

**REPORT OF
THE PAN-AFRICAN
PARLIAMENT SEMINAR
ON
THE HARMONISATION OF
REGIONAL ECONOMIC
COMMUNITIES AND REGIONAL
PARLIAMENTARY ASSEMBLIES**



*Ngurdoto Mountain Lodge, Arusha, Tanzania
22–23 September 2006*

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Executive summary

Rationale

Regional integration in Africa has its roots in the Pan-Africanist Movement that propelled decolonisation from the late 1950s onwards. Yet despite the vision, Africa has still not achieved desired levels of continental unity. Organisationally, the vision of continental unity has led to a mushrooming of regional economic communities (RECs) dealing with a range of politico-economic issues.

The process of integration has also seen the emergence of regional parliamentary bodies (RPBs), bringing together parliamentarians from specific sub-regions into consultative bodies. While most of these bodies do not have legislative powers, a trend towards conferring legislative powers on them is beginning to emerge. The East African Legislative Assembly (EALA) is an important example.

Unfortunately, regional bodies have yet to function in a collaborative and integrated manner. The number of RECs has been growing without coordination. A daunting question is therefore how to harmonise and rationalise the mandates and programmes of these bodies.

Indeed, the launch of the Pan-African Parliament (PAP) in 2003 opened up new opportunities for continental integration. For example, Article 11(7) of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament (referred to henceforth as the PAP Protocol), among others, enjoins the PAP to 'promote the coordination and harmonisation of policies, measures, programmes and activities of the regional economic communities and the parliamentary fora of Africa'. The PAP therefore has a unique role to play as a critical link between RECs and RPBs.

In view of this, the Pan-African Parliament (PAP) convened a seminar in Arusha, Tanzania, from 22 to 23 September 2006, bringing together stakeholders to:

- Exchange views and information with representatives of RECs and RPBs on continental integration;
- Take stock of legal instruments establishing regional groupings in Africa and their impact on regional harmonisation efforts;
- Explore prospects for closer cooperation between regional bodies;
- Reflect on the potential of regional bodies to achieve the goal of continental integration;
- Explore practical ways and measures of taking the PAP to the citizens of Africa; and
- Explore ways of transforming the PAP into a legislative body.

Issues

Against the above background, the seminar deliberated and made recommendations as reflected below.

The launch of the Organisation of African Unity (OAU) in 1963 laid a historical institutional foundation for African unity and regional integration. Indeed, the OAU should be credited with having made significant political, diplomatic and material contributions to the liberation of the continent. Not least important is the role played by the OAU in elaborating a continental integration agenda. The Lagos Plan of Action of 1980 and the Abuja Treaty of 1991 are among the key integration frameworks developed and adopted by the OAU. More importantly, all these developments took place as a result of the global political momentum created by the work of earlier Pan-Africanists.

The launch of the Pan-African Parliament in 2004 was another historic and important development on the African continent. In its first term,

the PAP is operating in an advisory capacity rather than a legislative one. Indeed, the ultimate aim is for the PAP to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage. However, it is recognised that this is no easy matter since Article 11 of the PAP Protocol, which states that 'The Pan-African Parliament shall be vested with legislative powers to be defined by the Assembly', cannot be given practical legal expression without implications for the electoral laws of member states.

Indeed, the PAP's transition to a legislative capacity needs to be based on a clear understanding of the AU's institutional architecture in order to appreciate the legal complexities that might arise as a result of the PAP acquiring legislative powers. Such clarity also needs to take into cognisance the place and role of RECs and RPBs in the continental integration scheme of things.

Practically, the PAP, in addition to other initiatives such as NEPAD (New Partnership for Africa's Development and the APRM (African Peer Review Mechanism), has an important role to play in improving good governance on the continent. This includes the possibility of proposing model laws to national and regional parliaments. However, very little can be achieved without political will on the part of heads of state and government. Also linked to the matter of political will are issues of governance. There is an urgent need for a change in governance culture on the continent in the interest of the democratic and developmental rights of ordinary citizens. The PAP, RPBs and RECs should be more vocal in advocating for good governance.

The question as to how the PAP, RECs and RPBs could mobilise the participation of African people in the discourse on African development and in the activities of these bodies is a critical one. Practical measures should be devised through which ordinary Africans could take part in the activities of the AU, PAP, RECs and RPBs.

Indeed, very little can be attained if the capacity of the PAP, RECs and RPBs to carry out their functions is not enhanced. This includes both their human and material resource capacities. While development partners are an important source of support, African countries have the primary responsibility to provide material support to their own regional and continental bodies.

The challenge of fostering a clearly defined relationship between and among RECs and RPBs requires urgent attention. Unfortunately, the situation prevailing in some sub-regions suggests that a structured interface between RECs and RPBs is nonexistent.

The sharing of information among regional bodies is an important element in the process of continental integration. However, this cannot be achieved if the bodies do not attend Pan-African meetings and fora dealing with a range of continental and regional issues.

Indeed, the multiplicity of existing RECs is a matter of grave concern. Urgent measures to resolve this situation should be devised. These should take into consideration the important role of regional bodies in matters related to trade, customs and the movement of people within regions and across the continent.

Recommendations

In view of these considerations, the seminar recommended that:

- The initiative by the PAP to host regional round table discussions should be encouraged and the AU Commission should participate fully in the process.
- The PAP should develop an on-going continental integration and harmonisation project to serve as a think-tank to make regular contributions to the integration process.

- The PAP should request all RECs to cooperate in working towards rationalisation and harmonisation.
- The PAP should encourage member states of RECs to work towards regional parliamentary assemblies with legislative powers;
- The PAP should urgently embark on a process leading to the formulation and presentation of a proposal to the AU Summit on how it would function on acquiring legislative powers.
- The PAP should request the AU Summit to pass a resolution clearly stating the end of the first term of the PAP.
- In the review of the PAP Protocol, measures to enhance the participation of regional parliamentary bodies should be considered among those requiring special attention;
- In reviewing the PAP Protocol, attention should also be given to the potential of the PAP to propose model laws to regional and national parliaments on certain sectors such as trade/commerce, defence, good governance, and gender equality.
- The PAP should explore ways of promoting good laws passed by national parliaments, particularly those that provide examples of best practice.
- At the 6th Ordinary Session, the PAP should consider the African Union Government Report, and formulate and present its position on the report to the Executive Council in line with the Banjul decision.

