



Pan-African Parliament

One Africa, One Voice

MODEL LAW ON FOOD AND NUTRITION SECURITY IN AFRICA

An Organ of the



Adopted in Midrand, South Africa,
on 11 November 2022



MODEL LAW ON FOOD AND NUTRITION SECURITY IN AFRICA

Adopted by PAP Plenary

11 November 2022

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PREAMBLE

The Pan-African Parliament,

CONSIDERING that Article 17 of the Constitutive Act of the African Union (AU) establishes the Pan-African Parliament to ensure the “full participation of the African people in the development and integration of the continent”;

NOTING that Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP Protocol) and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament (PAP) empower the PAP to facilitate regional cooperation, development and promotion of “collective self-reliance” as well as the “implementation of the policies, objectives and programmes” of the AU;

CONSIDERING further that Article 11 (3) of the PAP Protocol and Rules 4 and 5 of the PAP Rules of Procedure empower the PAP to work towards the harmonization or co-ordination of the laws of Member States;

RECOGNIZING that the majority of African States have accepted international and regional legal instruments with provisions relating to food and nutrition security (FNS), which require Member States to take legislative and other measures with a view to progressively achieve the full realization of the right to adequate food;

NOTING with appreciation the progress made by African countries in providing legal protection to the right to adequate food through constitutional provisions and legislation relating to FNS;

NOTING further the evidence that FNS policies and frameworks that are anchored in legislation are relatively more effective and foster sustainable improvement of FNS, and the need to address



structural challenges and create enabling environment for FNS, including specific policies, programmes and legislations;

RECALLING the Resolution of the PAP No PAP.5/PLN/RES/06/OCT.18 of 2 November 2018, which underscored the importance of a Model Law on FNS to catalyse and inform processes for the development and/or strengthening of pertinent laws in African countries, and mandated the Committee on Rural Economy, Agriculture, Natural Resources and Environment and the Pan-African Parliamentary Alliance on FNS to lead the formulation of a Model Law on FNS in Africa;

RECALLING also Decision Assembly/AU/Dec.813(XXXV) by which the African Union Assembly declared 2022 as the Year of Nutrition under the theme “Strengthening Resilience in Nutrition and Food Security on The African Continent: Strengthening Agro-Food Systems, Health and Social Protection Systems for the Acceleration of Human, Social and Economic Capital Development”;

COGNIZANT that the development of a Model Law on FNS in Africa by the PAP can make a significant normative contribution to improving FNS on the continent, and can harmonise the African Union Member States’ delivery on the goals of the Malabo Declaration, the 2030 Agenda on Sustainable Development Goals (SDGs) and the aspirations of the African Union Agenda 2063;

RECOGNIZING that a Model Law on FNS can also be an effective tool for harmonisation of the food and nutrition security laws and policies governing cross-border trade in food among the African Union Member States, taking into account the crosscutting and multi-sectoral nature of FNS, as well as the diverse legal traditions of African States;

RECOGNISING FURTHER that a Model Law can serve as a very good source of inspiration or evidence-based guidance material for States involved in the formulation or revision of their laws relating to FNS;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the PAP, which empowers it to, inter alia, make recommendations and take resolutions on the objectives and on any matters relating to the AU and its organs, Regional Economic Communities, Member States and their organs and institutions;

Hereby adopts the following Model Law on Food and nutrition security in Africa:

Article 1: Purpose of the Model Law

The purpose of the model law is to guide or serve as a source of inspiration for AU Member States that aim to develop national or sub-national legislation on the right to adequate food and food and nutrition security (FNS). AU Member States may make use of the model law in elaborating framework laws, primary legislation or secondary legislation that covers all or some aspects of FNS.

Article 2: Scope of the Law

1. The model law shall govern issues related to food and nutrition security, including the availability, accessibility, stability and utilization of food and the realization of the right to adequate food.
2. It shall include essential elements of FNS that may be governed by one or more legislation, including the definition of rights and entitlements, duties and responsibilities at all levels, enabling environment for the production, processing, distribution and consumption of safe and nutritious food, FNS governance structures and accountability mechanisms.

