- sustainable economic growth for Africa's development;
- peace and security; and
- strengthening health systems/fighting HIV/AIDS in Africa.

He finally outlined meetings that Germany was envisaging and invited the PAP to participate in some of them. The meetings were as follows:

- civil society forum: April 2007, Germany;
- positioning Africa for the dialogue with the OECD and the G8 in the context of the African Peer Review Mechanism: May 2007, Ghana;
- World Bank forum: May 2007, Germany;

- African partnership forum: May 2007, Germany;
- G8 Summit: June 2007, Germany; and
- World Economic Forum, Africa: June 2007, South Africa.

6.2 Friedrich-Ebert-Stiftung

Speaking on behalf of Friedrich-Ebert-Stiftung (FES) the Mr. Hubert Rene Schllinger, expressed his gratitude to the Pan African Parliament and the SADC-PF for allowing him to address the seminar. Given the importance of the PAP and RBPs, Mr. Shillinger said that his organisation derived a great deal of satisfaction from making a contribution to the facilitation of dialogue between these august bodies. He pointed out that the FES had facilitated a meeting of parliamentarians in the East Africa region, which laid the basis for consultations amongst parliamentarians in other parts of the continent. This meeting took place in Massai-Mara, Kenya, to among others, offer the parliamentarians a forum to:

- share perspectives on the role of assemblies in their regional integration processes;
- reflect on the processes followed in electing or appointing parliamentarians to their East African Legislative Assembly (EALA); and
- exchange views on the powers and functions of parliaments with regard to law making and oversight.

Among the subsequent consultative meetings of RPBs, supported by FES, was the one held in Lusaka, Zambia. It was at this meeting that the relationship between the different tiers of parliamentary democracy in Africa, namely national, regional and continental was given special attention. It is against this background that Mr. Shillinger saw the Botswana seminar as an important continuation of dialogue between the PAP and RPBs.

More importantly, Mr. Shillinger held the view that regional integration in Africa needed to be fast-tracked in order to achieve much needed economic growth and development. He, however, pointed out that this could not be achieved if the PAP, RECs and RPBs did not harmonize their approaches.

Finally, Mr. Shillinger thanked GTZ and other partners for supporting the PAP in organising the Botswana seminar. He, therefore, wished delegates fruitful discussions and expressed hope that the outcome of the seminar would be followed through in order to make a practical contribution to the integration discourse on the continent.

7. Deliberations

The deliberations that followed the presentations by development partners were in the true spirit of frankness and a partnership based on mutual respect. Delegates congratulated the government of Germany on its chairing of the G8

and welcomed its focus on African issues. More importantly, GTZ was thanked for the role it played in supporting the thriving of African initiatives as well as in providing important material support that facilitates dialogue among African institutions such as the PAP, RPBs and others.

In acknowledging the important contributions made by G8 countries and other development partners, delegates equally emphasized the need for the dialogue between these partners and Africa to be based on honesty and an acknowledgement of the historical context that partly explains the current African reality. This said, the seminar underscored the critical need for Africans to develop common approaches to guide their engagement with the G8 and the rest of the developed world. It was within this context that delegates appreciated the initiative taken by the government of Germany to shape a G8/Africa Agenda that seeks to deal with some of the daunting challenges facing Africa.

While stressing the need for the EU/Africa partnership to be based on an honest historical account, delegates equally placed an emphasis on the need for Africans to develop their forward looking agenda. This was based on the observation that the continent would make little progress if it did not give sufficient attention to the challenges that required action by Africans themselves.

Also of critical importance was the need for the development partners and Africa to intensify dialogue with the view to sharing perspectives on important concepts that are utilised to analyse developments in Africa. Such a dialogue should pay particular attention to the practical dimensions of the concepts vis-à-vis the African reality.

SESSION 3

8. Expert Presentation

8.1 Pan-Africanism and Regional Integration

Dr. John Tesha, Executive Secretary of the Africa Forum, spoke on the topic “Pan Africanism, African unity and regional integration: The role of the PAP and sub-regional Parliamentary Bodies in the implementation of the policies and objectives of the African Union”.

He began by locating regional integration within a historical context. In this regard, he pointed out that Pan-Africanism laid the ideological foundations which provided for a framework that later led to practical processes on the African content. He held that regional integration, in the form of a number of sub-regional organisations, was a strategy toward continental unity. The move towards regional integration as a strategy for achieving African unity and for the consolidation of Pan Africanism was articulated in the establishment of the OAU, the United Nations Economic Commission for Africa (UNECA) and the African Development Bank.

