

African Union, African Regional Bodies

## Activity Report of the Pan-African Parliament, January to December 2019

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Activity Report of the Pan-African Parliament, January to December 2019  
 Contents

- Paragraph 1. – Introduction ..... 1
- Paragraph 2. – The activities undertaken towards the advancement of the strategic objectives of the PAP ..... 1
  - Subparagraph i. .... 1
  - Subparagraph ii. .... 1
  - Subparagraph iii. .... 1
  - Subparagraph iv. .... 1
  - Subparagraph v. .... 1
  - Subparagraph vi. .... 1
- Paragraph 2.1. – Successful ordinary Sessions of the Pan-African Parliament ..... 1
  - Subparagraph 2.1.1. – The Second Ordinary Session of the Fifth Parliament - May 2019 ..... 1
    - Subdivision – Resolutions ..... 3
      - Paragraph i. .... 3
      - Paragraph ii. .... 3
      - Paragraph iii. .... 3
      - Paragraph iv. .... 3
      - Paragraph v. .... 3
      - Paragraph vi. .... 3
      - Paragraph vii. .... 3
      - Paragraph viii. .... 3
      - Paragraph ix. .... 3
      - Paragraph x. .... 3
      - Paragraph xi. .... 3
      - Paragraph xii. .... 3
    - Subdivision – Recommendations ..... 3
      - Paragraph i. .... 3
      - Paragraph ii. .... 3
      - Paragraph iii. .... 3
  - Subparagraph 2.1.2. – The Third Ordinary Session of the Fifth Parliament – October 2019 ..... 4
    - Subparagraph i. .... 5
    - Subparagraph ii. .... 5
    - Subparagraph iii. .... 5
    - Subparagraph iv. .... 5
    - Subparagraph i. .... 6
    - Subparagraph ii. .... 6

Subparagraph iii. ....	6
Subparagraph iv. ....	6
Subdivision – Resolutions .....	7
Subparagraph (i) .....	7
Subparagraph (ii) .....	7
Subparagraph (iii) .....	7
Subparagraph (iv) .....	7
Subparagraph (v) .....	7
Subparagraph (vi) .....	7
Subparagraph (vii) .....	7
Subparagraph (viii) .....	7
Subparagraph (ix) .....	7
Subparagraph (x) .....	7
Subparagraph (xi) .....	7
Subparagraph (xii) .....	7
Subparagraph (xiii) .....	7
Subdivision – Recommendations .....	7
Subparagraph (i) .....	7
Subparagraph (ii) .....	7
Subparagraph (iii) .....	7
Subparagraph (iv) .....	7
Subparagraph (v) .....	7
Paragraph 2.2. – Successful meetings of Permanent Committees .....	8
Subparagraph 2.2.1. – Meetings of Permanent Committees ahead of the May 2019 Ordinary Session .....	8
Subparagraph 2.2.2. – Meetings of Permanent Committees ahead of the October 2019 Ordinary Session .....	8
Paragraph 2.3. – Cooperation and collaboration with National Parliaments .....	9
Subparagraph 2.3.1. – Bilateral engagements and collaboration with National Parliaments .....	9
Subparagraph 2.3.2. – High Level African Summit on HIV/AIDS and Health Financing Regional Consultation on Vaccination in the Horizon 2030 .....	10
Subparagraph 2.3.3. – The Ninth Annual Speakers’ Conference .....	10
Subparagraph i. ....	11
Subparagraph ii. ....	11
Subparagraph iii. ....	11
Subparagraph iv. ....	11
Subparagraph 2.3.4. – The Third Meeting of the Association of Secretaries-General of African Parliaments (ASGAP) .....	11

Subparagraph i. ....	11
Subparagraph ii. ....	11
Subparagraph iii. ....	11
Subparagraph iv. ....	11
Subparagraph 2.3.5. – The 5th Africa Colloquium of Legal Counsel to Parliaments .....	12
Subparagraph i. ....	12
Subparagraph ii. ....	12
Subparagraph iii. ....	12
Subparagraph iv. ....	12
Subparagraph v. ....	12
Paragraph 2.4. – Parliamentary diplomacy .....	12
Paragraph 2.5. – Activities relating to mainstreaming the voices of an African peoples and Civil Society .....	13
Subparagraph 2.5.1. – Participation of Civil Society in PAP statutory meetings .....	14
Subparagraph 2.5.2. – Technical support by Civil Society Organizations .....	14
Subparagraph 2.5.3. – Institutionalization of the Civil Society Forum .....	14
Subparagraph 2.5.4. – Commemoration of the World Refugee Day .....	14
Paragraph 2.6. – Engagement within the African Union institutional architecture .....	15
Paragraph 3. – Summary of the key achievements .....	15
Subparagraph i. ....	15
Subparagraph ii. ....	15
Subparagraph iii. ....	15
Subparagraph iv. ....	15
Subparagraph v. ....	15
Subparagraph vi. ....	15
Subparagraph vii. ....	15
Subparagraph viii. ....	15
Subparagraph ix. ....	15
Subparagraph x. ....	15
Subparagraph xi. ....	16
Subparagraph xii. ....	16
Subparagraph xiii. ....	16
Subparagraph xiv. ....	16
Subparagraph xv. ....	16
Paragraph 4. – Summary of the major challenges .....	16
Subparagraph i. ....	16

Subparagraph ii. ....	16
Subparagraph iii. ....	16
Subparagraph iv. ....	16
Subparagraph v. ....	16
Subparagraph vi. ....	16
Subparagraph vii. ....	16
Subparagraph viii. ....	16
Subparagraph ix. ....	16
Subparagraph x. ....	17
Paragraph 5. – Progress and challenges on implementation of previous Executive Council decisions .....	17
Subparagraph i. ....	17
Subparagraph ii. ....	17
Subparagraph iii. ....	17
Subparagraph iv. ....	17
Subparagraph v. ....	17
Subparagraph vi. ....	17
Subparagraph 5.1. – The lack of recognition of the status of the Members of the Pan-African Parliament in the AU Rules, Regulations and Policies .....	17
Subparagraph i. ....	17
Subparagraph ii. ....	17
Subparagraph iii. ....	17
Subparagraph 5.2. – Challenges relating to the removal of seating allowances of the Members of the Pan-African Parliament .....	17
Subparagraph i. ....	18
Subparagraph ii. ....	18
Subparagraph 5.3. – Challenges regarding medical insurance of the Members of the Pan-African Parliament .....	18
Subparagraph 5.4. – Challenges relating to the implementation of decisions of the Executive Council EX.CL/DEC.1031(XXXIV) of February 2019 and EX. CL/DRAFT/DEC.1(XXXV) of July 2019 .....	18
Subparagraph i. ....	19
Subparagraph ii. ....	19
Subparagraph iii. ....	19
Subparagraph 5.5 – Update on the disciplinary action initiated against PAP staff members in implementation of the Executive Council Decision EX. CL/DEC.1031(XXXIV) .....	19
Subparagraph i. ....	19
Subparagraph ii. ....	20
Subparagraph iii. ....	20
Subparagraph iv. ....	20

Subparagraph v. ....	20
Subparagraph vi. ....	20
Subparagraph vii. ....	20
Subparagraph viii. ....	20
Subparagraph ix. ....	20
Subparagraph x. ....	20
Subparagraph 5.6. – Update on the amicable settlement of the case of the Mr Vipya Harawa, former Clerk of PAP .....	20
Subparagraph 1. ....	20
Subparagraph 2. ....	20
Subparagraph 3. ....	20
Subparagraph 4. ....	21
Paragraph 6. – Anticipated PAP 2020 activities .....	21
Paragraph 7. – Recommendations .....	21
Subparagraph i. ....	21
Subparagraph ii. ....	22
Subparagraph iii. ....	22
Subparagraph iv. ....	22
Subparagraph v. ....	22
Subparagraph vi. ....	22
Subparagraph vii. ....	22
Subparagraph viii. ....	22
Subparagraph ix. ....	22
Subparagraph x. ....	22
Subparagraph xi. ....	22
Subparagraph xii. ....	22
Annex 4: .....	64
Annex 2: .....	23

# Activity Report of the Pan-African Parliament, January to December 2019

## 1. Introduction

This Annual Activity Report, submitted in accordance with Rule 76 of the Rules of Procedure of the Pan-African Parliament, provides an account of all the activities undertaken by the Pan-African Parliament from January to December 2019, in fulfilment of its core mandate, which is to *"ensure the full participation of African peoples in the development of and economic integration of the continent."*<sup>1</sup>

The Activity Report starts by briefly presenting the activities undertaken by the Pan-African Parliament to achieve its strategic objectives. The Report also highlights the key achievements recorded by the PAP during the period covered by the Report, and brings up the major challenges faced by the PAP in the fulfilment of its mandate. The Report also provides a feedback on progress and challenges relating to the implementation by the PAP of decisions from the February and July 2019 Summits. Lastly, the Report formulates a set of recommendations, which are expected to guide the decision of Executive Council on the Activity Report of the Pan-African Parliament.

## 2. The activities undertaken towards the advancement of the strategic objectives of the PAP

The Pan-African Parliament undertook a set of activities — statutory and non-statutory - towards achieving each of those strategic objectives, which include the May and October Ordinary Sessions; the March and August Committees' Sittings; Coordination with National Parliaments; Interparliamentary Diplomacy, Collaboration with Civil Society and Engagement within the African Union Institutional Architecture. Those activities sought to achieve the strategic objectives of the PAP, which are the following:

- i. To effectively exercise and strengthen parliamentary functions of the PAP (Strategic Objective 1);
- ii. To provide a platform for mainstreaming African voices and those in the Diaspora, into the African Union policy-making process (Strategic Objective 2);
- iii. To promote human rights and democracy, good governance & development in Africa (Strategic Objective 3);
- iv. To promote peace, security and stability in Africa (Strategic Objective 4);
- v. To promote economic integration and development in Africa (Strategic Objective 5);
- vi. To deploy and strengthen the institutional capacity of the PAP in support to its core mandate (Strategic Objective 6).

### 2.1. Successful ordinary Sessions of the Pan-African Parliament

The Pan-African Parliament held two ordinary Sessions, in May 2019 and October 2019, in accordance with Rule 28 of the Rules of Procedure of the PAP, during which the Plenary, the Bureau and Permanent Committees as well as Regional and thematic Caucuses met, discussed and decided on a wide range of issues pertaining or connected to the African Union theme of the year, as detailed here below.

#### 2.1.1. The Second Ordinary Session of the Fifth Parliament - May 2019

The Pan-African Parliament successfully held the second Ordinary Session of the Fifth Parliament in Johannesburg, South Africa, from 6 to 17 May 2019, in accordance with Rule 28 of the Rules of Procedure of the PAP. The underlying theme of the Session was the AU theme of the year 2019 - *"2019 the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa"*, under which several subsidiary

1

See Article 17 (1) of the African Union Constitutive Act; Art. 2 (2) of the PAP Protocol and Art. 3 (a) and (m) of the new PAP Protocol.

and correlated matters were considered, in fulfillment of the legislative, oversight and representation functions of the Pan-African Parliament.

Pursuant to Rules 9 and 20 (4) of the Rules of Procedure of the PAP, 18 new Members of Parliament (MPs) were sworn in and took their oath of office. The new Members came from the following Member States: Algeria (1 MP), Comoros (1 MP), Cote d'Ivoire (2 MP), e-Swatini (5 MPs), Gabon (3 MPs), Ghana (1 MP), Mozambique (1 MP), Seychelles (1 MP), Uganda (1 MP), Mauritania (2 MPs).

The major issues deliberated by the Plenary during the Session included the consideration of the Activity Report of the PAP, presentations on the African Union 2019 theme of the year, the debate on universal access to immunization and universal health coverage, and the presentation on the African Governance Report. The Plenary also considered eleven reports emanating from Permanent Committees, including the Report on the Workshop on Albinism in Africa, the Report of the Committee on Audit and Public Accounts (CAPA), the Reports of the Committee on Monetary and Financial Affairs, the report of the two regional consultations (North and East Africa) organized on the Draft Model Disability Law, the Presentation on the African Charter for African Cultural Renaissance, debate on the Report on the Workshop on the elections and democracies in Africa, the Report on the Workshop on Industrial Development in Africa and matters concerning claims brought by the PAP Staff Association.

It is worth indicating that the Plenary devoted substantial time on the AU theme for 2019 - *The Year of Refugees, Returnees and Internally Displaced Persons: Pan-African Parliament contributing towards finding Durable Solutions to Forced Displacement in Africa*: *Pan-African Parliament's Contribution Towards Finding Durable Solutions to Forced Displacement in Africa*, where the debate was centred on the overview of the situation of refugees and internal Displacement in Africa, the consequences of the forced migrations in Africa, the main causes and drivers of the refugee and internal displacement problem in Africa, the understanding of the concept of refugee and internal displaced in the light of international and regional legal instruments, a presentation on the situation of refugees and IDPs in West Africa as a case study, the link between the refugee and internal displacement problem and the phenomenon of statelessness in Africa, the relationship between Europe and the African continent with regard to the treatment of refugees and migrants, an overview of the AU legal, policy and practical responses to the refugee and internal displacement situation, and a discussion on



the Global Compact on Refugees (GCR) as a tool for revitalizing the implementation of the commitments made in the 1951 Convention on Refugees.

The Plenary debates culminated into the consideration and adoption of a total of twelve resolutions and three recommendations (See Annex 1).

## Resolutions

The resolutions adopted by the House are the following:

- i. Resolution *PAP.5/PLN/RES/01/MAY.19* on the Consideration of the Activity Report of the Pan-African Parliament;
- ii. Resolution *PAP.5/PLN/RES/02/MAY.19* on the Establishment of an Ad Hoc Committee Tasked with Considering the Claims made by the PAP Staff Association;
- iii. Resolution *PAP.5/PLN/RES/03/MAY.19* for Provision of Financial Assistance to Victims and Survivors of Cyclones Idai And Kenneth;
- iv. Resolution *PAP.5/PLN/RES/04/MAY.19* on the Extension of the Deadline for Submission of the Report of the Ad Hoc Committee tasked with Considering the Claims made by the PAP Staff Association;
- v. Resolution *PAP.5/PLN/RES/05/MAY.19* on the Consideration of the Terminal Report of the Committee on Audit and Public Accounts;
- vi. Resolution *PAP.5/PLN/RES/06/MAY.19* on the Report of the Ad Hoc Committee tasked with Considering the Claims made by the PAP Staff Association;
- vii. Resolution *PAP.5/PLN/RES/07/MAY.19* on the Granting of Observer Status to the Federal National Council of the United Arab Emirates;
- viii. Resolution *PAP.5/PLN/RES/08/MAY.19* on Concrete Measures for the Promotion and Protection of the Rights of Persons with Albinism in Africa;
- ix. Resolution *PAP.5/PLN/RES/09/MAY.19* on Statelessness;
- x. Resolution *PAP.5/PLN/RES/10/MAY.19* on the Formulation of an African Model Double Taxation Agreement;
- xi. Resolution *PAP.5/PLN/RES/11/MAY.19* on the African Union theme for the Year 2019 - The Year of Refugees, Returnees and Internally Displaced Persons;
- xii. Resolution *PAP.5/PLN/RES/12/MAY.19* on the African Union Declaration on Universal Access to Immunization in Africa.

## Recommendations

The recommendations adopted by the House, and which are submitted for the consideration of the Assembly, are as follows:

- i. Recommendation *PAP.5/PLN/RECOM01/MAY.19* on the ratification and implementation of the Charter for African Cultural Renaissance;
- ii. Recommendation *PAP. 5/PLN/RECOM01/MAY.19* on the Industrial Sector in Africa;
- iii. Recommendation *PAP.5/PLN/RECOM01/MAY.19* on the African Union Theme for the Year 2019: The Year of Refugees, Returnees and Internally Displaced Persons.

### 2.1.2. The Third Ordinary Session of the Fifth Parliament – October 2019

Held on 7 to 17 October 2019 at Midrand, South Africa, this Ordinary Session also focussed on the 2019 African Union theme, *2019 the Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa*, providing an opportunity to assess progress on the resolutions and recommendations adopted during the May Session, and to formulate final recommendations and concrete actions in relation of the theme of the year.

Pursuant to Rules 9 and 20 (4) of the Rules of Procedure of PAP, thirty-one (31) new Members of the PAP were sworn in and subscribed to the oath of office. The new Members came from the following Member States: Benin (5 MPs), Democratic Republic of Congo (5 MPs), Ghana (1 MP), Madagascar (5 MPs), Malawi (5 MPs), Mauritania (1 MP), Nigeria (4 MP), South Africa (5 MPs).

The issues deliberated by the Parliament included the Activity Report of the PAP, which provided an opportunity to debate the achievements and challenges recorded in the fulfilment of the strategic objectives of the Pan-African Parliament. The Parliament also considered and debated various presentations made by the African Risk Capacity, which enabled the Parliament to discuss the role of African Parliamentarians in the mitigation of the effects of climate change and sensitised them to use their mandate for better planning, preparation and responses to extreme weather events and natural disasters. The Parliament also received a presentation from Dr Margaret Agama, Head of the Health, Nutrition and Population Division, AUC on non-communicable diseases (NCD) as a cause of inequality and a source of economic burden given the loss of resources arising from productivity losses, illness and deaths and the need for Member states to adopt a multisectoral approach in dealing with NCDs.

The Plenary also debated various reports emanating from permanent Committees. Those include the Report on peace and security in Africa where the Parliament debated on the threats to peace and security in Africa, which included; Terrorism and radicalization; sophistication weaponry of terrorist organizations; political transitions; popular uprising; the negative effect of social media; transnational organized crimes; people offering services as mercenaries in conflicts; proliferation of explosive weapons and materials; external interferences; and natural calamities such as the Ebola pandemic and climate change.

During the debate, members commended the efforts by the AU and the affected countries towards peace, and acknowledged that conflicts disrupts economic activities and worsens the social-economic situation in Africa. Members noted that terrorism remained a major threat to peace and security in Africa. Therefore, Members suggested the use of other approaches in preventing terrorism such as the creation of jobs for the youth as opposed to a focus on military interventions. Members further alluded to international interference as a major reason why the resolution of conflicts is difficult. It was further noted that corruption and poor leadership were fuelling conflicts in Africa as disfranchised youth were susceptible to radicalization. Members called upon the Committee to get more involved in the resolution of conflicts on the continent.

The Parliament also considered the Report on the Fact-finding Mission on Child Labour in Cote d'Ivoire on child labor in Cote d'Ivoire, which highlighted the current situation of child labour in Cote d'Ivoire and neighbouring countries, and identified the challenges encountered by the Government, traditional leaders and parents in addressing the problem of child labour.

The Parliament also debated the Report of the Committee on Audit and Public Accounts, following the Committee's consideration of three reports, namely; Report of the AU Board of External Auditors on PAP for year ending 31 December 2018; Reports of the PAP Internal Audit Unit on the budget implementation of the PAP for the Year ending 31 December 2018; and a Report on the status of the implementation of the recommendations of CAPA. The Committee's report contained the Committee's observations, management responses, risks

and recommendations on the Audit queries arising from the documents reviewed by the Committee.

The Plenary further debated the issue of renewable energy in Africa and its accessibility by all sections of the populations, including women and other vulnerable groups. The Parliament agreed that in order to make renewable energy available and accessible to all, there was need to abolish import duty on renewable energy equipment and to treat universal access to power as an economic human right. The Parliament further agreed on the need to identify cheap and appropriate sources of renewable energy and invest in local human resources development instead of relying on foreign companies.

Furthermore, the Parliament considered, debated and adopted three model legal instruments as a means of harmonisation of laws and policies of the African Union Member States, in accordance with Article 11 (3) and (7) of the PAP Protocol and Rule 4 (d & (e) of the PAP Rules of Procedure:

- i. The Model Law on Policing in Africa, tabled by the Permanent Committee on Justice and Human Rights, on second reading following expert consultations organized in 2017 and 2018, with technical support from the African Policing Civilian Oversight Forum. The Model Law is designed to harmonise policing laws and policies of the Member States in line with the African Union standards and particularly to ensure that law enforcement agencies afford detainees the procedural rights guaranteed by law.
- ii. Tabled by the Committee on Rural Economy, Agriculture, Natural Resources and Environment on first reading, the Model Law on Food Security was debated and adopted as a means to advance food security and nutrition and to create an enabling environment for the realisation of the right to food in the Member States. This Model Law was developed in collaboration and with technical support of the Food and Agriculture Organization (FAO) and the African Union Development Agency. Further consultations will be organised around the continent before taking the Model Law with inputs from various stakeholders back to Plenary for final adoption.
- iii. The Model Law on Disability in Africa, tabled by the Permanent Committee on Gender, Family, Youth and People with Disability and developed with the technical support of the African Disability Alliance as a tool for facilitating the domestication of African Union legal and policy instruments promoting the rights of persons with disabilities. The Model Law is designed to provide Member States with a legal tool that would serve as a guiding framework for combating all forms of discrimination and challenges persons with disabilities face. The Model Law was tabled for final reading and adoption, following the regional consultations undertaken in all African regions resulting into the further refinement of the Model Law.
- iv. The Model Double Taxation Agreement (DTA), tabled by the Committee on Finance and Monetary Affairs, in collaboration with the African Union Commission on International Law (AUCIL) and the Office of the African Union Commission's Office of the Legal Counsel and with technical support from the African Tax Administration Forum. The DTA is designed as an important tool to protect and preserve tax income interests of African countries compared to the UN and OECD Models, and to prevent illicit financial flows and to strengthen bargaining power of African countries.

Furthermore, the Parliament considered and adopted the PAP 2019 - 2023 Strategic Plan, learning from the achievements and challenges in meeting strategic objectives of the previous, 2014 - 2017 PAP Strategic Plan. The challenges identified from the evaluation included the quest for full legislative powers; inadequate budget that negatively impacted on the PAP Permanent Committees; Lack of autonomy over AU budget which limited PAP's oversight role; Inability to independently observe elections in Africa ; Slow ratification and domestication of PAP Protocol, AU human rights and other legal instruments; Problem of attribution as the PAP could not implement some activities directly; Low PAP visibility; and

lack of mechanisms to ensure sustainability of benefits from implementing of the 2014-2017 Strategic Plan.

The new 2019-2023 strategic plan had 4 strategic objectives as follows;

- i. Strengthening parliamentary functions of the PAP;
- ii. Strengthening partnerships, coordination, outreach and institutional capacity of the PAP;
- iii. Promoting Human Rights and shared values of the AU; and
- iv. Strengthening research, learning & sharing, knowledge management, communication and advocacy of PAP.

