



**REPORT OF THE COMMITTEE ON
ADMINISTRATIVE AND FINANCIAL
EVALUATION (CAFE) OF
THE PAN AFRICAN PARLIAMENT**

Title: Evaluation on the status of implementation of the recommendations of the 2009 Ad Hoc Committee on the institutional, Financial, political, administration of PAP.

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1. INTRODUCTION

- i. The Protocol to the Treaty establishing the African Economic Community (AEC) relating to the Pan-African Parliament stipulates in Article 25 that, “five years after the entry into force of this Protocol, a Conference of the States Parties to this Protocol shall be held to review the operation and effectiveness of this Protocol, as well as the system of representation.”
- ii. At the end of the first parliament, PAP has implemented the necessary actions for the review of the Protocol and has already renewed its Bureau. Elections of the Regional Caucuses and Bureaux have also been conducted.
- iii. The process leading to the elections of the Bureau was characterised by heated debates by members of Pan African Parliament on the interpretation of the relevant protocols and regulations governing elections of the Bureau. Against this background the plenary resolved to elect an Ad hoc Committee in terms of Article 22 (iii). The Committee is composed of one representative from each of the Regional Caucuses with a view to organizing elections and transition. Elections of the Bureau were held on 28 May 2009 in terms of the Protocol and within the framework of the implementation of Decision DOC.EX.CL/459 (XIV) of the Assembly of Heads of State and Government of the AU. At the end of the elections, the new Bureau tasked the Ad hoc Committee to carry out an analysis of the institutional, political, financial and administrative situation of PAP and to make relevant recommendations.

- iv. The Ad Hoc Committee sat from 15 to 19 June 2009 and from 29 July 2009 to 5 August 2009 at the Seat of the Pan-African Parliament, Midrand, South Africa, to undertake the assignment. The committee produced a report with specific recommendations on the political, financial and administrative situation of PAP.
- v. Following the report of the Ad Hoc committee, the plenary moved and adopted a motion dated 30th October 2009 establishing a committee on administrative and financial evaluation (CAFE), to enable PAP to inspire the African People and serves as a citadel of accountability, transparency, good governance and adherence to the rule of law.
- vi. The motion was followed by a resolution of PAP adopted on the 4th of November 2009, determining the composition, organisation, functions, operations and term of office of the committee as spelt out in the resolution, (vide para 2.4).
- vii. The CAFE held its first meeting from 26 to 30 July 2010 at the Seat of the Pan-African Parliament in Midrand, South Africa. Due to financial and time constraints, the committee resolved to limit the scope of the first report to assessing and evaluating the status of implementation of the recommendations contained in the adhoc committee report of 2009.

1.2 Composition of the CAFE

The CAFE is composed of the following Pan-African Parliamentarians:

Hon. Fabakary Tombong Jatta- Chairperson;

Hon. Jean Baptiste Nouganga-Vice Chairperson;

Hon. Wubneh Emiru – Rapporteur (Replaced by Hon. Francoise Labelle);

Hon. Chief F.Z. Charumbira- Member;
Hon. Ahmed Mohammed Ragab -Member;
Hon. Abdelmadjid Azzedine-Member;
Hon. Loide Kasingo-Member;
Hon. Edward K.D Adjaho-Member.
Hon. Bahari Ali-Member.
Hon.Guy Christian Ossagou-Member.

At a later stage, Hon Francoise Labelle was elected by the Eastern Caucus to replace Hon Wubneh Emiru. Hon Francoise Labelle was further unanimously elected rapporteur of the Committee.

2. TERMS OF REFERENCE OF THE AD HOC COMMITTEE.

Upon its formation the Ad hoc Committee was mandated to analyse and make recommendations on the following main domains or areas:

2.1 Institutional and political domain of PAP.

- a) The mandate of PAP as defined by the Protocol;
- b) The contribution of the Pan-African Parliament to the evaluation of the Protocol and its review;
- c) PAP's relations with the other organs of the AU;
- d) PAP's relations with Regional Economic Communities and National Parliaments.

2.2 Financial domain of PAP

- a) The 2009 budget;
- b) The 2009 programme-budget;
- c) AU Decision Doc. Ex.CL/455 (XIV) on the 2009 budget.
- d) Partners and Memorandum of Understanding;
- e) Trust Fund;
- f) Internal Audit.

2.3 Administrative domain: the administrative structure and issues relating to the status of PAP staff

- a) Administrative structure of PAP (draft organogram);
- b) Staff and posts adjustment;
- c) Appointments and promotions;
- d) Vacant positions;
- e) Advertisement of vacant positions;
- f) Recruitment procedures;
- g) Capacity building policy for PAP staff.

