



**SPEECH FOR HON. SENATOR
CHIEF FORTUNE CHARUMBIRA,
PRESIDENT OF THE PAN-
AFRICAN PARLIAMENT AT THE
PRC RETREAT ON THE
RESTRUCTURING OF THE
AFRICAN UNION, KIGALI,
RWANDA, 8-11 JUNE 2023**

- **His Excellency, the Chairperson of AU Commission, Moussa Faki Mahamat;**
- **The Vice President of the Pan African Parliament, Hon. Dr. Ashebir Woldegiorgis Gayo;**
- **His Excellency, Assoumani Youssouf Mondoha, the Chairperson of the PRC;**
- **Excellencies Members of the PRC here present;**
- **Heads of Organs, Institutions and Agencies of the African Union;**
- **Distinguished Invited Guests;**
- **Ladies and Gentlemen;**
- **Comrades and Friends;**

1.0 INTRODUCTION: KUDOS TO PROFESSOR MOUKOKO MBONJO

Let me preface my intervention by commending the Head of the Reform Unit, Professor Pierre Moukoko Mbonjo, and his team for a brilliant and comprehensive report on the proposed restructuring of the African Union. I am impressed by how succinctly Professor Moukoko and his team captured the issues hampering the Pan African Parliament and other AU Organs from effectively fulfilling their mandate and living up to the expectations of the African citizenry. The reform process might have taken long but after reading and listening to their report, I believe it was well worth the wait. The report justifies the time and resources devoted to this process and I fully concur with the observations and recommendations on the PAP.

Indeed, this reform process was long overdue especially in the face of a skeptical African citizenry who have begun to question the value of the African Union and its various Organs and Agencies. In an article posted on the africareport.com website on 2nd August 2022, journalist Francois Soudan says, **“When Africans are asked about the usefulness of the AU, the judgement is still harsh. Many see it as an ineffective organisation, which has not solved any of the problems for which it was created and whose objective is to outlast them.”** As we gather here today, this is the perception that must be at the back of our minds. It must inspire us not to dwell on protecting territories or focusing on individuals but on revamping the entire AU architecture to ensure that it meets and exceeds the expectations of the people of Africa whom we are all called to serve. I will, therefore, just add a few noteworthy points to the issues raised in the report which I fully concur with.

2.0 WHEN AND HOW DID THE PAP COME INTO THE AU ARCHITECTURE?

I am pleased that the report has underscored the role of the PAP within the AU Governance architecture. Quite often we have had to field questions relating to what PAP does or should do within the continental governance matrix and the report has outlined some of these roles and functions. However, in order to fully answer these questions, we must ask ourselves, why was PAP created? Why did the founding fathers deem it fit to establish a continental representative Organ 41 years after the establishment of the OAU in 1963?

I will hazard to say that the founding fathers realized that without a continental legislature made up of the people's elected representatives, the Union was **a Union of Member States and not a Union of African citizens**. The founding fathers realized that without a continental Parliament, the quest for representative democracy, popular participation and continental integration would be remain nothing more than a pipe-dream.

In establishing the Pan African Parliament in 2004, our Founding Fathers had realized that there was a missing link not just in terms of participatory democracy, but, equally importantly, in strengthening the demand side of accountability. Parliaments the world over, are critical to any governance architecture as institutions of accountability that hold governments to account and ensure that governments deliver to citizens' expectations. Parliaments are critical cogs in public sector accountability and our founding fathers recognized that such an institution cannot be missing at the continental level.

2.1 GENESIS AND EVOLUTION OF THE PAN AFRICAN PARLIAMENT

The genesis of the PAP can be traced back from 1970, with several resolutions and declarations of the OAU Heads of States

- Addis Ababa, 1970/1973;
- Kinshasa, 1976;
- Libreville, 1977 and
- Lagos, 1980 which affirmed and reiterated the need for African economic integration.

The most decisive step was, however, the adoption of the Treaty Establishing the African Economic Community, on 3 June 1991, in Abuja

(also known as the Abuja Treaty). This treaty defined the pillars and grounds for realizing economic development and integration in Africa and called for the creation of a continental parliament, amongst a set of organs, as tools for the realization of African integration and economic development.