The Parliament also held the 12<sup>th</sup> Conference on Women from 14 to 15 October 2019. Participants for the conference included Members of PAP and participants from outside PAP and discussed the strategies for implementing women's rights; the challenges faced by women in accessing means of production and the capacity of women to participate in economic activities; an evaluation of the implementation of agreed global and regional commitments on gender equality and women empowerment; and the ways and means for MPs to monitor and fast track ratification of AU instruments on women's empowerment. The Plenary also received a presentation of the outcomes from the disciplinary process initiated against the former Acting Clerk of the Pan-African Parliament.

The Plenary debates culminated into the consideration and adoption of a total of ten resolutions and three recommendations.

## Resolutions

The resolutions adopted by the House are the following:

- (i) Resolution *PAP.5/PLN/RES/1/OCT.19* on the adoption of the Model Law on disability in Africa;
- (ii) Resolution *PAP.5/PLN/RES/2/OCT.19* on the Model Law on Food and Security and Nutrition in Africa;
- (iii) Resolution *PAP.5/PLN/RES/3/OCT.19* on the establishment of the Pan African Parliamentarians Forum on Education;
- (iv) Resolution *PAP.5/PLN/RES/4/OCT.19* on the adoption of the African Model Double Taxation Agreement;
- (v) Resolution *PAP.5/PLN/RES/5/OCT.19* on managing debt and fighting corruption in Africa;
- (vi) Resolution *PAP.5/PLN/RES/6/OCT.19* on the peace and security status on the African Continent
- (vii) Resolution *PAP.5/PLN/RES/7/OCT.19* on the peace and security situation in the Sahel Region;
- (viii) Resolution *PAP.5/PLN/RES/8/OCT.19* on the Activity Report of the Pan African Parliament;
- (ix) Resolution *PAP.5/PLN/RES/9/OCT.19* on the Terminal Report of the Committee on Audit and Public Accounts of The Pan-African Parliament
- (x) Resolution *PAP.5/PLN/RES/10/OCT.19* on paying tribute to His Excellency Robert Mugabe, Former President of the Republic of Zimbabwe
- (xi) Resolution *PAP.5/PLN/RES/11/OCT.19* on the Consideration of the draft 2019 - 2013 Strategic Plan of the Pan-African Parliament;
- (xii) Resolution *PAP.5/PLN/RES/12/OCT.19* on the Report of the Disciplinary Board Instituted to Hear the Case of Mr Yusupha Jobe
- (xiii) Resolution *PAP.5/PLN/RES/10/OCT.19* on the adoption of the Model Law on Policing in Africa.

## Recommendations

The House adopted two recommendations as follows:

- (i) Recommendation *PAP.5/PLN/RECOM/01/OCT.19* on Universal Access to Energy;
- (ii) Recommendation *PAP.5/PLN/RECOM/02/OCT.19* on the Social Responsibility of Parliamentarians to Fight Child Labor in Mining Areas;
- (iii) Recommendation *PAP.5/PLN/RECOM/03/OCT.19* on the Ratification of the African Risk Capacity Treaty;
- (iv) Recommendation *PAP.5/PLN/RECOM/04/OCT.19* on the Terminal Report of the Committee on Audit and Public Accounts of the Pan-African Parliament;
- (v) Recommendation *PAP.5/PLN/RECOM/05/OCT.19* from the Twelfth Pan-- African Parliament Conference on Women's Rights.

## 2.2. Successful meetings of Permanent Committees

The PAP successfully held meetings of Permanent Committees and Caucuses, gearing towards the May 2019 Ordinary Session and the October 2019 Ordinary Session.

### 2.2.1. Meetings of Permanent Committees ahead of the May 2019 Ordinary Session

These meetings took place in during the March 2019 Committees' Sittings and on the sidelines of the May 2019 Ordinary Session, during which the Committees held meetings and workshops focused on various issues and topics related to their respective mandates and AU programmes and shared values.

During the Committees' Sittings held on 4 - 8 March 2019, the PAP successfully organized a total of twenty-nine meetings for all the 11 Permanent Committees, of which two met respectively in Tunisia, the four regional Caucus and the Women's Caucus. Top on the agenda was the workshop on the AU 2019 theme of the year, in which all Committees participated to enable the Members of Parliament to better understand the current situation of these vulnerable groups and make pertinent recommendations on necessary measures to bring about sustainable solution to the situation of Refugees, Returnee and Internally Displaced persons in Africa.

On the sidelines of the May Ordinary Session, the PAP successfully organized meetings for all the eleven Permanent Committees, Regional Caucuses and the two Thematic Caucuses - the Youth Caucus and the Women's Caucus. The major issues discussed by the Permanent Committees include the Report of the Committee on Audit and Public Accounts, the Report of the Midrand Workshop on "The Year of Refugees, Returnees and Internally Displaced Persons: Pan-African Parliament contributing towards finding Durable Solutions to Forced Displacement in Africa", the Report of the Tunis workshop "The Year of Refugees, Returnees and Internally Displaced Persons", the Report of the Workshop on Statelessness and Citizenship in Africa, the Progress report of the two regional consultation meetings (North and East Africa) on the Model Disability Law, the Report of the Pan-African Parliament participation in the Conference of the Parties (COP 24) Session, the Update on the Establishment of the PAP Desk on Climate Change, the Report on Political Parties' Role in Building Vibrant and Inclusive Democracies in Africa, the Report of the workshop on "Industrial development in Africa: Challenges and perspectives", the Presentation on PAP 2019 budget execution and proposed PAP 2020 Budget and the Presentation on the proposal to develop a Double Tax Agreement. The Permanent Committees and Caucuses also successfully discussed their respective internal organizational matters, including the filling of vacant positions.

### 2.2.2. Meetings of Permanent Committees ahead of the October 2019 Ordinary Session

These meetings were held during the August 2019 Committees' Sittings and on the sidelines of the October 2019 Ordinary Session, during which the Committees held meetings and workshops which addressed various issues and topics relating to their respective mandates and AU programmes and shared values.

During the Committees Sittings held on 2 – 9 August 2019, the PAP successfully organized a total of twenty-one meetings for all the eleven Permanent Committees, of which two met in Cabo Verde and one Egypt, four regional Caucuses and the Women's Caucus. During this period, the Committees focused on a wide range of issues related to the African Union shared values and received presentations on topics related to their respective mandates in addition to individual programmes of the Committees.

The major issues addressed include building the capacity of Members of PAP on current human rights and democratization issues relevant to Africa, particularly the ongoing process of developing a United Nations treaty on business and human rights; governance and democracy issues related to electoral reforms and affirmative action to increase women participation in political life; sensitization of Members of Parliaments on the impact of renewable energy on stimulating economic growth, generate employment, improve

educational opportunities and improve general health and wellbeing; the third African Parliamentary Summit on Tuberculosis organized with the aim to take stock on and share experiences on sustained commitment to the aims and objectives of the Global TB Caucus; the dialogue on promoting children's rights toward realizing their social security and protection, which provided an opportunity for the sensitization of Parliamentarians on the ten-year action plan on eradicating all forms of harmful practices against children set for in the Agenda 2063, which include the implementation of the AU flagship campaign to end child marriage.

The Committees also shared experience on the benefits of disability inclusion in law and policy-making; a Session on women's empowerment and gender parity; in the light of the Maputo Protocol and the African Women's Decade (2010 – 2020); a briefing of the World Health Organization (WHO) on public health related matters that need urgent interventions in the context of Universal Health Care; a workshop on Parliamentarians' Role in achieving the African Union Agenda 2063 and the Sustainable Development Goals; and discussion on an update on the peace and security situation on the continent and the aims impeding threats to security, with particular focus on terrorism and radicalization. Further, the Committees working on model laws considered draft instruments and comments received thereon, which enabled improving the said draft, prior to being tabled for consideration during the October 2019 Session.

2.3. The Pan-African Parliament, through the Committee on Health, Labor and Social Affairs, in collaboration with the African Union Commission and UNAIDS undertook a series of activities to implement the African Union Catalytic Framework to end HIV/AIDS, TB and Malaria by 2030 and the 2030 United Nations Sustainable Development Goals. Held in Brazzaville on 11 - 12 July 2019, the High-Level Summit, which brought together decision-makers, Parliamentarians, African Union Organs, Academia, the private sector and civil society organizations to take a bold step in effectively addressing the HIV/AIDS and health financing in Africa.

The High-Level Summit reviewed the three-year work plan was then developed between the Committee on Health and UNAIDS for 2017-2019 that culminated with a Resolution adopted by the PAP Plenary in May 2018. The Resolution focused on increasing budget allocation and developing innovative ways to improve health care on the continent. The Summit also sensitized the PAP Members on the use of parliamentary diplomacy to elicit effective commitment of all stakeholders to health financing for Universal Health Care in Africa. It also enabled to commit key Champions, including Former Heads of State, to sensitize their peers to ensure that the peoples' health is a priority for the socio-economic development of the continent. The key role played by Parliamentarians was acknowledged and emphasized upon and the PAP Committee pledged their commitment to fast track the recommendations adopted at the conclusion of the Summit.

### 2.3. Cooperation and collaboration with National Parliaments

In accordance with Rule 77 of its Rules of Procedure, which requires that the Pan--African Parliament work closely with the Parliaments of the Regional Economic Communities and the National Parliaments or other deliberative organs of Member States, the Pan-African Parliaments undertook several activities to promote ownership by Regional and National Parliaments of the African Union laws and policies, specifically to facilitate the mainstreaming of the 2019 AU theme of the Year. In addition to bilateral engagements to promote the ratification of the new PAP Protocol, the most formal of those activities include the Annual Speakers' Conference, the Annual Meeting of the Association of Secretaries-General of African Parliaments and the co-hosting of the Colloquium of Legal Counsels to Parliaments in Africa.

#### 2.3.1. Bilateral engagements and collaboration with National Parliaments

The Pan-African Parliament, through its Bureau Members, undertook bilateral meetings with various National Parliaments of the Member States with a view to advocating for more signatures and ratifications of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament (New PAP Protocol). Advocacy meetings were undertaken specifically with the Parliament of Egypt, the Kingdom of Morocco, Nigeria, South Africa, Mauritania and Mozambique.

As December 2019, the New PAP Protocol has garnered one additional signature (South Africa) and one additional ratification (Ghana), taking the total number of ratifications to twelve State Parties, namely, Benin, Cameroon, Chad, Equatorial Guinea, The Gambia, Ghana, Madagascar, Mali, Saharawi Arab Democratic Republic, Sierra Leone, Somalia, and Togo) and twenty-one signatures.

In its resolve to fast-track the ratification of the PAP Protocol, the Bureau has assigned responsibilities to all Bureau Members, who will be leading advocacy missions to their respective regions. Advocacy letters have also been sent to National Speakers calling for the personal implication for promoting the signature and/or ratification of the New PAP Protocol.

### 2.3.2. **High Level African Summit on HIV/AIDS and Health Financing Regional Consultation on Vaccination in the Horizon 2030**

The Pan-African Parliament, through the Committee on Health, Labor and Social Affairs, in collaboration with the Parliament of the Republic of Congo, the African Union Commission and UNAIDS undertook a series of activities to implement the African Union Catalytic Framework to end HIV/AIDS, TB and Malaria by 2030 and the 2030 United Nations Sustainable Development Goals. Held in Brazzaville on 11 - 12 July 2019, the High-Level Summit brought together decision-makers, Parliamentarians, African Union Organs, Academia, the private sector and civil society organizations to take a bold step in effectively addressing the HIV/AIDS and health financing in Africa.

The High-Level Summit reviewed the three-year work plan was then developed between the Committee on Health and UNAIDS for 2017-2019 that culminated with a Resolution adopted by the PAP Plenary in May 2018. The Resolution focused on increasing budget allocation and developing innovative ways to improve health care on the continent. The Summit also sensitized the PAP Members on the use of parliamentary diplomacy to elicit effective commitment of all stakeholders to health financing for Universal Health Care in Africa. It also enabled to commit key Champions, including Former Heads of State, to sensitize their peers to ensure that the peoples' health is a priority for the socio-economic development of the continent. The key role played by Parliamentarians was acknowledged and emphasized upon and the PAP Committee pledged their commitment to fast track the recommendations adopted at the conclusion of the Summit.

Following this Summit, the Pan-African Parliament participated on 16 and 17 July 2019 in a regional consultation organized by the World Health Organization for the Africa region, which brought together Parliamentarians, Experts, technical and financial partners, civil society and representatives of the to review the draft strategic priorities to achieve the vision of this programme. The meeting discussed vaccination as one of the most cost-effective public health interventions. According to the WHO, about 116 million people are vaccinated each year, which prevents several diseases.

The PAP Members were sensitized on their role in achieving the vision of the 2030 Immunization Agenda, which will ensure access to vaccination for all and everywhere to ensure the health security of populations. Detection, prevention and response to the threat of vaccine-preventable diseases were identified as essential elements of health security, given the fact that epidemics have immediate effects on public health and their eradication is costly. In addition to disrupting health systems, they can destroy labour productivity, trade and development. The Members committed to working for the achievement of this vision, which is crucial for sustainable development.

### 2.3.3. **The Ninth Annual Speakers' Conference**

On 6 - 7 August 2019, the Pan-African Parliament successfully organised the Tenth Annual Speakers' Conference under the theme "Finding durable solutions to forced migrations to expedite integration and development in Africa: The role of national and regional Parliaments". The main purpose of the Conference of Speakers was to promote the ownership



of the theme of the African Union for 2019 by Speakers of national and regional Parliaments, with a view to promoting its implementation at the national level. The meetings succeeded to achieve the following objectives:

- i. To enable the Speakers of African Parliaments to be acquainted with the theme of the African Union for 2019 and 2020, as well as current AU events relating to the implementation of the African Continental Free Trade Area;
- ii. To reflect on the role of national and regional parliaments in finding lasting solutions to the situation of refugees, returnees and internally displaced persons in Africa, the silencing of the guns, and the realization of the African Continental Free Trade Area;
- iii. To assess the progress made and the difficulties faced by parliaments in their efforts towards promoting the ratification, domestication and implementation of AU treaties relating to refugees, returnees and internally displaced persons in Africa, silencing of the guns, and the completion of the African Continental Free Trade Area, as well as the new PAP Protocol;
- iv. To share best practices and consolidate efforts and strategies to make parliamentary action more effective to achieve lasting solutions to the problems of forced migration, silencing of the guns and the realization of the African Continental Free Trade Area.

The discussions culminated in the adoption of a Resolution in which Speakers of African Parliaments committed to ensuring that Parliaments play effectively their role in the resolution and prevention of conflicts in Africa, which usually cause the phenomenon of forced migration and internal displacement of population; to taking a decisive action within the confines of parliamentary powers to support the ratification, implementation and realization of the African Continental Free Trade Area; and to ensure that the Malabo Protocol is ratified by December 2019; and to put in place a mechanism for monitoring and evaluation of resolutions taken by the Conference of Speakers of African Parliaments.

#### 2.3.4. **The Third Meeting of the Association of Secretaries-General of African Parliaments (ASGAP)**

On 5 – 6 August 2019, the Pan-African Parliament successfully organised the Third Meeting of the Association of Secretaries-General of African Parliaments under the same theme as for Speakers, which is "Finding durable solutions to forced migrations to expedite integration and development in Africa: the role of national and regional Parliaments". The main purpose of the Meeting was to promote the ownership of the theme of the African Union for 2019 by Heads of secretariats of African Parliaments, with a view to equipping them to better support Parliaments in that respect. The meeting successfully achieved the following objectives:

- i. To enable the Speakers of African Parliaments to be acquainted with the theme of the African Union for 2019 and 2020, as well as current AU events relating to the implementation of the African Continental Free Trade Area;
- ii. To reflect on the role of national and regional parliaments in finding lasting solutions to the situation of refugees, returnees and internally displaced persons in Africa, the silencing of the guns, and the realization of the African Continental Free Trade Area;
- iii. To assess the progress made and the difficulties faced by parliaments in their efforts towards promoting the ratification, domestication and implementation of AU treaties relating to refugees, returnees and internally displaced persons in Africa, silencing of the guns, and the completion of the African Continental Free Trade Area, as well as the new PAP Protocol;
- iv. To share best practices and consolidate efforts and strategies to make parliamentary action more effective to achieve lasting solutions for the problems of forced

migration, silencing of the guns and the realization of the African Continental Free Trade Area.

After electing its new Executive Committee, the ASGAP transacted its business which resulted in the adoption of a Resolution in which Clerks of African Parliaments committed to providing the needed technical and administrative leadership for Parliaments play effectively their role in the resolution and prevention of conflicts in Africa, assisting Parliaments in the allocation of adequate budgetary resources for the empowerment of vulnerable persons, including youth, women and refugees; supporting Parliaments to deploy effectively their legislative, budgetary and oversight role to strengthen the protection of refugees, internally displaced persons and returnees; assisting Parliaments to deploy effectively their legislative, budgetary and oversight to support and advance the African Continental Free Trade Area; and further revisit and review existing laws with cross-border restrictions, which may hinder the achievement of an effective and efficient African Continental Free Trade.

#### 2.3.5. **The 5<sup>th</sup> Africa Colloquium of Legal Counsel to Parliaments**

The Pan-African Parliament cohosted, from 29<sup>th</sup> to 31<sup>st</sup> October 2019, the 5<sup>th</sup> Africa Colloquium of Legal Counsel to Parliaments under the theme; *Efficient and Effective Parliaments in Africa: The Role of Legal Counsel*. Harnessing its strategic position and relations with sub-regional and national parliaments, the Pan-African Parliament used this opportunity to sensitize Legal Staff of African Parliaments on African Union shared values, particularly democratic principles and institutions, popular participation and good governance.<sup>2</sup>

This Colloquium enabled the Legal Counsel from Parliaments of the Member States and Regional Economic Communities to discuss and share best practice on the role of Legal Counsel to Parliaments in ensuring the optimal functioning of parliaments within the rule of law and in a manner that is consistent with the values, principles and spirit of their respective Constitutions. As critical actors in the workings of a Parliament, Legal Counsel paly a role in the ratification, domestication and implementation of legal instruments.

The Colloquium achieved the following the following objectives:

- i. Review of the progress made and identify the challenges encountered in the various Parliaments in the implementation of the Nairobi Principles on the Independence of Legal Counsel to Parliaments;
- ii. Sharing of best practices and devise common strategies to accelerate the implementation of the Nairobi Principles in the various Parliaments;
- iii. Sharing of modern trends and best practices in the provision effective and efficient legal services to Parliament, including on how to support the ratification and domestication of the new Protocol of the PAP and other African Union treaties;
- iv. Examination of the functional inter-linkages of Legal Counsel and other officers serving in Parliament, the other arms of Government, the legal fraternity and the public; and
- v. Discussion on the various contemporary legal and parliamentary issues, including the rights of persons with disabilities.

#### 2.4. **Parliamentary diplomacy**

The Bureau of PAP undertook several activities and missions to various events held in African and outside the continent to represent the PAP and express the PAP position, support and solidarity, and to lobby on various issues of interests to the PAP and the peoples of Africa.

<sup>2</sup>

See Article 3 & 18 of the Treaty Establishing the African Economic Community, Relating to the Pan-African Parliament

The Pan-African Parliament participated in various meetings of interparliamentary bodies, which offered an opportunity to raise the visibility of PAP, to strengthen relations with those bodies and to express words of solidarity and support. This is the case of the working session which The Right Hon. Roger Nkodo Dang, President of PAP discussed with the President of Parlatino, the Latina-American Parliament on 13 – 14 June 2019, on the need for establishing a Parliamentary Forum for Africa and Latina-American States. The two parties mutually observed that such a forum would promote South-South cooperation and be a space to discuss and build consensus on matters of common interest.

In the same vein, the Pan-African Parliament also participated in and presented messages of solidarity at the meeting of the Arab Parliament on 19 June 2019, the 26<sup>th</sup> Interparliamentary Assembly on Orthodoxy (I.A.O) which took place in Tbilisi, Georgia, on 19 to 23 June 2019 under the theme: "The contribution of Parliamentarism in understanding modern politico - social phenomena."; the 45<sup>th</sup> Plenary Session of the *Assembles Parlementaire de la Francophonie* (APF), which was held on 5 – 7 July 2019 in Abidjan, Cote d'Ivoire, under the theme "Parliaments and Strengthening of Democracy"; the 45<sup>th</sup> plenary meeting of the SADC Parliamentary Forum held on 15 – 26 July 2019 in Maputo, Mozambique, the Second International Forum "Development of Parliamentarianism" and the Russia-Africa Parliamentary Conference, held in Moscow-Russia from the 1 - 3 July 2019 aimed at for building cooperation with the Pan-African Parliament through international parliamentary associations; a bilateral meeting with the Parliament of South Korea, during which the Parliaments convened to strengthen cooperation, including through Parliamentary exchange and study visits.

Further, the Bureau of the Pan-African Parliament held bilateral meeting on 5 August 2019 with H.E. Rodolfo Benitez Verson, Ambassador of the Republic of Cuba, who delivered a message from The Right Hon. Juan Esteban Lazo Hernandez, Speaker of the Cuban National Assembly to the President of PAP seeking the support of the PAP and its Bureau for the campaign for the lifting of sanctions imposed against Cuba by the Trump regime. Also, the Bureau of PAP met with H.E. Goran Vujicic, Ambassador of the Republic of Serbia on 8 August 2019, which enabled the two parties to renew their willingness to strengthen cooperation between the PAP and the Parliament of Serbia. The meeting also offered an opportunity for Ambassador Vujicic to extend Serbia's invitation to the President of the PAP for participation in the meeting of the Interparliamentary Union, held in Serbia in October 2019.

Lastly, the Pan-African Parliament was represented at the twenty fifth United Nations Climate Change Conference (COP25) in Madrid, Spain, from 2 to 13 December 2019. To maximize on the opportunities presented by the COP 25, the PAP organized a side event, which brought together actors from different sectors including civil society, parliamentarians, climate change experts and development partners, to discuss the urgent requirement for climate finance and the status of climate legislation in Africa. The side events also succeeded in highlighting milestones and achievements for scaling up climate action towards the long-term goals of the Paris Agreement. Participation in COP 25 also provided the opportunity to create and strengthen alliances, which will enable awareness raising on the role of Parliamentarians on mitigation of climate change, leveraging in the move towards fossil fuel in Africa and parliamentary action for promote global transition to renewable energy.

#### 2.5. Activities relating to mainstreaming the voices of an African peoples and Civil Society

Considering that the primary mandate of the PAP is to ensure an effective participation of the people of Africa in the AU decision and policy-making process, providing a platform for the voices of African citizens, civil society and diaspora is crucial to the success and effectiveness of the mandate of the PAP. The deliberate efforts made towards achieving this strategic objective include co-organization of a workshop on migration flows, collaboration in hosting of a workshop on

illicit financial flows, the convening of a civil society fora and invitation of civil society's technical presentations to various Permanent Committees.