2.4 Establishment of CAFE

After the investigations and analysis of issues underpinned in the above domains, the Ad hoc Committee submitted a report that has specific recommendations to the Plenary of PAP. The plenary debated and adopted the recommendations of the Ad Hoc committee. The Plenary also adopted a resolution to establish the standing Committee on Administrative and Financial Evaluation (CAFE) of PAP on the 4th of November 2009. The resolution establishing the committee states that the CAFE;

1. Must be composed of Ten members on the basis of two designated by each Regional caucus.
2. The CAFE is responsible for carrying out the evaluation of normal and regular operations of the Pan African Parliament at the Administrative and Financial level.

3. The CAFE may at any time refer its observations, supported by appropriate recommendations, to the PAP Bureau; it shall draw up and submit to the Plenary of the PAP an interim evaluation report every six (6) months and a final report at the end of its term of Office.

4. The CAFE's term of Office is two years renewable.

It is on the basis of this background that the CAFE sat to evaluate the status of implementation of the recommendations made to the plenary by the Ad Hoc Committee.

3. METHODOLOGY

The CAFE centred its evaluation on recommendations relating to;

- a) Institutional and political domain of PAP;
- b) Financial domain of PAP;
- c) Administrative domain: the administrative structure and issues relating to the status of PAP staff.

3.1 Methods of Investigation

For each one of these domains, the methodology adopted consisted posing questions that sought to establish what has been done, then highlighting the weaknesses and shortcomings inherent in the current situation in the form of observations and making relevant recommendations in order to remedy the situation.

The following PAP staff members were interviewed by the committee;

Adv. Zwelethu Madasa (Clerk of PAP).

Madame Helen Dingane (Deputy Clerk-Legislative Business).

Mr Morad Boularaf (Deputy Clerk- Finance and Administration).

Madame Wawa Josiane (Principal Clerk).

Mr Ahmed El-Dieb (Senior Protocol Officer).

Mr Emmanuel K. Afedor (Internal Auditor).

Madame Rebecca Nabantwema (Senior Human Resource Officer).

Mr Khalid Dahab –Communication

And the following Bureau Member

Hon Joram Gumbo

3.2 Problems encountered by the CAFE during compilation of the report

The committee encountered some problem when preparing this report.

1. The financial resources allocated to this committee did not permit the Committee to do a thorough job.
2. The translation of documents was often slow and sometimes the committee could not access some documents in all the working languages of PAP.

4. RECOMMENDATIONS OF THE AD HOC COMMITTEE REPORT AND STATUS OF THEIR IMPLEMENTATION.

The Adhoc committee had made the following recommendations;

4.1 Institutional Domain

In order to effectively implement the objectives of the Pan-African Parliament, the Ad hoc Committee proposed the following measures:

4.1.1 Recommendations of the Ad Hoc Committee relating to the consultative role of PAP.

- i. Establishment of a closer collaboration between PAP on the one hand, the African Union Commission and the other organs of the AU on the other, in order to create a synergy between these different organs;
- ii. Revision of the Strategic Plan based on the activities adopted in the Action Plan (2009-2012) of the AU Commission;
- iii. All Pan-African Parliamentarians should have a better knowledge of the functioning of the organs of the AU.
- iv. There should be a good synergy between the work plans of the Permanent Committees of PAP and the Specialized Technical Committees of the Union in order to ensure a better coordination and a better interaction;
- v. The Permanent Committees of PAP should familiarise themselves with the Conventions, Treaties and Protocols of the Union relating to their mandates and ensure that these instruments are signed, ratified and

implemented by Member States and are popularized at continental, regional, national and grass-roots levels;

- vi. The Bureau of PAP should call on the AU Commission, the Executive Council and the Assembly to officially request PAP to make an input or express its views on each major theme during the African Union Summit;
- vii. The Bureau should draw up a detailed report of each Summit and the Decisions that are taken in order to enable Members of PAP to be in tune with the guidelines of the Assembly.
- viii. The Bureau should ensure that the Committee on Rules submit the appropriate amendments on the Rules of Procedure of the PAP at the Plenary while awaiting the review of the Protocol.
- ix. The reports of fact-finding and study missions of Permanent Committee should be considered at the Plenary.
- x. The Bureau should give an account to PAP of the Status of our external relations of all agreements signed with Parliamentary organs and Partners.
- xi. It is advisable to carry out an evaluation of the policy of communication and promotion of the image of PAP in terms of options, measures taken and outcomes, and to present the conclusions of the evaluation to the Plenary for its input and adherence by the staff and the committees.
- xii. With regard to translation and interpretation, it is also imperative to carry out an evaluation in terms of quality, human resources, cost and to look for alternative solutions. This evaluation should also be submitted to the Plenary of PAP for inputs and adherence by Parliamentarians.

- xiii. The number of Committee clerks should be increased to at least five so that each of them services not more than two committees between sessions.