- The PAP and other AU organs should simplify the technical language they use in order to ensure that ordinary Africans can understand and take part in the activities of these bodies.
- The PAP should explore creative ways and means of raising funds, including the feasibility of levying tax on African imports in order to finance the activities of the AU and the PAP.

1. Background

Regional integration in Africa has its roots in the Pan-Africanist Movement that propelled decolonisation from the late 1950s onwards. Yet despite the vision, Africa has still not achieved desired levels of continental unity. Organisationally, the vision of continental unity has led to a mushrooming of RECs dealing with a range of politico-economic issues.

The process of integration has also seen the emergence of regional parliamentary bodies (RPBs), bringing together parliamentarians from specific sub-regions into consultative bodies. While most of these bodies do not have legislative powers, a trend towards conferring legislative powers on them is beginning to emerge. The East African Legislative Assembly (EALA) is an important example.

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Indeed, the launch of the Pan-African Parliament (PAP) in 2003 opened up new opportunities for continental integration. For example, Article 11(7) of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament (referred to below as the PAP Protocol), among others, enjoins the PAP to 'promote the coordination and harmonisation of policies, measures, programmes and activities of the regional economic communities and the parliamentary fora of Africa'. The PAP has a unique role to serve as a critical link between RECs and RPBs.

In view of the above, the PAP convened a seminar in Arusha, Tanzania, from 22 to 23 September 2006, bringing together stakeholders to:

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- Explore practical ways and measures of taking the PAP to the citizens of Africa;
- Explore ways of transforming the PAP into a legislative body.

In particular, the seminar was attended by representatives of the PAP; Southern African Development Community (SADC); SADC Parliamentary Forum (SADC-PF); Economic Community of Western African States (ECOWAS); ECOWAS Parliament (ECOWAS-P); East African Legislative Assembly (EALA); and the Inter-Parliamentary Commission for the Economic Community of Central Africa States (CIP/CEMAC). Furthermore, the representatives of the governments of the Burundi, Kenya, Rwanda, Tanzania and Uganda attended the seminar.

Also in attendance were representatives of development partners/ financial and technical contributors to the seminar: Association of Western European Parliamentarians for Africa (AWEPA); German Technical Cooperation (GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit)); Institute for Security Studies (ISS); and Professor Shadrak Gutto (head of the Centre for African Renaissance at the University of South Africa).

SESSION 1

2. Introduction

In his introductory remarks, Mr Murumba Werunga, clerk of the PAP, welcomed the president of the PAP, Dr Gertrude Mongella, and the guest of honour, the prime minister of Tanzania, The Hon Edward Lowassa, to the seminar.

Mr Werunga emphasised the role and mandate of the PAP in the process of integration. He informed the PAP president and the prime minister that the seminar was the first in a series of envisaged round-table discussions focusing on the harmonisation and rationalisation of RECs to be hosted by the PAP in all the sub-regions of the continent.

Finally, Mr Werunga thanked delegates for responding positively to the PAP invitation to attend what he described as an important historical event.

3. Opening address

In her opening address, the president of the PAP, Dr Gertrude Mongella, observed that the African continent was witnessing unprecedented and positive developments in the area of governance, particularly in the context of globalisation. She recalled the African struggles for independence and the successes scored in them as indications of the resilience the African people had demonstrated over the years. She further indicated that the struggle was about the need to improve the lives of the people and the fostering of material conditions in which individuals and families could realise their needs and prosper.

On the issue of regional integration, Dr Mongella noted that almost all African countries belonged to at least one of the regional cooperation schemes on the continent. As a result, at least 200 inter-governmental organisations were promoting regional cooperation. She expressed concern, however, that the results were not very impressive in that the work and programmes of the organisations were not properly coordinated and harmonised.

Dr Mongella urged delegates to take into account the various initiatives and efforts that had already been undertaken towards continental integration. She acknowledged the important role played by African leaders such as Kwame Nkrumah of Ghana, Julius Nyerere of Tanzania and Ahmed Sékou Touré of Guinea in advocating for political unification. She pointed , among others, to the establishment of the Organisation of African Unity (OAU) and its subsequent transformation into the African Union (AU) as a further step towards the achievement of continental unity and integration.

Importantly, Dr Mongella underscored the importance of achieving the objectives of the seminar, as enumerated above. She therefore urged delegates, during their deliberations, to pay particular attention to the following questions:

- How should continental and regional organisations such as PAP, RECs and RPBs promote democratisation at continental, regional, and national levels?
- What kinds of frameworks are needed for sub-regional organisations to effectively monitor governments' compliance with initiatives such as NEPAD and the APRM?
- How should gender issues be mainstreamed into regional integration programmes?
- How should regional economic and legislative bodies interact better with one another?

- How could citizens' participation in regional integration processes be enhanced?
- What kind of relationship should the PAP have with RECs and RPBs?

Dr Mongella emphasised the need for RECs, RPBS and other actors to jointly develop processes, parameters and a timeframe within which to deal with continental integration. She stressed that this must be addressed within a new culture of cooperation. She therefore underlined the need to institutionalise meetings such as the Arusha seminar. Finally, she thanked AWEPA, GTZ and the ISS for supporting the seminar.

Dr Mongella then officially opened the seminar and introduced the guest of honour, the prime minister of the United Republic of Tanzania, The Hon Edward Lowassa, to address the seminar.

4. Welcome address

The prime minister of the United Republic of Tanzania, The Hon Edward Lowassa, graced and addressed the workshop as a guest of honour. On behalf of his government and the people of Tanzania, he expressed gratitude for the honour the organisers of the seminar have shown in choosing his country to host the seminar.

The prime minister underlined the importance of RECs as a vehicle for affording African people an opportunity to take part in making decisions regarding matters of development. He further asserted that RECs provided the means through which the continent can effectively combat poverty, diseases and underdevelopment.

Mr Lowassa observed that the African continent was going through an exciting period in which major developments in the area of governance were taking place. Furthermore, he welcomed the fact

that African countries were moving towards greater coordination of development approaches. He therefore urged the PAP, RECs and RPBs to take advantage of the developments and play an active role in them. He pointed out that the momentum created by recent developments could be sustained only if all African role players took part.