This call was reemphasized in the Sirte Declaration of 1999, which called for the accelerate implementation of the provisions of the Abuja Treaty.

2.2 KEY MOMENTS OF THE PAP HISTORY

🚩 August 1970 and May 1973:

The Addis Ababa Declaration of the Assembly provide that economic integration of the continent is a pre-requisite for the realization of the objectives of the OAU.

🚩 December 1976:

The Kinshasa Declaration defines African Economic Integration as an objective to be attained gradually.

🚩 July 1977:

The Libreville Declaration endorses and reaffirmed the Kinshasa Declaration.

🚩 April 1980:

Lagos Plan of Action reaffirms the commitment of OAU Heads of States to establish, by Year 2000, an economic community in order to foster economic, social and cultural integration of the Continent.

🚩 3 June 1991:

Adoption of the Abuja Treaty establishing the African Economic Community, which legally seals the vision of the Heads of States to establish an economic community, with a view to “ensure the full participation of African peoples in the development and economic integration of the continent.”

 **9 September 1999:**

The Sirte Declaration defines the pillars and grounds for realizing economic development and integration in Africa. It further calls for speeding up the implementation of the provisions of the Abuja Treaty, the establishment of the Pan-African Parliament by 2000.

 **11 July 2000:**

Adoption of the African Union Constitutive Act, which, recalling the Sirte Declaration, establishes the AU institutional architecture, which includes the Pan-African Parliament (Article 17), with mandate to “ensure the full participation of African peoples in the development and economic integration of the continent.”

 **2 March 2001:**

Adoption of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament (Sirte Protocol) as a founding instrument defining the mandate, functions and operations of the PAP. Paragraphs of the Preamble of the Protocol expressing the rationale for the establishment of the PAP are the following:

- ❖ “Determined to promote democratic principles and popular participation, to consolidate democratic institutions and culture and to ensure good governance”;
- ❖ “Further determined to promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;”
- ❖ “Conscious of the obligations and legal implications for Member States of the need to establish the Pan-African Parliament;”
- ❖ Firmly convinced that the establishment of the Pan-African Parliament will ensure effectively the full participation of the African peoples in the economic development and integration of the continent;”

 **14 December 2003:**

Entry into force of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, almost two and half years after its adoption. One of the few treaty entry into force

record times, which testifies to the firm belief and commitment of AU Member States to the Pan-African Parliament.

13 March 2004:

Inaugural session of the PAP, which lasted three days and was attended by two hundred and two legislators from 41 countries.

13 March 2009:

Expected date for the review of the Pan-African Parliament. For various reasons, it could neither be undertaken.

27 June 2014:

Adoption of the Protocol to the Constitutive Act of the African Union relating to the Pan-African Parliament (PAP Malabo Protocol). The Malabo Protocol requires 28 ratifications for its entry into force and has, to date, been ratified by fifteen AU Member States only, with 23 signatures recorded so far.

Present:

Until the PAP Malabo Protocol enters into force, the PAP continues to operate under the current, Sirte Protocol.

3.0 WHY WAS THE PAP ESTABLISHED?

Without a Parliament, without a means of accountability, the AU would merely be paying lip service to Article 3 (f) of the Constitutive Act of the African Union which enjoins the Union to **“promote democratic principles and institutions, popular participation and good governance.”** The oversight and representative functions of Parliament are thus equally as important as the legislative function. In that regard, the founding fathers also recognized that, without a Parliament, without the people’s elected representatives who keep the Union firmly attuned to needs of the people at the grassroots level, the AU would not be able to uphold its vaunted principle of **“participation of African peoples in the activities of the Union”** as required by Article 4 (c) of the Constitutive Act.