4.1.2 Status of implementation

The Consultative role of PAP

- i. The PAP has written to the specialised committees of the AU requesting to be furnished with the work plans of these committees. The work plans of the AU will be passed on to the PAP Statutory Committees such that PAP committees can start preparing work plans that are in tandem with the priorities of the AU's specialised committees.***
- ii. In addition, AU committees have been requested to make presentations in the meetings of the PAP committee's sittings. The AU Specialised Committees have since agreed to participate in these meetings. It is expected that PAP MPs will use this opportunity to gain more insight into the workings of the AU.***
- iii. Also, the PAP committee clerks have been given an instruction to extract issues that relate to each PAP committee from the decisions of the Kampala AU Summit (the most recent AU summit). This will also assist the MP's and PAP committees to be familiar with AU decisions that relate to their mandate.***
- iv. The PAP bureau managed to meet the Executive Committee of the AU during the Kampala Summit. During these***

interactions the PAP made attempts to interest the Executive Committee and other organs of the AU to work harmoniously with PAP.

- v. Lastly, in 2009 the PAP held a workshop for bureaux's of PAP Committees and the PAP Bureau in Centurion. A similar follow up workshop was conducted in 2010 at the PAP precincts. All PAP MPs' were invited to this workshop. The objective of these workshops was to familiarise the participants about the consultative role of the PAP within the AU governance framework.*

The PAP Rules of Procedure

The committee on rules has since completed the drafting of the new PAP rules of procedure. These procedures have been presented in the PAP chamber. However, the rules could not be adopted because the plenary lacked the two thirds majority that is required to adopt this document. This problem has remained difficult to resolve because the two-thirds majority that is required is very difficult to attain in PAP. This is due to the fact that some MPs don't turn up for PAP sessions because of several reasons ranging from reasons associated with the expiry of their mandate to reasons relating to the financial difficulties of some national parliaments in sponsoring the participation of MP's in some of the PAP activities.

PAP's relations with AU organs

- i) The relationship between PAP and the AUC has improved since the election of the current bureau. The committee notes that some measures have been implemented to improve the financial management. PAP is adhering to the AU rules and*

this has also contributed to the improved relations. The PAP always sends reports of expenditure and other activities to the AU on time. These are accepted well. The AU has also brought its auditors to audit PAP operations.

ii) The AU has committed itself to making presentations before the statutory committees of the PAP. This will assist in harmonising the operations of PAP's permanent committees with those of the AU. In the past, it was reported that the linkage between the PAP committees and AU committees is weak.

iii) The PAP is scheduled to hold a meeting with the PRC in October 2010. This meeting is expected to resolve all the impediments that have complicated the relations between PAP and the PRC.

Communication and promotion of the PAP image

- i. There is a communication strategy that was designed in tandem with the PAP strategic Plan ending in 2010. However, it is difficult to implement this strategy because there is no budget allocated to communication in the PAP budget. Also, the office of the Senior Information Officer is understaffed.*
- ii. PAPs 2011 budget has included communication. If this is approved by the heads of states, the PAP Communication Officer will tap into this budget to improve the visibility of PAP. In addition, the next PAP strategic plan will have a component that deals with Communication and Publicity.*
- iii. The information office has entered into agreements with donor organisations like GTZ and AWEPA to uplift the profile of the*

PAP. Through these partnerships PAP has developed newsletters and pamphlets.

- iv. The GTZ has also funded the attachment of young journalist to PAP during sessions. The young journalist act as correspondents during PAP sessions and they receive training on parliamentary reporting. The young journalists are usually trained two day before the start of the session. They are drawn from ten countries in Africa. PAP has a network of journalist throughout Africa, who graduated from the young journalists programme. The Communication department of PAP always sends them press releases and updates relating to PAP.*
- v. A partner organisation/donor had offered to make a documentary about PAP. Once completed, the documentary would be screened in several TV stations in the African Continent. This would help promote the PAP.*
- vi. After viewing the documentary, the PAP plenary in 2010 decided to set up a communication committee. This Committee has been appointed by the PAP plenary in 2010 to review the above mentioned documentary. This committee has not met due to the fact that two of its members were held up by other commitments while the other member is no longer a PAP MP.*
- vii. Furthermore, a company named Ubarn Brew has offered to cover the PAP plenary. This will go a long way in popularising and disseminating news about PAP.*

Translation/Interpretation of Documents for PAP meetings

- i. The translation of documents produced within PAP is satisfactorily done. However, the PAP is still having problems with documents that are produced outside PAP (by people who come to make presentations during meetings) and the translation of documents during meetings. The translation of documents is sometimes poorly done. Sometimes the documents are not translated into all the four working languages of PAP. This makes it difficult for some MPs to participate as they are unable to follow presentations and the consequent discussions.***
- ii. The PAP does not have enough in-house translators. As such, the translation is often outsourced. At the moment PAP does not have an in-house French-English Translator. The external translators often attempt to cheat PAP and do a shoddy job.***
- iii. The quality of the interpretation during meetings has improved.***