Additionally, Mr Lowassa made the point that political and economic challenges should be understood within the context of human rights and human dignity. It is within this context that the PAP was created to facilitate development and promote continental integration. In this regard, he invoked the provisions of the AU Constitutive Act, with particular reference to Article 17(1), which calls upon the PAP to 'ensure the full participation of African people in the development and economic integration of the continent'.

With specific reference to continental integration, Prime Minister Lowassa underscored the need to harmonise RECs. He urged delegates to apply their minds to the practical necessities that needed to be attended to in order to achieve full integration. He appealed to delegates to take into account and acknowledge the achievements already registered by RECs in the process of integration, however. This, he counselled, should be done in order to learn from best practices of various sub-regions. In doing so, the prime minister requested delegates not to ignore the challenges facing RECS. He pointed out that if challenges are not identified, the seminar would probably repeat past mistakes.

In conclusion, Hon Lowassa located the strategic importance of continental integration within the prevailing global politico-economic order in which it is only through the unity of the South that the peoples from the developing world could derive economic and political benefits. He underscored the need for unity of African countries and to locate initiatives such as NEPAD in that context. Furthermore, the prime minister urged delegates, in their deliberations, to pay particular

attention to the challenges presented by globalisation without ignoring the opportunities it presents. He called upon the seminar to consider the positive impact globalisation has had in facilitating communication among African peoples.

It was against this background that he welcomed delegates to his country and wished them a fruitful seminar.

5. Vote of thanks

In thanking The Hon Edward Lowassa, The Hon Mrs Elise Neloumsel Ndoadoumngue Loum, third vice president of the PAP, stated that the prime minister's attendance was evidence of a strong commitment on the part of the government of Tanzania to take part in continental efforts towards regional integration. She said that it was encouraging to see African leaders sparing time from their busy schedules to take part in discussions aimed at uniting and strengthening ties among African peoples.

On behalf of the PAP and delegates at the workshop, Mme Loum thanked the prime minister and wished his government success in its efforts to deal with the daunting challenges facing Tanzania, the region and the continent at large. She promised that the PAP would never abdicate its responsibilities and would live up to the expectations of the peoples of Africa.

Finally, as the PAP president had done, she singled out and thanked the following organisations for providing material and technical support, without which she said the workshop could not have taken place: AWEPA, GTZ and the ISS. She expressed hope that these organisations would be recorded in history among those that had had a hand not only in strengthening the PAP, but, most importantly, in contributing to the development of the African continent.

SESSION 2

6. Messages of solidarity

6.1 East African Legislative Assembly

Speaking on behalf of the East African Legislative Assembly (EALA), The Hon Abdulrahman Omar Kinana unreservedly expressed his organisation's support for the seminar and indicated that the EALA was fully behind continental efforts towards integration.

He emphasised the need to regard RECs and RPBs as important building blocks for integration. He also underlined the salience of cooperation and the need to exchange information among these bodies. He, therefore, wished delegates a successful workshop and committed himself to active participation in the deliberations.

6.2 Inter-Parliamentary Commission for the Economic Community of Central Africa Sates (CIP/CEMAC)

The representative of the Inter-Parliamentary Commission for the Economic Community of Central African States (CIP/CEMAC), The Hon Seiny Issakou, thanked the PAP, particularly the president, Dr Mongella, for affording him the pleasure and honour of addressing the seminar. He welcomed the initiative by the PAP of hosting regional round-table discussions (RTDs) and indicated that this would facilitate much-needed dialogue among regional bodies.

He underlined the potential of initiatives such as the seminar in dealing with challenges such as regional conflicts and the HIV/Aids pandemic facing the African continent. On regional integration, he urged delegates to deal with the following essential aspects:

- the alignment of macro-economic policies;

- the establishment of a common monitoring unit;
- the harmonisation of investment policies; and
- the implementation of policies to allow the free movement of people and goods.

In conclusion, he indicated that the efforts to achieve the above should be accompanied by the development of democratic institutions with RPBs being given legislative powers.

6.3 Southern African Development Community Parliamentary Forum (SADC-PF)

For Dr K Mutukwa, a representative of SADC-PF, the seminar was an important step towards continental consensus on matters of regional integration. He emphasised the importance of an institution such as the PAP and the benefits it holds for the African people.

He indicated that his organisation was in the process of transforming itself into a regional parliament and urged participants at the seminar to support this endeavour. In conclusion, Dr Mutukwa assured delegates of his participation during the proceedings of the workshop.

6.4 Government of Kenya

For the representative of the government of the Republic of Kenya, The Hon. Francis Ole Kaparo, the seminar was a special opportunity for stakeholders in regional and continental integration to exchange views on the practical steps that would make integration a reality.

He observed that RECs were an effective tool in the thoroughgoing process of regional and continental integration. Furthermore, he was very optimistic about the potential of regional integration as an important vehicle for attracting investment. Countries in a specific economic region stand to benefit more if they adopt collective trade

approaches in their dealings with the international community than if they act unilaterally. He emphasised that cross-border trade is a significant economic stimulant in a given regional setting. To illustrate his point, he stated that trade between Kenya, Uganda and Tanzania had tripled over the past few years and emphasised the role played by the EAC in facilitating this. It is against this background that he urged delegates to, among others, focus on the harmonisation of laws, domestication of regional treaties, and development of a common trade regime as steps toward continental integration. He then wished the seminar success.

6.5 Government of Tanzania

Speaking on behalf of the government of the United Republic of Tanzania, The Hon Samuel J Sitta, expressed the support of his government and people for the seminar. He congratulated the PAP on its excellent initiative of hosting and facilitating regional consultations on the important issues of regional and continental integration.

He reminded the seminar that the people of Africa expect tangible results from the PAP and other bodies such as RECs so that they can escape poverty. He therefore suggested that the success of the seminar would be judged on the degree to which it recommended practical and efficient modalities empowering African governments to effectively deal with poverty and underdevelopment.

In his conclusion he invited all the delegates to join him for a Tanzanian night (social function) to introduce delegates to the wealth and diversity of culture of the people of Tanzania.