It is precisely for these reasons that the Pan African Parliament was created and entrusted with the mandate of **“ensuring the full participation of African peoples in the economic development and integration of the continent.”** Under **Article 3** of the **Protocol to the Treaty Establishing the African Economic Community relating to the Pan African Parliament (Sirte, 2001)**, the Pan African Parliament is also expected to:

1. *Facilitate the effective implementation of the policies and objectives of the OAU/AEC and, ultimately, of the African Union;*
2. *Promote the principles of human rights and democracy in Africa;*
3. *Encourage good governance, transparency and accountability in Member States;*
4. *Familiarize the peoples of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union;*
5. *Promote peace, security and stability;*
6. *Contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;*
7. *Facilitate cooperation and development in Africa;*
8. *Strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa; and,*
9. *Facilitate cooperation among Regional Economic Communities and their Parliamentary fora.*

4.0 HOW WILL THE PAP ACHIEVE THESE OBJECTIVES?

Article 11 of the Sirte Protocol vests the Pan African Parliament with powers and functions that will enable the institution to achieve the aforestated objectives thus:

Article 11 Functions and Powers

*The Pan-African Parliament shall be vested with legislative powers to be defined by the Assembly. **However, during the first term of its existence, the Pan-African Parliament shall exercise advisory and consultative powers only. In this regard, it may:***

1. *Examine, discuss or express an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make any recommendations it may deem fit relating*

to, inter alia, matters pertaining to respect of human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law.

- 2. Discuss its budget and the budget of the Community and make recommendations thereon prior to its approval by the Assembly.*
- 3. Work towards the harmonization or co-ordination of the laws of Member States.*
- 4. Make recommendations aimed at contributing to the attainment of the objectives of the OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them.*
- 5. Request officials of the OAU/AEC to attend its sessions, produce documents or assist in the discharge of its duties.*
- 6. Promote the programmes and objectives of the OAU/AEC, in the constituencies of the Member States.*
- 7. Promote the coordination and harmonization of policies, measures, programmes and activities of the Regional Economic Communities and the parliamentary fora of Africa.*
- 8. Adopt its Rules of Procedure, elect its own President and propose to the Council and the Assembly the size and nature of the support staff of the Pan-African Parliament.*
- 9. Perform such other functions as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol.*

5.0 DOES THE ABSENCE OF LEGISLATIVE POWERS DILUTE THESE FUNCTIONS?

An inaccurate narrative has for long been peddled that the functions and powers accorded to the Pan African Parliament by Article 11 of the Sirte Protocol can only be exercised once the PAP has full legislative powers. The argument advanced, therefore, is that unless the Malabo Protocol receives the required 28 signatures and is ratified by Member States the PAP will remain an advisory and consultative body that cannot carry out the functions outlined above. Clearly that is not the case. While not mutually exclusive, a Parliament can carry out its representative and oversight functions without making laws. In fact, law-making constitutes not more than 30% of parliamentary business in most Parliaments all over the world. A large part of the business of Parliament is the oversight and representative functions which, in essence, are advisory and consultative functions. The spirit of Article 3 as read with Article 11 of the Sirte Protocol and the PAP Rules of

Procedure is that these functions were implementable since the establishment of the PAP in 2004. The budget of the African Union ought to have been discussed by the Pan African Parliament and recommendations made to the Assembly since 2004 because this is an oversight issue which has nothing to do with the law-making function. The PAP was well within its competence to examine and discuss any issues before the Assembly or any of the Organs since 2004 because this, again, is an oversight issues which cannot be crippled by the absence of legislative authority.

Admittedly, PAP does not yet have legislative powers but that is neither here nor there and clearly does not stop PAP from functioning as a Parliament. Even with just consultative and advisory powers, PAP remains to all intents and purposes a Parliament. National Parliaments themselves through motions tabled in the house, also have consultative and advisory powers. Motions are intended to be persuasive recommendations for government action on issues affecting the people. In other words, motions are advisory tools to governments for national Parliaments and PAP conducts the same function.