4.1.3 Recommendations relating to PAP's relations with the Organs of the African Union, Regional Parliaments, National Parliaments and Development Partners

In order to enable PAP to improve its relations with the different organs and implement its objectives, PAP should:

- i. Organize meetings with the AU Commission in order to exchange views on the synergy that should exist between the functions of both organs. These meetings may be held during the first annual session of PAP;***
- ii. Create a climate of good governance between the PAP Bureau, the AU Commission, the PRC and other organs of the AU;***

- iii. Invite African Heads of State or Ministers of Foreign Affairs to the ordinary sessions of the Pan-African Parliament in order to exchange views on the situations in countries and make concrete proposals;
- iv. Ensure synergy between the Permanent Committees of PAP and AUC programme of work;
- v. Establish a climate of good relations between the Bureau of PAP, the PRC and the other organs of the AU;
- vi. Strengthen relations with African Regional and National Parliaments by organizing parliamentary days in order to better popularise the Institution in Africa;
 - Organize PAP missions to National Parliaments;
 - Have a network of correspondents in African countries to enable national media to disseminate the activities of PAP;
 - Invite African journalists to ordinary sessions of the PAP;
 - Undertake initiatives aimed at regaining the confidence of partners.
 - Undertake initiatives aimed at strengthening relations with other Continental Parliaments.

4.1.4 Status of implementation

PAP's relations with Organs of AU

This has been dealt with earlier in this report, vide para 4.1.2, p 15

Relations with development partners

- i. *The development partners were unsettled by the report of the Ad Hoc Committee. Some of them suspended their support to PAP. DFID, EU Commission, and ACBF suspended their involvement in PAP. They generally queried the fact that PAP is not adhering to rules of financial administration and management.*
- ii. *After the withdrawal of DFID, PAP convened a meeting to inform all the partners that the ad hoc committee was appointed to improve capacity and internal controls within the PAP. The PAP administration later met with the EU in a separate meeting to reiterate the same point. In that meeting the EU revealed that they are not happy with the interference of the PAP Bureau in administrative matters.*
- iii. *The PAP administration also met with ACBF in Harare. The ACBF then sent a team of assessors to PAP. After the completion of the assessment, the ACBF team of assessors wrote a report that demonstrated that PAP has used the funds from ACBF in line with the agreement signed between the two institutions. The ACBF then lifted the suspension. The ACBF agreement is supposed to go for a midterm review by the end of October of 2010.*
- iv. *The EU has communicated a willingness to continue funding PAP. They have stated that they were more interested in funding the activities that would strengthen the PAP administratively. They have since approved the recruitment of staff in the finance department.*

- v. *The PAP administration has written to DFID cataloguing the specific actions that have been taken to address the matters that were raised by the ad hoc committee report. PAP is presently awaiting a response from DFID. Meanwhile, the four year contract that PAP had with DFID expired in July 2010.*

Relationship with Regional, International and National Parliaments

- i. *The PAP's interaction with national parliaments is done through the office of the Clerk of PAP. The Clerk of PAP invites MP's to meetings and other activities of PAP through their National Parliaments. As of now, the relationship between PAP and National Parliaments is amicable. The PAP has invited Speakers of all Parliaments that are members of the PAP to a Speaker's conference in May 2009. The Speakers expressed a desire to have this conference on a regular basis. The second conference will be held in October 2009 after the PAP ordinary Session.*
- ii. *The PAP has a focal point at the National Parliament of Tanzania. This office is tasked with distributing information about PAP. There are plans to create similar focal points in other National Parliaments.*
- iii. *National Parliaments often invite the PAP for events, seminars and they have also offered staff exchanges. National Parliaments have contributed to PAP by providing support staff during PAP sessions. These have assisted PAP to compliment staff shortages.*
- iv. *Regional Parliaments cooperate well with PAP. So far, PAP has held four seminars with regional parliaments on the harmonisation of AU decisions.*

- v. *The PAP is an observer in IPU, Francophone Parliament and CPA. PAP has had a meeting with the Arab Transitional Parliament. The Latin American Parliament has also expressed a willingness to establish a South-South relationship with PAP. The details of this relationship are yet to be finalised.*
- vi. *Lastly, the European Parliament has an expert group that is closely working with PAP.*

4.1.5 Recommendations relating to elections observation in Africa

- i. On this issue, the Ad hoc Committee recommended that the Bureau of PAP enter into discussion with the AU Commission and the PRC in order to bring them to understand that election observation is an intrinsic function of PAP. Therefore the necessary financial resources should be made available to PAP. However, the modalities for the proper organisation of these missions should be defined within the organs of the AU

4.1.6 Status of Implementation

- i. *At the moment, election observation missions are done under the AUC supervision. The PAP and other AU organs participate in these missions. PAP gets forty percent representation and the remaining sixty percent is shared by other AU organs. The leadership of these missions is under the sole control of AUC.*

4.1.7 Recommendations relating to the review of the Protocol

Concerning this point, the Ad hoc Committee recommended that:

- i. The Bureau include on the agenda of the next session of PAP, the re-consideration of the draft Protocol amended by the Permanent Committee on Rules as was adopted by the working group.
- ii. The Pan-African Parliament should request that the consultant recruited by the African Union to work in collaboration with it as provided for in Decision Ex.CL/459 (XIV).