SESSION 3

7. Pan-African Parliament and regional integration

7.1 Presentations

Speaking on the subject of Pan-Africanism, African unity and regional integration, Prof S B O Gutto, head of the Centre for African Renaissance at the University of South Africa (UNISA), first underlined the historical importance of the launch of the Organisation of African Unity (OAU) in 1963. He suggested that the OAU should be credited with having made significant political, diplomatic and material contributions to the liberation of the continent. Not least important was the role played by the OAU in elaborating a continental integration agenda. The Lagos Plan of Action of 1980 and the Abuja Treaty of 1991 were among the key integration frameworks developed and adopted by the OAU. However, Prof Gutto expressed concern that, while these initiatives generated optimism, their implementation was not impressive.

Prof Gutto placed the PAP within a historical context. He observed that the PAP was one of the institutions that distinguished the AU from its predecessor, the OAU. More importantly, it was the first time in the life of Africa and African peoples that such an inclusive representative regional deliberative and oversight institution had been established and operationalised.

On the issue of the PAP's legal status, Prof Gutto observed that, generally, one of the two primary roles of parliament that distinguish it from all other organs and structures of governance such as the executive and judiciary at national or multi-lateral levels was its representative role. The other was its legislative or law-making role. Linked to the two primary roles were the supervisory and oversight role and being a forum for debate on policy. Prof Gutto pointed out

that some steps had been taken to explore the meaning and extent of the oversight role of the PAP should play. He therefore stressed that even when the PAP evolved into a full law-making or legislative body, the PAP would retain the very important role of oversight over all organs and activities of the AU, including RECs.

Prof Gutto pointed out that the question of adding legislative powers to the PAP was a legally complicated one, since it had direct implications for electoral regulatory frameworks of AU member states. He observed that while the ultimate aim of the PAP would be to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage, this was no easy matter, since PAP members would need to be elected directly from member states. This would not only call for the amendment of the PAP Protocol, but would also require the amendment of legal instruments regulating elections within member states. He therefore suggested that Article 11 of the PAP Protocol, which states that 'the Pan-African Parliament shall be vested with legislative powers to be defined by the Assembly', would not be given practical legal expression without implications for the electoral laws of member states.

In conclusion, Prof Gutto suggested that the process of regional integration and the harmonisation of RECs should pay special attention to the need to adopt a new culture of governance across the continent. He decried some of the prevailing circumstances on the continent in which organisations are incapacitated by the appointment of unsuitable human resources. It is against this background that he urged delegates to regard the New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM) as important initiatives to bring about a paradigm shift from historical approaches to governance on the African continent. In addition, Prof Gutto implored the workshop to support the creation of Pan-African institutions that would strengthen the emerging new culture of governance, such as the Court of Justice, Human and

Peoples' Rights. On this note, Prof Gotto concluded his presentation by making the point that if the issues of governance were not properly addressed, the African continent could not claim its rightful place in the globe.

SESSION 4

8. Deliberations

Following Prof Gutto's incisive presentation, delegates deliberated on the issues he had raised and others pertinent to regional and continental integration. In line with President Mongella's opening address, the seminar acknowledged the contribution made by early Pan-Africanists to the movements that later championed the liberation struggle. These included Sylvester Williams, W E B Du Bois, George Padmore and Marcus Garvey. Among Pan-Africanists from African soil were Kwame Nkrumah, Julius Nyerere, Ahmed Sékou Touré and Jomo Kenyatta of Kenya

Responding to the issues raised by Prof Gutto, the seminar dealt with the issue of institutional relations among those requiring special attention. These included the relationship between the AU Commission, the PAP, RECs and RPBs. Delegates felt that there was a need to clarify the AU's institutional architecture in order to facilitate the transition of the PAP from an advisory to a legislative body. This should be done, while also paying attention to the legal complexities that might arise because of the PAP acquiring legislative powers. Delegates also agreed that the clarification of the institutional architecture should, most importantly, include a systematic exploration of the ways and means to ensure that RECs and RPBs play an active role, not only in advancing regional integration, but also in the process of harmonising RECs themselves.

In response to the question of institutional and legal harmonisation, Prof Gutto suggested that the PAP, under its current protocol, was empowered to propose legal frameworks to national legislatures based on its awareness of best practices in AU member states. This included proposing model laws to national and regional parliaments.

Furthermore, Prof Gutto indicated that the PAP's oversight role implied that other AU structures should report to it, although without creating the impression that the PAP had been elevated to a level higher than those organs.

The issue of institutional architecture, particularly the expected transition of the PAP from an advisory body to a legislative one, was linked to the important question of political will on the part of heads of state and government. Delegates were unanimous that without their political support, the process of giving the PAP and RPBs legislative powers would not be achieved easily.

Linked to the issue of political will are issues of governance. Delegates agreed with Prof Ghutto that there was a need for a change in governance culture on the continent in the interest of the democratic and developmental rights of ordinary citizens. Therefore, the seminar agreed that the PAP, RPBs and RECs should be more vocal in advocating for good governance. In this regard, NEPAD and the APRM were regarded among measures that could be explored in order to improve governance. Also linked to issues of governance is the important question of achieving peace and security in African countries. The role played by the AU in managing and mitigating conflicts on the continent was acknowledged. But it was stressed that conflict prevention, management and resolution could not be the task only of the AU. Other stakeholders (such as the PAP and regional bodies) were urged to play their part. More importantly, delegates underscored the need for African leaders to always work towards conflict prevention in their countries. Among others, democratisation was identified as an effective conflict prevention strategy. Against this background, delegates were unanimous in stressing the importance of good leadership if these ideals were to be achieved.

The question of how the PAP, RECs and RPBs could mobilise the participation of African people in the discourse on African development and in the activities of these bodies was also dealt with in depth. Delegates felt that there was a need to devise practical measures through which ordinary Africans could take part in the activities of the PAP, RECs and RPBs. One such measure, the seminar observed, would be to simplify the language the PAP and other bodies use in order to lessen the difficulty for ordinary Africans in understanding and participating in the activities of these bodies.