Turning to the vision of the AU, Dr. Tesha reminded the seminar that the AU constitutive act provides for a common vision of a united and strong Africa, which promotes peace, security and economic development on the continent. More importantly, this vision is predicated upon the need to work towards the optimal use of the resources of the continent.

On the question of the impact of the founding Treaties and Protocols, Dr. Tesha pointed out that African leaders have over the past fifty years made concerted efforts to promote regional cooperation and integration on the continent. The proliferation of several sub-regional groupings, considered to be the building blocks for the African Economic Community, has often been used to illustrate the commitment of the leadership to promote regional cooperation. The impact of Treaties and Protocols on regional integration has long been important. These include, among others, the following:

- the African Charter on Human and Peoples rights (1981);
- the African Priority Programme for Economic Recovery (1985);
- the OUA Declaration on the Political and Socio-economic Situation in Africa and the Fundamental Changes Taking Place in the World (1990);
- the Mechanism for Conflict Prevention, Management and Resolution (1993);
- the Cairo Agenda for Action (1995);
- the African Common Position on Africa's External Debt (1997);
- the Algiers Declaration on the Unconstitutional Change of Governments (1999);
- the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation (2000);
- the Constitutive Act (2001); and
- the New Partnership for Africa's Development (2001).

Despite these Treaties and Protocols, which largely facilitated a common continental approach to issues, the emergence and mushrooming of sub-regional groupings continued to spring up. It is for this reason that efforts aimed at integration and harmonisation continued to be made. Key and resent, among these, was the recommendation by the AU Executive Council to the Assembly that the AU should consider suspending the recognition of new RECs. Indeed, this recommendation came against the backdrop of regional consultative meetings organised by the AU Commission, including those in Accra, Ghana, in October 2005. Against this background, the AU Assembly in Lusaka, Zambia, in March 2006 decided to recognise only the following 8 RECS:

- the Economic Community Of West African States (ECOWAS);
- the Common Market for East and Southern Africa (COMESA);
- the Economic Community of Central African States (ECCAS);
- the Southern African Development Community (SADC);

- the Intergovernmental Authority on Development (IGAD);
- the Arab Maghreb Union (AMU);
- the Community of Sahelo-Saharan States (CEN-SAD); and
- the East African Community (EAC).

Indeed, a debate on the various approaches that needed to be followed in harmonisation and rationalisation has been underway. This includes a sectoral approach to integration. Unfortunately, the reality has been that the member states that called for harmonisation and rationalisation were the very states that resisted rationalisation for geo-political reasons.

It is against this background that Dr. Tesha called upon the PAP to undertake a comprehensive evaluation in order to, among others:

- draw specific lessons from the experience of the OAU and to determine how best the AU could make use of such lessons;
- determine the status of regional integration and cooperation in Africa;
- establish a forum for regular discussions on the challenges and prospects for regional integration on the continent and;
- assist in the development of specific scenarios that would be used to explain specific trajectories in regional cooperation and integration.

Finally, Dr. Tesha called upon the seminar to critically examine not only the role of the PAP, but also that of RPBs in regional integration and in the harmonisation of the RECs.

9. Deliberations

Delegates were unanimous in thanking Dr Tesha for comprehensively mapping out the historical evolution of Pan-Africanism – from the ideological level to the one where it took concrete manifestation. In this regard, the seminar expressed concern that the continuum of thought weaving through the various stages of the Pan Africanist project does not seem to be sufficiently acknowledged in the discourse on current African dynamics. Of particular importance, the seminar asserted, was the need for parliamentarians in Africa not only to popularise Pan Africanism, but also to help in locating current developments on the continent within a historical context that assists African citizens to appreciate the connection between earlier contributions to the current continental context.

Critically, delegates expressed concern that discourses that lead to the creation of new institutions on the continent often do not include participation by ordinary Africans. It is, among others, for this reason that African institutions are generally distant from ordinary citizens. Creative measures needed to be explored in order to correct this situation.

Similarly, there was insufficient communication and coordination among the AU, RECs, PAP and PPBs. Delegates observed that this situation often led to an information gap as to what each of the bodies was doing with regard to regional integration. Given the need to harmonise and rationalise RECs, it was necessary for better coordination to be achieved.