4.1.8 Status of Implementation

- i. *The consultant who was recruited by the African Union Commission to work with PAP has been in touch with PAP and has facilitated several meetings intended at reviewing the Protocol. In May 2010 a delegation of the PAP held a consultation meeting with the AUC and personnel from the AUC legal Office at the AUC headquarters. This meeting was meant to give added impetus to the process of reviewing the protocol. A roadmap for the review of the protocol has been place put in place.*
- ii. *A workshop on the validation of the treaty establishing the African Economic Community followed on 10th to the 13th of August 2010 in Midrand. In this workshop, the report of the consultant appointed by the AUC to review the protocol was discussed. At the moment, plans are underway to hold a conference with member states so that they are appraised of the progress made.*

4.2 In the financial domain

The Ad hoc Committee recommended that it is in the interest of PAP to dispatch a high-level team to Addis Ababa to present and defend its budget. This team should be led by a Vice-President endowed, if need be, with a certain decision-making power in order to avoid that others should decide in the place and against the interest of PAP, as was the case with the 2009 budget which was unceremoniously mangled;

- i. The Bureau should enter into negotiation with the members of the PRC and AU Commission in order to justify the legitimacy of certain allowances requested by PAP to ensure the efficiency of the operation of the organ. The rate of these allowances can be considered with them;
- ii. Scrupulously abide by the decisions of the Executive Council and AU Financial Rules and Regulations (Decision 455 of the Executive Council). This requirement seems to be a prerequisite for any advocacy for a positive re-examination of AU decisions on PAP;
- iii. Validation of the regularity of expenditures before funds are spent, production of quarterly reports on the weakness observed and bringing it to the attention of the Secretariat and the Bureau;
- iv. Shed full light on the operations and management of the Trust Fund and redefine the modalities of its operation and its administration in order to better harmonise it with PAP and to ensure transparency in its management;
- v. Institute investigations into the way the PAP Trust Fund was managed and spent;

- vi. Examine together with the Legal Counsel appropriate measures that can be taken to safeguard the interest of PAP;
- vii. The report of the activities of the President of PAP should contain a report on the management of the Trust Fund;
- viii. The report of the activities of the President of PAP should also contain a report on the management of other financial contributions received from partners.
- ix. Implement the idea of the PAP President to set up an audit committee for PAP's accounts;
- x. Systematically use a competitive system for engaging service providers: travel agents, suppliers, consultants; etc .
- xi. Diligently address the matter of health and life insurance for PAP members on mission to PAP or elsewhere.

4.2.1 Status of implementation

- i. It was noted that the financial management has improved. The PAP is adhering to AU rules and regulations.*
- ii. However, there are certain concerns that need to be addressed. For instance, control measures are still insufficient. The PAP does not have a permanent Finance Officer. Most of the staff in the finance division are working on short term contracts.*
- iii. There is no Audit Committee. Therefore, the recommendations of the audits that are carried out are not sufficiently implemented. There is no particular office that is tasked with following up on recommendations of audits and ensuring that these are implemented.*

- iv. The Clerk of PAP has agreed with the Deputy Clerk-Finance, Administration & International Relations, and the internal auditor, that an audit committee must be set up. The Internal Auditor has been instructed to draw up the term of reference for this committee.*
- v. Furthermore, the internal audit department of PAP is insufficiently resourced. It is manned by one Officer. He does not have the human and material resources needed to make timely and periodic audit reports. Also, the recommendations made by the internal auditor are not properly adhered to. This is largely due to the fact that PAP does not have an Office that is tasked with ensuring that the recommendations of audit reports are implemented.*
- vi. PAP does not have a legal advisor. As a result, administrative procedures are still not clearly spelt out. This often leads to instances whereby some staff members are not properly handled.*
- vii. The staff shortage that is present in the whole parliament, particularly in the finance department creates weaknesses that have a negative bearing on the financial management of PAP. The recruitment of staff in this department is in progress.*
- viii. PAP does not have a procurement unit in the secretariat. The institution is also using a procurement manual that is specifically modelled for the AUC. This manual does not pay attention to the peculiarities that affect PAP.*