Delegates were also unanimous about the need to improve the capacity of the PAP, RECs and RPBs. It was recognised, however, that these structures were confronted with serious financial constraints. The seminar agreed that the structures should explore creative ways of raising funds. The positive role of development partners/donors in mitigating financial problems was also noted. However, delegates cautioned that, in fundraising, the PAP and regional bodies should not to lose their right to determine their own agendas. In the long term they agreed that African countries should work towards industrialisation as a strategic approach towards development and material sustainability. It is against this background that Prof Gutto reminded delegates that African countries had the primary responsibility to provide material support to their own regional and continental bodies.

SESSION 5

9. Reports of regional bodies

9.1 Southern African Development Community Parliamentary Forum

Addressing the PAP, Dr Kasuka Mutukwa said that, since its inception ten years ago, the SADC Parliamentary Forum (SADC-PF) had actively participated in the discourse on regional and continental integration. He pointed out that the SADC-PF had been aware of the need for RPBs to be proactive in finding mechanisms to coordinate their input into the PAP and for such bodies to familiarise themselves with the PAP Protocol. He also called for practical interventions by parliamentarians that would provide greater conceptual clarity on the interface between regional integration parliaments. In this regard, he reported to the seminar that his organisation had a standing committee that was dedicated to matters of regional cooperation and integration and that the work of the committee includes the following:

- advocating for ratification and domestication of regional protocols;
- monitoring the implementation of regional protocols; and
- strengthening parliamentary dimensions on cooperation and integration through knowledge sharing.

Dr Mutukwa noted that slow progress in the implementation of the necessary instruments and programmes crippled efforts at integration. He urged continental and regional bodies to provide and share information about all aspects of continental integration so that parliamentarians can impart these gains to the African people.

In conclusion he highlighted some of the most pressing challenges that needed to be addressed urgently by governments and African leaders:

- HIV and Aids;
- poverty management;
- the brain drain;
- the ownership of NEPAD;
- corruption; and
- human rights.

9.2. The East African Legislative Assembly

Reporting on behalf of the East African Legislative Assembly (EALA), Dr Justin Bundi first emphasised that his body was not a forum, but a parliament with full legislative powers. He suggested that, in its quest to have legislative powers, the PAP could draw important lessons from the experiences of the EALA.

Also on the question of EALA's legislative powers, Dr Bundi indicated that Article 49 of the EAC Treaty mandates the EALA to exercise legislative, representative and oversight functions of the East African Community. To illustrate this point, he listed a number of regional legal instruments enacted by the EALA since its inauguration in 2001. These included the EAC (Appropriation) Act of 2002, 2004, 2005 and 2006; the Community Emblem Act (Act No 1 of 2004); the EALA (Powers and Privileges) Act (Act No 2 of 2004); the EAC Act (Act No 5 of 2004); the Laws of the Community (Interpretation) Act (Act No 6 of 2004); and the EAC Customs Management Act (Act No 1 of 2005).

According to the EALA report, the body had undertaken a number of regional integration activities. These included the introductory workshop on 'Peace and Security, Conflict Resolution and its

Management', organised by the African Peace Forum (based in Kenya); the investigation of conflicts arising from cattle rustling, fishing disputes and pasture-related disputes along the Kenyan-Ugandan-Tanzanian borders; and the hosting of a consultative forum with ECOWAS, SADC, COMESA and the Great Lakes Region Parliamentary forum focusing on conflict resolution.

In conclusion, Dr Justin Bundi made specific recommendations on deepening regional integration. The EALA would like PAP to:

- explore ways of enhancing the participation of RPBs in its sessions;
- improve information sharing with regional and national parliaments;
- explore ways and means of speeding up regional and continental integration; and
- draw lessons from the experience of the EALA regarding its legislative status.

9.3 Parliament of the Economic Community of West African States

Reporting for the Parliament of the Economic Community of West African States (ECOWAS-P), Mme Halima Ahmed stated that ECOWAS-P was launched in 2000 and that it was not a forum, but a parliament, although without legislative powers. She brought it to the attention of the delegates that the term of the first group of members of the ECOWAS-P ended in 2005 and that since then there had been a lacuna. This was because the vacancies left by the departure of the first group of parliamentarians had not been filled.

Mme Ahmed reported to the seminar that the challenges ECOWAS-P had to face during its first years had mainly been of a historical nature. For example, while ECOWAS had been founded 20 years

earlier and had envisaged the establishment of a regional parliament, its founding documents had not provided the necessary details clarifying how such a parliament would function. Nevertheless, the ECOWAS-P had been very effective in its first five-year term, particular in areas such as peace seeking and liaising with other regional groupings.

Furthermore, Mme Ahmed informed delegates that the ECOWAS-P had put in place measures to overcome shortcomings arising from ECOWAS founding documents. These included:

- Changing the parliamentary term from five to four years in line with the official tenure of the ECOWAS Commission;
- Putting in place arrangements requiring national parliaments to nominate new delegates three months before the end of each parliamentary term;
- Ensuring that the speakership of ECOWAS-P is held rotationally by ECOWAS member states in alphabetical order; and
- Maintaining the structure of the parliament, its plenary sessions and its bureau.

With these arrangements in placed, Mme Ahmed expressed optimism that the problems experienced in the past would not recur and that ECOWAS-P would henceforth function more effectively. Finally, she indicated that one of the major challenges ECOWAS-P had to deal with was to ensure its evolution from a consultative and advisory body into one with full legislative powers and to ensure that its parliamentarians directly elected by my citizens in member states.

9.4 Economic Community of West African States

Dr Nelson O Magbagbeola presented a report on behalf of the Economic Community of West African States (ECOWAS), focusing his presentation on the state of integration in West Africa. He pointed

out that his organisation regarded RECs as important pillars of regional and continental integration. He expressed concern, however, at the large number of RECs in various sub-regions of the continent. He observed that each sub-region had an average of three to four RECs. Dr Magbagbeola pointed out that in West Africa, ECOWAS existed alongside three other bodies, namely UEMOA (Union économique et monétaire ouest-africaine), MRU (Mano River Union) and CENSAD (Community of Sahel and Saharan States). He also pointed out that UEMOA was a sub-set of ECOWAS.