Article 3: Definitions

For the purpose of this model law, except where otherwise expressly indicated or the context otherwise requires, the following definitions shall apply:

- i. Food means any liquid or non-liquid substance originating from biological sources or water, whether processed, semi-processed or raw, which is intended for human consumption. It includes drink, chewing gum and any substance which has been used in the manufacture, preparation or treatment of “food”, but does not include cosmetics or tobacco or substances used only as drugs.
- ii. Food fortification is the practice of deliberately increasing the content of one or more micronutrients (i.e., vitamins and minerals) in a food or condiment to improve the nutritional quality of the food supply and provide a public health benefit with minimal risk to health.
- iii. Food labelling is written, printed or graphic description on packaged food that provides consumers with information about a product’s composition, nutritional profile, and quantity of contents so that they can make product comparisons, selections, or disposal.
- iv. Food loss refers to the reduction of the quality and quantity of food, as a result of it being spilled, spoiled or otherwise lost during its processing in the food supply chain before it reaches its final product stage.
- v. Food and Nutrition Security is a situation that exists when all people at all times have physical, social and economic access to food, which is safe and consumed in sufficient quantity and quality to meet their dietary needs and food preferences, and is supported by an environment of adequate sanitation, health services and care, allowing for

a healthy and active life.

- vi. Food security is a situation that exists when all people at all times have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.
- vii. Food safety refers to the protection of food supply from microbial, chemical (i.e. rancidity, browning) and physical (i.e. drying out, infestation) hazards or contamination that may occur during all stages of food production and handling, including growing, harvesting, processing, transporting, preparing, distributing and storing.
- viii. Food reserve refers to stocks of food products, mainly of grains and staple foods considered important for FNS in a country, which are held by a public entity at the national and/or sub-national level for use to manage food crises either by providing emergency transfers to food insecure households, or by mitigating food price increases.
- ix. Food waste refers to the decrease in the quantity of food that completes the food supply chain up to a final product, of good quality and fit for consumption, but still does not get consumed because it is discarded, whether or not after it is left to spoil or expire.
- x. Framework laws are laws used to legislate on multi-sectoral matters in a consistent, coordinated and comprehensive fashion, laying down general principles and obligations while leaving the details to lower-level laws and giving the competent authorities the power to define the necessary measures within the framework established by law.
- xi. Nutrition security is a situation that is achieved when secure access to an appropriately nutritious diet is coupled with a sanitary environment, adequate health services and care, to ensure a healthy and active life for all household members.
- xii. Staple food is one that is eaten regularly and in such



quantities as to constitute the dominant part of the population's diet and supply a major proportion of energy and nutrient needs.

- xiii. xiii. School food environment refers to all the spaces, infrastructure and conditions within and beyond the school premises where food is available, obtained or purchased and consumed (tuck shops, kiosks, canteens, food vendors, vending machines) and the composition, promotion and pricing of foods and food products, including marketing, advertisements, branding, food labels and packages, that determine food choices and their dietary values.
- xiv. xiv. Vulnerable groups are those population groups that often encounter discriminatory treatment due to social, cultural, legal or other related factors or face particular disadvantages due to disasters such as drought, earthquakes or conflicts. It includes immutable members (e.g. indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities, individuals living with HIV/AIDS, refugees and internally displaced people, women and children) and others that may have shifting membership (e.g. the urban poor, the rural landless or smallholder farmers, urban casual workers, street hawkers, rural seasonal workers, subsistence farmers with less than one hectare in mountainous areas and so on).

Article 4: Right to Adequate Food

Every individual, alone or in community with others, shall have physical and economic access at all times to quantitatively and qualitatively sufficient food, which corresponds to the cultural traditions of the people to which the consumer belongs and ensures a physically and mentally fulfilling and dignified life.