The PAP Trust Fund

- i. The trust fund is still dormant after the current PAP president suspended transactions of the Fund. The PAP President has requested the AUC to Audit the operations and transactions of the Trust Fund Account after the last ad hoc committee report demonstrated that there was serious mismanagement of the fund by the previous Bureau. The auditors have since audited the Trust Fund and compiled their report. The draft report has since been completed. PAP is presently waiting for the AUC to provide them with a final copy of the report.*

The Travel Agency

- i. On the 8th of September 2010 a new agent was appointed.*
- ii. The issues of double billing and very high ticket prices still afflict this area. It is difficult to bring this problem under control because PAP does not have personnel employed to verify the billing of tickets. Also, when the double billing is detected, it takes a long time for the travel agency to reimburse PAP.*

Medical insurance for MP's

- i. The life, travel and medical insurance of PAP MPs is still an outstanding matter. At the moment MPs who need medical attention during PAP meetings, at the PAP precinct or in neighbouring areas are free to seek help at Casternhof Clinic in Midrand. The PAP has an agreement with the Clinic that allows PAP MPs to be treated and then PAP pays afterwards. Before seeking help at Casternhof Clinic, MPs need to get a letter from*

the secretariat authorising them to receive medical attention from the Clinic.

- ii. The problem with the medical insurance is that MPS are not covered when they attend PAP activities outside Midrand, South Africa. Also, it is not known whether all MPs are aware of the arrangement that PAP has with Casternhof Clinic. However the committee notes that for the present session, i.e October 2010, a correspondence has been sent to all members in forming them of the presence of a medical team in the precinct of the PAP.*
- iii. As at now, the selection for an insurance company to provide medical insurance cover has not yet been finalised.*
- iv. The PAP intends to lobby the PRC's help on the issues related to life, travel and medical insurance of PAP MEs on the 15th of October.*

4.3 Administrative domain

4.3.1 Recommendations relating to the non renewal of the contracts of the Clerk and the Deputy Clerk in charge of Legislative Business.

Mindful of the sensitive nature of the issue, the Ad hoc Committee recommends to the Bureau of PAP:

- i. Draw up an exhaustive report on the circumstances of the non-renewal of the contracts of these two persons which should be presented at the Plenary for the decision of the Bureau to be endorsed or not. To this end, the Bureau should seek the opinions of eminent legal minds that have a mastery of the AU Staff Rules and Regulations in order for them to make suggestions to PAP and given their point of view to the AU Tribunal;

- ii. Avoid a repetition of similar situations in future by scrupulously adhering to the provisions of Staff Rules and Regulations and parallelism in form which had governed the recruitment of these two staff.

4.3.2 Status of implementation

- i. *The issue of the non-renewal of the contracts of the Former Clerk and Deputy Clerk-Legislative-Business is still with the AUC. The Tribunal has not yet informed PAP about progress on this matter.*

4.3.3 Recommendations relating to staff specially recruited to the PAP President's office

1. Unless the President decides otherwise, the expiry of the contracts of these staff should be the same as that of the PAP President whom they are serving.
- ii. Since the remuneration of this type of staff is part of the regulations, their profiles should be defined so that they correspond to the categories that relate to their functions.
- iii. In future, clearly specify in the contracts of these types of staff that the duration may not at any time exceed that of the mandate of the President of PAP.

4.3.4 Status of implementation

- i. *Staff recruited in the president's office is classified under the special appointees category in the AU rules. They don't come into the institution through regular recruitment measures. It is not obligatory to advertise and interview candidates for these*

positions. The political leader, the PAP president in this instance, has the prerogative to appoint staff in the president's office. The staff comprises of the Director of the Bureau, the Personal Assistant to the President and a Secretary. The occupants of these positions are expected to vacate them when the political officer who appointed them vacates office.

- ii. However, the former Director of the bureau has launched an appeal against the termination of her contract when the former President of the Bureau vacated office. The matter is still pending at the AU tribunal.*
- iii. The staff turnover of officers employed in the President's Office used to be very high. This situation has dire financial repercussions for the PAP. Each time a staff member resigns, the PAP has to pay separation allowances. The practice of people coming in and leaving soon after is still a hotly contested issue throughout the AU structures. So far, no mechanism has been put in place to reign in this costly practice.*

4.3.5 Recommendations relating to staff issues

The Ad hoc Committee recommends that the Bureau of PAP:

- i. Engage the AU in order that the organizational structure of the PAP is diligently considered.*
- ii. Appoint a Vice-President who in collaboration with the Clerk will ensure that the AU diligently approves the organizational structure of PAP with the other necessary correspondences to be done with regard to positions at the level of Addis Ababa.*
- iii. After the adoption of the structure by the AU, staff recruitment should be carried out taking into account the category to which each staff has*

been recruited. If a staff has been recruited as a Clerk, he/she will be reclassified to the corresponding category; if he/she is recruited as GSA, he/she will be reclassified in this category. Any change of category shall be subject to a test which should be advertised, even if the staff participating in it can benefit from a preferential coefficient in real value.