Also of importance is the need to build the institutional capacity of the PAP and RPBs. It was observed that these bodies are faced with serious human and material capacity constraints that undermine their ability to execute their respective mandates. In this regard, delegates were unanimous that these bodies should explore creative strategies of generating material resources in order for them to enhance their capacity.

Related to the need to enhance the capacity of the PAP, delegates expressed concern that some governments on the continent do not provide resources for PAP members to attend PAP sessions and meetings. It was observed that this had an adverse impact on the overall functioning of the PAP system. It is within this context that the seminar urged the PAP and RPBs to exert pressure on AU Member States to meet their obligations in relation to PAP membership.

Focussing specifically on the need to rationalise RECs, delegates observed with regret that African countries were affiliated to a multiplicity of sub-regional groupings. This situation further complicated continental efforts aimed at harmonising and rationalising the RECs. Furthermore, multiple affiliations undermined the material capacity of member states to meet their financial obligations associated with their membership in such groupings. More importantly, the situation splits the political attention of member states into a number of sub-regional organisations.

The participation of the AU Commission in the discourse on rationalisation and harmonisation was also given special attention. Delegates were concerned that the PAP initiative of consulting with RECs and RPBs had not included representatives of the AU Commission. It was recognised that given the centrality of the AU to the rationalisation and harmonisation agenda, future PAP consultative fora should include representatives of the Commission.

SESSION 4

10. Expert Presentations

10.1 The Role of the Pan-African Parliament and Regional Parliamentary Bodies in Integration

Mr. Madlingozi, a Human rights law lecturer at the university of Pretoria in South Africa presented on the topic “The role of the Pan African Parliament and Regional Parliamentary Fora in the harmonisation of laws and policies in Africa”.

Mr Madlingozi reminded delegates that both the Charter of the OAU and the Constitutive Act of the AU recognised regional integration as one of the defining features for the achievement of African unity.

It is important for the PAP and RPBs to recognise the practical differences between integration and Harmonisation as these have implications for the options that the PAP may follow. In the area of law, the legal systems followed by the African states are largely divergent in nature and character. For example, some African States practiced common law; others followed civil law while there are those that used a hybrid system.

Speaking specifically on the PAP, Mr. Madlingozi reminded the seminar that Article 11(3) of the PAP Protocol provides that the role of the PAP is “to work towards the harmonisation and coordination of member states”. With regard to RPBs they ideally should have had strong linkages with national parliaments of the respective member States in order to ensure that there was a common understanding between RPBs and national parliaments on matters of integration. The same held true regarding the PAP and RPBs.

Mr. Madlingozi pointed out that one of the difficulties in rationalising and harmonising the RECs was due to the fact that these bodies were established on the basis of divergent politico-economic motivations. More importantly, these bodies were regulated by legal instruments that bore little resemblance to each other. It is against this background that Mr. Madlingozi urged the seminar to consider measures that could mitigate the differences that existed amongst the RECs and enhance their coordination. Furthermore, he was of the view that the PAP and RPBs stood to benefit from their graduation to becoming bodies with full legislative powers.

With regard to the path to be followed in dealing with integration Mr. Madlingozi preferred a process mainly driven by developments within RECs as opposed to a top-down approach. He, therefore, advised the seminar that if this approach were to be followed it would:

- ensure that RPBs, became more familiar with the sectoral issues requiring urgent attention in their specific regions;
- ensure that Civil society organisations found it easier to interact with RPBs in their immediate regions and thus cumulatively facilitating a continent-wide process of harmonisation;
- avoid the criticism that the structural position of the PAP encouraged a top-down decision-making model.

Among the legal instruments that could be explored by the PAP and RPBs were Uniform Acts and Model Laws. These instruments had been used in different international legal contexts to move countries in specific regions towards a certain degree of legal conversion.

In conclusion, Mr. Madlingozi urged the seminar in its deliberations to consider an integration or harmonisation processes that took into consideration specific dynamics and peculiarities within sub-regions. In this regard, he advised against a heavy-handed approach on the part of the PAP. More importantly, the PAP and RPBs should work towards acquiring legislative powers.