#### 2.5.1. **Participation of Civil Society in PAP statutory meetings**

The Pan-African Parliament invited civil society and African peoples to attend its Sessions and Committees' Sittings. Civil society and African peoples attended the Plenary meetings, parallel workshops and meetings of the various PAP Committees. The various themes which attracted the participation of civil society include the African Union theme of the year, the rights of persons with albinism, the rights persons with disability, peace and security, management of natural resources, model laws as catalysts of regional integration, business and human rights, illicit financial flows and double taxation.

#### 2.5.2. **Technical support by Civil Society Organizations**

During the reporting period, several CSOs participated in and provide inputs into the work of various Permanent Committees, either at the request of Committees or at their own request. The contributions were made through technical presentations and briefing to Committees on a wide range of issues, including the rights of persons with albinism, the rights of persons with disability, business and human rights, illicit financial flows, double taxation, business and human rights, the AfCFTA and free movement of people, goods and services. Other areas of civil society contributions related to managing debt and fighting corruption in Africa; accountability and debt management; parliamentarians and their role in fighting corruption; tax holiday and sovereign debt; oversight role of Parliamentarians on sovereign debt as well as the African Union theme for 2019, which recorded the utmost technical contributions and participation of civil society.

It is worth highlighting that the various model legal instruments developed in 2019 received tremendous support and contributions from several NGOs interested in, or working on, the subject matter. Those include the Model Law on Disability in Africa, the Model Law on Policing, the Draft Model Law on Food Nutrition and the African Model Double Taxation Agreement.

#### 2.5.3. **Institutionalization of the Civil Society Forum**

The PAP worked with the Centre for Human Rights of the University of Pretoria to convene a Civil Society Fora on the sidelines of the May and October Ordinary Sessions. The Civil Society Forum is now an institutionalized space bringing together about 75 members of Civil Society to deepen reflections and share experience on ways and means to better engage with and support the mandate of the Pan-African Parliament. The Forum successfully sensitized CSOs on the workings of the PAP and the importance of increasing programming on issues pertaining to the PAP, active and constructive citizen and civil society engagement with the PAP and the sharing of best practices on effective civil society advocacy and lobbying with AU institutions, particular the PAP. The Civil Society Forum afforded ample time on topics relating to the AU theme of the Year and key African Union decisions, particularly opportunities relating to free trade and free movement of persons and goods in Africa.

#### 2.5.4. **Commemoration of the World Refugee Day**

On 20 June 2019, the Pan-African Parliament, in collaboration with the African Peer Review Mechanism, the South African Department of Home Affairs and UNHCR hosted the World Refugee Day Commemoration in the Pan-African Parliament, in line with the African Union 2019 theme "Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa". The event brought together consisted of a Panel Discussion focusing on the positive contribution that refugees are able to make to their host communities and societies if they receive initial support from various stakeholders including governments, faith based organizations, civil society, international organizations, host communities and private sector in the spirit of Global Compact on Refugees. The panel discussion offered an opportunity for sensitization and sharing of knowledge and experience on challenges and progress made facilitating refugee integration in the host-country.

## 2.6. Engagement within the African Union institutional architecture

Under the leadership of the Bureau of the PAP, the Pan-African Parliament has effectively participated in the 32<sup>nd</sup> and 33<sup>rd</sup> AU Summits and made submissions to the various meetings. On the sidelines of the Summits, the PAP delegation also interacted with the AUC and PRC officials on possible options for the implementation of the Executive Council Decisions Doc. EX. CL/1077(XXXIII) and Doc. EX. CL/1077(XXXIII)ii) and challenges regarding the issue of withdrawal of the special allowance paid to locally recruited GS Staff of the PAP.

The Pan-African Parliament also interacted with the Bureau of the Permanent Representatives Committee and took part in the joint retreat of the PRC Sub-Committee on General Supervision and Coordination on Administrative and Financial Matters and the F15 Experts, which was held at Crowne Plaza, Nairobi. The PAP made several contributions on the amendments to the 2010 African Union Staff Regulations and Rules, and the 2016 African Union Financial Rules and Regulations. The main thrust of PAP submission was to ensure that the proposed amended Regulations and Rules bring about institutional improvements and resonate with the realities and specificities of the PAP.

The PAP has also interacted and consulted with the African Union Commission on various institutional matters. Further, the PAP has engaged with the PRC and its Sub-Committees. In particular, the Pan-African Parliament has requested, and received a positive response, on the holding of a joint retreat with the PRC and its Sub Committee on General Supervision. The joint retreat will lay the grounds for closer collaboration between the PAP and the PRC, and enable the two organs to support each other in the realization of their respective mandates, and particularly to work together in addressing the challenges affecting the Pan-African Parliament, for the utmost interest of the peoples and Member States of the African Union.

## 3. Summary of the key achievements

While the PAP successfully organized several activities, its visibility and relevance were enhanced thanks to a number of achievements, which can be listed as follows:

- i. The successful preparation and organization of all statutory and non-statutory activities of all organs of PAP, in a secure environment and in compliance with the PAP legal framework;
- ii. The professional and full support of all staff, units, divisions and departments of the PAP Secretariat to the activities of the PAP;
- iii. The thematic focus of the work of the Permanent Committees and the Plenary sessions were consonant with the continental priorities and shared values;
- iv. The effective management of financial and management and the clean audit of PAP;
- v. The PAP has embraced new thematic areas and established a procedural framework to guide the process of formulation of draft model laws;
- vi. The effective PAP engagement with the PRC, which laid the grounds for a joint PAP-PRC Bureau and Bureaux meeting, which will provide an opportunity to discuss and resolve all issues and misunderstandings levelled the policy organs against the PAP.
- vii. The thematic alignment of the activities of the PAP Plenary and Permanent Committees with the African Union theme of the year and the continental policy developments and priorities.
- viii. The reinstatement of the PAP Staff members who were vindicated by the Executive Council Decision EX. CL/1077(XXXIII) ii) on PAP Recruitments.
- ix. The Pan-African Parliament remained a litigation-free institution thanks to timely and effective legal advice, which enabled timely and sound resolution of legal challenges.
- x. The PAP continued to venture into new thematic areas, such as double taxation agreements and made tremendous progress towards the formulation of model laws.

- xi. The finalisation and adoption of the PAP 2019 - 2023 Strategic Plan;
- xii. The increase in the number of signatures (21) and ratifications (12) of the Malabo Protocol, with more Member States and the AU Policy Organs calling for action for the ratification of the PAP Protocol;
- xiii. Active participation in high-level panel discussion at the COP24 where PAP Members engaged various stakeholders to support the African position on climate change and promote effective climate legislation.
- xiv. The effective participation of the PAP in the African Union institutional reform process and other AU workshops and events. PAP was also involved in the revision of AU policy documents such as Procurement Manual, Financial Manual and Travel Policy;
- xv. The renewed commitment of Speakers of National Parliaments to take action to push for the ratification of AU treaties, particularly the New PAP Protocol.

#### 4. Summary of the major challenges

While the PAP has made strides in an effort to achieve its strategic objectives, it is worth acknowledging that it continued to face numerous challenges since the May 2019 Ordinary Session. The major of those challenges are:

- i. A high turnover of the Members of the PAP, with 18 new Members sworn in at the May 2019 Ordinary Session and at least 20 other Members to be replaced or re-sworn in at the October 2019 Ordinary Session. This cannot but have an impact on the effective participation of MPs in PAP activities and the preservation of the institutional memory of the Parliament.
- ii. As highlighted at the May 2019 Ordinary Session, the responsiveness of the Members of PAP for participation in electoral observer missions has critically decreased. It is recommended that MPs renew their commitment respond on time to enable the PAP and AUC Electoral Coordination units to make necessary arrangements for their travel.
- iii. Staffing challenges, with several divisions and units such as Legal, Monitoring and Evaluation, Research and Communication being seriously understaffed.
- iv. The slow pace of recruitment for the outstanding vacant positions will continue to cause administrative burden and relative instability within the Secretariat for the vacant posts yet to be filed.
- v. The continued negative image of the PAP at the African Union Policy Organs, requiring sustained efforts to rebuild the reputation of the PAP and have it to commend the respect of the AUC, policy organs and the general public.
- vi. Financial and budgetary constraints resulting in some Committees being unable to implement planned activities, such as missions of investigation, onsite visits, promotional missions, consultative meetings.
- vii. The critical diminution of the participation of the MPs in the AU election observation missions. It is recommended that MPs confirm their participation on time to enable the PAP and AUC Electoral Coordination Units to make necessary arrangements for their travel.
- viii. The fears and concerns raised by the acts of violence against foreign nations which occurred in September 2019, and which led some Members of Parliaments to express their reluctance to travel to South Africa and take part in the October 2019 Ordinary Session.
- ix. The unresolved disproportionate distribution of membership amongst the Committees, which has resulted in some Permanent Committees have an excessive number of members while others struggle to meet their quorum. A Directive from the Bureau sent to Chairpersons of Caucuses requested their involvement in the resolution of this challenge.

- x. An overall poor attendance of Members of PAP during the Committees' Sittings in August 2019, which is a result of the high turnover of PAP Members. This situation negatively affected the quorum and prevented some Committees from conclusively transacting their business.

#### 5. Progress and challenges on implementation of previous Executive Council decisions

In line with the Executive Council's Decision EX. CL/Dec.1-15(XXXV), which mandated the Pan-African Parliament to report on progress and challenges on the implementation of decisions of the Executive Council, the Pan-African Parliament draws the attention of the Executive Council on the following issues:

- i. The lack of recognition of the status of the Members of the Pan-African Parliament in the AU Rules, Regulations and Policies, and the corresponding treatment is commensurate thereto;
- ii. Challenges relating to the removal of seating allowances of the Members of the Pan-African Parliament
- iii. Challenges regarding Medical Insurance of the Members of the Pan--African Parliament;
- iv. Challenges relating to the implementation of Decisions of the Executive Council EX. CL/Dec.1031(XXXIV) of February 2019 and EX. CL/Draft/Dec.1(XXXV) of July 2019;
- v. An Update on the disciplinary action against Mr Yusupha Jobe, former Deputy-Clerk in charge of Finance, Administration and Human Resources
- vi. An update on the amicable settlement of the case of the Mr Vipya Harawa, Former Clerk of PAP

##### 5.1. The lack of recognition of the status of the Members of the Pan-African Parliament in the AU Rules, Regulations and Policies

The status of Members of PAP is unclear under the AU Rules, Regulations and Policies. Particularly in the Financial Rules and Regulations and in the Travel and Missions Policy, the Members of PAP are not listed as on of the categories of internal stakeholders who should be given a certain treatment. While "elected officials" is the category that is the closest to PAP Members, its definition excludes the PAP Members from because this term is defined as "officials of Organs of the African Union elected by the Policy Organs and appointed by Assembly." As a result, PAP Members are usually arbitrarily classified given a status and travel class that does not correspond to the rank and dignity that they are given by the Member States.

It is recommended that:

- i. The definition of "Elected Officials" be expanded to include Members of the PAP who, in most African countries, are elected by direct suffrage in electoral processes which are overseen and certified by the African Union.
- ii. Alternatively, a specific category (Pan-African Parliamentarians) could be added on the list of definitions, ensuring that PAP Members are accorded a status and travel class that is equal or superior to what they are normally accorded by the respective Member States, which is business class.
- iii. The former Members of the Bureau of the Pan-African Parliament be given the same treatment as "former Commissioners".

##### 5.2. Challenges relating to the removal of seating allowances of the Members of the Pan-African Parliament

During the July 2019, the Executive Council approved, by Decision EX. CL/Draft/Dec.1(XXXV) of July 2019, the matrix of harmonised allowances for Members of all AU Organs. For the PAP, the majority of the Parliamentarians who are members of this organ are excluded from the benefit of the seating allowance. Only Bureau members are set to receive a honorarium (150 USD per Session day up to a maximum of 15 days) and administration allowance (300 USD per month), while

members of Bureaux will receive a honorarium (150 USD per Session day up to a maximum of 15 days).

Exclusion of the majority of PAP Members from the harmonized matrix of allowances goes against the letter and spirit of Article 10 of the PAP Protocol, which provides that "the Pan-African Parliamentarians shall be paid an allowance to meet expenses in the discharge of their duties." It also amounts to unfair discrimination against Members of an Organ, who normally lose the opportunity to get seating allowances at home when they are participating in the activities of the Pan-African Parliament. This situation threatens the cohesion of the Parliament and also its effectiveness, given the fact that the work of Parliament, which the Bureau and Bureaux preside over and coordinate is performed by Parliamentarians, who are members of the Organ on an equal footing as Bureau and Bureaux members as well as members of other AU organs.

The Pan-African Parliament therefore requests that:

- i. A moratorium in the application of Decision EX. CL/Draft/Dec.1(XXXV) of July 2019 which removed seating allowances currently paid to the Members of the Pan-African Parliament other than Members of the Bureau and Bureaux;
- ii. The proposed moratorium be maintained until a further study on the issue is conducted, to prevent an unfair discriminatory treatment of Members of the PAP.

### 5.3. Challenges regarding medical insurance of the Members of the Pan-African Parliament

By Executive Council Decision EX. CL/Draft/Dec.13(XXXV) of July 2019, the budget for provision of medicals for the PAP Members of Parliament (MPs) as approved by EX.CL/Dec.408 was reduced to about 50% from the previous budget which amounted to \$200,000.00 (Two hundred thousand dollars), and which proved insufficient to cover the needs of the PAP Members. The PAP has requested for a supplementary budget of \$80,000.00 (Eighty thousand dollars) to cover the payment of medical insurance premiums for the period July to October 2019.

From interactions with CIGNA, it was apparent that it is difficult to have a medical insurance cover only for the estimated 8 weeks in a year that the MPs spend in Midrand. From the analysis done by CIGNA the consumption of the premiums currently is very high and will be as much as for twelve months because most of the claims from the MPs are incurred in South Africa. The approved budget for MPs medicals will be inadequate to cover unforeseen incidents like that of Late Hon. Kante. Therefore, the need to request for a reconsideration of the budget cut by the members states will be necessary.

The PAP therefore recommends that the fifty percent reduction in the 2020 PAP budget with regard to the medical insurance of the Members of the Pan-African Parliament be reconsidered in view of the fact that the **USD 200,000. 00** allocation for 2019 is depleted and required the PAP submit to submit a request for a supplementary budget of **USD 80,000.00** to cover the payment of medical insurance premiums for the period rest of the year 2019.

### 5.4. Challenges relating to the implementation of decisions of the Executive Council EX.CL/DEC.1031(XXXIV) of February 2019 and EX. CL/DRAFT/DEC.1(XXXV) of July 2019

Decisions of the Executive Council EX. CL/Dec.1031(XXXIV) of February 2019 and EX. CL/Draft/Dec.1(XXXV) of July 2019 have requested that the special allowance paid to locally recruited GS staff of PAP be stopped., and that any legalities involved be reported. It is worth indicating that the special allowance has been being paid to the concerned staff members (1.197 USD, for about 15 South African nationals) for the last 11 years, and is now substantially part of their regular earning, as it constitutes about 60 % of their current remuneration. Removing an allowance which has become an acquired right of staff members would amount to constructive dismissal and expose the PAP and the AU to potential liability.

Whether the special allowance was procedurally or unprocedurally established, it remains a fact that the implementation of the abovementioned Executive Council decisions by the PAP would give rise to legitimate claims by locally recruited GS staff and constitute a violation of principles of equality, non-discrimination, labour fairness and rule of law, which rest at the core



of the AU Staff Rules and Regulations and other relevant instruments. Institutional procedural requirements should be outweighed by the inalienable, acquired labour rights of the concerned staff members. The PAP conducted a Study on this matter, which is submitted for the consideration of the Executive Council as Annex 4.

The Pan-African Parliament therefore requests that:

- i. A moratorium be applied on the implementation of Executive Council Decisions EX. CL/Dec.1031(XXXIV) of February 2019 and EX.CL/Draft/Dec.1(XXXV) of July 2019 relating to the removal of the special allowance which has become an acquired right for locally recruited GS staff of the PAP;
- ii. The special allowance be included in the salary by way of integrating the cost of living-based allowance into the basic salary of locally recruited GS staff, taking into account comparative examples of AU offices in Washington, Geneva and Brussels, for instance. This would require that the comparative salary review study conducted for Washington, Geneva and Brussels be extended to Johannesburg.
- iii. Ensure that the specificities of the Pan-African Parliament and its host country are taken into account when considering and determining the terms and conditions of Staff and Members of the PAP.

#### 5.5 Update on the disciplinary action initiated against PAP staff members in implementation of the Executive Council Decision EX. CL/DEC.1031(XXXIV)

Following the 2018 Report of the AU Board of External Auditors which revealed several instances of general and financial maladministration at the PAP, the PAP Committee on Audit and Public Accounts (CAPA) reiterated to the PAP Plenary that action be taken to further investigate the findings of the Board of External Auditors and to hold accountable those responsible, in line with the February 2019 Executive Council Decision EX. CLDEC.1031 (XXXIV). The CAPA Report was adopted in Plenary and the Bureau of PAP implemented the Plenary Resolution by instituting, on 17 May 2019, a special investigation of all expenditures of the PAP from 1 October 2016 to 30 May 2019.

Given the fact that Mr Yusupha Jobe was suspected to be implicated in the abuses revealed by the Report of the External Auditors, a decision was taken by the Bureau of PAP on 17 May 2019 to suspend him pending investigation, in line with Rule 61.3(j) of the AU SRR. The decision was a precautionary measure predicated on a prima facie case grounded on allegations of financial maladministration as evidenced in various audit reports. Mr Jobe was given an opportunity to comment on the investigation report, in line with Rule 58.3 of the AU SRR.

Upon completion of the investigation, Mr Yusupha Jobe received the Investigation Report on 7 August 2019 and was given the opportunity to comment on the investigation findings. Upon completion of five working days without receiving his response, Mr Yusupha was charged of 11 acts of misconduct and the notification of charges were received by him on 19 August 2019. He was given 20 working days to file his Response, but he never submitted any Reply up to the 20 September 2019, neither did he request for an extension of time. The PAP therefore proceeded to convene the disciplinary Board, which held its hearings on 4 to 8 October 2019, at which Mr Jobe participated with the assistance of his lawyer from a reputable South African Law firm.

At the completion of the hearings, which complied with all fair trial standards, the Disciplinary Board found Mr Jobe guilty of 10 out of 11 acts of misconduct, and formulate a set of recommendations, including dismissal on the ground of serious misconduct, in accordance with Rule 61 (1)(h) and Rule 70 of the African Union Staff Regulations and Rules (AU SRR). The seriousness of his acts of misconduct was established in the findings of the Disciplinary Board, which found him guilty of several acts of misconduct, which are unbecoming with the highest standards of efficiency, integrity, probity and greatest care required of you or your office under Regulation 3.3 of the AU SRR. Those acts of misconduct are:

- i. Negligence or omission to perform duties causing financial loss

- ii. Fraud, dishonesty, forgery, misappropriation or misuse of official funds
- iii. Misrepresentation or false certification in connection with any claim
- iv. Misuse of office and/or abuse of authority
- v. Allocation and use of an asset of the union for personal purposes
- vi. Unlawful transportation of union cash
- vii. Disobedience to lawful and reasonable orders
- viii. Refusal to carry out lawful instructions
- ix. Negligence or omission to perform duties causing damage to the union's property or reputation
- x. Neglect of duty exposing the institution to legal risk

In accordance with the Findings and Recommendations of the Disciplinary Board and Rules 8 and 73 (2) of the AU Financial Rules and Regulations, Mr Jobe was dismissed and found liable to the Pan-African Parliament for the sum of **USD 51,767,08**, which represents the total amount of monies directly misappropriated by you, out of the total amount of **USD 148,086,64** representing the general loss sustained by the institution as a result of your actions and/or omissions.

The Disciplinary Board also formulated a set of recommendations which will enable the PAP to prevent the reoccurrence of the disciplinary actions and omissions, of which Mr Jobe was found guilty. Those include investigating and establishing other responsibilities amongst other staff members of the PAP who could have been complicit with Mr Jobe.

On 8 October 2019, the findings of the Disciplinary Board were presented to the Bureau and Plenary on 9 October 2019 by the Chairperson of the Disciplinary Board. This led the Bureau to meet on 15 October 2019 and, after consideration, to approve the findings and recommendations of the Disciplinary Board, including the dismissal of Mr Jobe on the ground of serious misconduct. On 17 October 2019, the Bureau reported to Plenary on its decision approving the findings and recommendation of the Disciplinary Board, in line with Article 12 (6) of the PAP Protocol and Rule 17 (f) of the PAP Rules of Procedure.

This led the PAP to notify Mr Jobe of his dismissal, on 18 August 2019, in line with Rule 59.17 of the AU SRR. Currently, the PAP Administration is working on processing and finalising his separation, in accordance with the Recommendation of the Disciplinary Board, as approved by the Bureau and taken note of by the Plenary.

#### 5.6. Update on the amicable settlement of the case of the Mr Vipya Harawa, former Clerk of PAP

The Pan-African Parliament undertook steps to settle amicably the matter concerning the termination of Mr Vipya Harawa's appointment. On 17 May 2019, the PAP initiated negotiations towards an amicable settlement, pending which Mr Harawa was paid the equivalent of five months' salary as advance for the benefits payable on the conclusion of an amicable settlement. Further negotiations initiated in August 2019 were not fruitful. This led the Bureau of the Pan-African Parliament to propose, as a means of amicable settlement, the following offer to Mr Harawa:

1. Payment of the equivalent of nine month-salary and one month in lieu of notice for amicable settlement of the matter;
2. The advance of the equivalent of five-month salary paid to you following our meeting in May 2019 shall be deducted from the proposed final settlement.
3. This proposal does not affect your separation entitlements as provided for in the African Union Staff Rules and Regulations.

4. This offer does not constitute, neither should it be construed as, an acceptance, express or tacit, of any liability by the Pan-African Parliament.

Mr Harawa rejected this offer and further engagements shall be made to secure a mutual agreement which will waive any positions, rights and obligations that he may have in relation to the matter. It is hoped that this matter will finally be settled amicably within the first quarter of this year.

## 6. Anticipated PAP 2020 activities

In line with its core mandate of ensuring an effective participation of the peoples of African in the economic development and integration of the African continent, the Pan-African Parliament will continue to assert its relevance and proactiveness by considering and debating the issues that speak directly to the realities of the continent and the peoples of Africa. In 2020, the Pan-African Parliament is expected once more mainstream in its activities the African Union theme of the year, which is "**Silencing the Guns: Creating Conducive Conditions for Africa's Development**".