6.0 INSTITUTIONAL ARCHITECTURE ISSUES

6.1 LEGISLATION: PAP POWER TO MAKE MODEL LAWS

The PAP Protocol empowers the PAP to work towards the harmonization or coordination of the laws of Member States. **Article 11(3) provides that the PAP shall “work towards the harmonization or co-ordination of the laws of Member States,”** while **Article 11 (7)** provides that the PAP shall **“promote the coordination and harmonization of policies, measures, programmes and activities of the Regional Economic Communities and the parliamentary fora of Africa.”**

On the basis of these provisions, the PAP has, since 2015, embarked on any activities aimed at harmonizing or coordinating the laws of the Member States to achieve the integration of legal frameworks of the continent. Such integration can be achieved through various means, such as formulation of Model Laws. Accordingly, though the report mentions only two Model Laws, the PAP has partnered with other AU organs in the formulation of the following model laws:

- i. AU Model Law on Medical Products Regulation
- ii. AU Model Law on the Protection of Cultural Heritage

- iii. Model Law on Policing in Africa
- iv. Model Law on Disability in Africa
- v. Model Double Taxation Agreement
- vi. Model Law on Food and Nutrition Security

In addition, the PAP is in the process of developing or finalising the following Model Laws:

- i. Model Law on Climate Change
- ii. Model Law on Gender Parity in Africa
- iii. Model Law on Statelessness
- iv. Model Law on Factoring
- v. Model Law on Soil Management
- vi. Model Law on Cooperatives

The Model Laws may not be legally binding in the absence of legislative authority but they do provide an invaluable benchmark through which Member States can improve their national legislation through domestication and, indeed, some have domesticated fully or partially. PAP is strategically positioned to advance the harmonization of legal instruments on the continent as it draws its membership from national Parliaments which are the supreme legislative institutions. PAP Members can thus play a definitive role in popularizing Model Laws in their national Parliaments and, in so doing, driving the harmonization of laws on the continent. In that regard, it may be prudent for other Organs dealing with Model Laws to work with and through the Pan African Parliament to push for their adoption through national and Regional Parliaments which work closely with the pap.

6.2 PAP BUDGETARY OVERSIGHT FUNCTION

Under **Article 11 (2)** of the current PAP Protocol (**echoed by Article 8 (2)(b) of the new PAP Protocol**), the PAP is vested with the power to discuss its budget and the budget of the AU and to make recommendations thereon prior to its approval by the Assembly. Sadly, for the nineteen years of the PAP's existence, the above-mentioned provision has not been operationalized. The main reason is the fact that the AU budget formulation process and schedule do not prescribe mandatory submission of the AU budget to the PAP for consideration and recommendation prior to its adoption by the Executive Council, which now adopts the African Union Budget on behalf of the Assembly.

The PAP's budgetary function, which is already provided for under applicable African Union law, would only require a *modus operandi* to enable a workable and effective workflow between all organs that have a role to play in the AU budget making process. This can be achieved by harmonizing the Rules of Procedure of the various decision-making organs that deal with the Union's budget and accommodating the intervention of PAP in the Union's budget process, in accordance with the above-mentioned provisions of the PAP Protocol. One can note that this does not require any amendments of texts. Also, it is not contingent on the issue of expertise, which the policy organs should help the PAP to quickly resolve, including through the strengthening of the institutional and technical capacities of PAP. Further, it can be capitalized on the recognized know-how of Parliamentarians, who are already well-versed with techniques of budget drafting and oversight at the domestic level.

Operationalizing the budgetary function of the PAP would also enable the African Union to align itself with the best comparative parliamentary law and practice, which clearly reveals that budgetary power is inherent to any parliament, whether national or supranational. With regard to supranational parliaments, the European Parliament¹, the ECOWAS Parliament², the CEMAC Parliament³, and the East African Legislative Assembly⁴, to name but a few, already hold and exercise budgetary power.

The AU can also harness the specific institutional mandate of the PAP and its unique relationship with national Parliaments, which, in terms of Constitutions of the AU Member States, hold budget-making and budget oversight powers. This can enable the PAP to promote and oversee the effective and timely contributions by the Member States as well as the adoption of national legislations that are instrumental to the financing of the Union. In this respect, the role of the PAP in this process will complement and strengthen the role played by the other AU organs, such as the AUC, the PRC and the Committee of Ten Finance Ministers, with whom clear modalities of interactions must be defined. Indeed, it would be imperative to strengthen collaboration, coordination and harmonisation amongst all AU organs and institutions which have a role to play in the AU budget-making and oversight process.

¹ See Article 314 of the Treaty on the Functioning of the European Union.

² See Art. 7 (b) Additional Act on Enhancing the powers of the ECOWAS Parliament.

