African Regional Parliaments – Engines of Integration and Democratisation?

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Although African regional parliaments and parliamentary assemblies are intended to assume the legislative and democratic oversight functions of regional integration organisations in the long run, they so far remain at an infant stage of organisational development and are far from exercising the roles that fully-fledged parliaments play in democratic setups. However, in the course of renewed efforts to complement economic integration with broader political dimension of regional integration, regional assemblies receive increased attention and have gained in significance over recent years. The following paper takes stock of this development and critically reflects the current and potential role that African regional parliaments and parliamentary assemblies have both as "products and participants" (Wanyande 2004) of regional integration, but also as potential promoters of democratisation.

1. Emergence of African Regional Parliamentarism

Regional integration in Africa has its roots in the Pan-African Movement that accompanied decolonization since the late 1950s. Yet, despite the visions and rhetoric expressed during this phase, most African leaders focussed their energies on national sovereignty rather than continental unification. It was only after the end of the cold war that regional integration received fresh support and interest by national governments. The new international climate helped overcoming political differences and allowed for deeper collaboration. Furthermore, globalization demanded renewed efforts especially towards economic cooperation.

The second phase of integration therefore led to the mushrooming of regional organisations that focussed on economic dimensions. A variety of integration schemes, including Monetary and Customs Unions as well as Free Trade Zones, were envisaged. Yet, these efforts were and remain problematic in many ways. Just to name one, the Regional Integration Organisations are not consolidated in terms of their memberships, allowing a number of "multiple members" to opt out if need be.

A third phase of regional integration set in at the end of the 1990s, when it became increasingly apparent that integration obviously required political understanding (not least as an environment conducive to economic development), too. The political

dimension of integration experienced new emphasis, involving a strong call for good governance, accountability and transparency as well as the drive to establish regional parliamentary assemblies (RAs)[1] of different sorts.

This move was further reinforced by the donors' insistence on regional cooperation and parliamentary involvement, as expressed more recently in the framework of the Cotonou Agreement (ACP-EU 2000) and in the course of NEPAD and the G8-Africa Action Plan (see Eid 2003). In particular, Cotonou stipulated the creation of the ACP-EU Joint Parliamentary Assembly and called for the strengthening of capacities of national parliaments in matters of regional integration. The G8 Action Plan emphasises effective parliamentary involvement in political decision-making processes. Despite stressing the importance of good governance, NEPAD itself lacks a parliamentary dimension. Yet, the meeting of the African Parliamentarians' Forum for NEPAD (APF-NEPAD 2002) can be viewed as a first effort to address this deficit.

The development and signing of the legal basic documents, the adoption by regional summits and national parliaments, and the actual inauguration of the assemblies was, and in some cases still is, a lengthy process.

- ECOWAS introduced a parliament in its revised treaty of 1993. However, while the Protocol for the ECOWAS-Parliament[2] (ECOWAS-P) was signed in 1994, it only entered into force in March 2000.

The ECOWAS-P held its first session in January 2001.

- The East African Legislative Assembly (EALA) was inaugurated in November 2001. Its creation had been stipulated in the new EAC Treaty signed in 1999. EALA is the second attempt to set up a regional assembly in Eastern Africa. The earlier RA had collapsed with the first East African Community in 1977.

- Under discussion since the 1993 "Windhoek Initiative", and formally launched in July 1996, the SADC-Parliamentary Forum is the oldest regional parliamentary structure covered in this report. However, its mandate is fairly restricted due to its status as a parliamentary forum. There are plans to transform it into a regional parliament, and the respective protocol has already been drafted. Yet, the adoption of the document and the launching of the SADC-P has been postponed repeatedly, partly in order to move in step with the development of the Pan-African Parliament (PAP).

- Inaugurated on March 18, 2004, the Pan-African Parliament's geographical scope includes that of all the sub-regional parliaments, but the relationship between the different multi-lateral parliamentary bodies has not been defined to date.

- Far less established than the other RAs is the Inter-Parliamentary Union of IGAD Member States (IPU-IGAD). Its founding protocol was signed by the speakers of the national parliaments in February 2004, but it still needs to be ratified before the IPU-IGAD can begin its actual work. The mandate of the body is even more restricted than that of the SADC-PF.

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[1] "RAs" will hereafter be used to describe the sum of regional parliamentary assemblies covered in this paper, primarily ECOWAS-P, SADC-PF, EALA and IPU-IGAD, but to a lesser extent also REPAC and PAP.
[2] See Annex 1 for member states of RAs.

- The same applies to REPAC, the Network of Parliamentarians of the Economic Community of Central African States (ECCAS). Its founding protocol was adopted in 2002, but the grouping does not seem to be very active and its mandate is as restricted as IPU-IGAD's.

- The treaty to establish the Parliament of UEMOA (P-UEMOA) was signed in January 2003, yet it leaves much to be defined in subsequent, additional protocols. All member states of UEMOA are also members of ECOWAS, whose parliament is already far more established. As to the actual activities of the P-UEMOA, very little information is available, wherefore it will not receive much attention in the following paper.

2. Elections, Legitimacy and Representation

2.1. Direct or Indirect Elections?

The election modes for members of regional assemblies (MRAs) and the degree of popular participation in these processes determine the democratic legitimacy of the RAs. So far, all MRAs are elected indirectly by national parliaments, as was the case for the European Parliament between 1952 and 1979. The processes are guided by provisions that demand the inclusion of various political parties represented in the national assemblies, and regulations to ascertain a (varying) involvement of women in these forums.

Besides other advantages (see section 6), these indirect elections are far cheaper than universal adult suffrage, which - apart from the immediate logistical challenge - would require the drawing of electoral maps (for constituency-based elections) and a costly voter registration. Although universal adult suffrage would clearly be preferable in terms of democratic participation, legitimacy and its "popularizing" effect, contemporary RAs in Africa so far cannot, and to some extent do not want to afford the financial implications.

