

THE 3rd PAN-AFRICAN PARLIAMENT SESSION

Utility or futility?

PRINCE MASHELE

Amid the ceremony and fanfare that characterised the launch of the Pan-African Parliament (PAP) in March 2003, there were critical voices that cautioned Africans not to expect miracles. The questions relate to the difference the continental assembly would make in promoting democracy and human rights, given its self-proclaimed role in this regard. To what extent might the parliament manage to twist the arms of heads of state to deal with a range of challenges facing the continent? Of what practical value would the parliament be to ordinary Africans tired of wars and those struggling to free themselves from the yoke of dictatorship in various parts of the continent? While it would not be fair to expect the parliament to deal with all these issues in a year, it is important to ask whether the 3rd ordinary session of the continental assembly was a step towards answering some these questions.

The session opened on 29th March 2005 on a celebratory note. This session took place shortly after the first birthday of the continental assembly. For Ambassador Gertrude Mungella, PAP's President, the session was an important opportunity for the parliamentarians to 'take stock of the progress and to reflect on the challenges faced' during the first year of PAP's existence. As for progress, she highlighted PAP's achievements during its first year, namely:

- The adoption of the parliament's Rules of Procedure
- The establishment of the body's 10 working committees

- The appointment of the parliament's interim clerk and two deputies
- The development of the body's work plans
- Advocacy work by the bureau to popularise the work of the parliament
- The sending of a fact finding mission to Darfur

Quite clearly, these achievements reflect an organisation in its infancy, being more administrative and operational than substantive. It is for that reason that the President described PAP's current situation as the 'first teeth' of a child.

To its credit, it was clear that this session was different from previous ones, which consisted mainly of fanfare and ceremony. Unlike in September when President Thabo Mbeki officially opened the second session of the parliament, the first in the assembly's permanent home, the highest official from the South African government was the speaker of the National Assembly, Mss Baleka Bethé who urged PAP to be more than a talk shop. If one agrees that the parliament needed to start dealing with real issues, it is therefore important to recall that PAP is, among others, expected to:

- Promote the principles of human rights and democracy in Africa
- Encourage good governance transparency and accountability in member states
- Promote peace and stability

Accordingly, the session began on a realistic note, asking questions about the financial sustainability of the continental parliament. The crisp ques-

tion the parliamentarians had to grapple with was: what can PAP achieve with the budget of US\$5.6 million that the AU Executive Council of Ministers had approved for the parliament? This budget should, in fact, be understood in the context of the ambitious US\$21 million that President Mungella first proposed to the AU Assembly in Addis Ababa last July. Taking this, and the proposal by the AU Chairman during the same meeting of US\$10 million into consideration, it was understandable that almost all parliamentarians took the view that the US\$5.6 million was insufficient. The proposal by the PAP President that parliamentarians should consider the creation of a trust fund dedicated to the work of PAP, came against the backdrop of a number of suggestions (made during the 2nd session) which included possible levies on African airlines and a range of other unrealistic plans. Unsurprisingly, the idea of the levies received overwhelming support from the house and was swiftly adopted. This was among the decisions highlighted by President Mungella at the close of the session as one of the important resolutions that the 3rd session had taken.

The fact that PAP parliamentarians had, by the close of the session, themselves already contributed about US\$1,900 to the fund, was hailed by the President as an indicator of the seriousness with which the parliamentarians took PAP. It is, however, important to note that there are many potential indicators of seriousness beyond writing a cheque. The fact that when the house was adjourned on 11th April there were only about 100 parliamentarians left (of a total of XXX) could be another indicator. The parliamentarians that crammed the house during the official opening had either disappeared into thin air or joined shoppers at some of Johannesburg's tempting malls.

Less than 20 of the 53 AU member states are able to pay their dues to the AU and the stark reality is that very few countries on the continent have hitherto demonstrated the political and material commitment to PAP shown by South Africa. Against this background, one must be cautiously optimistic about the success of the newly created PAP trust fund. Moreover, the parliament itself does not seem to be clear on what it needs the money for at this stage. Most emphasis has so far been made on administrative

and protocol funding needs. PAP needs to outline its funding needs on the basis of a substantive programme of action; or else no one will be interested in funding it.

Funding issues aside, the parliamentarians did discuss, though very generally, a range of substantive issues, and the secretariat of the house deserves credit for crafting the unstructured discussions into adoptable resolutions and recommendations.

The most interesting part, while observing the deliberations, was when the debate seemed to lead to a point where the house would be compelled to take a firmer stand against wayward African governments. At these times, parliamentarians would hasten to craft a resolution that did not ruffle feathers. A good example of this was when PAP resolved to reiterate its call for more states to accede to the African Peer Review Mechanism (APRM). Realising that since last September not a single country had heeded this call, all the 3rd session of PAP could do was reiterate its call. The question is: come the 4th session, are we going to witness another reiteration?

The session also made a recommendation that called on the African Union to formulate a 'continental Code of Conduct on the use and exploitation of the natural resources'. In making this call, PAP was adding its own voice to a number of others that have made similar calls. Recently, the Commission for Africa said the same thing. NEPAD also envisages similar accountability frameworks on the continent. The challenge, though, will be how to ensure that the AU acts on this matter. Technically, PAP resolutions have no legal status. They are nothing more than recommendations to other AU structures, particularly to Heads of State, without whose approval or support no action can be taken on a single PAP resolution. Against this background, it is hard to imagine what PAP can practically deliver, except perhaps playing an advocacy role.