10.2. An African Union Government: Towards a United States of Africa

Mr Prince Mashele, a Senior Researcher from the ISS, focused his reflections on the report presented to the AU Summit in Banjul, Gambia, in 2006 that elaborates on the concept of 'An African Union Government: Towards a United States of Africa'. Mr Mashele reminded delegates that the AU Summit had referred the report to an Extraordinary Meeting of the AU Executive Council and that the AU Summit that took place in Addis Ababa, Ethiopia, in January 2007 decided that the concept should be the theme of the forthcoming Summit in Accra, Ghana in July the same year. He, therefore, called upon the seminar to deliberate on the issues pertaining thereto with the view to assisting the PAP to ultimately make a substantive input into the debate.

Substantively, Mr Mashele said that the PAP needed to familiarise itself with the contents of the AU government report, since it had implications not only for the other organs of the AU, but also for the PAP and RECs. Among the envisaged values of the AU government, he mentioned rule of law; democracy; popular participation in governance; and transparency in policy-making.

Mr. Mashele further indicated that the report makes suggestions for lengthening the tenures of the AU president – currently chairperson – (from one to three years) and for the chairperson of the AU Commission (from five to seven years). Mr. Mashele urged the PAP to formulate its position on this issue considering the need to align the terms of all AU organs as well as the need to promote a culture of democracy with the AU and on the African continent.

With regard to the PAP and the RECs, Mr. Mashele pointed out that the report identified the need for the PAP to work closely with RECs and that the RECs must have their capacity enhanced. He also indicated that the report calls for the review of the protocol in order to add legislative powers to the PAP.

On the substance of the programme of the AU government, Mr. Mashele listed the main government's anticipated foci:

Continental integration; education and skills development; energy; environment; food, agriculture and water; gender and youth; governance and human rights; health; industry and mineral resources; money and finance; peace and security; social affairs; sports and culture; trade and customs union; transport and communication.

Mr. Mashele observed that most of these are areas around which NEPAD works and therefore suggested that if the AU Commission were to develop the necessary technical capacity to handle these areas (as was envisaged), NEPAD would be rendered dispensable. He therefore suggested that NEPAD was suffering from a politico-legitimacy crisis and urged the PAP to pronounce on the matter.

In conclusion, Mr. Mashele observed that there was fundamentally very little new information in the report since it referred to existing AU leadership structures, except for a few proposals with implications for such structures as the AU president and commission.

11. Deliberations

Delegates were unanimous in appreciating the thoroughness with which the presenters dealt with their respective topics. On the PAP and RPBs, the seminar agreed that these bodies have a critical role to play in the harmonization of RECs and the politico-economic integration of the continent. The need for the bodies to acquire legislative powers was again identified. However, delegates observed that the nature and form this would take, particularly in relation to other regional and continental structures, was a matter that required a careful and thorough study. It is against this background that the seminar recognized the need for this matter to be subject to a further debate, taking into consideration inputs by experts.

Turning Mr. Mashele's presentation on the African Union Government, the seminar paid particular attention to the salient aspects that the concept of an African Union Government evokes, particularly with regard to issues that bear relevance to the work of the PAP, RECs and RPBs. It was noted that the ongoing debate on the proposed African Union Government had serious implications for the AU structural architecture as well as for political dynamics on the continent as a whole.

However, the concept of African Union Government is integrally linked to earlier debates that stretched from the early days of Pan-Africanism to the establishment of the OAU. Importantly, the current stage of the debate contained concrete ideas with the potential to alter the institutional configuration on the continent.

Even more important are the implications that an African Union Government would likely have on the decision-making processes within the AU organisational architecture. Having taken note of, among others, these likely implications, the seminar was unanimous that the PAP needed to formulate a substantive contribution to the debate.

SESSION 5

12. Expert Presentations

12.1 The role of the Pan-African Parliamentary Bodies in achieving the African Union's Democratic Governance Objectives.

Mr. Tawana Mutasah of the Open Society Initiative for Southern Africa spoke on the role of the PAP and RPBs in fostering human rights and democratic governance. He began his presentation by pointing out that the launch of the AU and the New Partnership for Africa's Development (NEPAD) represented a new form of Pan Africanism. In his view, this was a Pan-Africanism that sought to entrench a culture of good governance based on African ownership of the concepts of democracy and human rights.

According Mr. Mutasah, the following were amongst the key African institutions meant to promote, protect and entrench a democratic culture:

- the African Court of Justice;
- the APRM;
- the Commission on Human and Peoples Rights;
- the Peace and security Council; and
- the Economic, Social and Cultural Council (ECOSOCC).