The ECOWAS-P is the only regional assembly whose founding document foresees such direct general elections of its parliamentarians. However, at present even these MRAs are selected from national parliaments, and the planned transition to universal adult suffrage is likely to be delayed considerably due to the lack of funds. Alternatively, the election of MRAs could be coupled with the election of national MPs, as this would be much cheaper than running separate polls. However, this would entail a continuous fluctuation among the MPs of the ECOWAS-P (following domestic election cycles) since candidates could no longer be national MPs because the latter would be chosen the very same day.

Indirect elections using already legitimized national parliaments as an electoral college can sometimes be seen as preferential even from a democratic perspective. If one judges the funding needs of universal adult suffrage in the context of the pressing challenges of poverty on the continent, RAs might gain much more legitimacy by cutting the costs of their procedures (not only elections) and by boosting their efforts instead to tackle issues that matter to peoples' everyday lives. In other words, input legitimacy through democratic elections can, at least for some time and in some stages, be substituted with output legitimacy achieved through a responsive conduct of politics.

This applies even more when one takes into account the fact that the powers of RAs are by and large confined to advisory functions (see section 3) and that RAs are even more

constrained by regional and national executives than national parliaments. These circumstances do not entail an urgent need for particularly strong democratic election processes in the short or even mid term.

Furthermore, the demand for direct popular participation in the election of MRAs also depends on the shape of the regional organisations themselves. If there is not all that much activity and serious political process to be debated on (or even legislated on), the quality of democratic legitimization of the MRAs may be of less concern.

On the other hand, the above-mentioned responsive conduct of politics can certainly not be taken for granted, and it should not be overlooked that legitimacy and accountability ultimately depend on the people's power to withdraw their representatives in periodical elections (insecurity of tenure).

2.2. Candidacy Regulations and Single or Double Mandates

The indirect election procedure adds importance to the selection process of candidates, and the actual election of MRAs. The ECOWAS-P, the SADC-PF, the future IPU-IGAD and the PAP all have their MRAs nominated and elected by and from the ranks of the national parliaments, with varying provisions in place for ex-officio members (see Annex 3). EALA's selection of candidates differs considerably from that of other RAs: The East African MRAs are nominated by the parties represented in parliament, but the MPs themselves are excluded from candidacy. In Kenya and Tanzania, the lists of candidates were drawn up by the party caucuses, while aspirants who wished to be nominated in Uganda had to gain support of at least 50 MPs of the "no-party" parliament.

EALA's mode of elections broadens the political space (Eze 2004: 11). In particular in Uganda the procedure led to a lively public discussion and a degree of serious political competition among the candidates, which speaks in favour of this mode of election.

Furthermore, members of EALA work together over the full term of the parliament, rather than having to be withdrawn once MRAs loose their seat in national parliaments. This allows for greater continuity, but it also implies that the often rapidly changing domestic power relations are not immediately replicated at the regional level. For example, the former Kenyan ruling party KANU still holds five of Kenya's 9 seats in EALA even 20 months after being voted out –not with a mandate from the general electoral, but from an expired parliamentary electoral college.

The choice of "political personnel" for the RAs also determines their autonomy vis-à-vis national politics. E.g. the fact that members of EALA cannot be national MPs might allow the assembly to focus more on its regional mandate. National MPs by definition represent their own country/people, whereas the MRAs are supposed to act in the interest of all peoples of a respective region. However, some observers argue that the EALA set-up leads to a harmful disconnection between the regional body and the national assemblies at the expense of the EALA's means to push the regional agenda at the national level (see also section 6).

2.3. Election Processes

All the RAs have provisions in place demanding equitable representation of political parties or opinions and a sufficient inclusion of women. In reality, the procedure and quality of the election process varies from region to region as well as within the regions. In

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all cases, the actual implementation of these provisions is left to the national parliaments, which anyhow have to adopt their own national legislation for this purpose. The challenge here is to set clear criteria and make them as obligatory as possible. The definition and homogenous application of electoral procedures within the member states of a regional parliament is required to guarantee that due democratic process will be followed and equitable representation can actually be achieved.

In the case of EALA, Tanzania and Kenya used a relatively similar approach, selecting MPs along party lines. In the absence of political parties, Uganda applied this structure to its geographical areas. Except for the gender dimension, which was not sufficiently taken into account in Kenya, the conditions set by EALA were applied in a similar and relatively transparent manner at the national level (see Aywa 2004 for details). In contrast to this, the ECOWAS Protocol establishing the parliament remains silent about electoral procedures (Eze 2004: 12).

SADC-PF combines ex-officio representation and indirect elections. Of the five members of each member country, the speakers and the chairs of the women's caucuses represent functions of the national parliaments while the additional three members are chosen freely from within the parliaments. These circumstances significantly reduce the legitimizing scope that the elections of SADC-PF members could generally have.[3]

Yet, even more significant is the fact that the speakers of SADC parliaments select one of theirs as the chair of the SADC-PF. Due to this special privilege,

SADC-PF is sometimes referred to as a "speaker's forum".

2.4. Proportionality versus Representation of Member States

Proportionality is another issue of importance in terms of democratic representation. Except for the ECOWAS-P, all RAs have allocated an equal number of seats to each member state (see Annex 3), even though population figures differ widely. In Southern Africa, populations vary from one million in Swaziland to more than 43 million in South Africa. In the IGAD region, they range from 460.000 in Djibouti to 66 million people in Ethiopia (World Facts and Figures 2001). However, all national populations of IGAD and SADC-PF states are represented by five parliamentarians each.[4]

Yet, by comparison, the heterogeneity of ECOWAS' population figures still stands out from those of the other regional integration schemes. Nigeria's 126 million people alone represent more than half of the total ECOWAS population (World Facts and Figures 2001). Thus the ECOWAS model principally allows for a better representation of the people of the region.