Article 5: Duties of State and Non-State Actors

1. The State and the different levels of its structures shall have the following duties:
 - i. To respect: to avoid any form of interference with people's efforts to feed themselves and their families;
 - ii. To protect: to prevent third parties, such as trans-national companies and other non-state actors, from impairing people's enjoyment of the right to adequate food;
 - iii. To facilitate: to create a conducive environment for the enjoyment of the right to adequate food by putting in place appropriate policy, legislative, institutional and budgetary frameworks to respect, protect and fulfil the right;
 - iv. To provide: to deliver or facilitate the provision of food for those who are unable to feed themselves because of circumstances beyond their control, such as natural or man-made disasters.
2. Non-state actors, including business enterprises, have a direct duty not to interfere with people's enjoyment of the right to adequate food and a responsibility to redress any adverse effects their conducts create to food and nutrition security.

Article 6: Guiding Principles

All policy, strategy, legislative, programme and operational interventions relating to food and nutrition security, including on the availability, accessibility, stability and utilization of food, shall be guided by the following principles:

1. Participation: ensure the free, fair, informed, full and effective participation of all stakeholders, including women, men, elders, youth and vulnerable groups, in decision-



making, implementation and monitoring processes relating to FNS.

2. **Accountability:** put in place inclusive and context-sensitive feedback channels, including social auditing, and establish accessible and effective grievance mechanisms in relation to the formulation, implementation as well as monitoring and evaluation of FNS policies, laws and programmes.
3. **Non-discrimination:** avoid discrimination on the grounds of race, language, religion, sex, age, political belief, national or social origin or another status, especially of vulnerable groups, with a view to ensuring equality in the enjoyment and exercise of the right to adequate food.
4. **Gender equality:** ensure the equal right of women and men to the enjoyment of the right to adequate food and in measures aimed at FNS, while acknowledging differences between women and men and taking actions to accelerate de facto equality when necessary.
5. **Transparency:** ensure that the process and outcome of decision-making at every stage is clearly defined and adopt context-sensitive strategy for communication with all stakeholders, particularly the target population.
6. **Human dignity:** respect the dignity or inherent worth of all human beings, particularly people facing food and nutrition security crises and various forms of marginalization.
7. **Empowerment:** enable rights holders, particularly vulnerable and marginalized people, to claim their right to adequate food and play a primary role in ensuring their own food and nutrition security.
8. **Rule of law:** ensure that public authority is exercised based on law and that independent administrative, judicial and quasi-judicial mechanisms of accountability are put in place.
9. **Good governance:** ensure multisectoral involvement and

interaction in decision-making and consensus building around FNS, based on clearly defined responsibilities, goals and objectives at all levels of the State for the benefit of the society, and avoid any conduct that uses FNS as a political tool.

10. **Sustainability:** take into account social, economic, political, ethical, environmental, cultural and traditional dimensions in the modes of food production and consumption patterns to guarantee the right to adequate food for present and future generations.

Article 7: Access to Productive Resources, Agricultural Inputs and Services

1. The State shall develop and implement policies, laws and programmes for equitable access to and responsible management of natural resources such as land, water, fisheries, forest resources and biodiversity, including the recognition of formal and informal tenure rights and the security of tenure for women, youth and vulnerable groups.
2. The State shall put in place mechanisms whereby people engaged in agrarian and livestock-based food production, in particular small-scale and subsistence producers, have equitable access to inputs, such as seeds, fertilizers, pesticides and feed, that do not harm the environment and human health.
3. The State shall promote ever increasing and equitable access to credit, insurance and other services, particularly for small-scale and subsistence food producers.
4. The State shall put in place mechanisms to strengthen efforts to improve the development of sustainable technologies and their transfer and dissemination under mutually agreed terms.



5. The State shall create enabling environment and extend support to cooperatives and organizations that contribute to FNS, including by strengthening the role of women and youth in such institutions.
6. The State shall establish a mechanism to control, manage and prevent food loss and food waste.

