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STATEMENT BY THE AFRICAN PARLIAMENTARY PRESS NETWORK ON DEVELOPMENTS AT THE PAN-AFRICAN PARLIAMENT

The African Parliamentary Press Network (APPN) is very much worried about developments at the Pan-African Parliament (PAP), the legislative arm of the African Union (AU).

Article 17, Clause 1 of the Constitutive Act of the AU state, “In order to ensure the full participation of African peoples in the development and economic integration of the continent, a Pan African Parliament shall be established.”

FUNCTIONS OF THE PAP

The objectives and functions of the Parliament are set out in the [Protocol to the Abuja Treaty relating to the Pan-African Parliament](#) and in its Rules of Procedure

- Facilitating and overseeing implementation of AU policies, objectives and programmes
- Promoting human rights and consolidating democratic institutions and culture, good governance transparency and the rule of law by all AU organs, Regional Economic Communities (RECs) and Member States
- Participating in creating awareness among the peoples of Africa on the: AU’s objectives, policy aims and programmes; strengthening of continental solidarity, cooperation and development; promotion of peace, security and stability; and pursuit of a common economic recovery strategy
- Contributing to the harmonisation and coordination of Member States’ legislation
- Promoting the coordination of the RECs’ policies, measures, programmes and activities
- Preparing and adopting its budget and Rules of Procedure
- Electing its Bureau members
- Making recommendations on the AU budget

Given the above functions of the PAP, the important role the institution plays within the architecture of the AU cannot be overemphasized.

LACK OF FUNDING OF PAP

The PAP for some time now has been “crying for help” from the AU due to the inadequate budget allocation to the institution. The PAP President, Chief Fortune Churumbira and the Chairperson of the Monetary and Financial Affairs Committee of the Pan-African Parliament, Hon Mubarak Muntaka, have on numerous occasions emphasized the precarious situation the PAP finds itself in due to the funding issues.

In July 2023, the Pan African Parliament wrote to the African Union Commission (AUC) Chairperson to appraise him that the 2023 PAP Budget, which was developed between December 2021 and March 2022 in compliance with the AU budget cycle, under the assumption that most of the activities of the Parliament would be held virtually owing to the restrictions imposed on physical meetings by the COVID-19 pandemic as well as the suspension of the Parliament. However, the PAP returned to full operational functionality after the elective session on 29th June 2022 and the Bureau has found itself hamstrung by a looming financial crisis which was brought to the attention of the Union on the 4th Mid-Year Co-ordination Summit held in Lusaka, Zambia, in June 2022.

The Executive Council of the AU, at its 41st Ordinary Session held in Lusaka, Zambia, in June 2022, acknowledged the glaring inadequacy of the PAP Budgets for 2022 and 2023 and called for the PAP to be adequately resourced to enable the institution to fulfil its mandate. Sadly, this did not happen.

In 2022, out of a Supplementary Budget request of USD 1.7 million, the PAP was allocated USD 664 645. It is instructive to note that the 2022 Budget was inadequate and needed to be augmented through a Supplementary Budget despite the fact that the PAP had only resumed full operations on 29th June 2022, barely six months before the end of the year. It is only logical, therefore, that the PAP would require more resources for 2023 as the Parliament would be at full operational functionality for the whole year. However, instead of getting a better resource envelope, the approved budget for 2023 is USD11 925 224, which, in essence, is a slight decrease on the 2022 initial budget of USD 11 992 597 and a decrease of 6% on the final budget for 2022 of USD12 657 242, which was increased through the supplementary budget mentioned above.

This situation has rendered the institution incapacitated in discharging its mandate. The latest fallout is the cancelation of the statutory August Committee Meeting of the Parliament and the possible cancelation of the Second Ordinary Session slated for October in Uganda.

It should be recalled that the Chairperson of the Committee on Monetary and Financial Affairs, Hon. Mubarak Muntaka, reporting in plenary in May revealed that the situation was likely to be even worse in 2024 if no urgent action is taken.

The Executive Council Forty-Second Ordinary Session meeting on the 15 - 16 February 2023 at Addis Ababa, Ethiopia, (EX.CL/Dec.1189-1216(XLII) EX.CL/Decl.1(XLII) Original: English/French), requested the Permanent Representative Council (PRC), through the relevant Sub-Committee to reconsider the 2023 budget of the PAP in order to enable the Parliament to meet its institutional and operational needs and to effectively fulfil its mandate. It further requested the PRC and the AU Commission to consider the recommendation with financial, legal and structural implications and to report on progress on the implementation of this Decision at the next Session of the Executive Council in July 2023 at Nairobi, Kenya.

The question the APPN wish to ask was if the PRC did not implement the Council’s directive to review the budget of PAP and so did not submit any progress report at the last Council meeting in Nairobi?