Generally speaking, the allocation of either equal or differentiated numbers of seats per member state represents two distinct concepts of representation. Morara (2001: 2) argues that the fixation with equal national representation leads to the neglect of important factors such as population density and size. The latter should ordinarily determine the level of representation, particularly when one takes into account that all the founding protocols proclaim that the parliamentary bodies are supposed to

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[3] It might be interesting to note that the ex-officio members of EALA, who are from the executive level and total only five, have no voting rights in the assembly.

[4] In the case of EALA, proportionality is not really an issue because the size of the three Eastern African populations is rather similar.

represent the people of the respective regions and not an accumulation of individual national interests.

Moreover, the quality of representation is also determined by the proportionality of the total number of MRAs and the respective regional populations. Except for EALA, where nine elected MRAs represent each member state, all other RAs have five MPs per country. It may be conceivable that these small contingents of delegates represent the views in and of national parliaments, yet they are obviously out of proportion for any authentic representation of the actual populations (for EALA, see Morara 2001: 2). The latter would require feasible communication between the individual MP and his or her constituency, which appears unrealistic when e.g. EALA has one member for about 3.5 million people each; not to think of the five MPs who represent 126 million Nigerians in the PAP.

In general, the potential scope of models of representation is closely linked to the limitations of funding of regional parliamentary activities (see 4.1).

3. Powers: From Consultation to Legislation

Generally speaking, the powers of all RAs are quite limited. In some instances, their predominant role as advisory bodies includes weak functions of parliamentary oversight and budgetary control. But so far, EALA is the only RA under consideration here which fulfils – albeit very limited – law-making functions, the primary role of parliaments in the national sphere. Beyond that, the RPAs pursue a number of activities outside the "classical" responsibilities of parliamentary assemblies which are

important for the practical democratic value of these bodies.

3.1. Dominant Feature: Advisory

The scope of the advisory functions of RAs is constrained both in terms of contents and competencies. All RAs have the right to consult on matters relating to the respective regional integration scheme, particularly if they concern the treaties and certain policy fields that usually form the supposed areas of cooperation and integration and are therefore outlined in the founding documents. The latter include issues such as human rights and fundamental freedoms of citizens, interconnection of energy networks and telecommunications systems, media cooperation, etc.

The advisory competencies range from debates, consultations, recommendations, proposals, to inquiries. Set aside the wording, two questions determine the strength of these advisory rights: Is it obligatory for regional executives and the inter-governmental decision-making bodies (Councils and Summits) to consult the RAs, and will their opinion have to be observed? In fact, both EALA and the ECOWAS-P need to be consulted in certain important areas (which the latter recently requested to be broadened). In addition, all RAs have the right to make recommendations to the executive level on their own initiative. EALA may even request the Council to submit proposals on matters that require action in the view of the assembly, an option it has exercised five times so far. However, none of the executive bodies of the regional organizations is obliged to pay attention to these different types of advice.[5]

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[5] Eze 2004: 5-7; ECOWAS 1994; IPU-IGAD 2004; EALA Clerks Chambers 2004: 2; SADC-PF 2000: 16; AU 2001: Art.11 (11); ECCAS 2002: Art.6

3.2. Investigative Powers

In the area of parliamentary oversight, there is not much to counter these deficits. The ECOWAS-P (Eze 2004: 8), IPU-IGAD and REPAC practically have no oversight roles. Similarly, the SADC-PF constitution legally does not permit the assembly to monitor SADC and the executive branches of national governments in the region (SADC-PF 2000: 16). It would first have to be transformed into a regional parliament with the necessary empowering legal provisions.

The EALA and the PAP can at least invite any body to address them. The Heads of State of EALA have followed such an invitation at different times. The PAP can "request" officials of the AU to attend its sessions or to produce documents (AU 2001: Article 11/15). However, none of these rights have a practical value if invited officials refuse cooperation. EALA reportedly wished to hold a session on the conflict in Northern Uganda in 2003, which President Museveni agreed to participate in. Yet, when the assembly supported the Ugandan parliament's call to declare the North a disaster area and asked for international engagement, Museveni cancelled his attendance of the meeting.

In the area of parliamentary questions, the picture is very similar. Only EALA has the right to forward such inquiries to the executives. It has so far asked the EAC Council 19 questions which were allegedly answered "duly" (EALA Clerks Chambers 2004: 2). However, in case of conflict, EALA's powers to investigate thoroughly and to hold the executive accountable remain very limited. Questions put forward to the Council lapse automatically if not answered within a period of 6 weeks.

None of the RAs has the right to set up special investigation committees.

3.3. Budgetary Oversight

Ordinary parliaments exert a lot of their influence by providing checks and balances on the executive's spending and guiding the allocation of funds. But REPAC and the IPU-IGAD do not have any particular rights regarding the budgets of their regional organisations. The ECOWAS-P issued a resolution in September 2002 calling for the enhancement of its powers to make consultation on the adoption of the community budget obligatory (ECOWAS-P 2002). SADC-PF has the right to scrutinise and make recommendations on the budget of SADC and the Executive Secretary's annual report, including SADC's audited accounts. However, none of these recommendation have to be taken into account (SADC-PF 1995: Art.8 (3. vii, viii)).

Again, the Eastern African Legislative Assembly has the broadest rights in that it needs to discuss and approve the EAC budget, and shall consider and debate on annual and audit reports (Eze 2004: 6). However, this does not include entitlements to draw up or revise budgets, which effectively reduces the assembly to a "rubber stamping institution" (Morara 2001: 2). The PAP is not required to approve the community budget, but has to discuss and make recommendations thereon before the budget is approved by the AU Assembly (of Heads of State and Government of the Union) (AU 2001: Art.11 (2)). It may therefore effectively gain greater influence in this respect.

3.4. Law-making: First Inroads by EALA

As mentioned earlier, EALA is the only RA with a role in law-making, which – apart from advisory and oversight functions – forms the third major pillar of RAs' powers. However, these legislative rights are seriously constrained, too: EALA can only put

forward and vote on motions and bills if they have no cost implications to any fund of the community. This gravely impairs the scope and relevance of potential laws.

