

**MINISTRY**

**INTERNATIONAL RELATIONS AND COOPERATION**

REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY

QUESTION FOR WRITTEN REPLY

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**3420. Ms T P Msane (EFF) to ask the Minister of International Relations and Cooperation:**

What (a) plans have been put in place to make the Pan – African Parliament an overarching legislative body for the continent and (b) deadline has been set in this regard?

**NW4222E**

**REPLY:**

1. The Pan-African Parliament (PAP) as one of the organs of the African Union (AU) was established in terms of Article 2 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament. In terms of this Protocol, the PAP shall evolve into an institution with full legislative powers. However, this Protocol only confers the PAP with consultative and advisory powers.

To fulfil the aim of the PAP of becoming an institution with full legislative powers, the African Union Assembly during its Summit in June 2014 adopted the Protocol to the Constitutive Act of the African Union Relating to the Pan-African Parliament.

Article 8 of this Protocol provides that the PAP shall be the legislative organ of the AU to draft Model Laws. Meaning that the PAP is vested with the quasi-legislative power of formulating Model Laws for the AU Member States. However, as of April 2022, the Protocol had 22 signatures and 14 ratifications, and it requires simple majority of ratifications by the AU Member States to enter into force. The Republic of South Africa signed the Protocol in January 2019 in Addis Ababa, Ethiopia. A presentation on the Malabo Protocol was delivered by DIRCO to the Portfolio Committee in the National Assembly on 1 June 2022. In this regard, the National Assembly is busy finalizing the Protocol's ratification through its internal processes.

1. As an advisory and consultative organ of the African Union, the current mandate of the PAP is wide enough to empower it to propose and formulate model laws. As of 2018, the PAP has formulated or contributed to the formulation of two model laws and is planning to kick-start the formulation of about five other model laws.

Furthermore, DIRCO’s role regarding the PAP is only limited to providing support as guided by the Host Country Agreement entered into between the African Union and South Africa in 2004. The Agreement and its seven Annexes thereto, place an obligation on South Africa, through DIRCO, to provide accommodation for the premises, fixtures, fittings and furniture for the premises, security, accreditation and transport services to the PAP. Due to the separation of powers as is the case with South Africa under its democratic constitution, DIRCO does not participate in substantive meetings of the PAP.

Also, the founding instruments of the PAP assert its independence and non-interference by Executives of member states. This precludes DIRCO playing any active role in the proceedings of the PAP.