- iv. Ensure the respect of staff probation period which should be followed by an evaluation;
- v. Concerning the 25 positions to be filled, the Ad hoc Committee suggests that the selection procedure of candidates be carried out again after the adoption of the structure for the sake of transparency and in order to better match the profiles with the categories and the positions to be filled, and to ensure respect for regional balance in the absence of country balance.

4.3.6 Status of implementation

Staff matters

- I PAP has serious shortages of staff in various key positions within the institution. At the moment PAP has a staff complement of 45 people. The institution needs about 190 people to operate effectively. The PAP has been unable to recruit new staff because its structure has not yet been approved by the AU.*
- ii. PAP has been working on developing an organisational structure for submission and approval by the relevant AU organs. This process has been completed. The organisational structure of the PAP has since been submitted to the AU for approval. The PAP is hoping that the next AU summit in January 2011, will endorse the structure.*

- iii. *While awaiting the approval of the PAP structure, the PAP has appointed a new Clerk and Deputy Clerk-Legislative Business. The PAP could recruit for the positions of Clerk and Deputy Clerk-LB because these were budgeted for and they are not new positions.*
- iv. *The recruitment of the Clerk and Deputy Clerk-Legislative Business was done through the Bureau with the assistance of Human Resource Staff seconded from the AUC. The interview process was presented to the Plenary by the President of the PAP Bureau. The plenary endorsed the appointment of the Clerk and Deputy Clerk-Legislative Business.*
- v. *The EU audit report and the Internal Auditor have noted that the separation of powers between the Bureau and the Secretariat is not clearly defined in PAP. For instance, the Bureau can recruit staff junior to the Clerk and Deputy Clerks. This is deemed as interference with the managerial authority of the clerk and his deputies.*
- vi. *PAP has a recruitment committee which is responsible for short listing and interviewing job seekers. The committee is also responsible for handling contract renewals. This committee has not met due to financial constraints.*
- vii. *With regard to the 25 positions that PAP advertised and interviewed in 2007, the positions could not be filled due to lack of funds. The results of the interviews were never made public and they are still confidential. The Senior Human Resources officer disagreed with the AD hoc committee's observation that the recruitment for the above mentioned positions was flawed.*

She stated that adverts were sent to all parliaments that are members of PAP through letters, website and newspapers. She has noted that some African countries do not apply when positions are advertised. This does not necessarily imply that there are flaws with the recruitment process.

- viii. In order to cope with the extra duties placed on PAP staff during sessions and committee meetings, the PAP often sources support staff from national parliaments. The support staff is often assigned to different Senior Officers within PAP and their performance is evaluated by these officers. Those who were found to be inefficient have been removed from the list of support staff.*

- ix. Meanwhile, the PAP has requested a budget for 25 key positions in its budget for 2011. The outcome of this request will be known next year after the adoption of the AU 2011 budget.*

- x. The committee has observed that some staff members have been made to act for a long period in positions that they don't qualify to be appointed in.*

Staff training

The practice whereby staff members could seek opportunities for training through the internet and then approach PAP for funding has been stopped. PAP has a training policy that guides the institution

5. RECOMMENDATIONS OF THE CAFE

5.1 Institutional domain

- a) There is need for PAP to develop a policy framework that would guide the institution's interaction with donors or development partners to conform with the objectives of PAP. These activities should be centralised in a specific office with necessary capacities to mobilise and coordinate.*
- b) PAP must engage with national parliaments to avail funds that would make it possible for PAP MPs to attend sessions and committee meetings.*
- c) During the Speakers Conference, the PAP needs to encourage Speakers to be more supportive of MPs who are PAP members. Speakers must encourage these MPs to attend the PAP meetings and sit throughout the whole sessions.*
- d) PAP MP's are made to travel in Economy Class when they go for AU missions, particularly election observer missions. The Secretariat has, however, revealed that this will change. The AU Executive Committee has instructed that PAP MPs must be recognised under AU rules as elected officials. This will allow PAP MP's to travel in business class when they are called up for AU missions.*
- e) When presenters are sourced from outside PAP during meeting, the secretariat must request the presenters to submit documents*

early so that they can be translated into the PAP working languages.