Furthermore, bills can be initiated by the Council or on EALA's own initiative, however, they will only be enacted into community law if the three heads of state assent to them. Bills and motions not assented to and referred back to EALA lapse if they do not yield assent a second time. In other words: The Summit of Heads of State and Government has an effective veto right over EALA's legislation (EAC 1999: Art. 59-64). Not surprisingly, the five pieces of legislation that EALA has enacted so far do not seem terribly influential in the overall regional integration process. However, the contents of future bills such as the upcoming Customs Management Law Bill may raise the relevance of EALA's law-making to some extent.

Regional parliamentary law-making will gain importance for RAs. In line with a decision by the 1997 SADC Summit, SADC-PF will receive legislative competencies upon transformation into a parliamentary structure (see also SADC-PF 1995: Art.8 (3b)). However, the provision that the conversion shall not infringe the sovereignty of SADC national parliaments is likely to constrain this law-making function seriously. The ECOWAS-P has commenced reviewing, revising and amending the Revised ECOWAS Treaty so as to enable it to carry out legislative functions (Secretariat of IPU-IGAD 2004: 5). The PAP, too, shall be vested with certain legislative powers in the future, but these remain to be defined and will not be applied during its first term of existence (AU 2001: Art.11).

3.5. Enforcement and the Absence of Judiciaries

Even in areas where they are equipped with competencies, most RAs lack powers to enforce their decisions and achieve compliance by the member states and the regional executives. The assemblies cannot impose sanctions or other incentives (Wanyande 2004: 15/16). This deficit is particularly relevant and visible in the area of law-making, where RAs gain this privilege: For any legislation to be implemented, it needs a judiciary that can review the actions of the regional bodies in accordance with these laws. Only the East African Community (EAC) has set up a court of justice so far. Yet, its jurisdiction is limited to the interpretation and application of the EAC Treaty and does not cover EALA's legislation. But EALA may still benefit from the regional court's existence because the treaty also details the assembly's rights and functions.

The AU is in the process of establishing an African Court whose jurisdiction is limited to human and people's rights and has no practical relevance for the PAP, though. The setting up of a tribunal has been proposed for SADC.

3.6. Practical Parliamentary Activities

Beyond the "classical" roles of parliaments, some RAs have the right and do pursue a number of very practical activities to promote good governance, democracy and regional integration. SADC-PF is particularly strong in that regard. The forum provides capacity building to young parliamentarians, undertakes election observation and parliamentary diplomacy missions, establishes gender standards and its members actively set the regional agenda in national parliaments (Eze 2004: 9).

Similarly, but to a lesser extent, the speaker of the ECOWAS-P conducted consultative peace missions in conflict areas. A recent resolution by the assembly requested that the community parliament be permitted to actively involve itself in elections observation (ECOWAS-P 2002). The members of EALA have conducted "familiarization tours" to various parts of the member countries and thereby promoted EAC and EALA at the community level (EALA Clerks Chambers 2004: 2).

These functions may not really be a direct expression of the firm legal and institutional establishment of the assemblies as parliamentary bodies. However, the RAs may de facto possess much greater powers and influence through these practical activities than through their formal procedures in session. In particular, RAs can effectively hold governments accountable for democratic standards and for the goal of regional integration if they use the media to communicate their views. The great advantage compared to the formal rights in advisory, oversight, and legislation is that many of these activities can be conducted rather independently of the executive level and its immediate consent, provided that sufficient funds can be raised. As one member of EALA put it (in a reference to the inter-parliamentary trade committee, see section 6): "If you organise efficiently, you can go further than what is actually stipulated in the legislation".

4. Furnishing

4.1. Budgets

The crucial issue here, as in any other public institution, first of all is the question of funding. The core budgets of EALA, the ECOWAS-P and the PAP are part of the respective budgets of their regional organizations. The exact amounts are not known, however, the size of the budgets constrains the number and length of the sessions to what they currently are (see Annex 3). The annual budget of EALA is said to be around four million USD in 2004, that of the larger ECOWAS-P around eight million. Administering a budget allocated from the overall budget of the regional organisation implies a high degree of dependence on regional executives and national governments, who can arbitrarily threaten the parliaments' existence or effective ability to work.

In contrast to these more established institutions, SADC-PF and IPU-IGAD raise their funds from the contributions of each of the member parliaments. In the case of SADC-PF, this amounts to a total of 600.000 USD core funding (12 members x 50.000 USD each). Though this sum seems small by comparison, this type of "self-reliance" provides the body with a great deal of autonomy. And lacking the formal status of a parliament, the institution does not have to be too concerned with potential effects of donor dependence. It can therefore complement its own resources more freely by seeking donations for individual projects and programmes such as election observation or capacity building.

In all cases, however, the model of representation is linked to the funding of regional parliamentary activities. Wherever member states are represented in equal numbers, they contribute to the finances in equal shares. Wherever the size of the population is used to determine the number of seats, the more populous states foot a larger part of the bill. In the case of SADC-PF, the economic giant of the region, South Africa, merely pays the same amount as Malawi does. In fact, the Seychelles revoked their SADC-PF membership

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(but continue to be a SADC member state) because the financial burden became too high. In contrast, the populous Nigeria shoulders more than half of the budget in the case of ECOWAS-P.

What is 'the rule' in other parts of the world is likely to be the political logic for regional integration in Africa. Countries with larger economies will only make higher financial contributions to regional integration if they receive more influence in return. Improving the financial situation of regional parliamentary structures may at times require to do away with equal representation and to allow a more skewed, if not hegemonic, system of influence to win the upper hand.