A Parliament is said to be as good as its committees. And therefore, it stands to believe that the inability of PAP committees to fully discharge their work due to financial constraints is a reflection of the performance of the institution itself. However, truth be told, the PAP though struggling to remain relevant, has achieved some modest gains despite the lack of funds. For example, the Executive Council Forty-Second Ordinary Session meeting appreciated the activities implemented by the Pan-African Parliament within a short time period in 2022, in spite of limited budgetary resources, especially the proposed Model Law on Food and Nutrition Security, in furtherance of the African Union theme of the Year 2022; and welcomed the institutionalization of collaboration between the PAP and other AU organs, such as the African Union Commission, NEPAD, APRM, PRC and the African Commission on Human and People's Rights, which will enable policy coherence, rationalization of resources and effective complementarity within the African Union institutional architecture.

The APPN is therefore calling on the AU to do the needful by ensuring that adequate resources are given to the PAP to be able to fully discharge its mandate by serving the people of Africa

STRICT COMPLIANCE TO THE RULES OF PROCEDURE

The amended Rules of Procedure of the PAP was adopted on November 4, 2022, amidst unanimous support from all the regional caucuses, bringing to an end the era of suspicions, bickering, and acrimony. Prior to the moving of the motion for the adoption of the amendment, the chairpersons of the five regional caucuses, expressed their gratitude to their fellow MPs, the Bureau, and the numerous experts who assisted them for a good and thorough job.

The amended Rules of Procedure was borne out of the need to enable the PAP to fulfil its mandate, to address historical challenges with respect to geographical rotation and to avoid institutional instability and uncertainty arising from national Parliamentary transitions. It further provided amongst other things clearer definitions to key terms such as "*cessation of membership*", "*Vacancy*" and "*Returning Member*," which were not previously articulated in both the Protocol and the Rules of Procedure.

The amended Rules of Procedure defined "*ceases to be a member*" as *when notification is received from the National Parliament or other deliberative organ that a member has not been re-elected or re-designated to the Parliament following elections in a member state as prescribed by Rule 8(1);* "*Vacancy*" as represented in the provisions of Rule 8 (5) and other relevant areas of the Rules of Procedure *to occur when a member has not been re-elected or re-designated by the National Parliament or other deliberative organ of a member state to the Parliament or as prescribed by Rule 8(1);* and "*Returning Member*" means *a Member who has been re-elected or re-designated by a National Parliament or other deliberative organ of the Member State.*

The motivation was to avoid disruptions in the status of Members, ensure stability and to give practical application to those provisions in the PAP Protocol and the Rules of Procedure that relate to the Status of Members of Parliament as encompassed in Article 12(8) of the Protocol and Rule 8(1) of the Rules of Procedure.

It is a well-known fact that Parliaments all over the world are masters of their own Rules. The onus to change, amend, or step down this Rule is the sole prerogative of the Parliament itself and no other body or institution. Additionally, the power to revise the Rules lies with plenary and not in any individual member(s) of Parliament.

The APPN therefore finds it scandalous the recent leadership turmoil at the PAP, where individual Members of the Parliament are alleged to have taken actions that contravenes the provisions of the Rules of Procedure of the Pan-African Parliament. This should not be tolerated in any terms or form. Parliaments all over the world have their Standing Orders, which they comply with strictly. Anyone who falls short of this Rules is dealt with according to the provisions of that Rules, and the PAP cannot be an exception to this rule.

We wish to remind all stakeholders that Rule 93 of the Rules of Procedure of the Pan-African Parliament provides the mechanism to use to amend the Rules of Procedure. Rules 93 states that, “(1) Any Member may propose amendments to these Rules including the appendices by forwarding such proposal to the Bureau, which shall consider and refer it to the Permanent Committee on Rules, Privileges and Discipline, for report to Parliament. (2) Amendments to these Rules shall be adopted only if they secure the votes of a two-thirds majority of all the Members. (3) Unless otherwise specified, when the vote is taken, amendments to these Rules and to the appendices shall enter into force on the first day of the Session following their adoption.”

Any other action(s) taken outside these provisions intended to change the Rules of Procedure and the way things are done by the PAP should not be tolerated and encouraged by all stakeholders.

CONCLUSION

In an era of unconstitutional rule rearing its ugly head on the African Continent, the AU must not be seen to be encouraging disgruntled elements of its Organs to be using undemocratic means to have their way on issues.

The Executive Council request to the Pan-African Parliament to work closely with National and Regional Parliaments to expedite the harmonization of national legislative and policy frameworks to create an enabling environment for the realization of the African free trade and free movement of persons, in line with the African Union 2023 Theme of the Year, cannot be realized when the Pan-African Parliament is in disarray.

Taking a cue from the former President of the United States of America, President Barrack Obama, the APPN strongly believes that what the PAP and any organ of the AU needs, “are not strong men, but rather strong institutions. And to build a strong institution means respecting its laid down structures and conflict resolution mechanisms”.

As a matter of urgency, we call on the AU to guarantee that the funding challenges of the PAP is addressed to ensure that the Parliament lives up to its full expectation.

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