Article 8: Nutrition Security

1. The State shall promote the production and consumption of safe and nutritionally balanced food for healthy, active and productive life.
2. The State shall set targets and strategic directions to eliminate malnutrition, including undernutrition, micronutrient deficiencies, overweight, obesity and related non-communicable diseases, through multi-sectoral coordination.
3. The State shall promote nutrition education and healthy diet.
4. Special attention shall be paid to the nutrition of vulnerable groups, including infants, children, the elderly, women of a reproductive age and expectant and lactating mothers, that face high risk of food insecurity and malnutrition.
5. The State shall facilitate the development of nutrition guidelines and standards that are tailored to the needs of various groups of the population and relevant stakeholders.

Article 9: Food Market and Trade

1. Food trade at the national level shall be regulated based on, inter alia, standards of availability, safety, quality, affordability, consumer rights and effective and equitable

distribution of food.

2. The State shall establish, or promote the establishment of, infrastructure for the storage, processing and distribution of food products at various levels, and facilitate market linkages for food producers.
3. The State shall put in place mechanisms to stabilize the price of staple food. Hoarding of food commodities and other practices that affect price stability shall be prohibited and sanctioned.
4. The State shall determine the conditions of import and export of food, particularly staple food, by striking an appropriate balance between the requirements of domestic food and nutrition security and food culture on the one hand and the regional and international standards of trade it has accepted on the other.

Article 10: Food Safety

1. The State shall put in place, strengthen and/or promote mechanisms to ensure the safety, hygiene and nutritional value of food by preventing contamination and food-borne diseases in the production, preparation, handling, storage and distribution of food.
2. The State shall regulate, inter alia, food additives, residue limits, irradiation, packaging and genetic engineering of food products.
3. The norms, standards, criteria and procedures of food safety and quality to be applied by all relevant actors in relation to different types of imported as well as locally produced food shall be determined in accordance with scientific evidence and best practices developed at the national and international levels.



4. The State shall establish or designate a public authority or public authorities to regulate, control, approve and certify the safety of food along the food value chains, and to promote food safety, inter alia, through support to smallholders and small enterprises to meet applicable standards.

Article 11: Food Labelling, Marketing and Advertising

1. The State shall regulate the labelling of locally produced as well as imported food products packaged for sale and consumption, including the origin, ingredients, quality, quantity, nutritional value, expiry date and other necessary information.
2. The State shall regulate and control the marketing and the medium, contents, audience and place of advertisement of traded food commodities.
3. The State shall particularly regulate the marketing and advertising of food in child-specific settings, such as schools and other areas where children are likely to gather, with a view to protecting them from the adverse effects of energy dense, nutrient poor foods.
4. The State shall regulate the marketing and promotion of breast-milk substitutes, including the prohibition of gifts to health workers and distribution of free samples.
5. The provision of false or misleading information in labelling and advertisement of food products, and actions of erasing, covering and tampering with approved labels shall be prohibited and sanctioned.

Article 12: Food Fortification and Diversification

1. The State shall regulate the fortification of locally produced as well as imported food with the aim of alleviating nutritional deficiencies and treating the effects of malnutrition by providing a list of food products subjected to fortification.
2. The States shall regulate the breeding technologies and specifications of seeds for biofortification as well as the production and marketing of biofortified crops, including genetically modified foods.
3. The State shall promote the diversification of food by providing incentives for local food producers and processors and strengthening small and medium sized businesses in the food sector.

Article 13: Strategic Food Reserve

1. The State shall establish a system of strategic food reserve to meet food and nutrition security needs by ensuring a reliable supply of designated food commodities, particularly for situations of food crises resulting from market irregularities or emergency situations.
2. The State shall assign a competent authority to designate essential agricultural or food commodities, to procure and manage food commodities in accordance with applicable regulations, to revise the stock and accompanying needs periodically, and to determine the existence of conditions that entail the utilization of food reserves.
3. The system of strategic food reserve shall have national and sub-national structures, and it shall be organized in a way that does not constitute trade barrier.