4.2. Internal Structures

Most RAs have established executive structures from within their own ranks which are tasked with organisational matters such as budgets, auditing and the preparation of agendas. ECOWAS-P, REPAC and the PAP entertain bureaus made up of elected members of the respective assemblies and appointed clerks. In addition, ECOWAS-P has established a "Conference of Chairmen" of its committees. The SADC-PF runs an executive committee while IPU-IGAD will elect an Executive Council in which the speakers of the national parliaments will play an important role. These structures of the RAs and their individual members can certainly exert greater influence than "ordinary" delegates. For example, the executive committee of SADC-PF holds an observer status in SADC Summits. Yet, little is known about the actual effect and relevance of these privileges, and their examination would reach beyond the scope of this paper.

At the working level, all RAs have formed standing committees and may form select committees according to

needs and provisions in their rules of procedure. Not much can be said in summary about these committees other than that they vary significantly in relevance. Quite a number of committees seem to exist purely for purposes of proportionality[6], which also indicates that there is not much activity to be observed and assessed. For a detailed account of these committees, consult Annex 3.

5.   RAs and the Executives

The executives of regional organisations are somewhat diffuse creatures. They are made up of secretariats, headquarters, functional organs and administrative facilities on the one hand, and the regional decision-making bodies on the other. The latter are usually composed of representatives of national governments, be it heads of state and government in the Summits or ministers and ambassadors at the level of the Councils. This complicates the distinction of the RA's relationship with regional decision-making bodies and with national governments respectively. The chapter will therefore seek to look at the latter two in conjunction.

5.1. Relationship with the Administrations of Regional Organisations

The administrations of regional organisations tend to be rather lean, weak, and dependent on the Summits and Councils. Most regional officials are "executives" in the true sense of the word, merely implementing the specific directives they receive from the decision-making bodies. Thereby national governments play a very dominant role even in the day-to-day

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[6] E.g. it is a rather peculiar coincidence that the number of ECOWAS-P committees matches the number of its member states.

matters of regional organisations. The leeway given to regional executives is minimal. The fact that most of the otherwise few staff members are on secondment from national governments and administrations further undermines the organisational independence of the regional bodies and opens additional channels for these governments to exert influence.

From a functional perspective, the RAs would be meant to monitor the regional executive activities. However, this relationship is usually not formalised so that RAs have very limited rights to hold these executive bodies accountable. Given their mutual weakness, it does not really make much difference exactly how the two are set up and liaise organisationally. The regional executive staffs tend to try and function as a guardian of the decisions of Summits and Councils for which they practically work. RAs – ultimately reflecting their relationship with the decision-making bodies and national governments – lack most means to provide effective checks and balances on the regional administrative bodies (see chapter 3 for details).

5.2. Summit, Councils and National Governments: Dominance and Narrow National Agendas

In a similar manner, relationships between the RAs and their respective regional decision-making bodies (Summits and Councils) are rarely formalised[7]. SADC-PF, the IPU-IGAD and REPAC are not even specifically foreseen in the founding documents of their respective regional organisations and therefore remain somewhat detached. In absence of clearly defined working relationships, the RAs' dependence on the executive bodies

hinders their effective parliamentary performance. And wherever RAs do possess rights vis-à-vis the regional decision-making bodies, these do not provide for effective accountability, as described in chapter 3.

The mismatch in the relationship between RAs and their executives is particularly visible in the area of legislation. The Councils and the Summits hold legislative functions furthering their executive powers. Protocols and treaties endorsed by Summits and Councils become international law. Except for the case of the EAC, these legislative functions are even exclusive. Such concurrent or exclusive legislative powers of the executive undermine the division of powers. Regional parliamentary bodies are structurally barred from fully exercising their supposed democratic roles and control functions.

Furthermore, by practicing their law-making function at the regional level, the national governments represented in Councils and Summits undermine the domestic division of powers, too. Depending on the contents of treaties, regulations and directives, and the specific constitutional realities, this type of supra-national legislation can be directly binding and applicable to the national level (Ssempebwa 2004: 12). Ratification by national parliaments is not a necessary precondition in all cases[8]. Therefore, inter-governmental law-making at the regional level is practically realised at the expense of parliamentary oversight, both at the national and the regional level. It can hardly be more than an interim arrangement that national governments can theoretically undermine parliamentary sovereignty by taking a matter to the regional level.

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[7] Again, the EALA is the exception to the rule. The three national ministers for regional cooperation sit in the assembly, albeit without voting rights.

[8] For example, the protocol to set up the PAP was never brought before the national parliament of Mauritius. It was only signed by the national government of Mauritius.

Overall, the limited powers of RAs reflect the general approach that national governments take towards political integration. Structures of contemporary African regional organisations remain primarily inter-governmental rather than supra-national (Ssempebwa 2004: 13). National governments are not or hardly willing to give up national sovereignty rights to regional levels, be it in the executive sphere or in the legislative domain. In other words, what is generally described as regional "integration" would often merely qualify as an institutionalised form of inter-governmental co-operation, which is hardly compatible with strong and independent RAs.

Furthermore, national parliaments are also just about to assert their democratic roles vis-à-vis the respective executive in the domestic sphere. More often than not, the winning of political space and the realization of fundamental political rights are still in their early stages. The struggle over the establishment and strengthening of regional parliamentary structures must therefore be regarded as an extension or replication of the domestic struggles between executives and parliaments over political space and influence.

In combination, these circumstances seriously inhibit political integration and chances of strengthening RAs. Members of RAs tend to be on the look out for the position of their home state (Ssempebwa 2004: 13) and are fearful of the (personal) reprisals that a too ambitious performance of the assemblies might trigger.

5.3. Parliamentary Emancipation and the Integration Agenda

Yet, there are indications that these bodies can and do assert increasingly stronger roles. To the extent that their dependency on the executive allows,

and depending on the will of their membership clientele, RAs seek to emancipate themselves from the regional executive branches. SADC-PF's outspoken aspirations to transform itself into a regional parliament and the resolution (mentioned in chapter 3) by which the ECOWAS-P called for the enhancement of its powers and asked for a terminal date for its transitional period are only two examples of this struggle (in September 2002) (ECOWAS-P 2002). Likewise, EALA appears quite determined to broaden its mandate and to assert additional rights. It is too early to judge IPU-IGAD, REPAC and the PAP in that regard.