³ See Art. 14 of the CEMAC Convention.

⁴ See Article 49 of the ECCAS Treaty.

6.3 OVERSIGHT AND JOINT PROGRAMMING

In addition to Budgetary oversight, the reforms need to acknowledge the fact that PAP's oversight function is separate and exclusively different from implementing agencies of the Union. In short, execution and implementation are totally and exclusively different from oversight. Oversight is an outgrowth of checks follow up to ensure that resources have been utilized according to the pronounced plans and this has been done timeously, efficiently and effectively to ensure that the intended objectives, outputs, outcomes and impact are achieved. In other words, oversight is intended to ensure performance to ensure that the citizens derive the benefits from the very purpose why an institution exists. There is, therefore, no overlap between oversight by Parliament and execution by implementing agencies.

Therefore, joint programming can only be limited to information sharing but not to joint operations. Joint operations will compromise the oversight function of Parliament. **That is the cardinal principle of the doctrine of separation of powers between the Executive, being the implementing agency, and Parliament as the supreme oversight institution.**

6.4 NON REFERRAL TO PAP OF MATTERS BY POLICY ORGANS

There is evidence to show that the PAP has been active and consistent in discussing, mainly at its own initiative, and to express opinion on, any matters relating to the AU, AU organs, RECs or any Member States. However, over the last nineteen years of its existence, there has been no referral of any relevant matters to the PAP by the Assembly. Yet, it would be beneficial to the Union for the Assembly to request, from time to time, the PAP to consider specific issues pertaining to human rights, the consolidation of democracy, good governance and the rule of law. This would increase matters over which the PAP exercises advisory and consultative powers. In the same vein, under the current PAP legal framework, the Assembly can refer to the PAP, the consideration of specific legal instruments, which by their very nature, do not threaten or affect laws, policies or sovereignty of the Member States. For instance, those include the AU internal institutional rules and regulations, which constitute AU internal laws.

Also, countless times, the PAP is not given an opportunity to make inputs into the African Union decision making on specific policy areas pertaining to its mandate. Yet, the policy organs would gain a lot if the PAP, as the

voice of the people were to be formally consulted to make inputs into AU decisions. Such areas could include matters pertaining to continental integration; continental peace and security; compliance with decisions relating to human rights and democracy; elaboration of new African Union treaties; formulation of African Union internal regulations and rules; harmonisation of laws of the Member States and progress on implementation of agenda 2063 flagship projects.

Further, the lack of appreciation of the PAP mandate by some stakeholders within the African Union has led to the PAP being denied the technical and financial means that are necessary for the execution of its mandate. For instance, it has been alleged that the PAP has no mandate to promote the ratification of the African Union treaties. Yet, not only the PAP Protocol, but also several policy decisions expect the Pan-African Parliament to assist with advocacy and sensitization of Member States to expedite the process of ratification/accession to OAU/AU Treaties.⁵ In addition, the PAP has engaged, although largely on an ad hoc basis, with other AU departments/ specialized agencies to promote AU instruments. The main example is the collaboration with the AUC-Department of Political Affairs (DPA) in advocating for the ratification of the African Charter for Democracy and Human Rights (ACDEG), which entered into force in 2012. Other forms of collaboration have also taken place between the AUDA/NEPAD and the AUC-Department of Social Affairs to develop model laws.

6.5 PARLIAMENT ARE THE MPs AND MPs ARE THE PARLIAMENT

The engine room for Parliamentary oversight, representation and other universal Parliamentary functions are the Committees. PAP currently has 15 Committees which conduct enquiries and present their reports to Plenary. The Plenary, which is the highest decision-making body of the Pan African Parliament, makes resolutions and recommendations which ought to be tabled to the Assembly. Currently, the Committees and Members of Parliament are not funded and are thus crippled from carrying out their oversight function.

The AU institutional reform should reconsider the budget of the PAP to adequately address the needs and improve conditions of service of

⁵ See for instance EX.CL/Dec.886(XXVII): Johannesburg, South Africa, 7 – 12 June 2015; EX.CL/Dec.642(XVIII): Addis Ababa, Ethiopia, 24 - 28 January 2011; EX.CL/Dec.571(XVII): Kampala- Uganda, 23 July 2010; EX.CL/Dec.459(XIV): Addis Ababa- Ethiopia, 30 January 2009; EX.CL/Dec.421 (XIII): Sharm El-Sheikh- Egypt, 24 July 2008.