In describing the broad characteristics of his organisation Dr Magbagbeola reported on the state of affairs within ECOWAS, pointing out that:

- the organisation comprises 15 member states;
- this represented 28% of the total number of African countries;
- the population is estimated at 254 million; and
- the surface area is 17% of the total African land area.

Dr Magbagbeola reported that an inter-institutional framework had been established in 2004 to facilitate the harmonisation of existing bodies in West Africa. He also pointed out that ECOWAS and UEMOA had harmonised rules of origin, approved procedures, agreed on customs clearing procedures and jointly developed a compensation system for losses of revenue.

Furthermore, Dr Magbagbeola pointed out that his region had achieved macroeconomic policy convergence based on multilateral surveillance mechanisms; harmonisation of statistics; and had further established national coordinating committees in member states; and was moving closer towards monetary integration.

9.5 Inter-Parliamentary Commission for the Economic Community of Central Africa States (CIP/CEMAC)

In his report on the current status of the CIP/CEMAC The Hon Seiny Issakou informed the seminar that his parliamentary forum is linked to the deep roots of the founding era of the Customs Union of Central Africa (founded in 1964) when some of the member states had not yet gained independence. With the other four major institutions (the Economic Union, the Monetary Union, the Court of Justice and the Community's Parliament), the CIP/CEMAC, came into existence 1984.

The CIP/CEMAC mandate includes multilateral oversight of macro-economic policies, monitoring the implementation of regional policies as contributing towards common security. Furthermore, the CIP/CEMAC had put together a common military force (FORMIC) to play a role in strengthening peace and security in the region.

Other important achievements include the agreement to cooperate in fighting crime among member states; to support one another in the event of external aggression against member states; and to create the ideal environment for economic development in the region through the harmonisation and integration of investment and business regulations.

SESSION 6

10. Deliberations

Indeed, the presentations by regional bodies had shown that important lessons could be learned from exchanging information between and among regional bodies. Also, delegates realised that regional bodies were diverse in their political and operational experiences.

The challenge of fostering a clearly defined relationship between and among RECs and RPBs was among the issues the seminar dealt with. Unfortunately, the workshop observed that the situation prevailing in some sub-regions suggested that a structured interface between RECs and RPBs was nonexistent. It is against this background that delegates felt that this situation needed to be addressed urgently.

Not least important, among the issues discussed, is the issue of the attendance by regional bodies of continental information-sharing meetings such as the Arusha seminar. Delegates were unanimous in expressing concern at the absence of representatives of some sub-regions on the continent at the seminar. The seminar, therefore, sent a message calling upon all African sub-regions to ensure the presence of their representatives in continental fora.

Indeed, the issue of the multiplicity and large number of existing RECs was dealt with extensively. While delegates expressed concern at the situation, at the same time they acknowledged the complexities involved in rationalising the RECs. This said, delegates agreed that the prevailing situation needed to be addressed urgently. Against this background, delegates agreed on the need to set a process in motion, involving African experts, leading to the hosting of a Pan-African expert meeting from which concrete proposals would be formulated for tabling before an AU summit.

Furthermore, delegates discussed a number of issues related to trade, customs and the movement of people within regions and across the continent. The harmonisation of policies in these areas was identified among the key measures that would give practical expression to continental integration. In particular, delegates agreed that there was a need for the PAP to explore the potential of adopting a continental tax regime that includes the levying of a special tax on African imports to finance the work of the AU and the PAP. It was noted that this is among a number of fundraising strategies the PAP should explore.

During deliberations, Mme Litha Musyimi-Ogana, the NEPAD Advisor on Gender and Civil Society Organisations, outlined some of NEPAD's activities in the area of regional integration. Key among these was a REC capacity review that identified areas of improvement in strengthening the work of RECs. Mme Musyimi-Ogana indicated that NEPAD had raised about \$2 million and earmarked the funds for supporting capacity building for RECs. She therefore urged the RECs that had not participated in the review process to get in touch with the NEPAD Secretariat in order to benefit from the initiative.

Importantly, delegates underscored the need for the discourse on integration on the continent to take into consideration the critical issue of leadership, since the process of integration cannot be addressed properly without the visionary calibre of leadership.

SESSION 7

11. The vision of the African Union and the move towards an African Union Government

11.1 Presentations

The Hon Elhadj Diao Kante, PAP chairperson of the Committee on Cooperation, International Relations and Conflict Resolution, addressed the seminar focusing on the values of the African Union (AU). He underlined the importance of understanding the AU in its historical context and indicated that the values of the AU should be linked to the role played by the early leaders of the African continent who created the OAU, an organisation that played a leading role in the political liberation of the continent.

He pointed out that the OAU had laid important foundations for continental integration and observed that, because of the work of the OAU, the African continent was more integrated than it had been forty years ago. He therefore suggested that the AU was an important continuation of the OAU and that the plan to create an AU government was a welcome idea since it would serve to cement the politico-economic achievements that had already been registered. In conclusion, he introduced Mr Prince Mashele, a senior researcher from the Institute for Security Studies (ISS) and said Mr Mashele would add to his reflections, based on a presentation Mr Mashele had made to The Hon Diao Kante's Committee in August 2006.

Mr Prince Mashele, an expert from the ISS, focused his reflections on the report presented to the recent AU Summit in Banjul, Gambia, on 'An African Union Government: Towards a United States of Africa'. Mr Mashele reminded delegates that the AU Summit had referred the report to an Extraordinary Meeting of the AU Executive Council for decision and that there was a need for the PAP to make an input.

Substantively, Mr Mashele said that the PAP needed to familiarise itself with the contents of the AU government report, since it had implications not only for the other organs of the AU, but also for the PAP and RECs. Among the envisaged values of the AU government, he mentioned rule of law; democracy; popular participation in governance; and transparency in policy-making.

Mr Mashele further indicated that the report makes suggestions for lengthening the tenures of the AU president – currently chairperson – (from one to three years) and for the chairperson of the AU Commission (from five to seven years). Mr Mashele urged the PAP to formulate its position on this issued considering the need to align the terms of all AU organs as well as the need to promote a culture of democracy with the AU and on the African continent.

With regard to the PAP and the RECs, Mr Mashele pointed out that the report identified the need for the PAP to work closely with RECs and that the RECs must have their capacity enhanced. He also indicated that the report calls for the review of the protocol in order to add legislative powers to the PAP.