The struggle over competencies between the executive and the RAs, which is a struggle for increased political integration at the same time, is certainly a lengthy and often tedious process. Given their relatively weak position, RAs can effectively only gain ground that the executive is willing to cede to them at some point. These circumstances are perhaps best captured in the self-reflection by one member of a regional parliament: "If you are a baby and you want to learn to walk, be cautious where you go."

EALA holds a good example of how the efforts of RAs to improve their working conditions can promote regional integration and challenge the executives' "national" thinking. Members of EALA have proposed to turn the EAC Council, which is so far made up of national ministers with obviously dual mandates, into a resident organ[9]. It is hoped that the Council may thereby develop into a more adequate counterpart for EALA, hence following an East-African approach rather than the narrow national interests of the respective

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[9] Such a setup reportedly used to be part of the defunct structure of the first EAC.

member states (Ssempebwa 2004: 15).

6. Relationship and Interaction with National Parliaments

6.1. Natural Allies or Power Competitors?

As parliamentary bodies, regional and national assemblies exhibit a large overlap of interests, particularly in countering the dominance of the executive level and strengthening parliamentarism and democracy. National parliaments are believed to be somewhat natural lobbyists in favour of increased political integration because this is thought to offer them channels for political participation and influence, too. The establishment and enhancement of RAs is generally perceived to widen the national political spaces, exposing domestic political practice to regional fora. This allows for observation and scrutiny, cross-border comparisons and the setting of democratic standards in a wide variety of ways, all of which can contribute to the empowerment of national assemblies. The most powerful tool in that regard is election observation or monitoring conducted by RAs. Thus, from an ideal perspective, these different parliamentary institutions should be keen to (inter-)act in a mutually reinforcing manner towards the goal of regional integration and democratisation.

However, the applicability of these considerations is limited. An implicit but not negligible conflict of interests is likely to emerge between national and regional parliamentary assemblies, at least where the latter have asserted the status of parliaments. While SADC-PF, IGAD-PU and REPAC were primarily created and so far function as dialogue fora *between* national parliaments, regional parliaments already have a greater *supra*-national

character. In other words, they have the potential to develop into power competitors of national parliaments in the mid- to long-term.

This conflict may not have much relevance as long as MRAs are elected by and from national parliaments. The overlap of "personnel" can be portrayed as a linkage that guarantees representation of national parliaments' interests in RAs. While this point has validity with regard to specific political issues, it does not apply at the structural level, where empowerment of RAs (especially in legislative matters) would effectively mean that national parliaments hand over part of their own power to the RAs. This is particularly so because these MPs are not and cannot be bound to the views of national parliaments.

6.2. Institutional and Working Relations

Altogether, it is clear that both structures ultimately need to cooperate to the best possible extent. Institutionally, there is a need for close interaction between RAs and national parliaments. National parliaments are the only available intermediary to bridge the gap between regional parliaments and their actual constituencies. In a similar manner, the regional parliaments could serve as an intermediary between national parliaments and the PAP (see 7.2 for details).

Against the background of the huge overlap of interests, it seems surprising that even the relations existing between the more advanced structures EALA and the ECOWAS-P on the one hand, and the respective national parliaments on the other, are not very formalised and clear. With the exception of EALA, the primary link between RAs and national assemblies seems to be the personnel overlap. However, while the lack of these links

is clearly perceived as a disadvantage for EALA, the personnel overlap cannot compensate for a fully-fledged institutional relationship in the other cases either.

Knowledge of on-going regional decision-making processes, especially with regard to integration, is often difficult to obtain. The structures of most national parliaments appear insufficient to monitor these distant political processes. Moreover, the executives tend to handle such matters secretively. Yet, exchange of information between national and regional parliaments remains ineffective or unreliable.

Weak chains of information (and an accompanying lack of initiative) make it difficult for RAs to force regional debates into the national parliaments. A positive example of cooperation between the different levels is the East African Parliamentary Liaison Committee for Trade Negotiations (Yonasani 2004). It brings together MRAs and national MPs in a joint forum to debate and to lobby national governments on the Economic Partnership Agreements and WTO negotiations.

7. Connecting RAs

7.1. Relationships between RAs

So far, very few linkages exist between the RAs. In fact, the Friedrich-Ebert-Stiftung Workshop on "The Role of Regional Parliaments (ECOWAS, EALA and SADC-PF) in Regional Integration Efforts in Africa" (May 2004), from which this paper draws heavily, was the first major effort to establish initial formal relationships.

Nonetheless, linkages between the RAs could be useful for the exchange of experiences and for the ability to discuss precedents from other regions vis-à-vis the executive level. There

have been occasional visits of delegations, such as the study tour undertaken by EALA members to SADC-PF in September 2003 (EALA 2003). However, more could be done to distil and disseminate in particular lessons from the more advanced regional parliaments to other RAs.

7.2. Relationship between RAs and the Pan-African Parliament

The approach guiding the establishment of the African Union was supposed to treat the existing regional organisations as points of departure or "building blocks". Yet, this notion has by and large been ignored with regard to the parliamentary dimension of continental integration. There are no formal links between the RAs and the PAP, and in particular, the members of the PAP are exclusively elected from national parliaments.

The Protocol of the PAP does prescribe "close co-operation" with the RAs and the national assemblies. However, all it foresees to realise this goal are "annual consultative fora … to discuss matters of common interest" (AU 2001: Art.18). The structural institutional arrangement remains strikingly undefined. This is further complicated by the fact that the absence of clearly defined relations coincides with differing perceptions and assumptions at the continental and the sub-regional level.