Members of Parliament. In line with Article 5 of the Sirte Protocol, PAP Parliamentarians emanate from National Parliaments of the Member States, vesting on them a status that is higher than what the African Union recognises. African Union regulations, rules and policies were for so long silent or unclear about the status and treatment of PAP Parliamentarians. Particularly in the revised Financial Rules and revised Travel and Missions Policy, the Members of PAP are not listed amongst of the categories of African Union officials with specific status who should be given a specific protocol and treatment.

Also, **Decision EX.CL/Dec.1057(XXXV) on Harmonization of Allowances and Benefits for Organs of the Union** diminished the status and commensurate treatment of PAP Parliamentarians. However, the revised African Union Staff Regulations and Rules (2023) now recognise Members of PAP as a special category and afford them business class of travel, even though the issue of non-payment of allowances is still unresolved, in continuous breach of Article 10 of the PAP Protocol.

In fact, by **Decision EX.CL/Draft/Dec.1(XXXV) of July 2019**, the Executive Council approved the matrix of harmonised allowances for Members of all AU Organs. This decision created the following problems:

- i. It goes against the letter and spirit of Article 10 of the PAP Sirte Protocol, which provides that “the Pan-African Parliamentarians shall be paid an allowance to meet expenses in the discharge of their duties.”
- ii. It contradicts the letter and spirit of **Decision EX.CL/1104(XXXIV)i (B) of February 2019**, which determined the objective of the harmonisation exercise as “to ensure affordability by Member States as well as to ensure non-discrimination among and between Members of AU Organs.⁶
- iii. It also amounts to unfair discrimination against Members of one African Union Organ who, while participating in the activities of the Pan-African Parliament, lose the opportunity to get sitting allowances from their respective Parliaments’ sittings.
- iv. More seriously, this situation threatens the cohesion and effectiveness of PAP, due to loss or poor motivation of Parliamentarians who perform the work of Parliament, which the Bureau and Bureaux preside over and coordinate.

⁶ See Para 20 of Decision EX.CL/1104(XXXIV)i (B) of February 2019.

- v. Furthermore, the situation exposes Parliament to institutional fragmentation, especially during general elections, where all Members can become radical about becoming a Member of the Bureau and Bureaux.

6.6 LACK OF INCENTIVES FOR THE BUREAU

The Bureau of the Pan African Parliament, comprising the President and Vice-Presidents, does not receive any remuneration for their services unlike other Heads of Organs. Whilst Heads of other Organs are paid salaries with other attendant remuneration packages, including a USD 300 monthly Administration Allowance, the Bureau does not enjoy a monthly salary as do other Organs and yet they devote the majority of their time to the work of the Pan African Parliament. In terms of official duties and supervising the work of the Secretariat, the Bureau is semi-permanent but in terms of remuneration the Bureau is treated as temporary. Admittedly, the Bureau cannot work full time at the PAP due to commitments arising from their national Parliaments but, even then, consideration must be given to compensating the President and Vice-President to a reasonable level commensurate with their duties. It is proposed that the President and Vice-Presidents be paid monthly salaries amounting to 70% of their counterparts at similar level in recognition of the work they do.

It is important to indicate that, prior to the Harmonisation Decision EX.CL/Draft/Dec.1(XXXV) of July 2019, PAP Parliamentarians were receiving the following allowances:

- i. **Bureau Allowance:** Was a responsibility-based allowance of \$6,000 for President and \$4,000 for Vice- Presidents paid on a monthly basis.
- ii. **Bureau Sitting Allowance:** USD 600 per Bureau meeting.
- iii. **Responsibility Allowance for Members of Bureaux of Permanent Committees and Caucuses:** \$ 650 per session for the Chairpersons, \$ 500 for the Deputy Chairperson and \$ 400 for the Rapporteurs.
- iv. **Session honorarium:** \$ 700 per session paid to all Members of PAP, excluding the PAP Bureau Members.
- v. **Non-Session honorarium:** USD 300 paid to Members of PAP taking part in any PAP meeting organized outside sessions.
- vi. **Daily Subsistence Allowance:** All members are entitled to **DSA** when on official mission.