On the substance of the programme of the AU government, Mr Mashele listed the main government's anticipated foci:

Continental integration; education and skills development; energy; environment; food, agriculture and water; gender and youth; governance and human rights; health; industry and mineral resources; money and finance; peace and security; social affairs; sports and culture; trade and customs union; transport and communication.

Mr Mashele observed that most of these are areas around which NEPAD works and therefore suggested that if the AU Commission were to develop the necessary technical capacity to handle these

areas (as was envisaged), NEPAD would be rendered dispensable. He therefore suggested that NEPAD was suffering from a politico-legitimacy crisis and urged the PAP to pronounce on the matter.

In conclusion, Mr Mashele observed that there was fundamentally very little new information in the report since it referred to existing AU leadership structures, except for a few proposals with implications for such structures as the AU president and commission.

After Mr Mashele's presentation, Prof Gutto made a brief intervention to address some of the issues that had arisen. He suggested that the envisaged establishment of an AU government, as suggested in the Banjul report, was a continuation of the differences expressed in the early 1960s on the form of organisation the continent needed to assume. In this regard, he referred to Monrovia and Casablanca as being among the groups that manifested these differences.

Professor Gutto then indicated that he was optimistic about the future of NEPAD and urged that delegates should not read too much into political differences since it was normal for African leaders to express differences on issues such as this.

On the issue of PAP's transition from an advisory to a legislative body Prof Gutto observed to the seminar that there was a general assumption that the first term of the PAP would be five years, ending in early 2009. He cautioned that the AU heads of state and government had not made a resolution expressly stating this, as was required. Prof Gutto therefore advised that the PAP should make a request for the AU summit to rectify this shortcoming.

SESSION 8

12. Deliberations

After the above presentation delegates thanked the presenters for their frank contributions. Specifically on the AU government report, the seminar appreciated the call for the PAP to make an input to the planned meeting of the Executive Council, as advised by Mr Mashele.

On the implications the report has for structures such as the PAP and RECs, the seminar welcomed the fact that the report had also identified challenges of capacity and financial sustenance among the key challenges facing these bodies. Furthermore, delegates concurred with observations in the report about the need for the PAP and RECs to liaise and function better.

On NEPAD, the seminar was unanimous about the importance of the NEPAD initiative and re-emphasised the need to create a common understanding on the role and place of NEPAD within the AU architecture. However, the seminar agreed that there was no need for the PAP to issue a statement declaring support for NEPAD, since an earlier decision had been taken to make NEPAD a permanent agenda item of PAP sessions. More importantly, delegates recalled that the AU summit in 2002, in Durban, South Africa, had adopted NEPAD as a socio-economic programme of the AU and had underscored the importance of not departing from that position.

SESSION 9

13. Recommendations

In view of the considerations above, the seminar recommended that:

- The initiative by the PAP of hosting regional round table discussions should be encouraged and that, the AU Commission should participate fully in the process;
- The PAP should develop an ongoing continental integration and harmonisation project to serve as a think-tank that would contribute regularly to the integration process;
- The PAP should request all RECs to cooperate in working towards rationalisation and harmonisation;
- The PAP should encourage member states of RECs to move towards regional parliamentary assemblies with legislative powers;
- The PAP should urgently embark on a process leading to the formulation and presentation of a proposal to the AU summit on how it would function on acquiring legislative powers;
- The PAP should request the AU summit to pass a resolution clearly stating the end of the first term of the PAP;
- In the review of the PAP Protocol, measures to enhance the participation of RPBs should be considered among those requiring special attention;
- In reviewing the PAP Protocol, attention should also be given to the potential of the PAP to propose model laws to regional and

national parliaments on certain sectors such as trade/commerce, defence, good governance, and gender equality;

- The PAP should explore ways of promoting good laws passed by national parliaments, particularly those that provide examples of best practice;
- At the 6th Ordinary Session, the PAP should consider the African Union Government Report, formulate and present its position on the report to the Executive Council in line with the Banjul decision;
- The PAP and other AU organs should simplify the technical language they use to ensure that ordinary Africans can understand and take part in the activities of these bodies; and
- The PAP should explore creative ways and means of raising funds, including the feasibility of levying tax on African imports to finance the activities of the AU and the PAP.

SESSION 10

14. Conclusion

In her closing remarks, Dr Mongella expressed her appreciation for the dynamism and analytical depth demonstrated by delegates during deliberations. She said it was encouraging that the African continent had leaders who rigorously interrogate and discuss issues in a frank manner, as the seminar had done.

She pointed out that, as advised by the seminar, the PAP would proceed with the hosting of further round-table discussions in other regions of the continent in order to foster dialogue and common understanding on ways of dealing with the important issue of integration. She said that it was time to act and hence she was impressed with the concrete proposal that the PAP should develop an integration and harmonisation project. The PAP president therefore made an undertaking that the PAP would follow up and act on the recommendations made by the seminar.

Finally, she reminded delegates that the PAP alone could not be successful in integrating the continent, but that the support and active participation of other stakeholders such as RECs and RPBs was critical. Against this background, Dr Mongella thanked Mr Edward Lowassa, the prime minister of Tanzania, members of the PAP Bureau and staff, delegates and development partners for making the seminar a success. She then officially adjourned the seminar.

Annex A:

Agenda and Programme of Work

Pan-African Parliament Seminar on the harmonisation of Regional Economic Communities and Regional Parliamentary Assemblies

*Ngurdoto Mountain Lodge, Arusha, Tanzania,
22–23 September 2006*

DAY ONE: 22 September 2006

SESSION 1: Opening

Chairperson: Hon Prof Dr Fernando J F Dias Van-Dunem, PAP first vice president

- Introduction of Pan-African Parliament and guest of honour: Mr Murumba Werunga, PAP clerk
- Opening remarks: Dr Gertrude Mongella, PAP president
- Statement by guest of honour: The Rt Hon Edward Lowassa, prime minister of the United Republic of Tanzania
- Vote of thanks: Hon Mrs Elise Neloumsel Ndoadoumngue Loum, PAP third vice president