The PAP itself seems keen to apply the principle laid out in the Constitutive Act of the African Union, according to which the AU is supposed to coordinate and harmonize policies between the regional organisations (AU 2000: Art.3 (l)). However, with a view to the age, capacity and experience of the RAs and the PAP respectively, the notion of coordination from above is likely to meet limited sympathy at the sub-regional parliamentary level, particularly

because the "building blocks" approach has no meaning in the setup and future working mode of the PAP.

However, keeping in mind the infant stage of the PAP, the undefined institutional arrangement does not yet have much practical relevance. The PAP is likely to remain no more than a plenary on African Affairs for a long time to come (Ssempebwa 2004: 16). But it should not be overlooked that the future emergence of relations will be characterised by a lack of clear provisions and guidelines.

8. Conclusions

On balance, the modes of election as well as the representation and legitimacy of regional parliamentary assemblies appear less than perfect. Yet, given the limited powers, competencies and furnishing of contemporary RAs, the setup of these bodies seems to be adequate. It is important in this context that none of the features observed in chapters 2-4 is assessed in isolation. Quality of democratic processes is multi-dimensional. Weaknesses in some areas can be compensated in others, and their individual relevance depends heavily on specific circumstances.

The past decade has witnessed an impressive proliferation of regional parliaments on the African continent, which are keen to continue on the path of political integration. While it is apparent that RAs are still far from being effective vehicles of popular participation in regional integration, which would require direct elections and overriding powers vis-à-vis the executive (Eze 2004: 13), there is no reason to deplore the limits of what has been achieved so far. What matters more is to see the assemblies in the perspective of progressing regional integration and the continuing democratization processes on the continent.

The evolution of the European Parliament (EP) underscores that change cannot be expected to come overnight. First direct elections to the EP were held in 1979, 27 years after its establishment in 1952. It gradually acquired powers, yet still has not achieved the status of a fully-fledged parliament. Budgetary control functions came into play after 1979, but until the present day, spending e.g. on the Common Agricultural Policy, which makes up around 45% of the entire community budget, is excluded from the parliament's mandate. The EP

began to receive legislative powers after 1992, yet these remain seriously constrained and the Councils and the Commission have kept the upper hand in law-making.

The history of the EP underlines that even under rather favourable conditions, regional political integration is a lengthy and cumulative process (Morara 2001: 3). The dynamics of regional parliamentarism ultimately depend on the overall progress of regional integration. The latter can only seriously move forward if respective impulses are induced from the national level. Only over time will national governments develop the political will to grant RAs greater competencies, yet these will not be served on a silver plate.

While RAs cannot steer the path of regional integration, they can support it by acting as accelerating catalysts, provided they are willing to pick up the challenge and assert that role. Much depends on how effectively and constructively the assemblies exploit opportunities, and demand more influence, particularly as the competencies of regional organisations are growing steadily. The proposed expansion of economic ties in various regional schemes (e.g. EAC Customs Union) and the planned establishment of regional stand-by peacekeeping forces are just two examples of growing executive activities that demand the reinforcement of parliaments as regional accountability bodies. Areas where RAs could show greater engagement include practical parliamentary activities (see 3.6), liaison with national parliaments, and the development and promotion of trans-national political agendas.

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Annex 1: Member States of Regional Parliamentary Assemblies

East African Legislative Assembly (EALA)	Kenya, Tanzania, Uganda
ECOWAS-Parliament (ECOWAS-P)	Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo. (Mauretania quit.)
Inter-Parliamentary Union of IGAD Member States (IPU-IGAD)	Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda.
Network of Parliamentarians of the Economic Community of Central African States (REPAC)	Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, DRC, Gabon, Equatorial Guinea, Rwanda, Sao Tomé & Principe.
Pan-African Parliament (PAP)	Each of the 54 AU member states (Africa except Morocco).
Parliament of UEMOA (P-UEMOA)	Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, Togo.
SADC-Parliamentary Forum (SADC-PF)	Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe (SADC except Seychelles and DRC).

Annex 2: List of Abbreviations and Links

ACP-EU JPA	African, Caribbean and Pacific States - European Union Joint Parliamentary Assembly, http://www.europarl.eu.int/intcoop/acp/10_01/default_en.htm
APF-NEPAD	African Parliamentarians' Forum for NEPAD
AU	African Union, http://www.africa-union.org/
CEEAC	Communauté Économique des États d'Afrique Centrale (see ECCAS), http://www.ceeac-eccas.org/
EAC	East African Community, http://www.eac.int/
EALA	East African Legislative Assembly, http://www.eac.int/eala/index.htm
ECCAS	Economic Community of Central African States (see CEEAC), http://www.ceeac-eccas.org/
ECOWAS	Economic Community Of West African States, http://www.ecowas.int/
ECOWAS-P	Economic Community Of West African States Parliament, http://www.parl.ecowas.int/
EP	European Parliament, http://www.europarl.eu.int/
FES	Friedrich-Ebert-Stiftung, http://www.fes.de/
IGAD	Intergovernmental Authority on Development, http://www.igad.org/
IPU-IGAD	Inter-Parliamentary Union of IGAD Member States
MP	Member of Parliament
MRA	Member of Regional Parliamentary Assembly
PAP	Pan-African Parliament, http://www.africa-union.org/organs/Pan-African_Parliament.htm
P-UEMOA	Parlement de l'Union Economique et Monétaire Ouest Africaine
REPAC	Réseau des Parlementaires de la CEEAC (Network of Parliamentarians of the ECCAS)
RA	Regional Assembly
SADC	Southern African Development Community, http://www.sadc.int
SADC-P	Southern African Development Community Parliament (not yet established)
SADC-PF	Southern African Development Community Parliamentary Forum, http://www.sadcpf.org/
UEMOA	Union Economique et Monétaire Ouest Africaine http://www.uemoa.int/