Article 14: School Food and Nutrition

1. The State shall implement sustainable and holistic policies and programmes that aim to promote a healthy school food environment, and to ensure access to adequate food at school without discrimination.
2. Nutrition guidelines and standards, and other food environment policies shall be adopted to improve the nutritional quality and adequacy of school food and meals.
3. The state shall promote food and nutrition education in the whole school system, by targeting school children, parents, school staff, local smallholder farmers, rural enterprises, and community leaders to foster healthy food-related practices.
4. Food procurement for school feeding programmes shall, to the extent possible, be connected to local production to promote the value of local dietary habits and traditional nutritious foods, and to foster inclusive and sustainable development.
5. There shall be national and sub-national mechanisms for multi-sectorial coordination of policies and programs in school food and nutrition, which ensure the participation of all relevant stakeholders and include monitoring and accountability mechanisms.

Article 15: Minimum disposable income

The State shall set and regularly revise minimum wage and income tax brackets in accordance with applicable laws by taking into account the purchasing power of the currency and the effect of disposable income of consumers on the consumption of balanced diets.

Article 16: Social security and social protection

1. The employment-based and non-employment based social security systems that the State puts in place under other laws should be regularly updated by taking into account living conditions and available resources at different times.
2. There shall be a general or targeted system of social protection or safety net for those in need with respect to FNS, which may include systems of public supply, subsidies, cash transfer or food voucher or stamps.

Article 17: Special Measures

1. The State shall ensure that pregnant women, lactating mothers, children, the elderly, the urban poor, people living with HIV/AIDS, internally displaced people, refugees, landless farmers, pastoralists and other vulnerable groups, who do not have sufficient means, have access to adequate food. It shall further ensure the equitable and effective participation of these groups in decision-making processes relating to FNS.
2. The State shall promote breastfeeding and ensure that women have the right to breastfeed their babies in both public and private spaces without discrimination, including by granting adequate maternity leave and requiring workplaces to have breastfeeding facilities.
3. The State shall put in place mechanisms and allocate adequate resources to support those who suffer from hunger or malnutrition to obtain the minimum amount of nutritious food.

Article 18: Administrative arrangements

1. The State shall establish, assign or strengthen the capacity of a specific public authority or authorities with primary executive responsibilities on food and nutrition security.
2. The public authority or authorities in charge of food and nutrition security shall play a leading role in the development and execution of FNS policies in integrated and consultative processes.

Article 19: FNS Coordination Mechanism

1. There shall be established a FNS coordination mechanism, which shall be an inter-sectoral and multi-stakeholder mechanism with advisory, consultative and/or decision-making responsibilities for effective coordination of food and nutrition security governance.
2. The FNS Coordination Mechanism shall have policy and technical structures with gender-sensitive membership drawn from all relevant ministries, farmers and workers organizations, CSOs/NGOs, professional organizations, academic and research institutions, the private sector, and financial and technical partners.
3. The FNS coordination mechanism shall be autonomous and have the administrative, human and financial resources necessary for its effective functioning.
4. The FNS coordination mechanism shall be composed of the following:
 - i. An Inter-Ministerial Steering Committee, which shall be constituted of all relevant ministers and chaired by the Head of Government, to provide strategic direction and oversight to the FNS coordination mechanism;



- ii. A Secretariat that shall be established separately or hosted at the ministry in charge of food security and/or nutrition and shall provide administrative and/or technical support to the FNS coordinating mechanism;
- iii. Technical Committees, which shall be thematic groups constituted of focal persons from relevant ministries, and representatives of CSOs/NGOs, professional organizations, academic and research institutions, the private sector, financial and technical partners to prepare the work of, provide technical advice to, make proposals to, and support the implementation of decisions of the Steering Committee;
- iv. Regional Coordination Committees, which shall be composed of the regional or provincial chapters of the stakeholders referred to under Paragraph 2 and shall support the work of the FNS coordination mechanism at the regional level; and
- v. Sub-regional and community-level committees composed of the local chapters of the stakeholders referred to under Paragraph 2 with mandate to support the work of the FNS coordination mechanism at the local level.