The critical challenge is how to domesticate the norms and values embodied by these institutions in order for such values to be enjoyed by citizens at the national level. In the regard, the critical question was: to what extent did AU Member States adhere to constitutionalism? Did the States have institutions meant to protect and guarantee democracy and human rights? Mr. Mutasah argued that these were salient questions to raise if one sought to practically evaluate the democratic performance of African States. He further challenged the PAP and RPBs to become more vocal and vigilant in advocating for good governance on the continent. He held that there were States in Africa that were inconsistent with norms and standards of democratic governance. It is against this background that he argued that if the PAP and RPBs did not take a lead in correcting the situation, their role in protecting human rights would be questioned.

As the PAP conducts a review of its performance during the first term of its existence and as it prepared to enter its second term, Mr. Mutasah advised that it was important to incorporate human rights and democracy among other important thematic issues it would deal with. The other challenge facing the PAP was for it to find ways and measures to engage better with ordinary Africans. In this regard, it was important to recall Rule 72 under the PAP Rules of Procedure, which enjoins the PAP to give a feedback to the public, on annual basis, on the decisions taken on human rights and democracy.

In conclusion, Mr. Mutasah called upon the PAP and RPB's to engage more concretely in the popularisation of existing instruments meant to promote

democracy on the continent. He called upon these bodies to explore creative strategies of involving civil society in the processes of the AU, RECs, PAP and RPBs.

12.2 The Role of PAP and Regional Parliamentary Bodies in the Facilitation of the Effective Implementation of the Policies and Objectives of the African Union

Mr. Ozias Tungwarara, of the Open Society Institute, began his presentation by outlining what a citizen in a democratic setting would expect. In his view, a citizen expects to be treated in a manner that guarantees their fundamental human freedoms, including the freedom of speech, association, etc. It is against this background that he urged the seminar and the PAP, in particular, to pay special attention to the needs of citizens in AU Member States.

Mr. Tungwarara shared with the seminar that research conducted by his organisation revealed that most African States were yet to achieve full democracy. The democratic values and objectives of the AU, as enshrined in its Constitutive Act and other instruments, are indeed noble. However, there seemed, in Mr. Tungwarara's view, to be a wide gap between the normative framework set by the AU and what pertained in most Member States. The critical question that the PAP and RPBs should address was: what is their role in narrowing this gap?. Regional Parliamentary Bodies are better placed to monitor political developments in their respective regions. On the other hand, the PAP stands in a vantage position to have a good grasp of the overall governance picture at a continental level. It was thus critical for RPBs and the PAP to constantly share experiences with regard to their observations pertaining to governance.

Critically, Mr. Tunwarara made the observation that there was yet to be harmonisation between that AU's strategic plan and those of the PAP and RPBs. He argued that it would be difficult for these entities to have a common understanding of continental governance dynamics if their plans did not talk to each other. It is against this background that he urged the PAP and RPBs to consider harmonising their strategic plans.

Lastly, Mr. Tungwarara observed that among the governance instruments that were yet to be taken advantage of by the PAP and RPBs was the African Peer Review Mechanism (APRM). In Mr. Tungwarara's view, the APRM provided a comprehensive framework on the basis of which the governance record of AU Member States could concretely be assessed. The critical question, therefore, was: to what extent were the PAP and RPBs involved in the APRM process. Did these bodies consider APRM reports and make follow up on the implementation of the programmes of action adopted by APRM countries? If this did not happen, Mr. Tungwarara argued, the PAP and RPBs would be abrogating an important governance responsibility.

13. Deliberations

The presentations made by the experts from the Open Society Initiative for Southern Africa and the Open Society Institute provoked vibrant deliberations. This was due to the fact that delegates considered democracy and human rights as fundamental ingredients of good governance. Given Africa's historical context, particularly the governance challenges that the continent had had to contend with, it was not surprising that the seminar appraised the prevailing governance situation with a fair degree of candour.

Critically, delegates expressed concern at the lack of political will by most African leaders to acknowledge the democratic deficit that pertains in most African States. It was observed that unless an honest reflection was made on the governance situation in AU Member States, ordinary citizens would not fully derive practical benefit from the democratic promises made by their leaders. In this regard, a call was made to the PAP, RPBs as well as national parliaments to be even more vocal in their roles as oversight institutions.

Particular attention was given to the important role of parliamentarians in promoting good governance. The seminar observed that, in general, parliaments on the continent were not as forceful as they should. This owed to, among others, adverse material constraints and political restraints pertaining to the dynamics of party politics and the exercise of power by executives. Delegates were unanimous that if this situation was not addressed, the integrity of parliament, as a pillar of democratic governance, would be seriously dented.

