

**GUIDELINES FOR THE PAN-AFRICAN PARLIAMENT'S COLLABORATION
WITH CIVIL SOCIETY ORGANISATIONS IN AFRICA**

Glossary

AU	African Union
CBO	Community-based Organisation
CSO	Civil Society Organisation
ECOSOCC	Economic, Social and Cultural Council
EU	European Union
NGO	Non-governmental Organisation
PAP	Pan-African Parliament
RPB	Regional Parliamentary Body

Introduction

1. The PAP was established in 2004. Its objectives, as spelt out in the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament are to:
 - a. Facilitate the effective implementation of the policies and objectives of the OAU/AEC, ultimately, of the African Union;
 - b. Promote the principles of human rights and democracy in Africa;
 - c. Encourage good governance, transparency and accountability in Member States;
 - d. Familiarize the people of Africa with the objectives and policies aimed at integrating the African Continent within the framework of the establishment of the African Union;
 - e. Promote peace, security and stability;
 - f. Contribute to a more prosperous future for the peoples of Africa by promoting collective self-reliance and economic recovery;
 - g. Facilitate cooperation and development of Africa;
 - h. Strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa; and
 - i. Facilitate cooperation among Regional Economic Communities and their Parliamentary for a.
2. Since the launching of the PAP, partnership with Civil Society Organisations (CSOs) has been ad-hoc and without clarity of vision. Thus, it has not been possible to tap into the vast reservoir of knowledge and expertise found outside governmental structures in Africa. It is this reality that necessitates the elaboration of a vision to guide the development of a structured partnership between the PAP and the peoples of Africa.

Civil Society in the context of ECOSOCC

There are a number of definitions of CSOs. In order to avoid difference of conceptions within the AU architecture, it is important for the PAP to align its definition with that which is already applied by other AU organs. For this reason, and for the purposes of these Guidelines, the term civil society organisation shall be used in consistence with Article 3 of the Statutes of ECOSOCC, which states that CSOs include but not limited to the following:

- a. Social groups such as those representing women, children, the youth, the elderly and people with disability and special needs;
- b. Professional groups such as associations of artists, engineering, health practitioners, social workers, media, teachers, sports associations, legal professionals, social scientists, academia, business organizations, national chambers of commerce, workers, employers, industry and agriculture as well as other private sector interest groups;

- c. Non-governmental organisations, Community-based organisations and voluntary organisations; and
 - d. Cultural organizations.
3. Reference to African CSO(s) shall herein those entities whose *raison d'être* and work centre on matters affecting Africa, and that operate out of Africa;
 4. Any CSO that operates or deals with matters affecting Africa but that holds subsidiary status of a mother-organisation with no-African origins or headquarters outside the African continent shall not, for the purposes of these *Guidelines*, be considered an African CSO; and
 5. Matters affecting Africa comprise of issues that are within the purview of the mandate of the Pan-African Parliament, as stipulated in the PAP Protocol.

Mandate and rationale for civil society engagement with the PAP

6. The PAP's interaction with civil society principally derives its mandate from the PAP Protocol and its Rules of Procedure, which must be read in the context of other mandatory AU legal instruments, such as the Constitutive Act, Statutes of the ECOSOCC and other relevant provisions of the frameworks governing AU Organs.
7. Article 4 (c) of the Constitutive Act of the AU states that "participation of the African Peoples in the activities of the Union" shall be the guiding principle of all AU Organs. As stated hereunder, the Preamble to the PAP Protocol mandates the PAP to serve as a platform for African peoples and their grass-roots. Further, Article 2(2) of the PAP Protocol states that the PAP "shall represent all the peoples of Africa" Article 3(8) of the Protocol mandates the PAP to "strengthen Continental solidarity and build a sense of common destiny among the peoples of Africa." This, combined with the imperative for the PAP to promote democratic governance, make it urgently necessary for the PAP to create space for CSO to interface and work with the PAP.

Vision

8. In its collaboration and interface with CSOs, the PAP shall be driven by the vision to advance the objectives of the African Union, provide a platform for popular participation and deepen continental integration.
9. In this regard, the vision of the PAP, as stated in the Preamble to the PAP Protocol, is to provide a common platform for African people and their grass-roots organisations to be involved in discussions and decision-making on the problem and challenges facing the Continent.
10. Further, the PAP shall seek to consolidate the aspirations of the African peoples for the greater unity, solidarity and cohesion in a larger

community transcending cultural, ideological, ethnic, religious, and national differences.