Also, building on its milestones and achievements for the year 2019, the Pan-African will continue to have high in its agenda a wide range of issues relating to human rights, democracy, governance and integration in Africa. Following the launching of the AfCFTA in July 2019, additional efforts will be made to ensure that the PAP engage more with National and regional Parliaments to sensitize more on fasttracking the ratification, domestication and implementation of the continental legal and policy frameworks relating to free trade and free movement, the fight against corruption, the rights of forced migrants, food security and nutrition and the rights of persons with disability.

The year 2020 will also enable the Pan-African Parliament to continue exploring other areas for the formulation of draft Model Laws, in addition to policing, disability, climate change and food security and nutrition. Beyond model laws, the Pan-African Parliaments will also finalize its work on the African Union Model Double Taxation Agreement, which is expected to be submitted to the African Union Commission on International Law.

Further, the Pan-African Parliament will review and rethink its advocacy for the ratification of the Malabo Protocol, with a view to fast-tracking entry into force of the PAP Malabo Protocol. The Pan-African Parliament will also continue to strengthen its institutional and operational capacity as well as its collaboration with other AU organs, particularly the Permanent Representatives Committees. This will enable it to successfully take on its challenges and optimize its opportunities and fast-track the ratification of the New PAP Protocol as well as advance the African Union institutional reform process.

Lastly the year 2020 will also provide an opportunity to kick-start the process of reviewing and realigning the PAP Rules of Procedure, to suit the PAP's current needs and realities. In the context of the last elections and ongoing activities of PAP, several lacunae, ambiguities and inconsistencies have been recorded, making the overhaul of the Rules of Procedure an urgent and necessary exercise to embark on.

## 7. Recommendations

The Pan-African Parliament has made meritorious efforts to fulfil its strategic objections, through a wide range of activities, both statutory and non-statutory. I would like to hereby acknowledge the technical support and contributions received from all stakeholders, whether AU organs and institutions or civil society organizations, which made possible to achieve several objectives.

It is important to also recognize the technical, material and financial support of civil society and development partners, without which the PAP could not have achieved several activities, particularly non-statutory meetings. The PAP is particularly satisfied that it has continued to enjoy and garner the trust of development partners in support of its role in the promotion of African Union shared values.

The Pan-African Parliament is equally grateful to the African Union policy organs, for the support afforded to it. In order to address its challenges and fulfil its mandate more effectively, the PAP recommends that the Executive Council should:

- i. Take note of the Activity Report of the Pan-African Parliament, including the Resolutions and Recommendations adopted during its May 2019 and October 2019 Ordinary Sessions;

- ii. Acknowledge its laudable engagements in defense of African positions and interests at international fora, including COP 25, and for working with National and Regional Parliaments and civil society on the AU theme of the year and the current African Union policy issues;
- iii. Congratulate the Member States that have ratified the new Protocol of the Pan-African Parliament and call upon those that are yet to do so to take concrete steps towards the ratification of the new PAP Protocol;
- iv. Request the African Commission's Office of the Legal Counsel, the PRC and the Pan-African Parliament to work closely to fast-track the ratification, domestication and implementation of the New PAP Protocol;
- v. Encourage the Pan-African Parliament to work closely with National and Regional Parliaments continental legal and policy frameworks, including the possibility of harmonizing national legislations on free trade and free movement;
- vi. Decide that the allowances and entitlements of members of the Pan-African Parliament, including travel class and Daily Subsistence Allowance be aligned with those of the elected Members of the other AU Organs;
- vii. Request the PRC Sub-Committee on Headquarters Agreements and the Commission to work in collaboration with PAP and the Government of South Africa to expedite the review process of the Host Country Agreement;
- viii. Approve the proposal to save the acquired rights of locally recruited General Services Staff of PAP and to apply a moratorium on the implementation of Executive Council Decisions EX. CL/Dec.1031(XXXIV) of February 2019 and EX. CL/Draft/Dec.1(XXXV) of July 2019 relating to the removal of the special allowance;
- ix. Request the African Union Commission to include Johannesburg amongst the duty stations to be covered by the preferential rate study;
- x. Reconsider the fifty percent reduction in the 2020 PAP budget with regard to the medical insurance of the Members of the Pan-African Parliament in view of the fact that the USD 200,000. 00 allocation for 2019 was depleted and required the PAP to submit a request for virement;
- xi. Consider a moratorium on the application of Decision EX. CL/Draft/Dec.1(XXXV) of July 2019 which removed the seating allowances currently paid to the Members of the Pan-African Parliament other than Members of the Bureau and Bureaux, and until a further study on the issue is conducted, to prevent an unfair discrimination against some Members of the PAP;
- xii. Endorse the proposal of a joint retreat between the PAP and the PRC as a means to strengthen collaboration between the two organs and to promote synergies in addressing the challenges affecting the Pan-African Parliament.

### Annex 1:

#### **Draft decision on the Activity Report of the Pan-African Parliament (PAP) DOC. EX.CL/ (XXXVI)**

#### **The Executive Council:**

1. **TAKES NOTE** of the Activity Report of the Pan-African Parliament, including the Resolutions and Recommendations adopted during its May 2019 and October 2019 Ordinary Sessions;
2. **COMMENDS** the Pan-African Parliament as an African Union Organ representing the people of Africa, for its laudable engagements in defense of African positions and interests at international fora, including

- COP 25, and for working with Parliamentarians and civil society around the AU theme of the year and the current African Union policy issues, such as free trade and free movement of goods and persons;
3. **CONGRATULATES** the Member States that have ratified the new Protocol of the Pan-African Parliament and **CALLS UPON** those that are yet to do so to take concrete steps towards the ratification of the new PAP Protocol;
  4. **REQUESTS** the African Commission's Office of the Legal Counsel, the PRC and the Pan-African Parliament to work closely to fast-track the ratification, domestication and implementation of the New PAP Protocol;
  5. **REQUESTS ALSO** the Pan-African Parliament to work closely with National and Regional Parliaments continental legal and policy frameworks, including the possibility of harmonizing national legislations on free trade and free movement, the fight against corruption, and forced migrations;
  6. **DECIDES** that the allowances and entitlements of members of the Pan-African Parliament, including travel class and Daily Subsistence Allowance be aligned with those of the elected Members of the other AU Organs;
  7. **REQUESTS** the PRC Sub-Committee on Headquarters Agreements and the Commission to work in collaboration with PAP and the Government of South Africa to expedite the review process of the Host Country Agreement;
  8. **APPROVES** the proposal to save the acquired rights of locally recruited General Services Staff of PAP and to apply a moratorium on the implementation of Executive Council Decisions EX. CL/Dec.1031(XXXIV) of February 2019 and EX. CL/Draft/Dec.1(XXXV) of July 2019 relating to the removal of the special allowance;
  9. **REQUESTS** the African Union Commission to include Johannesburg amongst the duty stations to be covered by the preferential rate study;
  10. **APPROVES** the reinstatement of the fifty percent reduction in the 2020 PAP budget with regard to the medical insurance of the Members of the Pan-African Parliament in view of the fact that the USD 200,000.00 allocation for 2019 was depleted and required the PAP to submit a request for virement;
  11. **APPROVES ALSO** a moratorium on the application of Decision EX. CL/Draft/Dec.1(XXXV) of July 2019 which removed the seating allowances currently paid to the Members of the Pan-African Parliament other than Members of the Bureau and Bureaux, until a further study on the issue is conducted, to prevent an unfair discrimination against some Members of the PAP;
  12. **ENDORSES** the proposal of a joint retreat between the PAP and the PRC to strengthen collaboration between the two organs and to promote synergies in addressing the challenges affecting the Pan-African Parliament.

## Annex 2:

### Resolutions and recommendations from the May 2019 Ordinary Session

- i. Resolution *PAP.5/PLN/RES/01/MAY.19* on the Consideration of the Activity Report of the Pan-African Parliament;
- ii. Resolution *PAP.5/PLN/RES/02/MAY.19* on the Establishment of an Ad Hoc Committee Tasked with Considering the Claims made by the PAP Staff Association;
- iii. Resolution *PAP.5/PLN/RES/03/MAY.19* for Provision of Financial Assistance to Victims and Survivors of Cyclones Idai And Kenneth;
- iv. Resolution *PAP.5/PLN/RES/04/MAY.19* on the Extension of the Deadline for Submission of the Report of the Ad Hoc Committee tasked with Considering the Claims made by the PAP Staff Association;
- v. Resolution *PAP.5/PLN/RES/05/MAY.19* on the Consideration of the Terminal Report of the Committee on Audit and Public Accounts;

- vi. Resolution *PAP.5/PLN/RES/06/MAY.19* on the Report of the Ad Hoc Committee tasked with Considering the Claims made by the PAP Staff Association;
- vii. Resolution *PAP.5/PLN/RES/07/MAY.19* on the Granting of Observer Status to the Federal National Council of the United Arab Emirates;
- viii. Resolution *PAP.5/PLN/RES/08/MAY.19* on Concrete Measures for the Promotion and Protection of the Rights of Persons with Albinism in Africa;
- ix. Resolution *PAP.5/PLN/RES/09/MAY.19* on Statelessness;
- x. Resolution *PAP.5/PLN/RES/10/MAY.19* on the Formulation of an African Model Double Taxation Agreement;
- xi. Resolution *PAP.5/PLN/RES/11/MAY.19* on the African Union theme for the Year 2019 - The Year of Refugees, Returnees and Internally Displaced Persons;
- xii. Resolution *PAP.5/PLN/RES/12/MAY.19* on the African Union Declaration on Universal Access to Immunization in Africa.

### **Resolution on the consideration of the Activity Report of the Pan-African Parliament**

#### **THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**TAKING NOTE** of the Activity Report of the Pan-African Parliament for the period October 2018 – May 2019 as presented by the President of the Pan-African Parliament, and the Plenary discussions thereon;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

#### **NOW HEREBY RESOLVES to:**

1. **ADOPT** the Activity Report of the Pan-African Parliament for the period October 2018 - May 2019;
2. **URGE** the Bureau of the Pan-African Parliament to engage with the African Union policy organs with a view to addressing the misunderstandings entertained against the Pan-African Parliament;
3. **REQUEST** the Bureau to ensure that Permanent Committees are provided with the required support for the implementation of their planned activities;
4. **COMMENDS** the Bureau and the Secretariat for the new structure and the comprehensive contents of the Report, a notable improvement which has been noted since the October 2018 Ordinary Session.

**Adopted at Midrand, South Africa on 17 May 2019.**

*PAP. 5/PLNRES/02/MAY.19*

## **Resolution of the establishment of an Ad hoc Committee the Ad hoc Committee tasked with considering the claims made by the PAP Staff Association**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**NOTING** the claims made by the PAP Staff Association and the suspension of work by PAP staff on 9 May 2019 resulting therefrom;

**NOTING ALSO** the conclusions of the meeting between the Bureau and PAP Staff on Thursday, 9 May 2019, and the discussions held on this matter in Plenary on 9 and 10 May 2019;

**NOTING FURTHER** the agreed imperative to elucidate the various claims levelled by the staff with a view to settling the issues that affect the functioning of PAP administration;

**HAVING REGARD** to Rule 22 (3) of the Rules of Procedure of PAP, which provides that Parliament shall, whenever it deems appropriate, restructure its Committees or establish other Committees in accordance with these Rules;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES AS FOLLOWS:**

### **Article 1**

An Ad Hoc Committee is hereby set up within the Pan-African Parliament with the mandate to consider and investigate all claims made by the PAP Staff Association and to report back to Plenary;

### **Article 2**

The Ad Hoc Committee shall be made up of the following members:

1. Chairperson of the Permanent Committee on Justice and Human Rights: Hon. Ignatienne Nyirarukundo
2. Deputy Chairperson of the Committee on Rules, Privileges and Discipline: Hon. Mahamat Saleh Makki
3. Two (2) representatives of the regional caucuses, one man and one woman:
  - Central African Regional Caucus:  
Hon. Sen. (Ms) Purificacion Buhari Lasakero  
Hon. Ango Ndoutoume Francois
  - East African Regional Caucus:  
Hon. Sen. (Ms) Jacqueline Muhongayire  
Hon. Sen. Stewart Madzayo

- North African Regional Caucus:  
Hon. Prof. (Ms) Massouda Mohamed Laghdaf  
Hon. Said Brahim Said
- Southern African Regional Caucus:  
Hon. (Ms) Barbara Rwodzi  
Hon. Dr Phenyo Butale
- West African Regional Caucus:  
Hon. (Ms) Fatou K. Jawara Emmanuel Koti Sawadogo

### **Article 3**

The Committee shall form a Bureau by appointing a Chairperson, a Deputy Chairperson and a Rapporteur from among its members.

### **Article 4**

The report of the Ad Hoc Committee shall be presented to the Plenary on Wednesday 15 May 2019.

**Adopted at Midrand, South Africa on 17 May 2019.**

*PAP. 5PLNRES03MAY19*

## **Resolution for provision of financial assistance to victims and survivors of cyclones Idai and Kenneth**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP);

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament;

**NOTING WITH IMMEASURABLE SADNESS** the humanitarian crisis that unfolded in the wake of cyclones Idai and Kenneth, the worst tropical cyclones on record to affect Africa and the Southern Hemisphere, leaving more than 1000 people dead and thousands more missing and hundreds of thousands of people in urgent need of assistance across the Comoro Islands, Madagascar, Malawi, Mozambique, Tanzania and Zimbabwe.

**NOTING WITH CONCERN** that the scale of the disaster has overwhelmed rescuers, with more than three million people directly affected by the cyclones, in many instances, victims had to be abandoned in fatal conditions in order to save others in more dire need, thousands of victims were left stranded in trees and on rooftops and where people were displaced to evacuation centers they were often in extremely poor conditions;

**PROFOUNDLY CONCERNED** about health care challenges in the affected areas as clinics and hospitals have been severely damaged or destroyed or lacking power and water, efforts to treat injuries were hampered and the ensuing risk of major disease outbreak as multiple aid agencies have reported Cases of cholera, typhoid and an increase in the incidence of malaria;

**CONSCIOUS** of the dire need for additional personnel, monetary, and disaster reduction support to assist survivors with food, clean water, shelter, medical supplies and other basic needs;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take



resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. **RAISE** funds for monetary assistance to the victims and survivors of the cyclones Idai and Kenneth by means of a collection of USD 100 per Member of PAP to be deducted from every PAP Member's Sitting Allowance;
2. **CHANNEL** the funds raised to the survivors of cyclones Idai and Kenneth through Dr Brylyne Chitsunge, in her capacity as PAP Good Will Ambassador on Agriculture and Food Security.
3. **REQUEST** the Bureau of PAP to monitor the destination of the funds raised and to report back to Plenary at the next ordinary Session.

**Adopted in Midrand, South Africa 17 May 2019**

*PAP. 5PLNRES04MAY.19*

**Resolution on the extension of the deadline for submission  
of the report of the Ad hoc Committee tasked with  
considering the claims made by the PAP Staff Association**

**THE PAN-AFRICAN PARLIAMENT,,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**RECALLING** Resolution *PAP. 5/PLN/RES01/MA Y. 19* on the establishment of an Ad Hoc Committee tasked to consider the claims made by the PAP Staff Association;

**TAKING NOTE** of the Progress Report from the Chairperson of the Ad Hoc Committee relating to the PAP Staff Association's Claims and the motion moved by him on behalf of the Ad Hoc Committee for extension of the deadline for submission of the Report to 16<sup>th</sup> May 2016;

**CONVINCED** by the good reasons grounding the request for extension of the deadline for submission of the Report and the assurances that the proposed deadline of 16<sup>th</sup> May 2016 will be met without failure;

**ACKNOWLEDGING that** an extension of the deadline for submission of the Report will enable the Ad Hoc Committee to effectively finalise its daunting work;

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES to:**

**POSTPONE** the deadline for submission of the Report of the Ad Hoc Committee on the Claims made by the PAP Staff Association to 16<sup>th</sup> May 2016.

**Adopted at Midrand, South Africa, on 17 May 2019.**

*PAP. 5PLNRES05MAY.19*

## Resolution on the terminal report of the Committee on the Audit and Public Accounts of the Pan-African Parliament

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**TAKING NOTE** of the terminal report of the Committee on Audit and Public Accounts, May 2019, including the recommendations formulated therein, as well as the various observations made by the PAP Members during the Plenary discussions;

**NOTING WITH CONCERN** the general and financial maladministration reported in the 2018 African Union Board of External Auditors Report on the Factual Findings on the Operations of the Pan-African Parliament as confirmed by the May 2019 Report of the Committee on Audit and Public Accounts;

**NOTING WITH CONCERN ALSO** the continued lack of implementation of several audit recommendations previously made by the external auditors, the AU Board of External Auditors as well as the Committee on Audit and Public Accounts;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES to:**

1. **ADOPT** the terminal report of the Committee on Audit and Public Accounts, May 2019 and all the recommendations formulated therein;
2. **URGE** the Bureau of the Pan-African Parliament to take urgent action, including disciplinary measures regarding incidents of general and financial maladministration reported in the Report of the Committee on Audits and Public Accounts;
3. **REQUEST** the Bureau to ensure that all audit recommendations are effectively dealt with and ;
4. **COMMEND** the Committee on Audits and Public Accounts for its 2018 terminal Report and **RENEW** its unwavering support to its activities.

**Adopted at Midrand, South Africa on 17 May 2019.**

*PAP. 5/PLNRES/06MAY.19*

## Resolution on the Report of the Ad hoc Committee tasked with considering the claims made by the PAP staff association

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament,

which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**RECALLING** Resolution *PAP.5/PLN/RESZ01/MA Y.19* on the establishment of an Ad Hoc Committee tasked to consider the claims made by the PAP Staff Association;

**RECALLING ALSO** Resolution *PAP.5/PLN/RES01/MAY.19* on Extension of the Deadline for Submission of the Report of the Ad hoc Committee tasked with Considering the Claims made by the PAP Staff Association;

**TAKING NOTE** of the Report submitted by the the Ad Hoc Committee relating to the PAP Staff Association's Claims and the Plenary discussions on the findings and recommendations of the Ad Hoc Committee;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan--African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES to:**

5. **ADOPT** the Report of the Ad Hoc Committee on the Claims made by the PAP Staff Association and the recommendations contained therein;
6. **VEST** the Ad Hoc Committee on the Claims made by the PAP Staff Association **with the mandate:**
  - i. **Monitor and** ensure the full and effective implementation of the recommendations arising from the Report on the Claims made by the PAP Staff Association and to report on progress each Ordinary Session of the PAP;
  - ii. Investigate the additional allegations of abuses, including sexual harassment within PAP by officials, which could not be covered by its time-bound mandate;
7. **ABSTAIN FROM** sending or disseminating the Report of the Ad Hoc Committee on Claims made by the PAP Staff Association outside the confines of the Pan-African Parliament;
8. **COMMENDS** the Ad Hoc Committee for successfully completing its daunting mandate within a very limited space of time.

**Adopted at Midrand, South Africa on 17 May 2019.**

### **Resolution on granting observer status to the Federal National Council of the United Arab Emirates**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, establishes the Pan-African Parliament to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING ALSO** the objectives of the Pan-African Parliament stipulated in Article 3 of the Protocol to the Treaty Establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4 (c) (ii) and 4 (i) of the Rules of Procedure of the Pan-African Parliament, which empowers the Pan-African Parliament to strengthen continental solidarity, cooperation and development, as well as carry out any other function that may enhance the work of the Union;

**PURSUANT** to the mandate of the Pan African Parliament Committee on Cooperation, International Relations and Conflict Resolutions set out in Rule 26(4)(b) of the Rules of Procedure of the Pan African Parliament to

"consider conventions and protocols linking the parliament with regional and international institutions and report to parliament", and consider matters of developmental policies of cooperation and international relations;

**RECALLING** the AU vision of "An Africa of good governance, democracy, respect for human rights, justice and the rule of law;

**PAYING TRIBUTE** to the role played by Pan-African Parliament in strengthening parliamentary cooperation at national, regional and international level to ensure peace, stability and the development of the African people;

**NOTING** that peace and stability, good governance, democracy and human rights are foundations for development of societies and that the Pan-African Parliament in collaboration with like-minded parliaments has the role to promote the principles of human rights, good governance and democracy in Africa, promote peace, security and stability, facilitate cooperation and development in Africa;

**IN ACCORDANCE WITH** Rule 77 (4) of the Rules of Procedure of the Pan-African Parliament, which empowers Parliament to confer, upon request, special observer status on Parliaments outside Africa, other Organs of the African Union or international agencies whose objectives and principles are consistent with those of the Union;

**NOW HEREBY RESOLVES TO:**

1. **GRANT observer status** to the Federal National Council of the United Arab Emirates;
2. **MANDATE** the Committee on Cooperation, International Relations and Conflict Resolution to continue to collaborate with the Federal National Council of the United Arab Emirates in areas that are mutually beneficial to the PAP and the people of Africa;

**Adopted at Midrand, South Africa on 17 May 2019.**

## **Resolution on concrete measures for the promotion and protection of the rights of persons with albinism in Africa**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**STRONGLY REAFFIRMING** its support for Resolution PAP.4/PLN/RES/05/MAY on Persons with Albinism in Africa; Resolution ACHPR/Res.263 2013 on the prevention of attacks and discrimination against persons with albinism; Resolution ACHPR/Res.349 2016 on the attacks on persons with albinism in Malawi; and Resolution ACHPR/Res.373 2017 on the Regional Action Plan on Albinism;

**FURTHER REAFFIRMING** support for Resolution 23/13 of the Human Rights Council on attacks and discrimination against persons with albinism, and General Assembly Resolution A/RES/69/170 establishing International Albinism Awareness Day on 13 June;

**COGNISANT** of the Memorandum of Understanding between this Parliament and the Centre for Human Rights at the University of Pretoria and the collaborative working relationship between these entities and the United Nations Independent Expert on the enjoyment of human rights by persons with albinism whose mandate is established by the Human Rights Council resolution A/HRC/RES/37/5;

**DEEPLY DISTURBED** by the ongoing systematic attacks against persons with albinism in many parts of the continent in particular against women and children with albinism, including entrenched prejudices,

stigmatisation and social exclusion, as well as multiple and intersecting forms of discrimination which impede the enjoyment of human rights of persons with albinism;

**NOTING** that only 5 African Union member states have adopted and domesticated the Regional Action Plan on Albinism in Africa; and the urgent need for more member states to undertake and implement specific measures and strategies to protect the rights of persons with albinism;

**UNANIMOUSLY CONVINCED** of the urgent necessity of co-ordinating and intensifying concrete efforts for the effective protection and promotion of the rights of persons with albinism across the continent, including through country action plans premised upon the Regional Action Plan on Albinism that systematically addresses response to violations against persons with albinism;

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. **URGE** the African Union Member States to:

- i. Adopt and fully implement, directly or through national action plans, the Regional Action Plan on Albinism in Africa which lays out specific measures for addressing attacks and discrimination against persons with albinism through prevention, protection, accountability as well as equality and nondiscrimination measures;
- ii. Prioritize all measures to ensure the safety and security of persons with albinism and their families; and ensure that appropriate psychosocial, medical, legal and socioeconomic support is available for victims of attacks and their surviving relatives;
- iii. Fund adequately and continuously measures identified in the Regional Action Plan on Albinism, national action plans, and all relevant specific measures to promote the enjoyment of human rights by persons with albinism;
- iv. Ensure that persons with albinism enjoy the highest attainable standard of health including by listing sunscreen as an essential medicine; producing it locally through existing modalities of best practices; and ensuring quality, availability and accessibility to these products including to sun-protective clothing, at no cost to persons with albinism;
- v. Also ensure that persons with albinism as a constituent of persons with disabilities are provided with reasonable accommodation for vision impairment at school and place of work including adaptive devices such as monocular, special glasses and large print materials;
- vi. Engage in continuous, long term awareness raising campaigns throughout the country on albinism, human rights and harmful practices related to manifestation of belief in witchcraft, with special emphasis on rural and border communities;
- vii. Involve persons with albinism in the development and implementation of all measures affecting them, and ensure they have political participation in crucial and relevant spheres of government;
- viii. Ensure the regular and systematic collection of -disaggregated national data on persons with albinism that captures, amongst others, their age, sex, ethnicity and socio-economic situation including housing conditions, health, education and employment to inform policy interventions and ensure their inclusion in appropriate social welfare schemes and poverty alleviation programs;
- ix. Integrate a gender perspective in all policy-making and programmatic efforts targeting people with albinism to ensure that interventions specifically address intersecting issues relating to women with albinism.
- x. Undertake through or beyond the Regional Action Plan, legal, policy and programmatic reform efforts for the protection and promotion of the human rights of persons with albinism within their respective countries;

- xi. Continually undertake specific measures to improve the living conditions and overall socio-economic welfare of persons with albinism in their respective countries;
2. **UNDERTAKE** an advocacy campaign on the rights of persons with albinism on International Albinism Awareness Day, on 13<sup>th</sup> June;
3. **FURTHER UNDERTAKE** awareness raising initiatives on the rights of persons with albinism beyond International Albinism Awareness Day, leveraging on existing platforms, meetings and events convened by the PAP and the African Union as well as its regional bodies;
4. **ISSUE** statements to condemn violations of rights of persons with albinism across the continent continually and as they arise;
5. **DEVELOP** guidelines on harmful practices related to manifestation of belief in witchcraft, which shall only become operational upon adoption by the PAP, in order to entrench the guidelines into existing legal and non-legal frameworks on harmful practices as well as guide efforts aimed at mitigating their impact on all victims, including persons with albinism;
6. **URGE** the African Union Commission to endorse the Regional Action Plan and to include it as an annex to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa in order to facilitate entrenchment, implementation and follow up among Member States of the AU;
7. **ENCOURAGE** African Union Member States to adopt, domesticate and implement the Regional Action Plan;
8. **ADVOCATE** for continent-wide ratification, by Member States of the African Union, of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa
9. **ENHANCE** cooperation between the PAP and all AU organs, particularly the African Commission on Human and Peoples' Rights in order to integrate their efforts to promote and protect the rights of persons with albinism in Africa, including by ensuring participation of persons with albinism in relevant policy processes.