Also of concern was the observation that citizens in most African countries were not aware of the working business of their parliaments. It was recognised that the thread linking parliamentarians and the electorate would seriously be weakened in a situation where the electorate were not kept aware of the work of parliamentarians. It is against this background that the seminar urged the PAP and RPBs to explore practical measures that could be communicated to national parliaments in order to improve the interaction between citizens and parliamentarians.

SESSION 6

14. Recommendations

Against the background of the presentations and deliberations above, the seminar recommended that:

- The initiative by the PAP of hosting regional consultative seminars be encouraged and that, the AU Commission participate fully;
- A time frame on the implementation of the rationalisation agenda should be considered by the PAP and RPBs;
- The PAP should constitute a Technical Group of African experts to develop a draft PAP Position Paper on the African Union Government to be considered by the next PAP Session and for subsequent submission to the next AU Summit in July 2007 in Accra, Ghana;
- The PAP should promote the coordination and harmonization of policies, measures, programmes and activities of Regional Parliamentary Assemblies in accordance with Article 18 of the PAP Protocol, particularly by serving as an interface between PAP, RECs, Regional Parliamentary Assemblies and National Parliaments;
- The PAP and RPBs should study legal systems and instruments governing sub-regional bodies with the view to identifying and seeking solutions to those that impede the process of integration and harmonization; and
- The PAP and RPBs should be more vocal in protecting and promoting good governance, in respect of democracy, human rights and economic governance.

SESSION 7

15. Closing Ceremony

In closing, the President of the Pan African Parliament thanked all delegates for the rigour they demonstrated in dealing with issues during the seminar. Hon. Mongella expressed hope that the commitment shown by delegates was an important source of inspiration for the PAP and that the PAP had a daunting task to ensure that the recommendations made by the seminar were implemented. She said that after all the sub-regional consultative seminars were concluded, the PAP would combine all the recommendations that flowed from the sub-regions

and take them forward. She, therefore, wished all present safe trips as they travelled to their respective places of origin.

On behalf of the SAD-PF, Mr Balopi also thanked delegates for their demonstrated commitment to dealing with the twin challenge of harmonisation and rationalisation. He stressed that the stakeholders had the responsibility to ensure that the recommendations of the seminar were implemented. He also wished delegates a safe journey back home.

Annex A:

Agenda and Programme of Work

Pan –African Parliament seminar on the Harmonisation of Regional Economic Communities and Regional Parliamentary Assemblies

Mowana Lodge, Kasane, Botswana,
12-13 March 2007

DAY ONE: 12 March 2007

SESSION 1: Opening

Chairperson: Hon. Murumba Werunga, Clerk of the Parliament

- Welcome address: Dr. the Hon. Gertrude I. Mongella.
- Statement by the Speaker of the National Assembly of Botswana and Chairperson of SADC-PF: Hon. P. Bolopi.
- Opening address by guest of honour: H.E. Mr. Festus Mogae, President of the Republic of Botswana.
- Vote of Thanks: Hon. Prof. J.F. Dias Van-Dunem, PAP Vice President

SESSION 2: Messages from Partners

Chairperson: Hon. Dr. Moham Lufti Farhat, PAP Second Vice President

- Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)
- Friedrich-Ebert-Stiftung (FES)
- Deliberations

SESSION 3: Expert Presentation

Chairperson: Hon. Dr. Moham Lufti Farhat, PAP Second Vice President

- Pan Africanism and Regional Integration: Dr. John Tesha, Executive Secretary of the Africa Forum.
- Deliberations.

SESSION 4: Expert Presentations

Chairperson: Hon. Dr. Moham Lufti Farhat, PAP Second Vice President

- The role of the Pan African Parliament and Regional Parliamentary Bodies in integration: Mr. Tshepo Madlingozi, Human rights law lecturer, University of Pretoria
- An African Union Government: Towards a United States of Africa: Mr. Prince Mashele, Senior Researcher, Institute for Security Studies (ISS)
- Deliberations

DAY 2: 13 March 2007

SESSION 5: Expert Presentations

Chairperson: Hon. Patrick Balopi, Chairperson of the SADC-PF and speaker of the National Assembly of Botswana.