Objectives of the Guidelines

11. The objectives of these *Guidelines* are to:
 - a. Give effect to the provisions of the Constitutive Act of the AU, the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP Protocol) and the Statutes of the ECOSOCC in relation to the imperative of deepening the participation of civil society in the social, political and economic affairs of Africa;
 - b. Provide a framework guide the structure of formal collaboration between the PAP and CSOs;
 - c. Outline the nature and parameters of the collaboration between CSOs and the PAP;
 - d. Standardise models to be followed by CSOs seeking to contribute to the work of the PAP; and
 - e. Ensure that the PAP taps into the reservoir of knowledge and information possessed and/or produced by CSOs on matters relating to the Parliament's scope of work.

Guiding Principles

12. International experiences serve to reaffirm the PAP's correctness in seeking to place civil society at the core of its business. For example, the EU Parliament has created space for NGOs to have access to its work through a contact office that facilitates the answering of queries that they might from time to time have, and make submissions to the parliament.
13. On the African continent, RPBs have multifarious avenues that facilitate working relationship with CSOs. On their part, national parliaments have arrangements, of different forms, through which CSOs are allowed to observe parliamentary proceedings, make submissions or petition parliaments. These best practices inform the PAP's engagement with CSOs. Furthermore, the PAP is guided by specific principles, which derive from AU legal instruments, PAP Protocol and the Rules of Procedure.

Unity of the African People

14. Africa has endured a long of disunity, precipitated by, among others, slavery, colonialism and other forms of oppression. Guided by a Pan-African, ideology, and an entrenched desire for unity, African people have engaged in relentless struggles against these vices. Cognisant of this, the PAP is conceived as one, among key institutions mandated to foster African integration and promote unity. Thus, facilitating regular dialogue with and amongst CSOs shall be a core task of the PAP.

Popular Participation

15. As an organ of the African Union, the PAP is guided by the values enshrined in the basic instruments of the Union, which include the Constitutive Act (2000) and the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP Protocol) (2001), fundamental of which are the recognition of the rights and fundamental freedoms of the African people, respect for the rule of law and upholding good governance. Therefore, engaging with CSOs shall constitute a critical element of popular participation.

Complimentarily

16. The daunting challenges facing the African continent are multifaceted and require that all Organs of the African Union, including the Regional Economic Communities (RECs), as well as non-governmental actors, work in concert towards a common objective. It is thus imperative for these actors to constantly interact, seek enhanced coordination, complimentary and synergy of action.

Strategic Partnership

17. The pursuit of African prosperity demands the forcing of strategic partnership between the PAP and CSOs. The opportunity for this is provided by the transformation from the Organisation of African Unity to the African Union, which has, among others, served to underline the critical importance of placing the African people at the centre of continental efforts towards a human-centred development.

Rules of Procedure to be observed by the civil society in the engagement with the PAP

18. The following rules are worth noting:

Rule 34: Venue of sittings

19. Parliament shall hold its sittings and those of its Committees at its Seat or at such other venue as may be determined by the Bureau upon the invitation of a Member State.

Rule 35: Public participation

- a. The proceedings of the Pan-African Parliament shall be open to the public, unless otherwise directed by the Bureau.
- b. Notwithstanding the provisions of Sub-rule (1) proceedings of the Parliament may be held in closed sessions on the recommendations of the Bureau:
- c. When a Permanent Committee adopts its agenda, it may, with leave of the Bureau, indicate which items are open to the public and which will be held in closed sessions;
- d. The verbatim report of sittings held in closed sessions shall not be made public;
- e. The proceedings of the Permanent Committee on Rules, Privileges and Discipline on matters relating to waiver community and discipline shall always be held in closed sessions.

20. This means that the PAP and its Committee, although they open their proceedings to the public, there are certain meetings, which are conducted in camera.

Rule 37: Sequence of proceedings and Order Paper

21. The Proceedings of the House shall, where applicable, be conducted in the following sequence:
- a. opportunity for silent prayer or meditation;
 - b. Communication from the chair;
 - c. Administration of oath;
 - d. Election of President and/or Vice-Presidents;
 - e. Petitions;
 - f. Papers;
 - g. Notice of motion;
 - h. Questions of which notice has been given; and
 - i. Business of the day.
22. The Clerk shall prepare the Order Paper setting out the sequence of proceedings and order of business and shall circulate it at least four hours before the commencement of the session.
23. By leave of the President the order of business set out in the Order Paper may be altered during a sitting.
24. The Presiding Officer shall direct the Clerk to read the order paper of the day without question put.