Annex 3: Features of Regional Parliamentary Assemblies in Sub-Saharan Africa

RA	History, Status & Vision	Members	Mode and rules of Election	Mandate/ Powers	Sessions per year / Tenure	Legal Basis	Committees
EALA (Arusha)	11/1999 New EAC Treaty signed, foresees EALA 11/2001 Inauguration and first sitting of EALA	27 elected MRA: 9 from each Kenya, Tanzania, Uganda 5 ex-officio (no voting rights): One minister from each country plus SG and Councillor of EAC	27 non-MPs candidates nominated by political parties MRAs elected by national parliaments. 3 Ministers, SG and Councillor ex-officio (all 5 without voting rights)	Advisory Very limited legislative powers	60 days, in sessions of 1-2 weeks (incl. committee meetings) ------------- Five year tenure	Art.9 EAC Treaty, see Art.48-65 for details	7 Standing Committees: Accounts; Agriculture, Tourism and Natural Resources; General Purpose; House Business; Legal, Rules and Privileges; Regional Affairs and Conflict Resolution; and Trade Communication and Investment.
SADC-PF (Gaborone)	First consultative meeting in October 1993 ("Windhoek Initiative"). SADC-PF constitution accepted by member parliaments in May 1995, formally launched in July 1996. Approved as an autonomous institution by SADC Summit in September 1997. Parliament not explicitly foreseen in SADC Treaty. In transition to planned SADC Parliament. SADC-PF motivation paper on transformation to discussed at SADC Council in March 2004. Vision: SADC Parliament.	60 MPFs: 5 each from: Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, Zimbabwe. (SADC except Seychelles and DRC)	All members forwarded from and by national parliaments. Includes two presiding officers (Speaker and Chair of Women's Caucus) ex-officio. Parliaments can replace their delegates at the plenary assembly. National parliaments decide how they select their delegates, but have to reflect the diversity of political opinion (parties in parliament).	Advisory	2 x 7 days ------------- Five year tenure, provided MRAs continue to be MPs in national parliaments	Art.9 (2) and Art. 10 (6) SADC Treaty (not specifically on parliament). Constitution of the SADC-PF (SADC-PF 1995)	Standing Committees: Regional Integration; Democracy, Conflict Resolution/Peace Building and Gender Equity, Inter-Parliamentary Cooperation.
ECOWAS-P (Abuja)	Foreseen in 1993 revised ECOWAS Treaty. Protocol signed in 1994. First session held in January 2001.	120 MPs: 35 Nigeria, 8 Ghana, 7 Côte d'Ivoire, 6 each from Burkina Faso, Guinea, Mali, Niger, Senegal 5 each from Benin, Cape Verde, Gambia, Guinea-Bissau, Liberia, Sierra Leone, Togo (Mauretania's 5 seats to be redistributed)	Currently elected from national parliaments; planned transition to universal adult suffrage (as foreseen in ECOWAS Treaty).	Advisory	2 x 14 days (<2 x <90 days acc. to Treaty) ------------- Five year tenure	Art. 6 and Art.13 ECOWAS revised Treaty 1993. Protocol 1994 (ECOWAS 1994).	13 Standing Committees. 11 listed: Foreign Affairs, Cooperation, Defense and Security; Laws, Regulations, Legal and Judicial Affairs, Human Rights and Free Movement of Persons; Rural Development; Transport and Communications Environment and Natural Resources; Public Health and Social Affairs; Education, Training, Employment, Youth and Sports; Economy, Finance and Trade; Industry and Mines; Energy, Technology and Scientific Research; Women's and Children's Rights; Tourism, Culture and Handicrafts

RA	History, Status & Vision	Members	Mode and rules of Election	Mandate/ Powers	Sessions per year / Tenure	Legal Basis	Committees
IPU-IGAD (Addis Abeba)	Initiative originating from Djibouti. Proposed in 8th IGAD Summit Declaration of November 2000. Promoted by Ethiopia and Sudan. Protocol adopted by speakers of national parliaments on 20.02.2004. Ratification pending. Selection of MPs on-going. No vision defined.	35 delegates Max. 5 each from: Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan, Uganda Executive Council: 2 delegates from each member state plus president of conference.	Elected or designated by national parliaments, including speakers of parliaments. At least two female delegates from each member state.	Advisory	Conference: Once every year. Executive Council: Twice every year. Extent of sessions not defined. ------------- Terms of MPs con-currently with terms in national parliaments.	Protocol establishing IPU-IGAD, signed by Speakers of Parliaments, to be ratified by national parliaments and adopted by IGAD Summit.	
P-UEMOA	Establishing Treaty signed in January 2003.	Unknown number of MRAs each from Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal, Togo.	Theoretically planned: Universal adult suffrage. To be determined in additional act by Heads of State and Government.	Advisory	Two sessions per year, extent of sessions to be defined. ------------- Five year tenure.	Traité portant création du Parlement de l'UEMOA (UEMOA 2003).	
REPAC (Malabo)	Treaty establishing ECCAS does not foresee parliamentary dimension. Protocol adopted on 17.06.2002. Vision: Parliament of the Community	55 Deputies 5 each from Angola, Burundi, Cameroon, CAR, Chad, Congo, DRC, Gabon, Equ. Guinea, Rwanda, Sao Tomé & Pr.	Elected by and from national parliaments	Advisory	2 x 15 days ------------- Five year tenure	Protocole Instituant le Réseau des Parlementaires de la CEEAC (ECCAS 2002)	
PAP (Midrand)	Envisaged in 1991 Abuja Treaty, reaffirmed at Sirte Summit 1999, Draft protocol considered and revised in 2000 PAP Inaugurated March 2004. Vision: Full legislative powers and universal adult suffrage.	270 MPs 5 MPs from each of the 54 AU member states.	Elected from national parliaments At least one female MP from each country "reflecting diversity of political opinion in national parliaments or other deliberative organ"	Advisory / Consultative	2 x <1 month; to be determined by rules of procedure ------------- Terms of MPs con-currently with terms in national parliaments. MPs can be recalled.	Art.7 and 14 of the Treaty establishing the African Economic Community (AEC 1991) Protocol to the Treaty establishing the African Economic Community relating to the PAP (AU 2001)	

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