**Adopted at Midrand, South Africa 17 May 2019**

### **Resolution on statelessness**

#### **THE PAN-AFRICAN PARLIAMENT,**

**RECOGNIZING** Article 17 of the Constitutive Act of the African Union which establishes the Pan-African Parliament, as read together with Rule 3 (a) of the Rules of Procedure of the Pan-African Parliament;

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**CONSIDERING FURTHER** Article 5 of Charter on Human and People's Rights, which implies the right to nationality, essential to the enjoyment of other fundamental rights and freedoms under the Charter, and Article

6 of the 1990 African Charter for the Rights and the Welfare of the Child, which provides for the acquisition of nationality of the country of birth if the child would otherwise be rendered stateless;

**NOTING** that millions of people in the world, including hundreds of thousands in Africa are not considered to be nationals by any State and are thus stateless, which limits their enjoyment of the full range of human rights, and undermines development, peace and security in the continent;

**HAVING REGARD** to the report on the Right to Nationality in Africa, issued by the African Commission on Human and People's Rights in 2014, that highlights the gaps in the nationality legislations enacted in Africa, and the importance to develop and adopt an African instrument on the right to a nationality;

**HAVING REGARD ALSO** to the UNHCR global mandate to identify and protect stateless persons, and prevent and reduce statelessness;

**HAVING REGARD FURTHER** to the UNHCR Global Campaign #Ibelong to Eradicate Statelessness by 2024 and the outstanding efforts deployed by ECOWAS and its member States to implement this campaign in West Africa;

**CONVINCED** by the centrality of the right to nationality, as a fundamental human right essential to the enjoyment of other Human rights and closely interrelated with the Rule of Law, Peace, international security and development, and therefore a priority for the African Union;

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. **WELCOME** the commitment of the African Union's Assembly of Heads of State and Government, expressed at its 32<sup>nd</sup> Ordinary Session, to develop a clear policy framework to address the challenge of the stateless persons hosted in the continent;
2. **WELCOME ALSO** the African Union's efforts on the draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, in line with decisions of the African Union's Assembly of Heads of State and Government;
3. **URGE** all Member States concerned to accede to these two conventions and to work to support the adoption, in 2019, of the draft Protocol on the Right to Nationality and the Eradication of Statelessness in Africa;
4. **URGE ALSO** the AU Member States to find immediate solutions for stateless persons and persons at risk of statelessness so that they can obtain or confirm their nationality, and to prevent statelessness by addressing its root causes. In this regard, the Pan-African Parliament urges Member States to:
  - In line with article 6 of the African Charter on the Rights and Welfare of the Child, reform nationality laws to ensure that every child born or found on a state's territory will acquire the nationality of that state if the child would otherwise be stateless, and further reform nationality laws to eliminate all forms of discrimination that constitute a leading cause of statelessness in Africa;
  - Improve access to birth registration, irrespective of the parent(s)' immigration status, and raise awareness of such registration among stateless persons and persons at risk of statelessness, and establish accessible procedures for late birth registration; and
  - Adopt legislation that facilitates the recognition and documentation of nationality through registration or simplified naturalisation procedures.
5. **TAKE NOTE** of the Economic Community of West African States' Banjul Plan of Action on the Eradication of Statelessness 2017-2024 and the International Conference on the Great Lakes Region's 2017 Declaration on the Eradication of Statelessness;

6. **URGE FURTHER** the Regional Economic Communities that have not yet done so to conduct regional research on the prevalence, causes and consequences of statelessness and to coordinate actions to develop comprehensive regional strategies to address statelessness; and
7. **REAFFIRM** the importance for all Member States to commit to eradicate statelessness in Africa by 2024 and urge them to make concrete pledges in this regard at the October 2019 High-Level International Event on Statelessness, to be held in Geneva.

**Adopted at Midrand, South Africa, on 17 May 2019.**

## **Resolution on the Formulation of an African Model Double Taxation Agreement**

### **THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union on establishing the Pan-African Parliament in order to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING** Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the Pan-African Parliament to facilitate the implementation of policies, objectives and programmes of the African Union, and oversee their effective implementation;

**RECALLING** the Special Declaration of the Conference of the African Union on Illicit Financial Flows at its twenty-fourth ordinary session, in January 2015, in Addis Ababa and the recommendations of the report of the High-Level Panel on illicit financial flows from Africa;

**NOTING WITH CONCERN** that most African countries do not have a tax convention with their current or prospective investors and business partners, and that, when such conventions exist, they are unfavourable to African countries due to weak domestic laws, limited exchanges of information, excessive tax incentives and limited technical capacity to deal with the technically sophisticated cross-border transactions of multinational enterprises (MNEs);

**NOTING** that corporate tax revenue in Africa is lower than value added tax and personal income tax, resulting in unfair tax systems where rich MNEs pay less tax at the expense of poor citizens, and low tax revenue collection on the continent;

**APPRECIATING** the technical presentations of representatives of the African Tax Administration Forum (ATAF) and African Union Commission on International Law (AUCIL), highlighting the problem of double taxation in Africa, as well as the need to adopt a model double taxation agreement for Africa;

**ACKNOWLEDGING** the need for African countries to adopt a coherent and harmonized approach in their tax negotiations, in order to foster greater tax certainty and a better environment for investment and trade;

**ACKNOWLEDGING ALSO** that a model double taxation agreement can be an effective tool to promote fair trade and investment between African States, on the one hand, and between African States and non-African States on the other hand;

**CONVINCED** that a model double taxation agreement will go a long way to facilitating the implementation of decisions of the African Union on eliminating illicit financial flows from Africa and addressing low corporate tax revenue, resulting in an unfair tax system and low tax revenue collection on the continent;

**IN ACCORDANCE WITH** Rule 5 (b) (c) (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the Pan-African Parliament to, *inter alia*, organise debate, discuss, express an opinion, make recommendations and take resolutions on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

### **NOW HEREBY RESOLVES TO:**

1. **APPROVE** the request made to the Pan-African Parliament to draft a model double taxation agreement for Africa;



2. **GIVE MANDATE** to the Permanent Committee on Monetary and Financial Affairs to lead the process of formulating a model African double taxation agreement and to submit it to Plenary for consideration;
3. **WELCOME** the collaboration with and technical support of ATAF and AUCIL, and requests the Permanent Committee on Monetary and Financial Affairs to continue to collaborate with these institutions and other stakeholders on drafting a model double taxation agreement for Africa;
4. **REQUEST** the Permanent Committee on Monetary and Financial Affairs to ensure that the relevant departments and directorates of the African Union Commission, Regional Economic Communities, national tax administrations and civil society organizations, should actively participate in the process of drafting a model double taxation agreement for Africa.

**Adopted at Midrand, South Africa, on 17 May 2019.**

## **Resolution on the African Union theme for the year 2019 the Year of Refugees, Returnees and Internally Displaced Persons**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**WELCOMING** the theme of the African Union for the year 2019, "*The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa*" which is a clear commitment to effectively address the issue of refugees, returnees and internally displaced persons in Africa;

**RECALLING** the Final Communiqué from its workshops on the year of Refugees, Returnees and Internally Displaced Persons: Pan-African Parliament's Contribution towards finding durable solutions to forced displacement in Africa held during the March 2019 Committees' in Midrand, South Africa and in Tunis, Tunisia;

**RECALLING** all legal frameworks developed at the regional and international level to address the legal status, rights and obligations of refugees, including the 1951 Refugee Convention, the 1967 Protocol relating to the Status of Refugees, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 OAU Refugee Convention); the African Charter on Human and People's Rights, the African Charter on the Rights and Welfare of the Child; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa; and the Protocol relating to the Establishment of the Peace and Security Council of the African Union;

**NOTING** with concern the lack of a comprehensive and overarching humanitarian policy framework in the continent to address the problems of refugees, returnees and internally displaced persons;

**NOTING FURTHER** that 2019 marks the 50<sup>th</sup> and 10<sup>th</sup> anniversaries of the adoption of the 1969 OAU Refugee Convention and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced in Africa (the Kampala Convention) respectively;

**EXPRESSING DEEP CONCERN** about large-scale and complex displacement, humanitarian crises and risks of statelessness that have affected African states for many years, owing to factors such as conflicts, discrimination,

effects of climate change, human rights violations, inter-communal tensions, natural disasters, public health emergencies and socio-economic inequality and exclusion;

**NOTING FURTHER WITH CONCERN** that many situations of displacement have become protracted with no durable solutions in sight;

**REAFFIRMING** the continued importance of the 1969 OAU Refugee Convention, which, anchored in the African culture of hospitality and solidarity, constitute a panAfrican solution to the crisis of refugees on the continent and plays a crucial role in contemporary refugee challenges, by supporting the implementation of the Global Compact on Refugees and Migration;

**REITERATING** the central and primary role and responsibility of the State in addressing root causes and finding durable solutions to forced displacement, humanitarian crises and situations of statelessness and recognized that effective responses and solutions depend on a fully capable State, ensuring that people remain at the center of development and humanitarian interventions, in line with the principle of leaving no one behind;

**ACKNOWLEDGING** with pride and satisfaction the solidarity shown by Member States and their citizens towards refugees, internally displaced persons and stateless persons in Africa in the spirit of pan-Africanism and humanitarian solidarity;

**ACKNOWLEDGING FURTHER** the unique role and position of Parliamentarians in the legislative and policy formulation, implementation and oversight for the prevention, effective responses to and/or sustainable solutions to forced displacement in Africa;

**FULLY RECOGNIZING** the importance of international and regional collaboration and cooperation towards finding permanent solutions to forced displacement as to realize the aspirations of Agenda 2063: the Africa We Want and the United Nations Sustainable Development Goals;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan--African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. **SUPPORT** the commitment by the African Union's Assembly of Heads of State and Government, made at its 32<sup>nd</sup> Ordinary Session, to take bold and effective political leadership to resolve conflicts in Africa through policies and strategies that strengthen national systems and structures that prevent conflicts and displacement on the continent;
2. **CALL ON** the National and Regional Parliaments to effectively contribute to the eradication of structural sources and drivers of conflict and forced displacement, including corruption, extreme poverty, gender inequality and other forms of discrimination, human rights violations, low political participation, organized crime, resource mismanagement, rule of law issues and youth unemployment.
3. **ENCOURAGE** Members of Parliament to deploy their law-making and oversight power to monitor State implementation of the 1969 OAU Refugee Convention and the Kampala Convention as well as other relevant international and regional legal and policy frameworks relating to refugees, internally displaced persons and returnees;
4. **ADVOCATE** with National Parliaments for the adoption and/or effective implementation of laws and policies that guarantee and advance human rights, good governance and rule of law, and for the increase of social security budget allocations, which are critical to addressing the needs of refugees, internally displaced persons and returnees;
5. **RENEW ITS COMMITMENT**, in accordance with the decision by the African Union's Assembly of Heads of States and Governments, made at its 32<sup>nd</sup> Ordinary Session, to work closely with the African Union Commission, the Regional Economic Communities, the Member States and other relevant partners, including civil society, to ensure the effective protection of the rights of refugees, internally displaced persons and returnees, particularly to promote effective registration, access to education, healthcare and other basic services for refugee, returnee, internally displaced and stateless women and children in Africa.

6. **CONDEMN** all acts of inhuman treatment of refugees and displaced persons, **CONDUCT** parliamentary fact-finding missions to refugee camps across Africa and **INVESTIGATE** the alleged slavery and trade of migrants in Libya with a view to formulating relevant recommendations to the African Union policy organs, the Member States and other relevant stakeholders;
7. **URGE** African Union Member States to universally ratify, domesticate and implement the African Union instruments relating to refugees, displaced persons and returnees, and to adhere to the Global Pact on Refugees;
8. **PAY TRIBUTE** to all Member States that have been exemplary with regard to good treatment and hospitality granted to asylum-seekers and refugees in the host communities, particularly Algeria, Rwanda and Uganda, and urge other Member States to emulate these good examples.

**Adopted at Midrand, South Africa, on 17 May 2019**

### **Resolution on the African Union declaration on universal access to immunisation in Africa**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**NOTING** that the Member States are duty-bound to ensure the social security of people by creating a conducive environment that allows them to access basic needs such as education, water, housing, health coverage;

**NOTING ALSO** that the right to health and medical care is guaranteed to all persons by several international and national legal instruments, including the Universal Declaration of Human Rights, the African Charter of Human Rights and Peoples, the African Charter of Rights and Welfare of the Child and the Protocol to the African Charter of Human and Peoples' Rights relating to women's rights (Maputo Protocol);

**NOTING FURTHER** that, for every USD of investment in vaccine acquisition, the economic benefits are in the order of USD 44 and that immunisation ensures better growth for children, in addition to saving several lives;

**WELCOMING** the commitment by African Union Member States to ensure better healthcare for the continent's socio-economic development through the Catalytic Framework to eliminate HIV/AIDS, Tuberculosis and Malaria by 2030 and the implementation of the African Union Declaration on Universal Access to Immunization adopted on 31 January 2017;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. **URGE** Parliamentarians to exercise their mandate to advocate for increased budget allocations to social security and immunisation programmes;
2. **URGE ALSO** Parliamentarians to play their full role in monitoring government action in monitoring and implementing state commitments at the international, continental, regional and national levels for access universal immunization for the well-being of populations;

3. **ESTABLISH** the African Parliamentarians' Caucus on Immunization, which shall operate under the same rules as those applicable to the Tuberculosis Caucus.

**Adopted in Midrand, South Africa 17 May 2019**

### **List of recommendations**

Ref: PAP.5/PLN/RES/1-7/MAY.19

Original: English

- i. Recommendation *PAP.5/PLN/RECOM01/MAY.19* on the ratification and implementation of the Charter for African Cultural Renaissance;
- ii. Recommendation *PAP. 5/PLN/RECOM01/MAY.19* on the Industrial Sector in Africa;
- iii. Recommendation *PAP.5/PLN/RECOM01/MAY.19* on the African Union Theme for the Year 2019: The Year of Refugees, Returnees and Internally Displaced Persons.

### **Recommendation on the ratification and implementation of the Charter for African Cultural Renaissance**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 (1) of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to *inter alia* to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**RECALLING** the African Union Charter for African Cultural Renaissance (2006); the Universal Declaration of Principles of International Cultural Co-operation; the PanAfrican Cultural Manifesto of Algiers; the Convention on the Protection of Cultural Property in the Event of Armed Conflict; the Convention Concerning the Protection

of World Cultural and Natural Heritage; the Convention on the Protection and Promotion of Diversity of Cultural Expressions; and the Decision of OAU Summit on the establishment of the African Academy of Languages (2006);

**RECALLING ALSO** the African Union Agenda 2063, adopted by the AU Assembly in 2015, specifically its Aspiration 5, which envisages ‘an Africa with a Strong Cultural Identity, Common Heritage, Values and Ethics’ and its goal for a fully entrenched Africanism;

**CONVINCED** that arts, culture and heritage are the pillars to build a strong African cultural identity and renaissance;

**CONVINCED FURTHER** that culture, heritage including the African creative economy if developed, and promoted can provide a potential and strong contribution to the economy of the continent;

**NOTING** the presentation on the Ratification and Implementation of the Charter for African Cultural Renaissance made to the Second Ordinary Session of the Fifth Parliament of the Pan-African Parliament in May 2019;

**DEEPLY CONCERNED** by the slow pace of ratification and implementation of the Charter for African Cultural Renaissance adopted by Summit of Heads of States of the African Union in Khartoum, Sudan on the 24<sup>th</sup> January 2006;

**IN ACCORDANCE WITH** Rule 5 (d) of the Rules of Procedures of the PAP, which authorizes the PAP to make recommendations and formulate resolutions on any matter relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;

**NOW HEREBY RECOMMENDS TO:**

1. The African Union Member States that have not yet ratified the Charter for African Cultural Renaissance:
  - (i) Accelerate their processes of ratification of the Charter for African Cultural Renaissance to ensure that it enters into force before the end of 2019;
  - (ii) Commence implementation of the Charter after its ratification through the Charter’s Implementation Guide in collaboration with the African Union Commission (AUC); Regional Economic Communities (RECs), Pan-African Cultural Institutions and other stakeholders;
  - (iii) In collaboration with the African Union Commission and the Charter for African Cultural Renaissance Champion Member States, carry out national campaigns on the importance of the ratification of this continental policy instrument.
2. The National Parliaments to continue advocating for the acceleration of the ratification processes of the Charter for African Cultural Renaissance at national and constituency levels;
3. The Pan-African Parliament and the African Union Commission (AUC) to develop a framework to guide the collaboration with National Parliaments in the monitoring and evaluating progress of the ratification and implementation of the Charter for African Cultural Renaissance.

**Adopted at Midrand, Republic of South Africa on 17 May 2019**

## **Recommendations of the Pan-African Parliament for the industrial sector in Africa**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament with a view to ensuring the full participation of African peoples in the development and economic integration of the continent,

**CONSIDERING ALSO** Article 3 of the Constitutive Act of the African Union whose objectives are, *inter alia*, to accelerate political and socio-economic integration of the continent; promote international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration on Human Rights; promote sustainable development at the economic, social and cultural levels as well as the integration of

African economies; coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union,

**CONSIDERING FURTHER** Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament and Article 4 (a) of the Rules of Procedures of the Pan-African Parliament,

**RECALLING** the need to implement UNIDO programmes on industrial development in Africa,

In accordance with Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament which gives it the authority to make recommendations and take resolutions on any matters relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions,

**HEREBY RECOMMENDS THAT**

1. African countries should harmonize their trade policies to facilitate commercial activities and exchanges with other countries of the continent, in particular, by signing conventions/agreements;
2. Member States should diversify their economies and invest in long-term development projects or in economic areas, so as to achieve large-scale industrial development in Africa;
3. Leaders of Member States should support UNIDO programmes and sign its partnership programs for industrial development;
4. Universities should assist industries in exploring new fields of knowledge and developing the human capital;
5. The implementation process of the African Continental Free Trade Area (AfCFTA) should be accelerated;
6. The African Union Commission should submit a legal framework for industry and transport.

**Adopted at Midrand, Republic of South Africa on 17 May 2019**

### **Recommendations on the African Union theme for the year 2019: The Year of Refugees, Returnees and Internally Displaced Persons**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**WELCOMING** the theme of the African Union for the year 2019, "*The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa*" which is a clear commitment to effectively address the issue of refugees, returnees and internally displaced persons in Africa;

**RECALLING** the Final Communiqué from its workshops on the year of Refugees, Returnees and Internally Displaced Persons: Pan-African Parliament's Contribution towards finding durable solutions to forced displacement in Africa held during the March 2019 Committees' in Midrand, South Africa and in Tunis, Tunisia;

**RECALLING ALSO** all legal frameworks developed at the regional and international level to address the legal status, rights and obligations of refugees, including the 1951 Refugee Convention, the 1967 Protocol relating to the Status of Refugees, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969 OAU Refugee Convention); the African Charter on Human and People's Rights, the African Charter on the Rights and Welfare of the Child; the Protocol to the African Charter on Human and Peoples' Rights on the

Rights of Women in Africa; and the Protocol relating to the Establishment of the Peace and Security Council of the African Union;

**NOTING WITH CONCERN** the lack of a comprehensive and overarching humanitarian policy framework in the continent to address the problems of refugees, returnees and internally displaced persons;

**NOTING FURTHER** that 2019 marks the 50<sup>th</sup> and 10<sup>th</sup> anniversaries of the adoption of the 1969 OAU Refugee Convention and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced in Africa (the Kampala Convention) respectively;

**EXPRESSING DEEP CONCERN** about large-scale and complex displacement, humanitarian crises and risks of statelessness that have affected African states for many years, owing to factors such as conflicts, discrimination, effects of climate change, human rights violations, inter-communal tensions, natural disasters, public health emergencies and socio-economic inequality and exclusion;

**NOTING FURTHER WITH CONCERN** that many situations of displacement have become protracted with no durable solutions in sight;

**REAFFIRMING** the continued importance of the 1969 OAU Refugee Convention, which, anchored in the African culture of hospitality and solidarity, constitute a pan--African solution to the crisis of refugees on the continent and plays a crucial role in contemporary refugee challenges, by supporting the implementation of the Global Compact on Refugees and Migration;

**REITERATING** the central and primary role and responsibility of the State in addressing root causes and finding durable solutions to forced displacement, humanitarian crises and situations of statelessness and recognized that effective responses and solutions depend on a fully capable State, ensuring that people remain at the center of development and humanitarian interventions, in line with the principle of leaving no one behind;

**ACKNOWLEDGING** with pride and satisfaction the solidarity shown by Member States and their citizens towards refugees, internally displaced persons and stateless persons in Africa in the spirit of pan-Africanism and humanitarian solidarity;

**FULLY RECOGNIZING** the importance of international and regional collaboration and cooperation towards finding permanent solutions to forced displacement as to realize the aspirations of Agenda 2063: the Africa We Want and the United Nations Sustainable Development Goals.