- The role of the Pan African Parliamentary bodies in achieving the African Union's Democratic governance objectives: Mr. Tawana Mutasah, Executive Director Open Society Initiative for Southern Africa.
- The role of PAP and Regional Parliamentary Bodies in the Facilitation of the effective implementation of the policies and objectives of the African Union: Mr. Ozias Tungwarara, Director, AfriMap.
- Deliberations

SESSION 6: Recommendations

Chairperson: Hon. Dr. Moham Lufti Farhat, PAP Second Vice President

SESSION 7: Closing Ceremony

Chairperson: Hon. Murumba Werunga, Clerk of the Parliament

- Closing remarks: Dr. Gertrude Mongella, PAP president

ANNEX B:

List of participants of the Pan-African Parliament seminar on the Harmonisation of Regional Economic Communities and Regional Parliamentary Assemblies

Name	Organization
Dr. the Hon Amb. Gertrude Mongella Prof. Dr. Hon. José de Franca Van-Dunem Prof. Dr. Hon. Mohamed Lutfi Farhat Hon. Ndoandoumngue Neloumsei Loum Elise	PAP Bureau
Dr. J. Nkomo	Speaker (Zim)
Mr. A. Zvoma	Clerk (Zim)
Mr. Alpheus Matlhaku	Clerk – Botswana Parliament
Hon. W. Oparanya, Chairperson (Finance) – Kenya Hon. B. Sawadogo, Chairperson (Gender) – B.F Hon. A. Hassan, Rapporteur (Health) – Djibouti Hon. M Khumalo, Rapporteur (Co-operation) – Swaziland Hon. E Clemente, D Chairperson, (Justice) – Angola Hon. B. Chara, Chairperson (Agriculture) – Algeria Hon. H. Massounga, D Chairperson (Transport) – Gabon	PAP Committees – Office Bearers
Mr. Sebetela Lephimotswe Boyce Mr. Gaborone Olebile Mr. Mooka Maitlhoko G.K. Mr. Rakhudu Keletso Joseph	PAP Members – Botswana
Mr. Gurirab Tsudao Immanuel Mrs. Kasinge L. Loide	PAP Members – Namibia
Mr.Gumbo Joram Macdonald	PAP Members – Zimbabwe

Mrs. Charumbira Fortune
Mr. Murumba Werunga
Mr. Morad Boularaf
Ms. Josiane Wawa
Ms. Martha Luleka
Mr. Mekonnen Girma
Ms. Shubi Mukurasi
Ms. Vicky Mazula
Ms. L. Chiwandamira
Mr. Fernando Facitela
Dr. Marcellin Zounmenou
Ms Maggie Longwe
Ms. Azza Abdelmuti
Ms. Marie-Christine Bebey
Mr. Nector Mbilima
Mandy Mauyakufa

PAP Staff

Mr. Parfait Abena

CIP/CIMAC

Mr. Eric Phindela

Mpumalanga Legislature

Mr. Klau Breuckner
Ms. Nicole Schaffer

GTZ

Mr. Herbert Schellinger
Dr. Marc Mainards
Mr. Prince Mashele
Mr. Gerhard Hugo

**Friedrich Eibert
Foundation
ISS**

Mr. John Tesha
Mr. Che Ajulu

**Africa Forum (Presenter)
Institute for Global
Dialogue (Presenter)**

Mr. Tshepo Madlingozi

**University of Pretoria
(Presenter)**

Mr. Abdoul Kourum

African Union

Mr. Daniel Ogana

Rapporteur

Ms. D. Nupen

**Independent Consultant
(Rapporteur)**

Dr. Kasuka Mutukwa (Sec Gen)

SADC PF

Hon Speaker P. Balopi
Hon. Nora Schimming –Chase
Hon. Exalgina Gamboa
Mr. Takawira Musavengana
Mr. L. Simango
Mr. N.S. Gaobab
Mr. Ozias Tungwarara
Mr. Mutasa Tawanda
Mr. Roy Ngulube
Ms. Josephina Immanuel
Ms. Justina Shauri

Mr. Salambo Samunzala

Radio (Botswana)

Mr. Miguel Nkosi

**Assistant – Angola
Parliament**

Mrs. Tlhablogo Chepethe
Ms. Thandi Lesaso
Mrs. Nmete Madisa
Mr. Christopher Nfila
Mrs. Ovellenna Segaletsho-Mphele
Ms. Moitse Willie

**Botswana Parliament –
Staff**