Rule 38: Access to chamber and galleries

25. A person shall not enter the Chamber unless he or she is

1. A Member of Parliament;
2. A member of the Assembly upon invitation of the President;
3. A member of the Council upon the invitation of the President;
4. A member of the Commission upon the invitation of the President;
5. A Clerk of the Parliament;
6. An official of the secretariat whose duties require his or her presence in the chamber;
7. Experts and officials of the Union on the invitation of Parliament; and
8. A Head of State or other special guest upon invitation of the President.

26. A Person shall not be admitted to the galleries of Parliament without an admission card duly issued by the Clerk.

27. A person admitted to the galleries of Parliament shall not disrupt nor cause the disruption of the proceedings of Parliament in any way.

28. Any person failing to abide by the provisions of Sub-rule (3) shall immediately be removed by the Sergeant-at-Arms.

Rule 39: Languages

29. The working languages of the Parliament shall be the working languages of the Union.

30. Simultaneous interpretation shall be provided into the working languages at proceedings of Parliament and Permanent Committees.

31. The Clerk shall ensure that all official documents of the Parliament and the Permanent Committees are translated into the working languages.

Rule 40: Conduct of Members in the House

32. During a sitting

- a. All Members shall enter or leave the House with decorum;
- b. All Members shall take their seats as determined by the Bureau;
- c. A Member shall not move around unnecessarily;
- d. While a Member is speaking, all other Members shall be silent and shall not make unnecessary interruptions;
- e. When a Member has finished his or her intervention, he or she shall resume his or her seat;
- f. A Member may not bring into the House anything other than papers, books or other documents directly connected with business of the House;
- g. A Member shall not bring into the House any arms or weapon, tape recorder, transistor radio, or other electronic device; and

h. All mobile telephone shall be switched off.

33. All Members shall dress in a dignified manner as accepted by their National Parliament or deliberative organ.

34. Although these rules were designed for member of the PAP, they also apply to member of the public, including members of civil society. Members of civil society are not allowed to make statements during Committee meetings or the Plenary, unless permission has been granted through the office of the Clerk of the PAP.

General Provisions

35. There shall be no form of engagement between the PAP and CSOs outside the parameters laid out in these *Guidelines* in their current state or as amended duly.

36. Amendments to these *Guidelines* may be effected by the Bureau of the PAP (hereinafter referred to as the Bureau). Only CSOs that are members of the Civil Society Forum (CSF) referred to in par 43, the Civil Society Contact Office referred to in par 38, a Committee and or member of the PAP may make proposal(s) to the Bureau for the amendment of the *Guidelines*; and

37. Notwithstanding Article 3 of the Statutes of ECOSOC, the use of the phrase CSO in these *Guidelines* shall only refer to an African CSO as defined in par 3 above.

Civil Society Contact Office

38. The Bureau of the PAP shall establish a Civil Society Contact Office (hereinafter referred to as CSCO);

39. The CSCO shall fall under the supervisory authority of the International Relations Section within the PAP Secretariat, in line with the functions of this office as stipulated in the PAP document outlining the organisational structure of PAP officials;

40. Empowered duly by the Secretary, the CSCO shall serve as the entry point for all CSOs seeking to engage or through the PA;

41. The CSCO shall make recommendations about its work to the Bureau; and

42. The Secretary to the PAP shall regularly report to the Bureau on activities of the CSCO.

General Collaboration

43. The PAP shall, through its CSCO establish and coordinate a PAP Civil Society Forum herein referred to as the CSF to serve a resource reservoir on matters pertaining to civil society in Africa. Members of the CSF will be part of the PAP's official database of CSOs

44. Membership to the CSF shall be open to all CSOs in accordance with par 4 of these Guidelines;

45. A minimum of two (2) CSOs from each of the five sub-regions of the African Union (AU) shall be represented within the CSF, a loose association that shall convene, if practically possible, at least twice a year before PAP Sessions to deliberate on a range of issues relating to the work of the PAP;
46. The outcome of the deliberation(s) referred to in par 45 shall have an advisory and non-binding status for the PAP;
47. CSOs seeking membership to the CSF shall apply for such membership on the basis of procedure(s) developed by the CSCO and approved by the Bureau;
48. The duration of membership of a CSO within the CSF shall be valid for a period of three (3) years and may be renewed by the CSCO and approved by the Bureau.
49. All CSOs seeking to collaborate with the PAP as per Article 8 and 9 shall be required to have membership of the CSF as part of the principal conditions they must meet before permission is granted to them. The CSCO shall at all times liaise with ECOSOCC.