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan--African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, advice make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RECOMMENDS THAT:**

**I. In the area of preventing forced displacement by addressing its root causes:**

- (i) Member States put the concerns of refugees, internally displaced persons and stateless persons on the agendas of the African Union Peace and Security Council, Regional Economic Communities and relevant organs;
- (ii) AU Member States strengthen comprehensive mediation, peace building and conflict resolution mechanisms, including the full participation of women in all peacebuilding activities and processes, to pursue national reconciliation through the African Peace and Security Architecture, to strengthen Africa's peacekeeping and enforcement capabilities and collaboration with the United Nations system;
- (iii) Member States establish and/or fully implement monitoring and early warning systems as important tools of prevention, early warning and early response to humanitarian crises, and emphasize the importance of considering gender differentiated experiences within these systems at all times;
- (iv) AU Member States promote cross-border cooperation for the resolution of disputes and to promote integrated cross-border security governance and socio-economic development;

- (v) AU Member States promote democracy and popular participation in order to address the root causes of political discontent and disaffection; and

**II. In the area of the ratification, domestication and implementation of the 1969 OAU Refugee Convention and the Kampala Convention:**

- (i) AU Member States sign, ratify, domesticate and or implement the 1969 OAU Refugee Convention and the Kampala Convention in 2019, in honor of the African Union's Year of Refugees, Returnees and Internally Displaced Persons;
- (ii) Host countries follow a humanitarian approach in their treatment of refugees, returnees and internally displaced persons, including by eradicating encampment policies and making allowance for education and employment of the forcedly displaced; and
- (iii) AU Member States that have already ratified the two treaties to fully incorporate them into domestic law and policy, to allow for their effective implementation at the national and local levels, taking into account relevant policy tools and frameworks such as the African Union's Model Law on the Kampala Convention.

**III. In the area of strengthening assistance to, protection of, and solidarity with refugees, internally displaced persons and stateless persons:**

- (i) Member States strengthen protection and assistance mechanisms at the national level in line with relevant regional instruments and policy frameworks, including the 1969 OAU Refugee Convention and the Kampala Convention for the determination of refugee status, for the registration of internally displaced persons and for the registration of births amongst other mechanisms;
- (ii) AU Member States protect and promote the human rights of refugees, internally displaced persons and stateless persons, as enshrined in regional and international legal instruments, including but not limited to the 1969 OAU Refugee Convention, the Kampala Convention, the African Charter on Human and Peoples' Rights, including its Protocol on the rights of women in Africa and the African Charter on the Rights and Welfare of the Child; and
- (iii) AU Member States employ an inclusive approach and foster the participation of women, refugees, internally displaced persons and persons at risk of statelessness in all decision-making processes affecting them.

**Adopted at Midrand, Republic of South Africa on 17 May 2019**

### **Annex 3:**

#### **Resolutions and recommendations from the October 2019 Ordinary Session**

Ref: PAP.5/PLN/RES/1-13/OCT.19

Original: English

- (i) Resolution PAP.5/PLN/RES/1/OCT.19 on the adoption of the Model Law on disability in Africa;
- (ii) Resolution PAP.5/PLN/RES/2/OCT.19 on the Model Law on Food and Security and Nutrition in Africa;
- (iii) Resolution PAP.5/PLN/RES/3/OCT.19 on the establishment of the Pan African Parliamentarians Forum on Education;
- (iv) Resolution PAP.5/PLN/RES/4/OCT.19 on the adoption of the African Model Double Taxation Agreement;
- (v) Resolution PAP.5/PLN/RES/5/OCT.19 on managing debt and fighting corruption in Africa;
- (vi) Resolution PAP.5/PLN/RES/6/OCT.19 on the peace and security status on the African Continent
- (vii) Resolution PAP.5/PLN/RES/7/OCT.19 on the peace and security situation in the Sahel Region;
- (viii) Resolution PAP.5/PLN/RES/8/OCT.19 on the Activity Report of the Pan African Parliament;



- (ix) Resolution PAP.5/PLN/RES/9/OCT.19 on the Terminal Report of the Committee on Audit and Public Accounts of The Pan-African Parliament
- (x) Resolution PAP.5/PLN/RES/10/OCT.19 on paying tribute to His Excellency Robert Mugabe, Former President of the Republic of Zimbabwe
- (xi) Resolution PAP.5/PLN/RES/11/OCT.19 on the Consideration of the draft 2019 - 2013 Strategic Plan of the Pan-African Parliament;
- (xii) Resolution PAP.5/PLN/RES/12/OCT.19 on the Report of the Disciplinary Board Instituted to Hear the Case of Mr Yusupha Jobe
- (xiii) Resolution PAP.5/PLN/RES/10/OCT.19 on the adoption of the Model Law on Policing in Africa.

### **Resolution establishing the adoption of the Model Law on Disability in Africa**

#### **THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the "full participation of the African people in the development and economic integration of the continent";

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan African Parliament, which empower the PAP to facilitate regional cooperation, development and promotion of "collective self-reliance and economic recovery" as well as the implementation of the policies, objectives and programmes" of the African Union;

**CONSIDERING FURTHER** Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of African Union Member States, *inter alia* through proposing and developing model laws;

**CONSIDERING FURTHER the African Charter on Human and Peoples' Rights and the United Nations Convention on the Rights of Persons with Disabilities**, with the move from traditional charity-oriented and medical-based approaches, which guarantee equal rights to individuals regardless of their status, including disability;

**RECALLING FURTHER** the PAP Resolution on the Model Disability Law in Africa, which was adopted during the First Ordinary Session of the Fifth Parliament, in October 2018;

**RECOGNIZING** that persons with disabilities face discrimination and barriers that restrict them from participating in social life on equal basis with others, they are denied their rights to live independently in the community with social protection;

**WELCOMING** of the partnership between the Pan-African Parliament and Africa Disability Alliance to fulfil human rights for people with disabilities by promoting and mainstreaming disability within African Union Member States through the development of a Model Disability Law;

**APPRECIATING** the contributions from the regional consultations on the Draft Model Disability Law which provided an opportunity for African citizens, the grassroots organizations and other interested stakeholders to engage in the draft Model Law;

**APPRECIATING** also the technical support given by the Africa Disability Alliance to the Pan-African Parliament in the formulation of and consultations on the draft model law on disability, which will facilitate the domestication of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities as well as formulation of national human rights policies and legislations on disability;

**CONVINCED** that a comprehensive and integrated continental legislative framework to support the promotion and protection of the rights of persons with disabilities will make a significant contribution to redressing the

profound social vulnerabilities of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres, at both national and international levels;

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan--African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. **ADOPT** the Model Disability Law in Africa;
2. **REQUEST** the Bureau of PAP to submit the Model Disability Law to the AU Policy Organs for endorsement and use by the AU Member States;
3. **UNDERTAKE** advocacy activities for the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities and for the endorsement and use by the AU Member States;
4. **STRENGTHEN** the collaboration and exchanges among regional and national parliamentary bodies, with a view to enhancing the capacity of parliamentarians to monitor and promote disability mainstreaming in national policies and programmes, as well as the budgetary and legislative instruments.

**Adopted in Midrand, South Africa 17 October 2019**

## **Resolution on the model law on Food Security and Nutrition in Africa**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the "full participation of the African people in the development and integration of the continent";

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate regional cooperation, development and promotion of "collective self-reliance and economic recovery" as well as the implementation of the policies, objectives and programmes" of the African Union;

**CONSIDERING FURTHER** Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of African Union Member States, *inter alia* through proposing and developing model laws;

**RECALLING** the PAP Resolution on the development of a Model Law on Food Security and Nutrition in Africa, which was adopted during the First Ordinary Session of the Fifth Parliament, in October 2018;

**RECOGNIZING** that the majority of African countries are parties to the international conventions relating to food security and nutrition (FSN), such as the International Covenant on Economic, Social and Cultural Rights, and that the right to adequate food is explicitly or implicitly enshrined in the national Constitutions of many countries in Africa;

**NOTING** that FSN policies and frameworks that are anchored in legislation are relatively more effective and foster sustainable improvement of FSN, and the need to address structural challenges, specific policies, programmes, legislation and enabling environment for FSN;

**TAKING NOTE** of the presentation on the draft Model Law on Food Security and Nutrition, which take into account the crosscutting and multi-sectoral nature of FSN and the diverse legal traditions of African States;

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take

resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. **ADOPT** the first Draft Model Law on FSN in Africa;
2. **REQUEST** the Committee on Agriculture to undertake regional consultations on the Draft Model Law on FSN in Africa, in order to integrate contributions from African citizens, the grassroots organizations and other interested stakeholders;
3. **WELCOME** the technical support from FAO and the fruitful collaboration between the PAPA-FSN, the Committee on Rural Economy, Agriculture, Natural Resources and Environment, African Union Development Agency (AUDA-NEPAD), and the African Union Commission's Department of Rural Economy and Agriculture, for the formulation of the Draft Model Law on FSN.

**Adopted in Midrand, South Africa 17 October 2019**

## **Resolution on the establishment of the Pan-African Parliamentarians forum on education**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**RECALLING** the Decision of the AU Assembly of Head of States and Governments, in July 2004, which established, the International Centre for Girls and Women Education in Africa (AU/CIEFFA), as an institution for the promotion of education of girls and women in Africa;

**RECALLING ALSO** the recommendations of the Conference of Ministers of Education of the African Union at its second session held in Algiers in April 2005 on establishing the Pan-African Institute of Education Sciences for Development (IPED) as the specialised institution of the AU charged with the responsibility to function as Africa's Education Observatory with the aim to promote quality, responsive and inclusive education development in Africa by ensuring a robust and functional Education Management Information System (EMIS) and a sound knowledge-based planning;

**RECALLING FURTHER** the Decision, adopted by the Assembly of Heads of State and Government of the AU, in July 2010, to establish the Pan-African University, which is aimed at revitalising higher education and research in Africa with a focus on improving the quality of science education;

**NOTING** that the AU Science, Technology and Innovation Strategy for Africa 2024 (STISA-2024) places science, technology and innovation at the epicentre of Africa's socio-economic development and growth and emphasises the impact sciences can have across critical sectors such as agriculture, energy, environment, health, infrastructure development, mining, security and water among others;

**NOTING ALSO** the pivotal role education plays in the achievement of the Aspirations of Agenda 2063 and the ensuing need for Africa to make significant investments in developing human and social capital through an education and skills revolution emphasizing innovation, science and technology;

**RECALLING** the Continental Education Strategy for Africa (2016/2025) adopted by the 26th Ordinary Session of the AU Executive Council, which has called for joint political will to initiate an educational reform to re-orient Africa's education and training systems to meet the knowledge, competencies, skills, innovation and creativity

required to nurture African core values and promote sustainable development at the national, sub-regional and continental level;

**IN ACCORDANCE WITH** Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. Establish the Pan-African Parliamentarians Forum for Education (PAP-FED) as follows:
  - 1.1. PAP-FED shall have the following as objectives:
    - a. Strive to mobilize parliamentarians to boost progress in education;
    - b. Consolidate the role of parliamentarians in drafting frameworks and legal instruments to develop education at national, regional and continental levels;
    - c. Participate in the monitoring process of the implementation of the strategies, policies and projects on which a consensus was reached, to develop education in Africa;
    - d. Have constructive dialogue and innovative interaction between parliamentarians and all stakeholders in education on curricula and training programmes for human development, collaborate effectively with educational experts in all countries on the continent to improve the place of education in society at regional and continental levels;
    - e. Support cooperation between members of all African parliaments to formulate a legal framework of reference for the African continent in order to attain equal educational opportunities for all and to ensure quality education;
    - f. Formulate continental legal frameworks on education to promote the provision of educational opportunities and reduce drop-out at all levels of education in Africa;
    - g. Monitor the implementation of educational plans, projects and policies to guarantee full inclusion of school children in different cycles and also to provide education and training for adults, in order to put an end to the phenomenon of school wastage and to stop widespread illiteracy and e-illiteracy using the latest learning methods.
  - 1.2. The Executive Committee of the PAP-FED under the supervision of the Committee on Education, Culture, Tourism and Human Resources, shall consist of members of the Committee on Education, Culture, Tourism and Human Resources as well as members of other relevant Committees of PAP.
  - 1.3. PAP-FED shall hold annual meetings in the various African capitals to ensure:
    - a. regular monitoring of the implementation of the decisions on education on the African continent;
    - b. benefit from the educational solutions and experiences of the different countries to achieve the desired objectives.
2. Invite all national, regional and international parliaments, and other relevant stakeholders, to nominate their representatives to the PAP-FED;

**Adopted in Midrand, South Africa 17 October 2019**

## Resolution on the adoption of the African Model for Double Taxation Agreement

### THE PAN-AFRICAN PARLIAMENT,

**CONSIDERING** Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**RECALLING** the AU Assembly Special Declaration on Illicit Financial Flows on the Twenty Fourth Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia, January 2015 and the Recommendations of the Report of the High-Level Panel on Illicit Financial Flows from Africa;

**RECALLING ALSO** Resolution PAP.5/PLN/RES/10/MAY.19 on the Formulation of an African Model Double Taxation Agreement, adopted on the 7 May 2019 by the Pan African Parliament;

**NOTING** the progress made by the Committee on Finance and Monetary Affairs in the implementation of the abovementioned Resolution, thanks to the fruitful collaboration with the African Tax Administration Forum (ATAF), the African Union Commission (AUC) and the African Union Commission on International Law (AUCIL);

**REITERATING** the need for African countries to have a consistent and harmonised approach in their taxation negotiations, which would promote increased tax certainty and a better investment and trade environment;

**REITERATING FURTHER** that a Model Double Taxation Agreement can be an effective tool to promote equitable trade and investment amongst African States and between African States and non-African States, and to facilitate the implementation of the AU decisions on ending Illicit Financial Flows from Africa and to address the low corporate tax yield that results in inequitable tax system and low tax revenue collections in the continent;

**APPRECIATING** the contributions from the technical consultations on the Draft Model Double Taxation Agreement, which provided an opportunity for specialised tax administrations and other interested stakeholders to engage with the draft Model Double Taxation Agreement;

**IN ACCORDANCE WITH** Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

### NOW HEREBY RESOLVES TO:

1. Adopt the first draft of the African Union Model Double Taxation Agreement
2. Request the Committee on Finance and Monetary Affairs and the Bureau of PAP to ensure its submission to the AUCIL for consideration and further submission to the AU Policy Organs;
3. Mandate the Committee on Finance and Monetary Affairs to continue carrying out sensitization and capacity-building activities on the African Union Double Taxation Agreement;
4. Thank ATAF, AUCIL and AUC and other partners for the support received for the formulation of the African Union Model Double Taxation Agreement, and strengthen such collaboration working on tax and DTAs.

Adopted in Midrand, South Africa 17 October 2019

## Resolution on managing debt and fighting corruption in Africa

### THE PAN-AFRICAN PARLIAMENT,

**CONSIDERING** Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**RECALLING** the AU Assembly Special Declaration on Illicit Financial Flows on the Twenty Fourth Ordinary Session of the AU Assembly in Addis Ababa, Ethiopia, January 2015 and the Recommendations of the Report of the High-Level Panel on Illicit Financial Flows from Africa;

**RECALLING ALSO** the Resolution on Winning the Fight against Corruption: A Sustainable Path to Africa's Transformation adopted by the Pan-African Parliament on 17 May 2017;

**CONCERNED** with the fact that corruption and illicit financial flows threaten our goals to end poverty and hunger in Africa and to achieve sustainable development in its three dimensions through promoting inclusive economic growth, protecting the environment and promoting social inclusion, strong political commitment to address the challenge posed by corruption and illicit financial flows out of Africa must be enhanced;

**CONCERNED ALSO** that illicit financial flows cause shortage of money available for States to spend on national development, which result in borrowing and the rising levels of sovereign debts in Africa;

**CONCERNED FURTHER** that poor public procurement, absence of transparency and poor tax administration by States have resulted in low revenues and need for borrowing;

**NOTING WITH CONCERN THAT** excessive and unlimited tax incentives without prior approval by Parliaments and the lack of monitoring and evaluation thereof expose countries to risks of reduced revenues and increase their potential to contract debts;

**ACKNOWLEDGING ALSO** the critical role of Public Accounts and Finance Committees in assisting Parliaments to curb corruption and IFFs, and in controlling debt;

**ACKNOWLEDGING FURTHER** that Parliaments can deploy their triple power of oversight on the budget cycle, accountability for the use of public funds and representation of the people to hold governments accountable for the disbursement of public funds as decided in the budget plan, including agreements on public debt;

**TAKING NOTE** of the Kampala Declaration of the African Organization of Public Accounts Committees (AFROPAC) adopted on 22 November 2018 and

**APPRECIATING** the technical presentations made by representatives of African Organization of Supreme Audit Institutions (AFROSAI-e), AFROPAC, African Parliamentarian's Network Against Corruption (APNAC), International Monetary Fund (IMF), African Tax Administration Forum (ATAF) and the African Union Anti-Corruption Board (AU-ABC);

**DETERMINED** to facilitate the implementation of the AU decisions on ending corruption and promoting a culture of transparency and good governance in line with the relevant AU legal and policy instruments;

**CONVINCED** that the establishment of an alliance within the Pan-African Parliament on managing debt and ending corruption would provide PAP Members a structured and effective platform to sustainably address and position the issue of debt management and corruption at the highest level of national and continental political and legislative agendas;

**IN ACCORDANCE WITH** Rule 5 (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions

on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

5. **PROMOTE** the ratification the universal ratification, domestication and implementation of the following African Union anti-corruption-related treaties:
  - i. The African Union Convention on Preventing & Combating Corruption;
  - ii. The African Charter on Democracy, Elections and Governance;
  - iii. The Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament;
  - iv. The Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights.
6. **ENGAGE** with the African National and Reginal Parliaments for full deployment of their legislative mandates to enact or revise national policies and legislations relating to the fight against corruption, including through ensuring non-conviction-based asset forfeiture and that criminal law shifts the burden of proof from the prosecutor to the accused in cases of corruption and IFFs.
7. **ALSO ENGAGE** with the African National and Reginal Parliaments for the effective exercise of their oversight, legislative and representative roles to ensure an effective management of sovereign debt and the breaking of the cycle of corruption, particularly through timely tracking and oversight of public and private partnerships and the audit of national sovereign debt, financial flows, revenue and procurement.
8. **ADVOCATE** with the AU Policy Organs for the establishment or strengthening, where applicable, of national and continental mechanisms and strategies aimed at effective debt management and reduction in Africa, including promotion of accountability, transparency and citizen participation in processes leading up to the contracting of sovereign debts.
9. **ADVOCATE** with the AU Policy Organs and Member States for the strengthening of the mandate, independence and the capacitation of all national and continental institutions with mandate relevant to the fight against corruption, particularly Public Accounts and Finance Committees, national anti-corruption agencies, audit institutions and the justice system.
10. **SUPPORT** and **PROMOTE** the role of Parliamentary anti-corruption networks, citizenry, the media and civil society in promoting the culture of transparency, probity and accountability, and in preventing illicit financial flows and odious debts;
11. **WORK** with interested partners towards the harmonisation of national laws and standards in the field of debt management and the fight against corruption, including through development, adoption and proportion of continental model laws, model double taxation agreements and other sectoral standards for use, adaptation or adoption by the AU Member States.
12. With a view to sustainably addressing and positioning the issue of debt management and corruption at the highest level of Africa's political and legislative agendas, **ESTABLISH** a Pan-African Parliament's Alliance for Debt Management and Against Corruption (PAPA-DMAC), which shall be organised and governed as follows:
  - (i) All members of the Committee on Monetary and Financial Affairs, the Committee on Audit and Public Accounts and the Committee on Justice and Human Rights shall be members of PAPA-DMAC, provided that any Member of PAP interested in advancing the cause of debt management and the fight against corruption in Africa can participate in PAPA-DMAC activities.
  - (ii) PAPA-DMAC shall have an Executive Committee, which shall consist of Chairpersons of the Committees referred to under Clause 7.1 and shall be placed under the leadership of one PAP Bureau Member.
  - (iii) The organisation and functioning of the PAPA-DMAC shall be regulated pursuant to the relevant provisions applicable to all Permanent Committees of the Pan-Africa Parliament.

13. **EXPRESS GRATITUDE** to AFROPAC, AFROSAI, APNAC, ATAF, AU-ABC and IMF for their continued support and technical assistance to the PAP and EXPRESS its willingness to formalise and strengthen existing and potential strategic partnerships to increase technical and financial support for its activities relating to breaking the cycle of corruption in Africa.