From a comparative perspective, most regional Parliaments provide a set of allowances to their Parliamentarians, in addition to the basic salaries. For instance, at the East African Legislative Assembly (EALA), in addition to their US\$ 6,408 basic salary, Parliamentarians are entitled to various allowances that could amount to about US\$ 14,000, including a sitting allowance of US\$ 160 per sitting.⁷ While information on the remuneration and allowances of the Members of the ECOWAS Parliament and SADC Parliamentary Forum (SADC PF) could not be accessed, informal information point to the fact that their Parliamentarians receive salaries, sitting allowances and travel-related allowances that are close to their EALA counterparts. Outside the continent, Members of the European Parliament receive a wider range of allowances, in addition to a salary of € 8.020,53 per month.⁸ Those allowances include an "end of term" allowance.⁹ In addition, the MEPs receive daily allowances for each day they sign in in the Parliament's buildings in Brussels or Strasbourg in the amount of € 304 per day, 2 days' daily allowance without having taken part in any meeting or other relevant parliamentary activities. For meetings outside the EU, the allowance is € 152 with hotel and breakfast bills refunded separately.

The Pan-African Parliament therefore requests that a review of Decision EX.CL/Draft/Dec.1(XXXV) of July 2019 and reinstatement of sitting allowance be proposed to the policy organs. And this should take into account the sitting allowance paid to PAP Parliamentarians before its removal in July 2019, and best practices from comparable bodies, such as the European Parliament and other comparable regional Parliaments.

The Pan African Parliament also requests a monthly salary for the Bureau of at least 70% of the salary paid to Heads of Organs at similar level.

6.7 LACK OF FINANCIAL CONTROL BY THE BUREAU

It is worth highlighting the lack of harmony between some African Union regulations and rules, particularly the Revised Financial Rules (AURFR), with the PAP Sirte Protocol, specifically with regard to the power of Members of the Bureau of the PAP vis-à-vis the Clerk of Parliament. A close reading of the AURFR reveals that Members of the Bureau of PAP have no

⁷ What You Need To Know About The Functions Of EALA MPs, published on 18 November 2022, Available at <https://www.citizen.digital/news/what-you-need-to-know-about-the-functions-of-eala-mps-n309642>, Accessed on 14 December 2022.

⁸ See Salaries for staff, Parliament members and Commissioners, available at <http://en.euabc.com/word/814>, Accessed on 14 December 2022.

⁹ The salary continues to be paid up to 2 years for the MEPs that would serve for at least three consecutive years.

role to play in financial matters, despite the fact that Article 12 (5) of the PAP Protocol provides that they shall be **“responsible for the management and administration of the affairs and facilities of the Pan-African Parliament and its organs.”**

Members of the Bureau of the Pan-African Parliament are accommodated neither by the definition of **“Controlling Officer” nor that of “Competent Authority”**.

- Under the African Union Revised Financial Rules, “Controlling Officer” means “the Deputy Chairperson of the Commission or Heads of other Organs, who are based full time in the duty station or Heads of Secretariat of Organs and Institutions of the Union, who are full time salaried employees, as applicable, with delegated authority to handle administration and finance of their respective Organs and Institutions, and who shall be accountable to the Accounting Officer.”
- Under the same Rules, “Competent authority” means “any person who lawfully acts on behalf of the Chairperson of the African Union Commission or who is Head of other organs and institutions, who are based full time in the duty station or Head of Secretariat of organs and institutions of the Union, who are salaried employees, where applicable, with delegated authority to handle administration and finance of their respective organs and institutions, and who shall be accountable to the Chairperson.”

In both definitions, emphasis is on being “based full-time in the duty station” and being “salaried” automatically excludes Members of the PAP Bureau. Yet, the PAP Protocol bestowed on them overall responsibility over administrative and financial affairs of the Parliament. As a result, The Head of the Secretariat of PAP may always ignore or challenge the power of the Bureau and escape their oversight.