Observer Status

50. The PAP shall, in principle, allow representatives of CSOs to attend proceedings of Ordinary and/or Extra Ordinary Sessions of the PAP in an observer status;
51. The PAP shall reserve the right to determine the number of seats to be allocated to representatives of CSOs per Session;
52. CSOs shall declare their intentions to send their representative(s) in accordance with par 44 at least thirty (30) working days before the opening of a Session; and
53. In making decision(s) in respect of par 51 the PAP shall give preference to representative of CSOs that are members of the CSF;

Petition

54. The PAP shall, in principle, make provision for CSOs with interest(s) in matter(s) that are on the PAP agenda to make written and/or oral submission(s) to specific PAP Standing Committee(s) under whose jurisdiction such matters(s) fall;
55. The PAP shall develop procedure(s) to be followed in order for CSOs to make submissions in terms of para 54, which procedure(s) shall be approved by the PAP Bureau;
56. Any CSOs invited to make submission(s) during seating(s) of the Committee(s) referred to in par 54 shall, after making such submission(s), not participate in the deliberations of the Committee(s);
57. Unless requested otherwise by the Committee(s), the CSOs making submission(s) shall, upon conclusion of its submission and answering any questions that the Committee(s) may have on the submission, leave the

Committee room in which deliberations, subsequent to the submission, take place; and

58. The PAP shall reserve the right not to invite CSOs to make submissions referred to in par 54 on considerations that PAP may, from time to time deem justifiable.

59. It is necessary to note what PAP Rules of Procedure provides for regarding petitioning:

Rule 72: Petitions

60. Any citizen a Member State and any natural or legal person residing or giving its registered office in a Member State shall have the right to address individually or in association with other citizens or persons, a petition to Parliament on a matter which comes within the fields of activity of the Union and which affects him or her or it directly.

61. Petition to Parliament shall show the name, nationality and permanent address of each petitioner.

62. Petitions must be written in one of the official languages of the Union.

63. Petitions shall be entered in a register in the order in which they are received if they comply with conditions laid down in Sub-Rule (2) and those that do not shall be filed and the petitioner shall be informed of the reasons therefore.

64. Unless the person submitting the petition asks for it to be treated in confidence, it shall be entered in a public register.

65. Petitions entered in the register shall be forwarded by the President of the Parliament to the Permanent Committee responsible, which shall first ascertain whether the petitions registered fall within the sphere of activities of the Union.

66. Petitions declared inadmissible by the Bureau shall, after being filed, be referred back to the petitioner with reasons for their inadmissibility.

67. The Permanent Committee shall report to the House on the petition with appropriate recommendations for adoption by the House.

68. The President shall inform the petitioner of the decisions and the reasons therefore.

Technical Services

69. The Bureau may, from time to time, enlist the technical services of CSOs for purposes determined by it;

70. In the event of situation(s) envisaged in par 69, an open tender invitation shall be issued;

71. The Bureau shall, on the basis of its assessment of the technical merits of the CSOs that have declared their interests, select the best qualified CSO(s) to provide the service(s) required by PAP;

72. CSO(s) selected in accordance with par 71 shall, in the course of providing the specified technical service, be strictly prohibited from making submissions in terms of par 54; and

73. CSOs selected in accordance with Article par 71 shall sign a memorandum of understanding (MoU) and/or a legal contract prepared by the PAP detailing the terms of engagement, which must include an explicit prohibition of the CSOs from using information acquired in the course of providing the service(s) to pursue self-interested, commercial purposes or be used to generate information in any way without the authorisation of the PAP.

Support to Committees

74. The PAP has the following parliamentary committees:
- a. The Committee on Rural Economy, Agriculture, Natural Resources and Environment;
 - b. The Committee on Monetary and Financial affairs;
 - c. The Committee on Trade, Customs and Immigration matters;
 - d. The Committee on Cooperation, International Relations and Conflict Resolutions;
 - e. The Committee on Transport, Industry, Communications , Energy, Science and Technology;
 - f. The Committee on Health, Labour and Social Affairs;
 - g. The Committee on Education, Culture, Tourism and Human Resources.
 - h. The Committee on Gender, Family, Youth and People with Disability;
 - i. The Committee on Justice and Human Rights; and
 - j. The Committee on Rules, Privileges and Disciplines.
75. The functions of Committees apply to issues normally handled by the Specialised Technical Committees of the AU (as per Article 14 of the Constitutive Act). Each Committee is led by a chairperson and his/her deputy and a rapporteur, who are elected among its members.
76. On the basis of needs assessment conducted by the PAP, technical support for PAP's parliamentary committees may be solicited from CSO(s) with requisite capacity;
77. Once need(s) for technical support have been identified , a process consistent with par 70 shall be followed leading to the selection of suitable CSO(s) to provide the necessary support to Committee(s); and
78. An agreement between the PAP and the CSO(s) in question shall be entered into in accordance with par 73 above.