**Midrand, South Africa 17 October 2019**

## **Resolution on the peace and security status of the African Continent**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament (PAP) to ensure the "full participation of the African people in the development and economic integration of the continent";

**CONSIDERING ALSO** Article 3 (a), (f) and (k) of the Constitutive Act of the African Union outlining the objectives of the Union to achieve greater unity and solidarity between the African countries and the people of Africa, to promote peace, security and stability on the continent and to promote co-operation in all fields of human activities to raise the living standards of African peoples;

**CONSIDERING FURTHER** that Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, which facilitates the effective implementation of the policies and objectives of the African Union; the promotion of the principles of human rights and democracy in Africa; and promotes peace, security and stability;

**RECALLING** Article 20 of the Constitutive Act also referred to as Article 9 of the Protocol on Amendments to the Constitutive Act 2003; and Article 2 of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union as "the standing decision-making organ for prevention, management and resolution of conflicts";

**RECALLING** Aspiration 4 of Agenda 2063, which envisages a fully functional and operational African Peace and Security Architecture (APSA) for the preservation of peace, security and stability in Africa;

**NOTING** that Article 18 of the Protocol relating to the Establishment of the Peace and Security Council of the African Union prescribes for a close working relation with the Pan-African Parliament in the furtherance of peace, security and stability in Africa and mandates it to submit to the Pan-African Parliament reports that will enable the latter to discharge its responsibilities relating to the maintenance of peace, security and stability in Africa;

**NOTING WITH CONCERN** that terrorism and radicalisation continue to be fuelled by illicit proliferation, circulation and trafficking of small arms and light weapons, which threatens peace and security in the continent and undermines efforts to improve the living standards of African peoples;

**MINDFUL** that the African continent has a long history of armed conflicts and the commitment of the African Union Member States to silence the guns by 2020;

**APPRECIATING** the efforts and collaboration of the Peace and Security Council with the PAP to end conflict on the African continent;

**CONVINCED** that the challenges of peace and security can only be resolved through collective efforts by all Organs of the African Union;

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan--African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

5. **REQUEST** the Bureau of Pan African Parliament through the President of the PAP to engage with the Peace and Security Council to strengthen collaboration and cooperation on peace and security



issues, including the undertaking of joint fact-finding missions with the Committee on Cooperation, International Relations and Conflict Resolution to conflict areas;

6. **REQUEST ALSO** the Committee on Cooperation, International Relations and Conflict Resolution to undertake independent fact-finding missions to enrich their understanding of the causes of conflict on the continent.
7. **REQUEST FURTHER** the Committee on Cooperation, International Relations and Conflict Resolution to undertake activities aimed at promoting the silencing of guns by the African Union Member States;

**Done in Midrand, South Africa 17 October 2019**

## **Resolution on the peace and security situation in the Sahel region**

### **THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the "full participation of the African people in the development and economic integration of the continent";

**CONSIDERING** Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament (PAP) to ensure the "full participation of the African people in the development and economic integration of the continent";

**CONSIDERING ALSO** Article 3 (a), (f) and (k) of the Constitutive Act of the African Union outlining the objectives of the Union to achieve greater unity and solidarity between the African countries and the people of Africa, to promote peace, security and stability on the continent and to promote co-operation in all fields of human activities to raise the living standards of African peoples;

**CONSIDERING FURTHER** that Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, which facilitates the effective implementation of the policies and objectives of the African Union; the promotion of the principles of human rights and democracy in Africa; and promotes peace, security and stability;

**RECALLING** Article 20 of the Constitutive Act also referred to as Article 9 of the Protocol on Amendments to the Constitutive Act 2003; and Article 2 of the 2002 Protocol Relating to the Establishment of the Peace and Security Council of the African Union as "the standing decision-making organ for prevention, management and resolution of conflicts";

**RECALLING** Aspiration 4 of Agenda 2063, which envisages a fully functional and operational African Peace and Security Architecture (APSA) for the preservation of peace, security and stability in Africa;

**NOTING** that climate change is one of the major challenges faced by countries in the Sahel with an estimate of 80 percent of agricultural areas in the Sahel belt affected by climate change thereby impacting on the socio-economic livelihood of the people in the Region;

**NOTING WITH CONCERN** that the rise in temperature in the Sahel is one and a half times faster than the global average which has a great impact on the availability of water in the Sahel region causing the transitional semi-arid eco-region to face major and persistent challenges including adverse climate change effects, regular rainfall patterns and recurrent droughts that have resulted in reduced harvests and depleted water resources;

**NOTING ALSO WITH CONCERN** that terrorism and radicalization continue to be fueled by illicit proliferation, circulation and trafficking of small arms and light weapons, which threatens peace and security in the continent and undermines efforts to improve the living standards of African peoples;

**NOTING ALSO** the complex and multifaceted factors contributing to illegal migration, human trafficking and constant terrorist attacks by AQIM, Boko Haram and other terrorist groups in the Sahel region;

**NOTING FURTHER** the number of small arms circulating within the Sahel region; and the effects to peace and stability posed by outbreaks of repeated violent conflicts, terrorism and extremist acts on the continent;

**APPRECIATING** the efforts being made by the governments of the Sahel and the role played by the Peace and Security Council in the Region;

**IN ACCORDANCE WITH** Rule 5 (b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

**UNDERTAKE** a fact-finding mission to the Sahel region in order to assess the refugee and humanitarian situation on the ground and their impact to peace, security and stability in the region.

**Done at Midrand, South Africa 17 October 2019**

### **Resolution on the consideration of the Activity Report of the Pan-African Parliament**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**TAKING NOTE** of the Activity Report of the Pan-African Parliament for the period May - September 2019 as presented by the President of the Pan-African Parliament, and the Plenary discussions thereon;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES to:**

1. **ADOPT** the Activity Report of the Pan-African Parliament for the period May - September 2019;
2. **URGE** the President and the Bureau of the Pan-African Parliament to engage with the African Union in particular the PRC for an improved working relationship with a view to addressing the budget of the Pan-African Parliament and the challenges faced by the Pan-African Parliament as a result of the reduction in its budget for 2019;
3. **FURTHER URGE** the Bureau of the Pan-African Parliament to engage the policy organs of the African Union to reinstate the benefits and allowances of the Parliamentarians of the Pan-African Parliament to enable them better execute their functions and duties;
4. **REMIND** the Bureau to ensure that Permanent Committees are provided with the required support for the implementation of their planned activities;
5. **COMMENDS** the Bureau and the Secretariat for improving the working conditions of the Parliamentarians of the African Union particularly with regards to translation and documentation facilities

**Adopted at Midrand, South Africa 17 October 2019**

## Resolution on the terminal report of the Committee on Audit and Public Accounts of the Pan-African Parliament

### THE PAN-AFRICAN PARLIAMENT,

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**TAKING NOTE** of the terminal report of the Committee on Audit and Public Accounts, October 2019, including the recommendations formulated therein, as well as the various observations made by the PAP Members during the Plenary discussions;

**NOTING WITH CONCERN** the instability in the position of Clerk, the vacancy in the Office of the Clerk and the need for an independent Secretariat by complying with Rules 17 and 21 of the Rules of Procedure of the Pan-African Parliament vis-a-vis the relationship between the Bureau and the Office of the Clerk;

**NOTING WITH CONCERN ALSO** the continued lack of implementation of several audit recommendations previously made by the external auditors, the AU Board of External Auditors as well as the Committee on Audit and Public Accounts;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

### NOW HEREBY RESOLVES TO:

1. **ADOPT** the terminal report of the Committee on Audit and Public Accounts, October 2019 and all the recommendations formulated therein;
2. **DIRECT** the Secretariat to fully operationalize the Internal Audit Progress Committee which will engage all Heads of Units to facilitate and ensure timely implementation of all Audit and CAPA recommendations as well as providing for the organisational audit of the PAP to be carried out under the supervision of the CAPA;
3. **URGE** the Bureau of the Pan-African Parliament to ensure that qualified professional persons are appointed to vacant positions for the effective and efficient management of the Secretariat;
4. **FURTHER URGE** the Bureau of PAP to address issues relating to the high turnover in the Office of the Clerk by expediting the appointment of a Clerk to ensure stability and give strategic direction and coordination to the Staff, departments and for the smooth operations of PAP;
5. **CONSIDER** reviewing Rule 17 (a & b) of the PAP Rules of Procedures relating to the management and administration of the affairs and facilities of the Parliament;
6. **ENCOURAGE** the Bureau to remind the AU Policy Organs to take steps to expedite the revision of the annexes to the Host agreement between the AU and South African Government relating to the PAP;
7. **REQUEST** the Bureau to ensure that all audit recommendations are complied with so that the image of the Pan-African Parliament can improve vis-a-vis the AU Policy Organs;
8. **FURTHER REQUEST** the Bureau take the necessary measures to deal with issues relating to non-implementation of audit recommendations and budget implementation in order to avoid the sanctions;

9. **REQUEST ALSO** the Bureau to engage with the Policy Organs of the AU to get the 50% cut in the budget for MPs' medical insurance restored and to ensure that the the relevant AU regulations, rules and policies provide to PAP Members benefits and entitlements due to "Elected Officials", including in relation to the travel class and allowances;
10. **REQUEST** the Bureau to hold personally and/or jointly accountable for USD140,143 the three individuals who were the trustees to the PAP Trust Fund.

**Adopted at Midrand, South Africa 17 October 2019**

### **Resolution paying tribute to His Excellency Robert Gabriel Mugabe, Former President of the Republic of Zimbabwe**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**NOTING** that His Excellency Robert Gabriel Mugabe, former President of the Republic of Zimbabwe, a fervent Pan-Africanist, defended his country and Africa on the world stage;

**NOTING ALSO** his quest for the dignity of Africa and equal treatment of African countries in the comity of nations;

**NOTING FURTHER** his determination to promote and protect the human rights of women, youth and children;

**ACKNOWLEDGING** his advocacy for women as potential and essential partners in developing the African continent;

**ACKNOWLEDGING ALSO** the legacy left by him, not only to Zimbabwe and Africa, but also to the rest of the world;

**ACKNOWLEDGING FURTHER** the important lessons learned from him in terms of solidarity and commitment to Africa;

**RECOGNIZING** the firm commitment and determination of His Excellency Robert Gabriel Mugabe to ensure the financial independence of the African Union Commission to enable the African continent to take ownership of its programmes and destiny;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan--African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES TO:**

1. Join African leaders, the people of Zimbabwe, Africans and the rest of the world in paying a well-deserved tribute to this African hero who recently passed away at the age of ninety-five;
2. Name the PAP Committee room number three after former President, H. E Robert Mugabe.

**Adopted at Midrand, South Africa 17 October 2019**

## **Resolution on the consideration of the draft 2019-2013 Strategic Plan of the Pan-African Parliament**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**TAKING NOTE** of the draft 2019 – 2023 Strategic Plan of the Pan-African Parliament as presented by the President of the Pan-African Parliament, and the Plenary discussions thereon;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES to:**

1. **ADOPT** the 2019 – 2014 Strategic Plan of the Pan-African Parliament;
2. **URGE** the President and the Bureau of the Pan-African Parliament to ensure an effective implementation of the Strategic Plan;
3. **URGE ALSO** the Bureau of the Pan-African Parliament to ensure the mobilisation of sufficient resources for the effective implementation of the Strategic Plan;
4. **FURTHER URGE** the Bureau and the Secretariat to expedite the process of institutional audit of the PAP and the revision of the Secretariat structure, which will support the Pan-African Parliament to effectively deliver on objectives of the new Strategic Plan.

**Adopted at Midrand, South Africa 17 October 2019**

## **Resolution on the report of the Disciplinary Board instituted to hear the case of Mr Yusupha Jobe**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**CONSIDERING FURTHER** Rule 12 (5) and (6) of the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 17 (f) of the Rules of Procedure, which vest on the Bureau of

PAP the responsible for the management and administration of the affairs and facilities of PAP and its organs and to report to Plenary;

**NOTING** the Report from the President of the Pan-African Parliament on the outcomes of the Bureau Meeting on the consideration of the findings and recommendations of the Disciplinary Board instituted to hear the disciplinary case concerning Mr Yusupha Jobe;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan--African Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RESOLVES to:**

1. **TAKE NOTE** of the Bureau decision on the consideration of the findings and recommendations of the Disciplinary Board instituted in the case of Mr Yusupha Jobe;
2. **URGE** the President and the Bureau of the Pan-African Parliament to ensure all persons allegedly involved in the acts of misconduct for which Mr Yusupha Jobe is found guilty are also called to account;
3. **URGE ALSO** the Bureau of the Pan-African Parliament to implement effective measures and control mechanisms to ensure non-repetition of the administrative and financial malpractices committed by Mr Yusupha Jobe.

**Adopted at Midrand, South Africa 17 October 2019**

### **Resolution on adoption of a Model Law on Policing in Africa**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 (1) of the Constitutive Act of the African Union on the promotion of sustainable development at the economic, social and cultural levels; and the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING** also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament,

which empower the PAP to *inter alia* facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**RECALLING** the African Charter on Human and Peoples' Rights and Guidelines on Pre-trial Detention;

**APPRECIATING** the technical support from, and the presentation on the Draft Model on Policing in Africa by, of the African Policing Civilian Oversight Forum (APCOF);

**NOTING** the central role of the police in the maintenance and enforcement of law and order and the promotion of citizen's safety as well as the respect for human rights;

**CONCERNED** that policing in Africa is impeded by several factors including inadequate legal frameworks that guarantee sufficient material and financial resources, adequate training and appropriate working conditions;

**RECOGNISING** the need for to bring African States' legal frameworks for policing in consonance with the African Union Charter, the African Charter on Human and Peoples' Rights and other relevant regional and international standards;

**CONVINCED** that a Model Law on Policing in Africa can facilitate the harmonisation of policing law and practice in Africa and advance peace, security, the rule of law and human rights on the continent;

**IN ACCORDANCE WITH** Rule 5 (d) of the Rules of Procedures of the PAP, which authorises the PAP to make recommendations and formulate resolutions on any matter relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;

**NOW HEREBY RESOLVES THAT:**

1. The Draft AU Model Law on Policing in Africa is hereby adopted;
2. The adopted Regional draft Model Law on Policing in Africa be submitted to African Union policy organs for consideration and adoption;
3. All Member States be called upon to domesticate and mainstream the Model Law in their national legislations.
4. The PAP Committee on Justice and Human Rights develop a framework to guide the PAP's collaboration with National Parliaments in monitoring and evaluating progress on the adoption and/ or use of the Model Law on Policing in Africa.

**Adopted at Midrand, South Africa 17 October 2019**

## **List of Recommendations**

Ref: PAP.5/PLN/RECOM/1-5/OCT.19

Original: English

- (i) Recommendation PAP.5/PLN/RECOM/01/OCT.19 on Universal Access to Energy;
- (ii) Recommendation PAP.5/PLN/RECOM/02/OCT.19 on the Social Responsibility of Parliamentarians to Fight Child Labor in Mining Areas;
- (iii) Recommendation PAP.5/PLN/RECOM/03/OCT.19 on the Ratification of the African Risk Capacity Treaty;
- (iv) Recommendation PAP.5/PLN/RECOM/04/OCT.19 on the Terminal Report of the Committee on Audit and Public Accounts of the Pan-African Parliament;
- (v) Recommendation PAP.5/PLN/RECOM/05/OCT.19 from the Twelfth Pan--African Parliament Conference on Women's Rights.

## Recommendation on universal access to energy

### THE PAN-AFRICAN PARLIAMENT,

**CONSIDERING** Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent,

**CONSIDERING ALSO** Article 3 of the Constitutive Act of the African Union, whose objectives are, among others, to: accelerate the political and socioeconomic integration of the continent; promote international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights; promote sustainable development at the economic, social and cultural levels, as well as the integration of African economies; coordinate and harmonize the policies between the existing and future Regional Economic Communities, for the gradual attainment of the objectives of the Union,

**CONSIDERING FURTHER** Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament,

**NOTING** the importance of energy for inclusive growth, to promote development in Africa,

**NOTING ALSO** the low level of investment in the energy sector in most African States,

**NOTING FURTHER** the lack of an integrated energy policy and the absence of a continental legal framework,

**CONVINCED** of the need to implement UNIDO programmes on industrial development in Africa,

**IN ACCORDANCE WITH** Rule 5(d) of the Rules of Procedure of the Pan-African Parliament conferring on it powers to make recommendations and take resolutions on any matters relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions,

### NOW HEREBY RECOMMENDS:

1. To the African Union Member States to:
  - i. Declare universal access to low-cost energy, diversify the energy sector and make renewable energies accessible to all by 2040;
  - ii. Develop local human resources in energy, support their development, raise awareness among people on the benefits of renewable energies;
  - iii. Allocate a significant share of their budgets to renewable energies and set up a fund-raising mechanism for renewable energies;
  - iv. Encourage any renewable energy-related investment and to grant tax exemptions for renewable energy kits and accessories;
  - v. Develop an integrated energy policy in African countries and to encourage and support regional energy initiatives;
  - vi. Emphasize the need to implement Goal 5 of the Sustainable Development Goals (achieve gender equality and empower all women and girls);
  - vii. Promote public-private partnership for investment in energy;
2. To the National Parliaments to establish a network of Parliamentarians on the implementation of renewable energies.

**Done at Midrand, South Africa 17 October 2019**



## **Recommendation on the social responsibility of Parliamentarians to fight child labour in mining areas**

### **THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament;

**CONSIDERING FURTHER** the provisions of the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, which most African countries have ratified and incorporated in their respective laws on prohibition of child labour;

**NOTING** the findings of the report of the fact-finding mission on the responsibility of Parliamentarians to fight child labour in mining areas, conducted by the Committee on Health, Labour and Social Affairs, on 16 - 18 September 2019 in Cote d'Ivoire;

**RECOGNIZING ALSO** that the mining sector is one of the largest industries in Africa, but appears among the most hazardous activities in the world, particularly for children;

**CONCERNED** by the exploitation of children in economic activities, exposing them to all forms of abuse and a very high risk of damage to their health and growth;

**CONCERNED ALSO** by the overwhelming figures of a 2016 UNICEF study, stating that, in Cote d'Ivoire, 1 622 140 (73.3%) of the 2 213 708 economically active children were exposed to hazardous work;

**NOTING** that the agricultural sector increasingly employs children (56.2%), as well as the services sector (41.9%). In Cote d'Ivoire, 21.5% of children aged 5 to 17 years perform hazardous work, such as crushing and transporting stones, blasting rocks, underground work, sieving and extracting gold with mercury and cyanide;

**WELCOMING** the African Union's efforts to strengthen the protection of children's rights through the draft ten-year continental Action Plan towards eradication of child labour, forced labour, human trafficking and modern slavery in Africa;

**WELCOMING ALSO** the efforts by Cote d'Ivoire to strengthen its policies on child labour, in particular through the 2010 Declaration of Joint Action to support implementation of the Harkin-Engel Protocol; signing cooperation agreements with two West African countries, Ghana and Burkina Faso; establishing an interministerial committee and a national oversight committee; and adopting national policies, especially the 2019-2021 Action Plan to combat child labour;

**APPRECIATING** the arrangements made by the Ivorian authorities to facilitate the PAP mission, and **WELCOMING** the collaboration of Parliamentarians, representatives of the various relevant ministries and civil society organizations of Cote d'Ivoire, which supported the commitment of Pan-African Parliamentarians by providing them with reliable data and information,

**RECALLING** that States have a duty to provide social protection for people by establishing an appropriate framework that would enable them to meet basic needs such as education, water, housing and health coverage;

### **NOW HEREBY RECOMMENDS TO:**

1. The African Union Member States to:
  - i. Promote and ensure the respect of human rights, in particular of vulnerable groups such as children, by strengthening national human rights protection mechanisms; and
  - ii. Establish or, where appropriate, revive children's Parliaments as a platform for sharing and resolving their problems in a structured manner;

2. Parliamentarians of Member States to fully exercise their oversight role over government action, and adopt meaningful laws to ensure the effective implementation of punitive measures against those who break the law;
3. The Committee on Health, Labour and Social Affairs to undertake further regional consultations on child labour with a view to consolidating and sharing best practices in protecting their rights.

**Done at Midrand, South Africa 17 October 2019**

## **Recommendation on the ratification of the African Risk Capacity Treaty**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament;

**CONVINCED** that; the African Risk Capacity plays a critical role in building financial resilience to extreme weather events and other natural disasters across the African continent, though provision of technical assistance to African countries and the development of innovative risk insurance products;

**CONVINCED FURTHER** that the African Risk Capacity contributes to the goal of Agenda 2063 to build a climate-resilient continent in enhancing financial climate preparedness and thus contributing to protect the vulnerable communities and protect developments gains;

**NOTING** the presentation on the Ratification African Risk Capacity Treaty made to the Third Ordinary Session of the Fifth Parliament of the Pan-African Parliament in 16 October 2019;

**DEEPLY CONCERNED** by the slow pace of ratification of the African Risk Capacity Treaty as out of 33 countries Signatory to the ARC Treaty only 8 countries have ratified the treaty;

**IN ACCORDANCE WITH** Rule 5 (d) of the Rules of Procedures of the PAP, which authorizes the PAP to make recommendations and formulate resolutions on any matter relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;

**NOW HEREBY RECOMMENDS TO:**

4. The African Union Member States that have not yet signed and ratified the African Risk Capacity Treaty to accelerate their processes of signing and ratifying of the Treaty;
5. The National Parliaments to continue advocating for the acceleration of the ratification processes of the African Risk Capacity Treaty;
6. The African Union Member States to reaffirm their commitment to the original vision that led to the establishment of the African Risk Capacity as an Africanowned solution to African problems exacerbated by climate change, through active support and participation in its Pan-African risk pooling mechanism;
7. The African Risk Capacity to report regularly to the Committee on Rural Economy, Agriculture, Environment and Natural Resources of the Pan-African Parliament in its activities and ratification status;
8. The African Risk Capacity to assist the Pan-African Parliament to develop a framework to guide the collaboration with National Parliaments in the monitoring and evaluating progress of the ratification, domestication and implementation of the African Risk Capacity Treaty.

**Done at Midrand, South Africa 17 October 2019**

## **Recommendation on the terminal report of the Committee on Audit and Public Accounts of the Pan-African Parliament**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING** Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

**TAKING NOTE** of the terminal report of the Committee on Audit and Public Accounts, October 2019, including the recommendations formulated therein, as well as the various observations made by the PAP Members during the Plenary discussions;

**NOTING WITH CONCERN** the continued lack of implementation of several audit recommendations previously made by the external auditors, the AU Board of External Auditors as well as the Committee on Audit and Public Accounts;

**IN ACCORDANCE WITH** Rule 5(b), (c) and (d) of the Rules of Procedure of the PanAfrican Parliament, which empowers the PAP to, *inter alia*, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

**NOW HEREBY RECOMMEND:**

1. To the AU to observe Article 11 (2) of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament on the budget of the PAP and the AU by submitting those budgets to the PAP, for its consideration and recommendation prior to approval by the Assembly;
2. To the Policy Organs of the AU to restore the 50% cut in the budget for MPs' medical insurance and to afford the PAP Members the status, benefits and entitlements due to "Elected Officials under the AU regulations, rules and policies;
3. To the AU Policy Organs to expedite the revision of the annexes to the Host Agreement between the AU and South African Government relating to the PAP.