One of the easiest decisions, and one to which all parliamentarians together rallied, was the resolution thanking 'all African Heads of State and in particular to the incumbent President of the African Union' for the intervention made by the AU when Faure Gnassingbe stepped into the Togolese presidency unconstitutionally, following the death of his father, President Gnassingbe

Eyadema. Essentially, PAP's support for the AU and its chairman is an affirmation of the principle of the rule of law, and is very much in line with the Lomé Declaration, which expresses the 'condemnation of all types of unconstitutional change of Government as anachronistic and in contradiction ... to the promotion of democratic principles and constitutional rule'. Principled pronouncements aside, observers are still keen on how the AU will help Togo return to normalcy following the destruction triggered by the disputed election results. As for PAP, it could have, but did not send an observer mission to assess the situation ahead of or during the elections.

It would appear that PAP has by now worked out its contribution to conflict resolution. The session resolved to send peace missions to countries experiencing conflict such as Côte d'Ivoire and the DRC. This follows its decision in 2004 to send a mission to Darfur. One of the things that attracted the attention of observers was what the 3rd session would resolve, following the observations its mission had made in Darfur. In this regard, the session, resolved that:

- The political negotiations in Abuja, which are designed to establish a democratic culture in Darfur that can guarantee the population a fair share of power and resources, should both be accelerated and time bound.
- The term of the agreement incorporates periodic consultation with all stakeholders in Sudanese Society to ensure that no group is excluded or marginalised in the sharing of power and resources.
- The mandate of the AU Mission should be enhanced to go beyond Cease Fire Monitoring to include protection of the population in Darfur.

On closer inspection, PAP's strategy on conflict resolution seems to comply with traditional approaches, that is, send a fact-finding group to report back to the parliament. Key to PAP's approach is the principle of inclusion, listening to all parties and calling for an inclusive dialogue and plan. However, expectations of what PAP can contribute to conflict resolution on the continent should not be unrealistic. Other than helping to create a dialogue and making recommendations to others, who have the power to act or not, there is very little the continental assemble can practically do.

The session also adopted a range of well-meaning but unrealistic resolutions geared towards the improvement of the socio-economic situation of ordinary Africans. Key among them is the call for the AU to investigate 'the viability of harmonising and the establishment of an African Land Title System' as well the need for the AU, in conjunction with the private sector, to establish 'Pan-African Investment and Financing Institutions for the continent's Rural Economy.' At best, these resolutions demonstrate that the parliamentarians are well aware of the developmental challenges facing the continent. However, the discussions leading to these resolutions tended to be theoretical than practical. Where would the AU find the necessary resources needed to establish financial institutions? Nobody cared to clarify. The call for the private sector to partner with the AU does not seem to make realistic sense. That the private sector in Africa is (usually) a shambles is no secret.

The debate on land was vibrant. The call for African states to tilt the scale of land ownership to empower rural women reinvigorated the debate and created a sense of hope. But it is in pondering implementation that one's optimism about land redistribution dies a sudden death. A welter of cultural, political and other hurdles vis-à-vis land ownership still need to be cleared. While the land problem may appear the same for most Africa countries, approaches to the problem are still worlds apart. Moreover, the legacy of colonialism still looms large. Against this background, it would be interesting to see how the AU will take the PAP resolution on land forward. Perhaps the question for PAP should be: why does the parliament not undertake a study and present the AU with policy options rather than grand ideas?

Then there is the question of power relations between PAP and other organs of the AU that also played out during deliberations. During discussions, a submission was made to the house to consider inviting the AU chairperson on an annual basis to make a 'state of the continent' address to PAP. This suggestion was actually in line with Article 11 (5) of the PAP Protocol that gives the parliament powers to 'Request officials of the OAU/AEC to attend its sessions, produce documents or assist in the discharge of its duties'. In giving PAP an oversight role, Rule

5 of the PAP's Rules of Procedure also empowers the parliament to invite representatives of AU structures. However, it was interesting to observe parliamentarians differing on whether it would be a breach of protocol to invite the AU chairperson or not. The PAP President finally ruled that the Bureau of PAP would consult on this matter. While the lack of clarity on power relations could be a function of PAP's infancy, the potential for a power clash between the parliament and other AU structures cannot be discounted. The question is: is PAP ready to adopt decisions, even when it is aware that such decisions may not necessarily go down well with AU heads of state or other AU organs?

Resolutions and recommendations aside, deliberations during this session were in many ways an indication that there is still a lot that the

parliamentarians themselves still need to master about the business of PAP itself. The parliamentarians often appeared unfamiliar with their own procedures, hence the constant reference by the PAP President to the Rules of Procedure. A few other small things, such as late printing of session material, constant changing of daily orders and non-adherence to time schedules were also characteristic of a fledging parliament. In the final analysis one has to ask: what can a parliament composed of parliamentarians from weak national parliaments do to improve governance on the continent? While this may not be completely devoid of truth, it would be fair to give PAP sometime to prove itself. At the same time, PAP probably has little chance of maintaining the optimism generated by its launch if it does not demonstrate its utility in the short term.