Article 20: Functions of the FNS coordination mechanism

1. The functions of the FNS coordination mechanism established under Article 19 shall include:
 - i. coordinating relevant authorities in the elaboration, implementation and monitoring of FNS policies, strategies, legislation and programmes at the national and sub-national levels;
 - ii. ensuring the harmonization of sectoral policies and practices relating to FNS;
 - iii. overseeing the implementation of the FNS policies,



- strategies, legislation and programmes;
- iv. promoting actions on FNS and the right to adequate food at the national and sub-national levels;
 - v. mainstreaming FNS and the right to adequate food in sectoral plans and budget;
 - vi. continuously assessing the FNS situation in the country;
 - vii. establishing and overseeing a national FNS information system, including on food prices, food reserves and early-warning systems;
 - viii. Provide policy direction and oversight on FNS emergency preparedness, response and rehabilitation;
 - ix. promote measures to ease access to food such as providing tax exemptions on essential food stuff and facilitation of food transfers/transport within the country;
 - x. mobilizing resources, establishing priorities and tracking the allocation and spending of budget for FNS; and
 - xi. raising the awareness of the public and all other stakeholders on FNS.

Article 21: FNS Information System and Emergencies

1. The State shall put in place a FNS information and early-warning system that includes a mechanism of monitoring the FNS situation to anticipate and prevent FNS crises, which may result from natural or man-made disasters, including the negative effects of climate change and public health emergencies.
2. The State shall establish or designate a public authority with the necessary mandate, resources and procedures for FNS emergency preparedness, response and rehabilitation.
3. Measures taken by State authorities in relation to the

prevention of and response to envisaged or current FNS crises shall not adversely affect FNS.

4. The public authority stated under sub-article 2 shall coordinate its activities to prevent and manage food crises with the strategic food reserve system envisaged under article 13 and all other state and non-state actors.

Article 22: Implementation of the Right to Adequate Food and FNS Objectives

1. The State shall allocate sufficient or ever-increasing budget for the implementation of the right to adequate food and FNS frameworks.
2. The State shall put in place FNS financing mechanisms, including the creation of FNS fund and seeking assistance from development partners in case of need.
3. The State and non-state actors shall work to raise the awareness and engagement of all relevant stakeholders on the right to adequate food, FNS and mechanisms for its implementation and monitoring.

Article 23: Accountability Mechanisms

1. Policies, legislation and programmes on the right to adequate food and FNS shall include recourse mechanisms that serve as channels of feedback and complaints from members of the public and remedies from state and non-state actors with responsibilities.
2. Any person, group of persons or their representative with a claim that their right to adequate food has been violated or that their access to food and nutrition has been impaired by a state or non-state actor shall have the right to bring

the claim to an independent judicial organ, after exhausting administrative remedies, and receive prompt and reasoned decision thereon.

Article 24: Legislative Measures

1. The State shall ensure consistency among its legislation in all areas relating to FNS.
2. The legislative frameworks on FNS shall include sanctions and penalties against non-compliance with the requirements of the law.

Article 25: Safeguard Clause

1. No provision in this Model Law shall be interpreted as derogating from the principles and provisions contained in other relevant instruments relating to food and nutrition security.
2. In the event of a contradiction between two or more provisions of this Model Law, the interpretation which best furthers food and nutrition security and offer more protection to consumer rights and legitimate interests shall prevail.

Article 26: Amendment and Revision

1. Any legislation adopted on the basis of this Model Law can be amended or revised in accordance with applicable legislative procedures, provided that the amendments or revisions are not retrogressive.
2. The Pan-African Parliament may, on its own initiative



or at the request of the Assembly of Heads of State and Government of the AU, review the Model Law on FNS.

3. The amended or revised text of the Model Law on FNS shall be transmitted to the African Union Member States no later than least three months after its adoption.

Article 27: Authentic Texts

1. This Model Law is drawn up in all African Union official languages all of which shall be equally authentic. In case of conflict, the English version shall be the reference version.
2. The State may translate any Law on FSN adopted or adapted from this Model Law in national languages.
3. The Model Law shall also be translated in sign language.

Adopted in Midrand, South Africa

On 11 November 2022



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