Terms of Reference for PAP committees

79. For purposes of ensuring that CSOs are aware of the work of committees the terms of reference for each committee are outlined below:

Rule 26: Specific functions of Committees

80. The **Committee on Rural Economy, Agriculture, Natural Resources and Environment** shall, amongst others:

- a. Consider the development of common regional and continental policies in the agricultural sector;
- b. Assist the Parliament to oversee and assist with the harmonisation of policies for rural and agricultural development; and
- c. Promote the development policy and the implementation of programmes of the Union relating of natural resources and environment.

81. The **Committees on Monetary and Financial Affairs** shall, amongst others:

- a. Examine the drafts estimates of the Parliamentary budget and submit to the Parliament;
- b. Discuss the budget of the Union and make appropriate recommendations;
- c. Examine and report to Parliament on the problems involved in the implementation of the annual budget; and
- d. Assist Parliament to execute its role of establishing sound economic monetary and investment policies.

82. The **Committee on Trade, Customs and Immigration Matters** shall amongst others:

- a. Consider matters relating to development of sound policy for cross-border, regional and continental concerns within the areas of trade, customs and immigration;
- b. Assist the Parliament to oversee relevant organs or institutions and policies of the Union; and
- c. Assist the Parliament to oversee external trade.

83. The **Committee on Cooperation, International Relations and Conflict Resolutions** shall, amongst others:

- a. Consider issues relating to the development of an efficient policy in matters of cooperation and international relations of the Parliament and the Union;
- b. Consider the conventions and protocols linking the Parliament with regional and international institutions and report to the Parliament;
- c. Carry out examinations on the revision of Protocols and Treaties of the Union;
- d. Assist the Parliament in its efforts of conflict prevention and resolution.

84. The **Committee on Transport, Industry, Communications, Energy, Science and Technology** shall, amongst others:

- a. Consider issues relating to the development of transport and communications infrastructure;

- b. Assist Parliament to oversee the development and implementation of policies of the Union relating to transport, communication, science and technology and industry;
 - c. Consider issues relating to the use of science and technology for the development of the Continent; and
 - d. Assist Parliament to supervise the development policies and the Union implementation programmes for matters of industry, science, technology and energy.
85. The **Committee on Health, Labour and Social Affairs** shall, amongst others:
- a. Consider strategies and programmes for the improvement of the lives of African peoples; and
 - b. Consider issues relating to regional and international cooperation strategic planning and implementation of social development and health policies and programmes.
86. The **Committee on Education, Culture, Tourism and Human Resources** shall, amongst others:
- a. Consider issues relating to the development of human resources in Member States; and
 - b. Assist Parliament to promote policy development and implementation of programmes of the Union relating to access to education, promotion and preservation of culture and tourism and human resource development.
87. The **Committee on Gender, Family, Youth and People with Disability** shall, amongst others:
- a. Consider issues relating to the promotion of gender equality; and
 - b. Assist Parliament to oversee the development of policies and activities of the Union relating to family, youth and people with disabilities.
88. The **Committee on Justice and Human Rights** shall, amongst others:
- a. Assist Parliament in its roles of harmonising and co-ordinating the laws of Member States;
 - b. Promotes respect for and develop sound principles of freedom, civil liberties, justice, human and people' rights and fundamental rights within the Union.
89. The **Committee on Rules, Privileges and Discipline** shall, amongst others:
- a. Assist the Bureau in interpretation and application of these Rules of Procedure;
 - b. Consider requests for waiver of immunity and discipline submitted under these Rules;
 - c. Consider proposals for the amendment of the Rules of Procedure; and
 - d. Consider cases for discipline referred to it.
90. The following Rural is also worth noting

Rule 27 Time and Place of Committee meetings

- a. Committees shall normally conduct their business during the Parliamentary session
 - b. Notwithstanding Sub-Rule (1) a Committee may conduct its business outside the Parliamentary session should the need arise;
- Sittings of Committees shall be held at the seat of Parliament or outside the seat of Parliament.

Conclusion

91. The challenges facing the African continent are daunting, and can not be addressed by any stakeholder alone. They require concerted efforts by all who are interested in a peaceful, democratic and prosperous Africa. Being an important actor in this regard, the PAP believes that an effective partnership with peoples of Africa and their organisations is imperative. These Guidelines should therefore be seen as a strategic vehicle in that direction.

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