6.8 CENTRALISATION OF SYSTEMS

The centralization of business processes and systems at the AUC, though driven by the desire to eradicate inefficiencies, has ironically resulted in even greater inefficiencies. I refer, for example, to the recruitment system which is now done through the Merit Based Recruitment System (MBRS) which is resident at the AUC. Advertisements have to go through the AU Portal and the long-listing is done through the same system which is

centralized in Addis. With the paucity of manpower in Addis, the result has been an even greater delay in the recruitment of staff. The turnaround time for recruitment has become even more protracted compared to when the Organs were in charge of their own recruitment resulting in inefficiencies in service delivery by the various Organs. The Pan African Parliament, therefore, recommends that the MBRS system should be cascaded to the Organs who should have access through their Human Resources Departments to the portal.

Even the ICT system is centralized in Addis and the dangers of this were apparent when the system was hacked. The SAP system malfunctioned, payments stalled, including even the payment of staff salaries. Even to this day, some staff emails are malfunctioning and the challenges can only be resolved in Addis. The centralization of business operating systems has not brought the advantages that were envisaged but has, in fact, resulted in even greater inefficiencies which are affecting the outputs of Organs.

7.0 KEY RECOMMENDATIONS

From the foregoing, as the Pan African Parliament, we lend our full support to and concur with the recommendations by the Reform Unit. Their recommendations are in sync with the aspirations of the Pan African Parliament. We, therefore, reiterate on the following:

1. The need to accord the PAP its appropriate position in the hierarchy of the AU organs, so that it can address and attend the meetings of the Executive Council and the Assembly.
2. The PAP President and the Bureau and the Assembly should be supported to fully implement their responsibility regarding the management and administration of the PAP, including the appointment of the Clerk and Deputy Clerks, the power of proposing the structure of the Secretariat, as provided in the Protocol, and payment of monthly salaries at a level of 70% of office bearers of equivalent level.
3. Whilst the President is semi-full time, the other Members of the Bureau rotate. We propose that the Vice President's rotation period should be extended from 10 days to a month.
4. The PAP should be supported by adequate and skilled officers appointed by the PAP and who should be accountable to the PAP Bureau and the Assembly pursuant to the provisions of the Protocol, including expert officials to support the work of Parliamentary Committees, Research and Budget mandates of the PAP.

5. The PAP Bureau and relevant Parliamentary Committees should play a pivotal role in the development of the Budget of the PAP and the Secretariat of the PAP should render the appropriate support in this regard rather than bypass PAP to work with the AUC.
6. The Budget of the PAP should include the work of Parliamentary Committees which is the prime mechanism for the work of the PAP and should also make provision for the requisite equipment and other logistics for the performance of the PAP functions.
7. The Budget of the PAP should be approved and disbursed in a timely manner for the effective and efficient functioning of the PAP.
8. The PAP budget should include the allowances for the Parliamentarians as provided for in the Protocol, to reduce the financial burden on the national parliaments for their attendance to PAP meetings.
9. The AU Commission should provide clarity regarding its role and other organs of the AU vis a vis the mandates and powers of the PAP as provided in the Protocol, to avoid overlap and duplication as well as overreach by any of these AU organs. The functions regarding election monitoring and monitoring and evaluation of AU programs and activities should be clearly delineated and realigned in accordance with the legal instruments pertaining to the various AU organs and Institutions;
10. The AUC should develop measures for officials of other AU organs to enable them to submit reports to the PAP and appear before the Plenary and Committees of the PAP as required for the PAP to perform its oversight functions effectively and efficiently as provided in the Protocol, in respect of the programs and policies of the AU and its organs.
11. The AUC should consider decentralising business systems and processes to Organs, including recruitment, to enhance efficiency and timely service delivery.
12. The PAP should be allowed to play its oversight role on the Union budget prior to its consideration by the Assembly. This role does not preclude the role played by the PRC and the Executive Council in the same. A mechanism should be developed to ensure that each Organ plays its part in budgetary oversight as per the respective Protocols instead of excluding the Pan African Parliament from the process which is a violation of the PAP Protocol.