SESSION 2: Messages of solidarity

Chairperson: Hon Dr Mohamed Lutfi Farhat, PAP second vice president

- East African Legislative Assembly: Hon Abdulrahman Omar Kinana
- Inter-Parliamentary Commission for the Economic Community of Central African States: Hon Seiny Issakou
- Southern African Development Community Parliamentary Forum: Dr Kasaku Mutukwa
- Government of Kenya: Hon Francis Ole Kaparo
- Government of Tanzania: Hon Samuel J Sitta

SESSION 3: Expert presentations

Chairperson: Hon Dr Theophile Nata, PAP fourth vice president

- Pan-African Parliament and regional integration: Prof Shadarak Gutto, Head of the Centre for African Renaissance, University of South Africa

SESSION 4: Deliberations

Chairperson: Hon Dr Theophile Nata, PAP fourth vice president

DAY TWO: 23 September 2006

SESSION 5: Reports from regional bodies

Chairperson: Hon Dr Theophile Nata, PAP fourth vice president

- Southern African Development Community Parliamentary Forum:
Dr Kasaku Mutukwa
- East African Legislative Assembly: Dr Justin Bundi
- Economic Community of West African States Parliament: Mme Halima Ahmed
- Economic Community of West African States: Dr Nelson O Magbagbeola
- Inter-Parliamentary Commission for the Economic Community of Central African States: Hon Seiny Issakou

SESSION 6: Deliberations

Chairperson: Hon Dr Theophile Nata, PAP fourth vice president

SESSION 7: Expert presentations

Chairperson: Hon Elise Neloumsel Ndoadoumngue Loum, PAP third vice president

- The vision of the African Union and the move toward African Union Government: Prince Mashele, senior researcher, Institute for Security Studies

SESSION 8: Deliberations

Chairperson: Hon Dr Mohammed Lutfi Fathi Farhat, PAP second vice president

SESSION 9: Summary of proceedings

Chairperson: Hon Dr Mohammed Lutfi Fathi Farhat, PAP second vice president

- Summary of deliberations and recommendations: Mr Prince Mashele, senior researcher, Institute for Security Studies

SESSION 10: Conclusion

Chairperson: Hon Dr Mohammed Lutfi Fathi Farhat, PAP second vice president

- Closing remarks: Dr Gertrude Mongella, PAP president

Annex A:

List of participants to the Pan-African Parliament Seminar on the Harmonisation of Regional Economic Communities and Regional Parliamentary Assemblies

Organisation	Names
PAP Bureau Members	Hon Dr Gertrude Mongella Hon Prof Dr José de Franca Van-Dunem Hon Prof Dr Mohamed Lutfi Farhat Hon Mrs Elise Ndoandoumngue Neloumsei Loum Hon Prof Théophile Nata
PAP Secretariat	Mr Murumba Werunga, clerk of the PAP Dr Samuel Mbozo'o Mr Morad Boularaf Ms Martha Luleka Ms Shubi Mukurasi Ms V Mazula Mr Mekonnen Girma Mrs L Chiwandamira Mr F Facitella Mr Salah Majdali Ms A Abdelmuti Ms Maggie Longwe Ms Marie-Christine Bebey Ms Marcela Concicao Mr Jan Jalloh
PAP Committee chairpersons and deputies	Hon M Dicko, chairperson (Education) Hon B Gaye, deputy chairperson (Finance)

Hon B Sawadogo Ouedraogo, chairperson (Gender)
Hon K Raditapole, chairperson (Health)
Hon A Hassan, rapporteur (Health)
Hon E Kante, chairperson (Int'l Relations)
Hon D Ba, Deputy chairperson (Int'l Relations)
Hon A Gamaleldin, chairperson (Justice)
Hon E Clemente Dos Santos, deputy chairperson (Justice)
Hon I Massanga, rapporteur (Rules)
Hon B Chara, chairperson (Rural Economy)
Hon Dr L Chimango, deputy chairperson (Rural Economy)
Hon L Maeba, chairperson (Trade)
Hon N Massounga, deputy chairperson (Transport)

Other PAP members

(Kenya)

Hon Mwancha Okioma
Hon Ndung'u Njoki

(Tanzania)

Hon Dr James Wanyancha
Hon Athuman Janguo Minshehe
Hon Kashemeza Kabuye
Hon Omar Mussa

Hon Mike Sebalu (Uganda)
Hon Princess Baba Jigida (Sierra Leone)
Hon Patricia Udogu (Nigeria)
Dr Norman Syall (Tanzania)
Kamata Hwenry (Malawi)

	Juliana Kantengwa (Rwanda) Higiros Prosper (Rwanda)
EALA	Dr Justin Bundi Hon Abdulrahman Omar Kinana, Speaker Hon Ochieng Mbeo Hon Maxuel Shamala Prof Margaret Kamar Hon Irene Ovonji Odida Hon Maj.Dudu Baker Hon Maj Gen Mugisha Muntu Hon Kate Kamba Hon Hulda Kibacha Hon Saidi Jecha Hon Paul Masami Hon Abdirahman Abdi Hon Charles Kadonyo
EAC	Mr Peter Kiguta, director general
Customs and Trade	Mr James Kuleiye, officer
ECOWAS (Parliament)	Mme Halima Ahmed
ECOWAS (Economic Policy)	Dr Nelson Olalekan Magbagbeola
SADC-PF	Dr K Mtukwa Mr Rumbidzai Kandwasvika-Nhundu
NEPAD	Ms Litha Ogana

Speakers of the five parliaments in East Africa	Kenya: Hon Francis Ole Kaparo Tanzania: Hon Samuel J Sitta Uganda: Hon Edward Ssekandi Kiwanuka Rwanda: Hon Alfred Mukezamfura Burundi: Immaculée Nahayo
CIP/CEMAC	Hon Seiny Issakou Mr Ali Abakar Adji
AWEPA	Ms Miet Smit – vice-president Ms Linda Baas – AWEPA Tanzania Egidijus Vereikis – AWEPA Lithuania
ISS	Mr Prince Mashele Mr Gerhard Hugo
ACBF	Ms R Ongesso
GTZ	Nicole Schaffer
Guest	Ms Jaqueline Laiser
Angolan Embassy in Tanzania	Mr Inacio Cruz Mr Miguel Nkosi Mr Vasco Rui
Total	86