- f) The issues of conducting election observer missions under the direction of the AU must be brought to the Plenary such that MPs can debate this issue and form a position on it.*
- g) Also, the Ad Hoc Committee on Finance and Administrative matters must be turned into a permanent committee of PAP. This matter must be debated in the Plenary. The committee is a watch dog against impunity and wasteful expenditure in the PAP.*

5.2 Financial domain

- a) There is need for PAP to create an office which will be responsible for following up the implementation of the recommendations of Audit reports. The absence of follow ups on audit reports hinders progress in terms of rectifying malpractices picked up by the auditors.*
- b) Since PAP does not have an Audit Committee at the moment, it is recommended that the CAFÉ acts as an audit committee to minimise cost and avoid duplication of works.*
- c) The PAP must reengage DFID such that they can continue funding PAP.*
- d) The clerk must ensure that recommendations adopted at the plenary are extracted and forwarded to the relevant departments of the secretariat for implementation. This is meant to improve the networking and communication within the secretariat.*

- e) *After receiving the Audit Report of the PAP Trust Fund, PAP must initiate actions that would ensure that wrong doers are made to answer for the transgressions that occurred in the Trust Fund Account.*
- f) *A whistle blower protection policy must be established in the PAP. This will protect staff members who wish to alert the Ad Hoc Committee and other Audit organs about the malpractices that are taking place. At the moment, staff who talk about malpractices taking place in the institution are vulnerable to victimisation.*
- g) *With regard to the travel agencies, PAP must come up with more cost effective and transparent means of sourcing tickets. The method that is presently used to get tickets makes PAP vulnerable to abuse.*
- h) *Where possible, PAP must ask MPs' to fund their airtickets and then refund them for the expenses incurred. This will help reduce the expenditure on airtickets.*
- i) *PAP must develop its own procurement manual. The AU's procurement manual must be used as a blueprint document that should guide the formulation of the PAP's procurement manual. The manual must also recognise that procurement should be done by the secretariat of the PAP.*
- j) *PAP must adopt a code of conduct that will guide its MPs. A code of conduct will accommodate the creation of a disciplinary mechanism for the PAP. The code of conduct must also have a provision for the implementation of retrospective justice. A code of conduct will help PAP to address problems created by members who abuse the office they hold.*

- k) *On medical insurance, the PAP must speed up efforts to secure a medical aid provider that can service PAP MPs. This will allow MPs to access medical services when they are on PAP trips outside Midrand. However, it must be noted that PAP MPs are not full time at PAP. And, that the MPs are supposed to be covered by their National Parliaments when they travel. Therefore, PAP cannot provide them with medical insurance that covers them even when they are in their home countries.*
- l) *The intervention of the AU must be sought with regard to Medical Insurance of MPs. At the moment the PAP is offering medical services without referring to any policy of the AU. This can possible get PAP in trouble with the AU in future. If expenses on this facility escalate the AU may question the procedures and PAP may appear in bad light because it did not seek any form of guidance on the matter.*
- m) *With regard to the staff shortage, the Committee recommends that qualified staff be recruited in the shortest time possible, particularly in the Finance and Audit Department, so as to avoid poor financial management.*
- n) *The internal auditors report should be forwarded to the bureau for consideration and comment. The bureau must always make sure that they address the issues that are raised in the internal auditor's report.*

5.3 Administrative Domain

- a) *Efforts meant at institutionalising the separation of powers between the Secretariat and Bureau must be prioritised. The secretariat must be allowed to make decisions on technical matters. Most importantly, the recruitment of staff below the*

Clerk and his Deputies must be left in the hands of the Secretariat. The Bureau's role in administrative matters should be to check if procedures have been followed and to institutionalise transparency.

- b) The responsibility of running the Parliament on a day to day basis must be left to the Clerk. He must be recognised as the Chief Accounting Officer on all administrative matters. The Bureau cannot be the administrative authority because it is not full time.*
- c) The issue of former Clerk and Deputy Clerk-Legislative business must be attended to as an urgent matter. Such matters, in future, must be addressed speedily. The issue may have a negative impact on the institution more so that new people have been recruited to fill the posts. If the tribunal decides that the former Clerk and his Deputy were "unprocedurally" relieved of their duties and that they should be reappointed, the PAP may face a crisis.*
- d) PAP must ensure that acting appointments are done consistent with the AU Staff Rules and Regulations. Staff must be made to act in positions for reasonable periods. Also, staff who act in positions must be allowed to compete for those positions when they are advertised. This must be done consistent with the AU rules and regulations on acting appointments.*
- e) Also, staff promotions must be prioritised. PAP also needs to have a policy on staff promotion. When there are vacancies in PAP, priority must be given to staff that is in the system. External advertisements and recruitments must be done when the internal staff does not meet the requirements and qualifications required by the vacant position.*

f) The Protocol must be reviewed with the view of removing all clauses and provisions that create ambiguity of roles between the Bureau and the Secretariat of PAP. These revisions must also address all impediments that limit the efficient performance of the Bureau and the Secretariat of PAP.

ix. It is recommended that an Audit committee be created.

i. Since adverts and interviews for the 25 positions were done a long time ago, PAP should re-advertise for these positions when the structure of PAP is approved and adopted by the AU.

Lastly, the Committee would like to thank the Secretariat and the Bureau for their cooperation and assistance during the compilation of this report.