**Done at Midrand, South Africa on 17 October 2019**

## **Recommendation from the Twelfth Pan-African Parliament Conference on Women's Rights**

**THE PAN-AFRICAN PARLIAMENT,**

**CONSIDERING** Article 17(1) of the Constitutive Act of the African Union, establishing the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent;

**CONSIDERING ALSO** Article 3 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, and Rule 4(a) of the Rules of Procedure of the Pan-African Parliament;

**CONSIDERING FURTHER** the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (also known as the Maputo Protocol), the Solemn Declaration on Gender Equality in Africa (SDGEA), the Convention on the Elimination of All Forms of Violence against Women (CEDAW), the Beijing

Declaration, and the Platform for Action and the United Nations (UN) Sustainable Development Goals (SDGs) 2030, the African Women's Decade (2010-2020), the AU Strategy on Gender Equality and Women's Empowerment;

**TAKING NOTE** of the Report and recommendations from the 12<sup>th</sup> Conference on Women's Rights convened by the Pan-African Parliament on 14 and 15 October 2019, in Midrand, South Africa, around the AU theme of the year 2019: The Year of Refugees, Returnees and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa;

**NOTING** that the Women's Conference has been, since 2008 a platform to review women's issues in Africa and to monitor and evaluate progress towards advancement of women's rights in Africa;

**NOTING ALSO** the Women's Conference took place in the context of the commemoration of the 50th anniversary of the adoption of the Organization of African Unity (OAU) Convention governing specific aspects of Refugees and the 10th anniversary of the adoption of the Kampala Convention on Internally Displaced Persons (IDP);

**NOTING WITH CONCERN** that women and children are the most affected by conflicts and displacement, and that women bear the burden of poverty, owing to limited access to decision-making processes, finance, education, health, and means of production.

**NOTING ALSO** the launching of the operational phase of the AfCFTA on the 7 July 2019, following the entry into force of the African continental trade area on the 30<sup>th</sup> May 2019;

**NOTING FURTHER** that the AU Agenda 2063, which envisions Africa as a continent where the free movement of people, capital, goods and services will significantly increase trade and investments amongst African countries and improve Africa's situation in global trade;

**RECOGNIZING** the significant role played by women in creating productive opportunities and positive impact on the continent's socio-economic development whether implicitly or explicitly;

**ACKNOWLEDGING** that Parliamentarians, as the people's representatives, have a critical role to play in creating an enabling environment for the realisation of the rights of women and girls, including through ratification, domestication and implementation of international and regional treaties;

**NOTING WITH CONCERN** challenges and delays with regard to the signing, ratification and domestication of African Union treaties pertaining to women's rights, such as the Maputo Protocol;

**IN ACCORDANCE WITH** Rule 5 (d) of the Rules of Procedures of the PAP, which authorizes the PAP to make recommendations and formulate resolutions on any matter relating to the African Union and its organs, Regional Economic Communities and their respective organs, Member States and their organs and institutions;

**NOW HEREBY RECOMMENDS:**

**1. On the AU theme for 2019: The year of Refugees and Internally Displaced Persons:**

- i. The AU Member States to put the concerns of refugees, internally displaced persons and stateless persons on the agendas of the African Union Peace and Security Council, Regional Economic Communities and relevant organs;
- ii. The AU Member States to strengthen comprehensive mediation, peace building and conflict resolution mechanisms, including the full participation of women in all peacebuilding activities and processes, to pursue national reconciliation through the African Peace and Security Architecture, to strengthen Africa's peacekeeping and enforcement capabilities and collaboration with the United Nations system;
- iii. The AU Member States to employ an inclusive approach and foster the participation of women, refugees, and internally displaced persons in all decision-making processes affecting them.

**2. On the African Continental Free Trade Agreement (AfCFTA):**

- i. The Member States to take effective steps to ratify the AfCFTA;

- ii. The Member States to implement programmes to empower women to actively participate in the Free Trade and to opt for gender responsive policies to improve inclusiveness.
- iii. The Member States to deliberately facilitate women's access to trade information, services, finance, ICT and markets opportunities;
- iv. Parliamentarians of the Member States to monitor the negotiations, the implementation and impact of the AfCFTA with a particular focus on the participation of women;
- v. The Member States to build the capacity of women to effectively participate in free trade and to add value to commodities with the view to increase production and supply of services;

### 3. On African Women's Decade (2010 – 2020)

- i. The Member States to pass and fully implement gender parity laws that include specific quota for women;
- ii. The Member States to submit their periodic reports on Beijing +25 for adoption by Ministers in charge of Gender and Women's Affairs during their meeting to be held from 28 October to 1 November 2019;
- iii. The Member States and Civil society Organizations to develop projects to be submitted to the AUC to be financed under Fund for African's Women (FAW);
- iv. Parliamentarians to take action to address the existing gaps between policy frameworks on women's rights and the actual realities of women's rights in Africa;
- v. Women parliamentarians to lobby for the universal ratification of the Maputo Protocol by 2020 to advocate for policies that are favourable to women's economic integration, gender mainstreaming in governance and development sectors and the empowerment and inclusion of women into national programmes;
- vi. The media to lead campaigns on narrative change on the rights of African women through the sensitization, promotion of laws, policies, and best practices as well as investigation and reporting of genderbased violence;

### 4. On women and ICT

- i. The African Parliamentarians to advocate in their member states for internet access as a basic right;
- ii. The Member States to ensure the integration of ICT into school curriculum and the elimination of barriers to enable young girls pursue programmes in the field of Science, Technology, Engineering and Mathematics (STEM);

### 5. On Mobilization of resources

- i. The PAP Goodwill Ambassador on Economic Development and Women to mobilize the necessary financial resources from the private sector to support:
  - a. Advocacy for the domestication and the implementation of Maputo Protocol in all African countries;
  - b. Strategic communication to galvanize the work of the PAP on women's rights, particularly the programmes and activities of the Women's Caucus.

**Done at Midrand, South Africa on 17 October 2019.**

## Annex 4:

### Report of the study on special allowance of locally recruited staff of the Pan-African Parliament

#### 1. Background

This study was commissioned by the Bureau of the Pan African Parliament (PAP) to ascertain the facts pertaining to the payment of special allowances to locally recruited staff, most of whom are South Africans, in response to a decision by the Executive Council of the African Union, Ex. CI/Dec.1031 (XXXIV) - February 2019 directing PAP to stop the payment of the "Special Allowance" to locally recruited General Services (GS) staff members.

The Special Allowance of USD 1197.00 (One thousand, one hundred and ninetyseven dollars) was introduced in 2008 following a study conducted by the Pan African Parliament to determine the appropriate remuneration structures for locally recruited employees at the PAP.

The study found that a housing allowance is granted to all AU staff in Groups I and II and those of Group III internationally recruited. Also, staff in the professional category but serving in their home country are entitled to 40% for P4 - D1, and 30% for P1 - P3 respectively, of the amount paid to internationally recruited staff of their grade serving outside their country of origin at that duty station. Similarly, staff serving under local conditions and those serving in their own country, do not benefit to this allowance.

As a result of the above remuneration practice of the AU, which is directly applicable to the staff of the PAP serving under local terms, the then Bureau, led by H. E Hon Dr. Gertrude Mongella, noting the great disparity in the purchasing power of staff under this category and gravely concerned about the high cost of living in Johannesburg vis-a-vis the wages paid to the locally recruited employees of the PAP, introduced the allowance to keep local staff employee wages reasonable compared to increasing living expenses in South Africa. It was intended to encourage work-life balance for locally recruited staff that would contribute to higher productivity and more engaged employees.

This current study presents a cross sectional comparative analysis between the employment conditions of locally recruited employees of the PAP and those of locally recruited personnel in other International Organizations in Johannesburg. It also offers insights into the employment conditions of Administrative personnel at Parliaments in the Republic of South Africa, as well as provides an overview of the local economic conditions in South Africa while examining the adjusted cost of living for locally recruited General Services personnel in the PAP who have been receiving the Special Allowance for a decade.

#### 2. Observations

The observations below highlight the correlation across several sectors, between special allowances and costs of living, which refers to the amount of money required to maintain a standard of living, accounting for basics like housing, food, clothing, and utilities. Increases in the price of these necessities seriously affect the cost of maintaining lifestyle, and this, in turn, shapes how well income can support a locally recruited staff and his/her dependents.

##### 2.1 Trend Analysis of economic conditions in South Africa

This segment examines the economic and labour market conditions in South Africa. It presents an analysis of price inflation in South Africa, trend of the Rand to the Dollar Exchange Rate and Public sector wage analysis.

###### 2.1.1 Price inflation: Cost of living

Inflation refers to the general increase in prices over a certain time period. It is measured as an annual percentage increase (for example, December 2017 to December 2018) and almost always presented as an annualised number covering the previous 12 months.

The latest inflation numbers according to Statistics South Africa indicate that the cost of living has increased by 4.8% over the last 12 months. However, an analysis of data from the

last 10 years, indicates that the average annualized rate of inflation for the period is 5.7% per annum.

<b>Consumer Price Index 2018-2018</b>	
<b>Year</b>	<b>Rate</b>
CPI South Africa 2018	4.4%
CPI South Africa 2017	4.5%
CPI South Africa 2016	7.07%
CPI South Africa 2015	5.18%
CPI South Africa 2014	5.34%
CPI South Africa 2013	5.24%
CPI South Africa 2012	5.81%
CPI South Africa 2011	6.32%
CPI South Africa 2010	3.34%
CPI South Africa 2009	6.16%
CPI South Africa 2008	9.31%
<b>Average</b>	<b>5.70%</b>

The Special Allowance currently paid to locally recruited staff was set at a fixed rate of USD 1197 in 2008. An analysis of the real price of the special allowance indicates that, despite its current nominal value, its real value following adjustments for inflation is at 665.60 USD. It is non-pensionable.

Other Allowances paid by the African Union such as Housing allowances and Post adjustment allowances have been routinely adjusted for inflation over the same period. The Special allowance has remained static from the point of inception.

A deeper analysis of the Consumer Purchasing Index, which directly informs the rate of inflation in the country indicates that workers earning more than USD 1700 per month felt the biggest impact of the increased level of prices.

Findings indicate that different groups, from the very poor to the wealthy, can experience different rates of inflation because they spend their income on different goods and services.

Since the adjustment of the living wage of locally recruited staff from the lowest levels to the higher levels, locally recruited staff absorb larger impact of increases in the rate of inflation.

Monthly expenditure		Inflation Rate Dec - 18
Average annual CPI		4.50%
Decile 1	Up to R1477 per month	3.70%
Decile 2	R1477 up to R2456 per month	3.70%
Decile 3	R2456 up to R3549 per month	3.70%
Decile 4	R3549 up to R4742 per month	3.70%
Decile 5	R4742 up to R6151 per month	3.80%
Decile 6	R6151 up to R7907 per month	3.90%
Decile 7	R7907 up to R10352 per month	4.00%
Decile 8	R10352 up to R14419 per month	4.30%
Decile 9	R14419 up to R22492 per month	4.80%
Decile 10	R22492 and more...	4.80%

It important to recognize that in 2009, the rate of inflation for the poorest households was 4% higher than inflation for the wealthiest households.

### 2.1.2 Rand to Dollar Exchange Rate

The Rand has experienced tremendous volatility in the last decade. This has influenced the general prices of goods and services because the value of the Rand has a direct effect on the rate of inflation.

Fluctuations of the Rand to the Dollar is of concise importance for three primary reasons;

- The operating currency for the Africa Union is the American Dollar. Consequently, all wages paid to the personnel in the PAP are denominated in USD.
- Unlike Ethiopia which operates a fixed exchange rate regime, South Africa operates a floating exchange rate.



- The Balance of Payments of South Africa indicates that the country imports more commodities than it exports. Consequently, the exchange rate has a direct and immediate impact on the rate of inflation

An analysis of the performance of the Rand over the last ten years indicates that the Rand lost 52% of its value in the period 02.01.2008 - 02.01.2019. This has had a negative impact on the rate of inflation and further eroded the purchasing power of workers in the Republic.

ZAR/USD exchange rate	
Year	Rate
2019-01-02	14.43%
2018-01-02	12.33%
2017-01-02	13.72%
2016-01-02	15.6%
2015-01-02	11.62%
2014-01-02	10.59%
2013-01-02	8.44%
2012-01-02	8.05%
2011-01-02	6.62%
2010-01-02	7.33%
2009-01-02	9.45%
2008-01-02	6.86%

When comparing the overall inflation rate according to provinces, Western Cape attained the highest inflation rate in the fourth quarter of 2018 at 5.6% while the lowest inflation rate was in Limpopo Province at 3.2%. Gauteng Province, where the duty station is located, had the second highest rate of inflation at 4.6%. The rate in Kwazulu Natal was 3.8%, Eastern Cape 3.9%, Northern Cape 4%, Mpumalanga 4% and Free State was 4.4%.

### 2.1.3 South African Public sector wage analysis vis PAP local GS staff

The South African government is the largest employer in the country. According to the South African National Treasury, between 2006/07 and 2018/19, total compensation spending on the main budget more than tripled, from R154 billion to R518 billion.

Data from Statistics South Africa's Quarterly Employment Survey (QES) shows that the estimated average remuneration for employees of national and provincial government is R352,000. Inflation was a key driver in the increase in government spending over the period. The current salaries of PAP locally recruited GS staff are way below this amount.

A deeper analysis of the data indicates that within the more specialised groups, including middle and senior managers, remuneration is higher, and the distribution is larger. In total, however, these groups make up about 6% of the public service.

Across all government departments, average salaries range between R130,370 per year to R2.17 million per year, depending on the grade. The largest portion of government workers are employed in grade 5 to grade 8 jobs, where the average salaries range between R258,312 and R448,039 per year. Therefore, if the Special Allowance of \$1,197 is removed from the PAP local GS staff, most of them will earn around \$800.00 per month amounting to about R139,200 per annum.

It is also important to note that the special allowance has been paid since 2008 and is reflected in the current contract of the staff. This will pose contractual issues and matters relating to acquired rights of the staff.

Average salary by grade across government					
Grade	2008/2009 (Nominal)	2008/09 (In 2018 Rand)	2018/19 (Rand)	Compound Annual Growth Rate (Nominal)	Compound Annual Growth Rate (Real)
1	44253	89705	130379	9.40%	3.20%
2	58812	119217	159827	8.70%	2.50%
3	69747	141385	194845	8.90%	2.70%
4	83124	168500	237818	9.20%	2.90%
5	101200	205141	258312	8.10%	1.90%
6	120002	243254	317240	8.40%	2.20%
7	151147	306388	375960	7.90%	1.70%
8	181134	367174	448039	7.80%	1.70%

Average salary by grade across government					
9	221102	448193	539935	7.70%	1.60%
10	280757	569119	687120	7.70%	1.60%
11	346959	703316	887808	8.10%	2.00%
12	440097	892115	964954	6.80%	0.70%
13	548280	1111411	1212238	6.80%	0.70%
14	642820	1303052	1442967	7.00%	0.90%
15	792154	1605765	1765435	6.90%	0.80%
16	992563	2012025	2169585	6.70%	0.60%

1. Excludes SANDF

Source: SA National Treasury (PERSAL data)

#### 2.1.4 Bargaining power

A noteworthy feature of the public sector labour market in South Africa is the relatively higher rate of unionisation, which is often associated with a wage premium. Union members made up almost 70% (1.4 million workers) of all public sector's formal workers in 2018, up from 55% in 2008 (834,000 workers).

The overall effect of the Unions is higher wages across board with the consequent effects in other sectors of the South African labour market. The PAP GS staff do not belong to any union and therefore, cannot bargain for salary increments outside the structures of the AU.

## 2.2 Sectoral analysis of remuneration in Parliaments and international organizations in Johannesburg

This section compares the remuneration of the local GS staff of PAP with personnel in similar organisations in SA. The findings relate to the survey questions that guided the study. Data was analysed to compare the remuneration of locally recruited GS staff at the PAP to those of local parliaments and international organizations in South Africa. The focus of enquiry was specific to junior administrative staff including, ushers, mail runners, drivers and secretaries.

A concise job description of the roles under review were requested from the study participants with the aim of finding alignment with similar functions in PAP.

Data was collected through survey questions that were shared with various international organizations in the Johannesburg duty station. An identical questionnaire was sent to the South African National Assembly and the Gauteng local legislature.

The analysis looks at gross remuneration at point of entry into service, remuneration after 5 years of service and remuneration at 10 years of service.

The study also looked at the allowances and fringe benefits offered by the PAP in comparison to other international organizations and the south African Public sector.

Organization(s)		African Union			International Organisations (Average)				Parliaments in SA (Average)			
Staff category	Grade	STEPS			Grade	STEPS			Grade	STEPS		
		I	V	X		I	V	X		I	V	X
Admin. & Clerical Staff	GSA3	11,071	14,113	17,914	G 4	20,003	23,741	28,413	5	19,805	24,120	29,376
Locally recruited Staff Class 08	GSB8	7,821	10,227	13,235	G3	16,936	19,964	23,922	4	16,998	20,891	25,675
Locally recruited Staff Class 07	GSB7	6,935	9,208	12,048	G2	14,352	16,904	20,119	3	13,918	17,156	21,148
Locally recruited Staff Class 06	GSB6	6,033	8,038	10,544	G1	12,163	14,325	17,028	2	11,416	13,990	17,145

### 3. Findings of the study

Following the analysis above, the study found the following:

#### 3.1 The African Union Commission

The study found that the current AU remuneration structures, as they are, do not consider the high variations in the cost of living between Addis Ababa and Johannesburg. Nonetheless, the African Union recognizes these variations for internationally recruited personnel in Johannesburg and pays a higher post adjustment allowance and Housing Allowance in Johannesburg than in Addis Ababa. Conversely, locally recruited GS staff do not receive a post adjustment allowance or housing allowance which are only paid to the Internationally recruited staff.

Further, it is noted that although salaries of all staff in the AU are denominated in US dollars, salaries of locally recruited staff are paid in the currency of the host country.

#### 3.2 Pan African Parliament

The Special Allowance of USD1197 was introduced in recognition of the increasing hardships experienced by the locally recruited staff from the high cost of living in South Africa. It was also a motivation to encourage and attract South African nationals to join the Pan African Parliament's workforce, as well as, the importance of having personnel who can meet the reputable standards of living in an International Institution.

It is noted that in spite of the inflationary effects over the last 10 years (2009-2019), the above-mentioned figure paid to locally recruited staff has remained fixed and non-pensionable. In converting this to current economic terms, the Special allowance is equivalent to USD 665.60 per month.

During the same period, the average annual rate of inflation in South Africa was 4.50% while the Rand lost more than 50% of its value, harshly affecting the buying power of workers, including PAP's local staff. Consequently, locally recruited GS employees at the PAP have a far lower Purchasing Parity than they did in 2008 when the Special Allowance was introduced.

As seen, the evaluation of the local South African labour market and sectoral analysis of international organizations indicates that without the Special Allowance, the PAP's pay offering is lower than other organizations in the same sphere by between 45-55%.

Between 2008 and 2018 the wages of government employees in South Africa doubled while those of the employees at the Pan African Parliament increased only marginally. The Special Allowance has remained constant.

A comparative analysis indicates that on average, the remuneration offered by the Pan African Parliament to its locally recruited GS employees is lower than other organizations by between 45-55%.

The Pan African Parliament offers its locally recruited GS employees an education allowance of USD 3,300 per child per annum for a maximum of 4 children. The PAP covers medical costs up to 80% and offers a spouse allowance of USD 250.

### 3.3 International practice

Each organisation determines its own allowances, and so considerable variation exists. Other international organizations in this study do not offer education allowance to their locally recruited employees. However, employees receive a child allowance of USD 621 per child up to a maximum of 6 Children to the age of 18 years. They also receive a language allowance for every additional working language spoken. In addition, the lowest graded employees receive a bonus every year.

Employees working for local Parliaments in South Africa for instance, enjoy a state funded bursary scheme that educates their children through to tertiary education. The employees also receive a thirteenth check at the end of every year and receive two pay cheques in the month of their birth. Additionally, the employees also receive a performance bonus every year.

A comparative analysis of the remuneration structure between PAP and other organizations demonstrates that PAP pays its staff less. If the special allowance is removed, PAP would offer pay at 50% below market rates.

## 4. Discussion and recommendations

Many institutional researches demonstrate that a lack of adequate finance in the workplace is one of the most dominant reasons provided for poor staff performance and job dissatisfaction. Thus, standard of living was the most important issue to be addressed in motivating and improving staff performance. The importance of suitable accommodation, nourishment, education, and transportation remain unquestionable. Therefore, allowances cannot be unrealistically denied when they are designed to support all staff categories.

The Special Allowance paid to local GS Staff at the Pan African Parliament was introduced in response to the economic conditions and labour market in South Africa. The amount was set at USD 1197 and has not

been revised in the decade that it has been enforced. The real rate for the allowance after adjustment for inflation is USD 665.60

On the basis of the analysis above, the proposed special allowances of \$1,197 for locally recruited staff are reasonable from both a fiscal and equity perspective. Further, fairness would dictate that allowances across all categories of staff are brought into line. For example, a locally recruited staff travelling 20 kilometres to work may require a travel allowance for safety reasons more than a staff living 12 kilometres away from work but in a safer area. It is, therefore, recommended that the distinction and evaluation of special allowances be abandoned.

Coupled with this study findings, anecdotal evidence also suggests that it is possible that many locally recruited staff on special allowance use their allowance to supplement their salaries in terms of cost of living.

Broadly speaking, the African Union's remuneration strategy is underlain by the notion that staff of the Union should be well compensated in accordance with the best prevailing conditions of service in the locality. This ethos has been the determinants for various allowances and grades for international personnel. However, the spirit has not been extended to local GS recruits and the following recommendations are therefore pertinent to reduce the further implications:

- i. AU must review further disparities in living conditions in different duty stations vis a vis Addis Ababa... to the best prevailing market condition globally.
- ii. AU should account for the differences in the prevailing economic regimes and the impact they have on the local labour market e.g. exchange control regimes and currency fluctuations.
- iii. Prejudices the Union against attracting the best talent in the local market and retaining great talent.
- iv. AU should recognize local idiosyncrasies in the various labour markets, for example, South Africa is a vast country and some locally recruited personnel hail from more than a thousand kilometres away from the duty station. Their remuneration does not recognize the relocation within the country to work for the AU.
- v. PAP locally recruited employees will hurt greatly when they retire because their basic salary does not speak to true market conditions.
- vi. The AU should consider upgrading all personnel from the GSB Category at the Johannesburg Duty Station into GSA Category. This will move the basic remuneration closer to the actual local conditions. Additionally, the African Union should consider introducing the payment of a housing allowance to local GS category staff in the Johannesburg duty station.
- vii. Lastly, as the economic climate continues to deteriorate, the AU must frequently assess and communicate the benefits of locally recruited staff to effectively leverage their programmes to recruit and retain top talent.